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TEXAS REGISTER

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TEXAS DOCUMENTS

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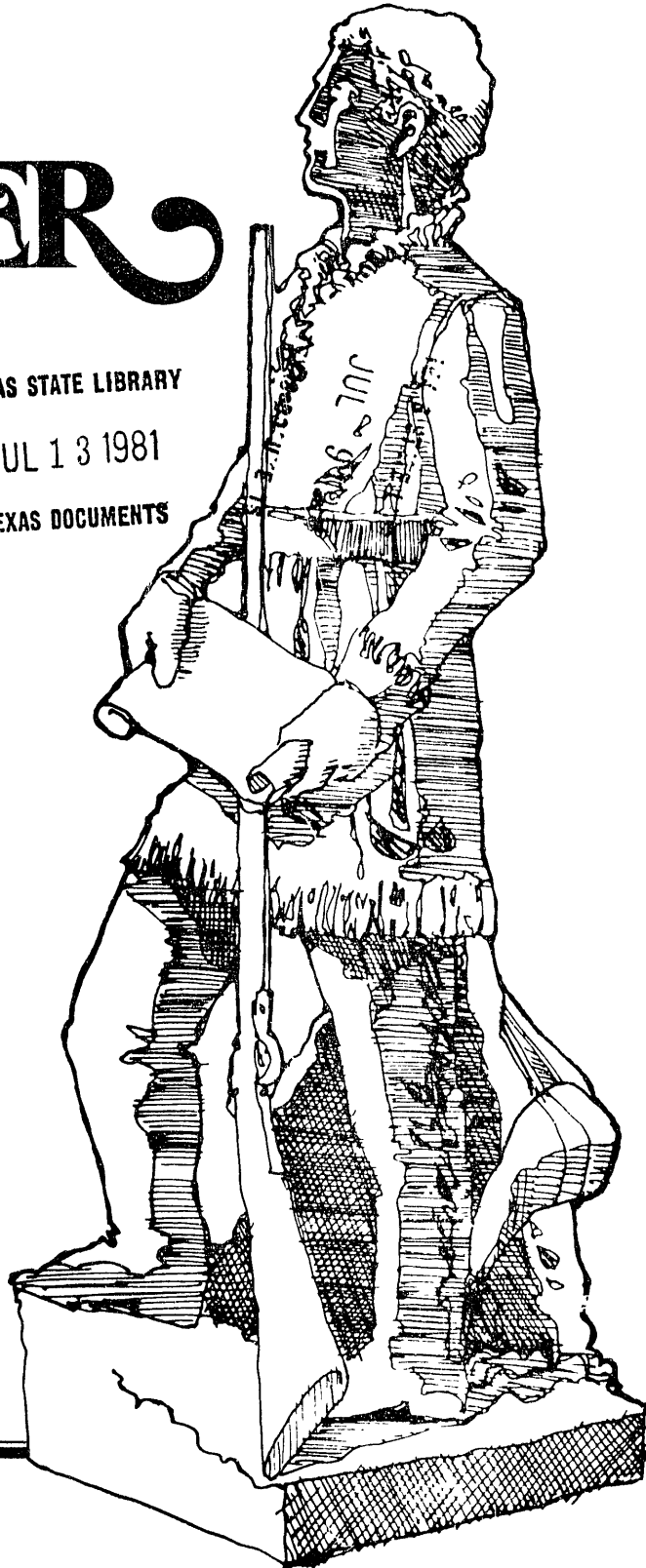
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Office of the Secretary of State

The *Texas Register* is currently in the process of converting to the numbering system found in the *Texas Administrative Code* (TAC). To aid the reader in this conversion, both the 10-digit *Register* number and the new TAC number will be listed for agencies whose rules have been published in the TAC. Emergency, proposed, and adopted rules sections of the *Register* are divided into two classifications: codified and noncodified. Codified rules appear in title number order. Non-codified rules appear in alphabetical order as they have in the past. An "Index of TAC Titles Affected" appears at the end of this issue.

Titles 1, 4, 7, 10, 13, 16, 19, 22, 25, 31, 34, 37, and 43 only of the TAC have now been published. Documents classified in the *Texas Register* to titles not yet published and certain documents affecting titles of the code have been accepted in the non-TAC format and may be renumbered or revised, or both, when initially codified in the TAC.

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

1 is the title (agencies grouped together by subject title which are arranged alphabetically)
TAC is the *Texas Administrative Code*
§27.15 is the section number (27 represents the chapter number and 15 represents the individual rule within the chapter)

Latest Texas Code Reporter
(Master Transmittal Sheet): No. 5, Apr. 81

HOW TO CITE: Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which that document was published. For example, a document published on page 2404 of Volume 4 is cited as follows: 4 TexReg 2404.

Cover illustration represents Elisabet Ney's statue of Stephen F. Austin, which stands in the foyer of the State Capitol

TEXAS REGISTER

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George W. Strake, Jr.
Secretary of State

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The Attorney General

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- 2370 *RQ-625 (concerning whether or not the Brazos County Industrial Foundation is a governmental body within the meaning of Texas Civil Statutes, Article 6252-17(a), §2(1)(f))*
- 2370 *RQ-626 (concerning whether the board of managers of North Plains Hospital may contract with a physician and agree to compensate said physician by agreeing to pay moving expense)*
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- 2371 *RQ-628 (concerning whether Texas Civil Statutes, Article 4512c, §23, exempts from public disclosure some or all of the documents in a psychologist's licensing file)*
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Texas Civil Statutes, Article 4399, requires the Attorney General of Texas to give written opinions to certain public officials. The Texas Open Records Act, Texas Civil Statutes, Article 6252-17a, §7, requires that a governmental body which receives a request for release of records seek a decision of the attorney general if the governmental body determines that the information may be withheld from public disclosure. Opinions and open records decisions issued under the authority of these two statutes, as well as the request for opinions and decisions, are required to be summarized in the *Texas Register*.

Copies of opinion requests may be obtained from the Opinion Committee, Attorney General's Office, Supreme Court Building, Austin, Texas 78711, telephone (512) 475-5445. Published opinions and open records decisions may be obtained by addressing a letter to the File Room, Fourth Floor, P.O. Box 12548, Austin, Texas 78711, or by telephoning (512) 475-3744. A single opinion is free; additional opinions are \$1.00 a copy.

Request for Opinions

Summary of Request for Opinion RQ-623

Request from Andy Kupper, county attorney, Hockley County.

Summary of Request:

- (1) May a city in the State of Texas legally enact and enforce a curfew ordinance?
- (2) Is it legally permissible for parents to be fined because of curfew violations by their children?
- (3) Is it legally permissible to fine an operator of an establishment if he knowingly permits the subminor to remain upon his premises in violation of the curfew ordinance?
- (4) If the answer to question three is no, would it be legally permissible if a notice were sent to the operator upon a first violation, the notice containing the name, address, and physical description of the subminor so as to put the operator on notice that the individual involved is a subminor? In this case no penalty would be assessed until a second violation occurred involving the same subminor.

Issued in Austin, Texas, on June 30, 1981.

Doc. No. 814327 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

For further information, please call (512) 475-5445.

Summary of Request for Opinion RQ-624

Request from Robert Giddings, The University of Texas System, office of general counsel, Austin.

Summary of Request: Are proposed budgets for athletic programs at the University of Texas exempt from public disclosure under the Open Records Act, §3(a)(1), §3(a)(2), and §3(a)(11)?

Issued in Austin, Texas, on June 30, 1981.

Doc. No. 814328 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

For further information, please call (512) 475-5445.

Summary of Request for Opinion RQ-625

Request from Neeley C. Lewis, attorney at law, Bryan.

Summary of Request:

- (1) Is the Brazos County Industrial Foundation a governmental body within the meaning of Texas Civil Statutes, Article 6252-17(a), §2(1)(f)?
- (2) If the Brazos County Industrial Foundation, Inc., is a governmental body would any or all of the items requested from the corporate file dealing with the recruitment of Westinghouse be "public information" within the meaning of §3(a) of the same act?

Issued in Austin, Texas, on June 30, 1981.

Doc. No. 814329 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

For further information, please call (512) 475-5445.

Summary of Request for Opinion RQ-626

Request from William D. Smith, county attorney, Hutchinson County.

Summary of Request:

- (1) May the board of managers of North Plains Hospital contract with a physician and in said contract agree to compensate said physician for valuable consideration by agreeing to pay moving expense?
- (2) Can North Plains Hospital enter into a contract with a physician, and as part of the consideration for services to be performed by the physician, provide office space thereby constituting partial compensation to physician?

Issued in Austin, Texas, on June 30, 1981.

Doc. No. 814332 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

For further information, please call (512) 475-5445.

Summary of Request for Opinion RQ-627

Request from Bob Bullock, comptroller of public accounts, Austin.

Summary of Request:

- (1) May a city pass an ordinance requiring vendors reporting local sales tax to file a copy of their sales tax returns made to the comptroller with the city?
- (2) If the answer to question one is yes, may only home rule cities pass such an ordinance?

(3) If a copy of a vendor's sales tax return may be required by the city, is the return confidential in the hands of the city?

Issued in Austin, Texas, on June 30, 1981.

Doc No. 814333 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

For further information, please call (512) 475-5445.

Summary of Request for Opinion RQ-628

Request from Patti Bizzell, executive secretary, Texas State Board of Examiners of Psychologists, Austin.

Summary of Request: Does Texas Civil Statutes, Article 4512c, §23, exempt from public disclosure some or all of the documents in a psychologist's licensing file?

Issued in Austin, Texas, on June 30, 1981.

Doc. No. 814331 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

For further information, please call (512) 475-5445.

Summary of Request for Opinion RQ-629

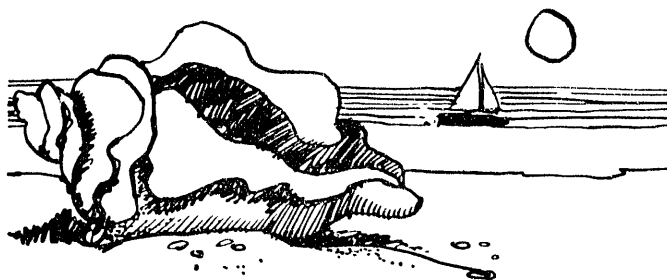
Request from Paul Dean Aikin, state director, Selective Service System, Austin.

Summary of Request: Are elected officials of the State of Texas, any of its counties or cities prohibited from serving as selective service local board members?

Issued in Austin, Texas, on June 30, 1981.

Doc. No. 814330 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

For further information, please call (512) 475-5445.



Pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, an agency must give at least 30 days notice of its intention to promulgate certain action on a rule. The purpose of proposing rule action is to give interested persons an opportunity to review the proposal and make oral or written comments. "Opportunity for public hearing must be granted if requested by at least 25 persons, by a governmental subdivision or agency, or by an association having at least 25 members." Proposed action is effective as notice on the date published in the *Register*. Unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice, the proposed date of adoption is 30 days after publication. The notice must include a brief explanation of the proposed action; a fiscal impact statement; a request for comments on the proposed action from any interested person; the text of the proposed action, in compliance with the rules of the Texas Register Division; and a statement of the legal authority under which the proposed action is to be promulgated. The certification information, which includes the earliest possible date that the agency may file notice to adopt the proposal, follows each published submission of proposed action. A telephone number for further information is also published.

This section now contains two classifications: codified and noncodified. Agencies whose rules have been published in the *Texas Administrative Code* will appear under the heading "Codified." These rules will list the new TAC number, which will be followed immediately by the *Texas Register* 10-digit number. Agencies whose rules have not been published in the TAC will appear under the heading "Noncodified." The rules under the heading "Codified" will appear first, immediately followed by rules under the heading "Non-codified."

Symbology—Changes to existing material are indicated in *bold italics*. [Brackets] indicate deletion of existing material.

CODIFIED

TITLE 13. CULTURAL RESOURCES

Part I. Texas State Library and Archives Commission

Chapter 1. Library Development

Standards for Accreditation of a Major Resource System of Libraries in the Texas Library System

The Texas State Library and Archives Commission proposes to amend §1.51 (351.20.04.011), which provides that depreciation and use charges on certain capital assets may not be treated as direct expenses in contracts and grant

awards. The Texas State Library proposes this change in response to a request from 10 public libraries for increased reimbursement of indirect expenses associated with grants.

The staff of the Texas State Library has estimated that the fiscal implications are to transfer funds between expense categories in grants or contracts. There is no change in the total amount of funding the state would grant to local governments for library services. The amount shifted into depreciation expense and use charges is estimated to be \$27,000 per year during the next five years.

Public comments are invited and may be submitted in writing to Dorman H. Winfrey, director and librarian, Texas State Library, P.O. Box 12927, Austin, Texas 78711.

These amendments are proposed under authority of Texas Civil Statutes, Article 5446a.

§1.51 (351.20.04.011). *Indirect Costs*. Costs applicable to major resource system grants shall follow the general principles established in Federal Management Circular 74-4, July 18, 1974, with the following modifications:

(1) If a city has an indirect cost allocation plan currently in effect with a federal agency, that rate, when applied, may not exceed 5% of the total direct expenses incurred under the grant.

(2) If there is no cost allocation plan currently in effect, the city may claim 10% of direct salaries (excluding fringe benefits, overtime, holiday premiums) if that amount does not exceed 5% of the total direct expenses incurred under the grant.

(3) Depreciation and use charges for the use of buildings or capital improvements, library materials, and equipment may only be included as indirect costs.]

Issued in Austin, Texas, on July 3, 1981.

Doc. No. 814341

Dorman H. Winfrey
Director and Librarian
Texas State Library and Archives
Commission

Proposed Date of Adoption: August 10, 1981

For further information, please call (512) 475-2166.

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 5. Transportation Division

Subchapter H. Tariffs and Schedules

Pursuant to a petition filed by National Freight, Inc., and Red Systems, Inc., the Railroad Commission of Texas proposes to amend §5.136 (051.03.08.006), dealing with weights to be used in assessing freight charges on less than truckload traffic, on truckload traffic, and on various commodities. Allowing these amendments would clearly enunciate that this section is also applicable to contract carriers which provide a transportation service essentially the same as that provided by common carriers.

Brazos Transport Company requests that Motor Freight Commodity Tariff 5 be included in this section. Because Brazos Transport is the only carrier using Tariff 5 and because of the standard size of the package or units being shipped under this tariff, it is believed that a more accurate weight can be obtained by accepting the shipper's certified weight.

The Transportation Division staff of the Railroad Commission of Texas has determined that the proposed amendments will have no fiscal implication for any unit of state or local government.

Public comment on these proposed amendments is invited and may be submitted in writing to Owen T. Kinney, director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711. Comments will be accepted for 30 days after publication in the *Texas Register*. In publishing this proposed amendment, the commission takes no position either for or against the proposal.

The following amendments are proposed under the authority of Texas Civil Statutes, Article 911b, §4.

§5.136 (051.03.08.006). Weights To Be Used in Assessing Freight Charges.

(a) Less than truckload traffic. Weights to be used in assessing freight charges on less-than-truckload traffic shall be obtained as follows:

(1) (No change.)

(2) On shipments handled by a regular route common carrier, *on shipments handled by a contract carrier*, and on shipments handled by a specialized motor carrier for food products in mechanically refrigerated van type trucks and trailers, the carrier may accept the shipper's representation of weight, but the weight so supplied shall be *based on an actual, recorded measurement by the shipper and shall be* subject to check by the carrier or authorized representative of the commission.

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

(b) Truckload traffic.

(1) (No change.)

(2) Weights to be used in assessing freight charges on shipments handled by a regular route common carrier, *on shipments handled by a contract carrier*, and on shipments handled by a specialized motor carrier of food and food products in mechanically refrigerated van type trucks and trailers may be supplied by the shipper, but the weight so supplied shall be *based on an actual, recorded measurement by the shipper and shall be* subject to check by the carrier or authorized representative of the commission.

(3) Weights to be used in assessing freight charges on shipments transported by specialized motor carriers, limited common motor carriers and contract motor carriers on commodities described in Railroad Commission of Texas Motor Freight Commodity Tariff 4 and 5, supplements thereto or reissues thereof, may be determined by accepting the shipper's weight and count. The shipper's and/or carrier's waybill or bill of lading shall bear the certification that the weights and count are correct to the best of the shipper's knowledge and belief; however, the weight and count so sup-

plied shall be *based on an actual, recorded measurement by the shipper and shall be* subject to check by the carrier or authorized representative of the commission.

(4) (No change.)

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

Issued in Austin, Texas, on June 29, 1981.

Doc. No. 814372 Owen T. Kinney, Director
Transportation Division
Railroad Commission of Texas

Proposed Date of Adoption: August 10, 1981
For further information, please call (512) 445-1186.

Pursuant to a petition filed by Oil Field Haulers Association, Inc., the Railroad Commission of Texas is initiating rulemaking proceedings to amend §5.141 (051.03.08.011) dealing with freight bills and the preparation thereof. This amendment will allow carriers to record on the waybill, instead of the freight bill, the date, and beginning and ending time, for extra labor service. Allowing this amendment will eliminate a duplication of effort by not having to re-record this information on the freight bill and by requiring a copy of the waybill to be attached to the freight bill.

The staff of the Transportation Division of the Railroad Commission of Texas has determined that the proposed amendment will have no fiscal impact on any unit of state or local government.

Public comment is invited and may be submitted in writing to Owen T. Kinney, director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711. Comments will be accepted for 30 days after publication in the *Texas Register*. In publishing this proposed amendment, the commission takes no position either for or against the proposal.

This amendment is proposed under the authority of Texas Civil Statutes, Article 911b, §4 (Vernons 1964).

§5.141 (051.03.08.011). Freight Bills.

(a) Freight bills containing lawful rates and charges applicable for line haul movements and/or detention and accessorial services are to be issued by the carriers and are to be presented to consignor and/or consignee or owner for collection of such charges, subject to §5.143 (051.03.08.013) of this title (relating to Credit). The freight bill shall contain all information shown on the waybill, and in addition, the rate assessed and total charges to collect, including charges for extra labor or accessorial services, if any. All freight bills bearing hourly charges for detention, extra labor, towing services, or other accessorial charges shall show the date and time of the beginning and ending of the services upon which charges are based and any other information necessary for a complete explanation of such charges. *This information may be shown on the waybill instead of on the freight bill, if a copy of the waybill is attached to the freight bill.*

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

Issued in Austin, Texas, on June 29, 1981.

Doc. No. 814373 Owen T. Kinney, Director
Transportation Division
Railroad Commission of Texas

Proposed Date of Adoption: August 10, 1981
For further information, please call (512) 445-1186.

Subchapter U. General and Special Rules of Practice and Procedure

The Railroad Commission of Texas is initiating a rulemaking proceeding to amend existing §5.458 (051.03.50.102), dealing with filing fees applicable to every application, contract carrier permit, and complaint filed with the commission. These amendments will more clearly state the provisions of this section.

The Transportation Division staff has determined that the proposed amendments will have no fiscal implication for any unit of state or local government.

Public comment is invited and may be submitted in writing to Owen T. Kinney, director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711. Comments will be accepted 30 days after publication in the *Texas Register*.

These amendments are proposed under the authority of Texas Civil Statutes, Article 911b, §4 (Vernon's 1964).

§5.458 (051.03.50.102). Filing Fee Accompanying Application. Every application or request seeking a license, certificate, permit, amendment to a certificate or permit, [approval of a lease,] sale, [or] transfer, division, consolidation, name change, reinstatement, suspension, schedule change, lease (or cancellation of a lease), [of any license or] prescription of rules, registration of interstate or exempt authority, change in rates or charges, any application seeking approval of action by a railroad, or other application, shall be accompanied by a filing fee in the sum of \$25, except that [for] an application seeking a contract carrier permit or an approval of an amendment, sale, transfer or [a] lease or a contract carrier permit shall be accompanied by a filing, sale or transfer of the same for which the] fee in the sum of [is] \$10. Every complaint shall be accompanied by a filing fee in the sum of \$25. [; and except for an application seeking a motor transportation broker's license for which the filing fee is \$5.00.] All filing fees shall be retained by the commission.

Issued in Austin, Texas, on June 29, 1981.

Doc. No. 814374 Owen T. Kinney, Director
Transportation Division
Railroad Commission of Texas

Proposed Date of Adoption: August 10, 1981
For further information, please call (512) 445-1184.

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter O. Sales Tax Division—State Taxes

The Office of the Comptroller of Public Accounts proposes to amend §3.293 (026.02.20.013) concerning food, food products, meals, and food service. The section has been reorganized and reformatted for clarity, and sections on vending machine sales, wedding consultants, and free meals have been added. In addition, the definitions of food and food products now in §3.283 (026.02.20.003) of this title (relating to Food and Food Products for Human Consumption) have been incorporated into this section. The amendments reflect current agency policy of taxing certain food sales through vending machines only when the vending machine operator provides the eating facilities. The only change in agency policy is to require the retailer, who provides eating facilities, to collect sales tax on all individual-sized packages or portions sold where a microwave oven is available for customer use.

There are no fiscal implications (source: revenue-estimating staff, Comptroller of Public Accounts).

Public comment is invited and should be submitted in writing to Judy Cunningham, P.O. Box 13528, Austin, Texas 78711.

These amendments are proposed under the authority of Texas Taxation—General Annotated, Article 20.11(A).

§3.293 (026.02.20.013). Food; [and] Food Products; Meals; Food Service [Sold for Human Consumption].

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

American plan—The system used by hotels, rooming houses, and the like where one price covers room, food, and service.

Candy—Confections such as candy bars, chewing gum, or candy kisses but does not include products used exclusively for cooking such as chocolate bits.

Caterer—A person engaged in the business of preparing and serving meals, drinks, or other food products at locations designated by a customer.

Food—All food products intended for human consumption.

Food products—

(A) Food products include items intended for human consumption such as cereal and cereal products; milk and milk products, including ice cream; oleomargarine; meat and meat products; poultry products; fish and fish products; eggs and egg products; vegetables and vegetable products; fruit and fruit products; spices; condiments and salt; sugar products; coffee and coffee substitutes; tea, cocoa, and cocoa products; or any combination of the preceding.

(B) Food products do not include:

(i) alcoholic beverages, medicine, tonics, vitamins, and medicinal preparations in any form; carbonated and noncarbonated packaged soft drinks; diluted juices when sold in liquid or frozen forms; ice and candy; or

(ii) food ready for immediate consumption.

Mobile vendor—A person who sells food ready for



immediate consumption from a motor vehicle, push cart, or any other form of vehicle.

Ready for immediate consumption—

(A) The type of food, beverages, or meals normally prepared, served, or sold by restaurants, drug stores, lunch counters, cafeterias, etc., which, when sold, require no further preparation prior to consumption.

(B) When food is sold by a retailer who provides eating facilities (tables, trays, chairs, benches, or booths), food ready for immediate consumption also includes:

(i) all food sold in a heated state;

(ii) all food sold in individual-sized packages or portions when food heating facilities are available for customer use;

(iii) all food sold with eating utensils provided, including plates, knives, forks, spoons, glasses, cups, straws, or napkins;

(iv) all sandwiches ready for immediate consumption (Examples of sandwiches ready for immediate consumption include most triangle-type sandwiches whether or not refrigerated such as ham, cheese, tuna, or chicken salad; an example of a sandwich not ready for immediate consumption would be a frozen sandwich or a sandwich with a frozen or a partially frozen filling);

(v) all individual ice cream sundries (For example: ice cream cones, ice cream sandwiches, dishes, bars, sticks, specialties, or the like; however, ice cream sundries when sold in prepackaged units containing six or more such items are not included);

(vi) all individual-sized portions of bakery products sold in quantities of five or less;

(vii) all food sold in individual-size packages or portions requiring no further processing before consumption, when more than 75% of the retailer's gross sales on an outlet-by-outlet basis consist of sales of non-food items and/or food sold in a heated state, with utensils provided, or in the form of sandwiches or individual ice cream sundries.

(C) When food is sold by a retailer who does not provide eating facilities (tables, trays, chairs, benches, or booths), food ready for immediate consumption also includes:

(i) all food sold in a heated state, when the food is heated by the retailer rather than the customer;

(ii) all food sold with eating utensils provided, including plates, knives, forks, spoons, glasses, cups, straws, or napkins;

(iii) all sandwiches ready for immediate consumption (Examples of sandwiches ready for immediate consumption include most triangle-type sandwiches whether or not refrigerated such as ham, cheese, tuna, or chicken salad; an example of a sandwich not ready for immediate consumption would be a frozen sandwich or a sandwich with a frozen or partially frozen filling);

(iv) all individual ice cream sundries (For example: ice cream cones, ice cream sandwiches, dishes, bars, sticks, specialties, or the like; however, ice cream sundries sold in prepackaged units containing six or more such items are not included).

Wedding consultant—A person who provides services other than or in addition to the preparation and serving of food at weddings. Such services may include sending invitations, providing floral arrangements, decorating, supervision, and clean-up.

(b) **Taxable food sales.** Tax is due on the sale of food, meals, and drinks:

(1) prepared, served, or sold ready for immediate consumption by any retailer whether or not the food is sold "to go;"

(2) sold by concession stands at ball parks, recreation halls, gymnasiums, and other like places of business, or served to a person seated in a stadium witnessing a sporting event;

(3) prepared, sold, or served by caterers and wedding consultants (see subsection (f) of this section);

(4) sold ready for immediate consumption by a mobile vendor;

(5) prepared, sold, or served under the American plan (If the American plan is used by hotels, boarding houses, or other places of business, the charge for meals must be separated from the charges for room or lodging);

(6) sold by universities, colleges, junior colleges, or other schools of higher learning;

(7) sold through a vending machine for \$.17 or more under the conditions outlined in subsection (g) of this section.

(c) Exempt sales.

(1) Food not ready for immediate consumption.

(A) All items defined as a food or food product are exempt from tax so long as not sold ready for immediate consumption.

(B) When a package contains both food products and taxable items, the application of the tax depends upon the essential character of the complete package. If the taxable items are the primary component of the package and a single charge is made, the entire sales price of the package is taxable. If the taxable items are not the primary component of the package, the entire sale is exempt unless a separate charge is made for the taxable items, in which case the separate charge is subject to tax. In cases where no charge is made for the taxable items, such items are deemed promotional items not purchased for resale by the person preparing the package. The person who provided the promotional items is liable for the tax based upon the cost of the item.

(2) Food sales by schools, school-associated groups, state institutions, and carriers. For the purposes of this paragraph, "food" includes soft drinks and candy but does not include alcoholic beverages. Tax is not due on the sale of food when:

(A) sold by religious organizations or sold at religious functions conducted under the authority of a particular religious organization;

(B) sold or served by public or private schools, school districts, student organizations, or parent-teacher associations in an elementary or secondary school during the regular school day pursuant to an agreement with the proper school authorities;

(C) sold or served by a parent-teacher association during a fund-raising sale, the proceeds of which do not go to the benefit of an individual;

(D) sold by a person under 18 years of age who is a member of a nonprofit organization devoted to the exclusive purpose of education, physical, or religious training, and groups associated with public or private elementary or secondary schools as a part of a fund-raising drive sponsored by the organization for its exclusive use;

(E) served to students, residents, patients, or inmates of hospitals prisons, day care centers, summer camps, and other institutions licensed by the state for the care of human beings (However, meals served to visitors or employees of such establishments are taxable);

(F) purchased by common carriers to be served passengers en route aboard such carriers (Any charge made by the carrier for serving such items (including alcoholic beverages) also is exempt from tax).

(d) *Mobile vendors.*

(1) A person who supplies food to a mobile vendor may be required to remit the tax due on the retail sale of such products. Texas Taxation—Code Annotated, §151.024, authorizes the comptroller to regard a supplier as a retailer and a mobile vendor as an agent for such sales.

(2) After the supplier has been notified by the comptroller that the mobile vendor will be regarded as an agent of the supplier, the amount of tax to be remitted to the comptroller will be computed by adding to the supplier's sales price the amount of markup the mobile vendor will apply when the food is sold at retail and multiplying this sum by the applicable tax rate.

(3) For reporting and auditing purposes, a 20% markup shall be applied to a supplier's sales price to a mobile vendor unless the comptroller notifies an individual taxpayer in writing that a higher percentage of markup should be used to report such sales.

(e) *Subsidies; employee meals; free meals.*

(1) Meals furnished to employees are taxable only if the employees pay cash for the meals or if the employees choose to receive the meals in lieu of wages. Meals furnished employees immediately prior, during, or immediately after a shift, which are provided for the convenience of the employer are not taxable.

(2) An employer is not liable for tax on the amount of any "subsidy" paid to a catering company unless the subsidy is specifically contingent on, or included in, the sales price for meals served to employees or guests or is the total consideration paid for the meals.

(3) Meals and beverages furnished to customers free of charge as promotional items are taxable to a restaurant owner only to the extent tax would have been due on the original purchase price of the food or drinks from suppliers.

(4) When the restaurant owner, for promotional purposes, sells two meals for the price of one meal, sales tax should be collected only on the amount charged. Sales tax should not be collected on the "free" meal.

(f) *Responsibilities of food service operators.*

(1) Food service operators shall collect tax on all sales of food ready for immediate consumption.

(2) Operators of eating establishments, caterers, and other food service operators shall pay the tax on the purchase of all equipment and replacement parts for equipment used to provide the food service. Examples of supply items and equipment taxable to the operator shall include place mats, tablecloths, cloth napkins, silverware, dishes, cooking utensils, dispensers, garbage can liners, mop holders, lime squeezers, grill bricks, aprons, glass creamers, appliances, menus, and inserts.

(3) Operators of eating establishments, caterers, and other food service operators may purchase on resale or exemption certificates those items which are furnished

to their customers with the food or beverages; these items must be of a nonreusable nature or qualify for exemption as wrapping or packaging materials. Examples of such items shall include nonreusable paper, wooden, plastic, and aluminum articles. Other items included are cake boxes, lunch boxes, cups (paper, plastic, or styrofoam), paper and plastic containers, menu tissues, bottle wraps, butter chip trays, paper dishes, knives, forks, spoons, paper napkins, soda straws, toothpicks, french fry bags, stir sticks, ice cream sticks, souffle cups, hot dog trays, and other types of nonreusable trays.

(4) Tax is due on any charge made for preparing and serving the meals and food. The sales price of meals and food includes any separately stated charge for the use by a customer of such items as tableware and tablecloths. The separately stated charge for the use of such items is not considered a rental of the items to a customer but an expense connected with the sale of the meals or food products.

(5) Sales tax is due on the transfer to the customer of any taxable item such as flowers, invitations, decorations, etc., which become the property of the customer.

(6) For information on tips and gratuities, see §3.337 (026.02.20.057) of this title (relating to Gratuities).

(7) For information on the responsibilities of persons who sell and serve mixed beverages, see §3.289 (026.02.20.009) of this title (relating to Alcoholic Beverages Exemptions).

(g) *Food sales through vending machine for \$.17 or more.*

(1) If the vending machine owner or operator provides eating facilities, such as tables, trays, chairs, benches, or booths, the sale of the following foods are taxable (where the contract or agreement between the vending machine owner or operator and the location owner requires the location owner to provide eating facilities, the vending machine owner or operator will be regarded as providing the facilities):

(A) all food sold in a heated state;

(B) all food sold where food-heating facilities are available for customer use;

(C) all food sold with eating utensils provided, including plates, knives, forks, spoons, glasses, cups, straws, or napkins;

(D) all sandwiches ready for immediate consumption;

(E) ice cream sundries;

(F) all bakery products;

(G) candy;

(H) soft drinks.

(2) If the vending machine owner or operator does not provide eating facilities, the following foods are taxable:

(A) all food sold in a heated state, when the food is heated by the retailer rather than the customer;

(B) all food sold with eating utensils provided, including plates, knives, forks, spoons, glasses, cups, straws, or napkins;

(C) all sandwiches ready for immediate consumption;

(D) ice cream sundries;

(E) candy;

(F) soft drinks.

(3) Sales of the following food are not taxable if there are no eating facilities and the food is sold neither hot nor with utensils:

- (A) milk;
- (B) canned foods (not hot);
- (C) fruit;
- (D) chips;
- (E) bakery products.

(h) Rounding off tax due. The practice of "rounding off" the amount of tax due on the sale of a taxable item is prohibited. Tax must be added to the sales price by using the schedule prescribed in the Tax Code.

[(a) Food and food products prepared, served, or sold ready for immediate consumption by any retailer are subject to the sales tax. If a food item is sold ready for immediate consumption, the fact that it is sold "to go" will not affect its taxability. Ready for immediate consumption describes all food items which are discussed in subsections (b), (c), and (d) of this section and all food items sold under the following conditions;

[(1) If sold by a retailer who does not provide eating facilities (tables, trays, chairs, benches, and booths), all the following food items are taxable:

- [(A) all food items sold in a heated state, so long as the item is heated by the retailer rather than the customer;
- [(B) all food items sold with eating utensils provided, including but not limited to plates, knives, forks, spoons, glasses, cups, and straws;
- [(C) all sandwiches;
- [(D) all individual ice cream sundries, including but not limited to ice cream cones, dishes, bars, sticks, specialties, and the like; provided, however, ice cream sundries when sold in prepackaged units containing six or more such items are not taxable.

[(2) If sold by a retailer who provides eating facilities (tables, trays, chairs, benches, or booths), the following food items are taxable:

- [(A) all food items sold in a heated state, so long as the item is heated by the retailer rather than the customer;
- [(B) all food items sold with eating utensils provided, including but not limited to plates, knives, forks, spoons, glasses, cups, and straws;
- [(C) all sandwiches;
- [(D) all individual ice cream sundries, including but not limited to ice cream cones, dishes, bars, sticks, specialties, and the like; provided, however, ice cream sundries when sold in prepackaged units containing six or more such items are not taxable;

[(E) all individual-size portions of bakery products sold in quantities of five or less as long as they are sold by a retailer who provides eating facilities;

[(F) all food items sold in individual-size packages or portions that require no further processing before consumption, as long as more than 75% of the retailer's gross sales on an outlet-by-outlet basis consist of sales of nonfood items and/or food items sold in a heated state, with utensils provided, or in the form of sandwiches or individual ice cream sundries.

[(b) Food and drinks sold by concession stands at ball parks, recreation halls, gymnasiums, and other like places of business, or served to a person seated in a stadium witnessing a sporting event are subject to the tax.

[(c) Meals and other food products served by caterers are subject to the tax. The term "caterer" means a person

engaged in the business of serving meals or other food products at premises designated by his customers. If caterers charge separately for the rental of such items as tableware and tablecloths, the rental price of such items is subject to the tax. Otherwise, a single charge for catering service shall be taxable in total. Services performed in connection with the preparation and serving of the meals and food products for which a charge is made are subject to tax.

[(d) Sales of food items from push carts, motor vehicles, or any other form of vehicles are subject to the tax. Due to the long-standing administrative difficulties encountered in collecting the sales tax from mobile vendors due on their retail sales of food items, the tax on such sales may be required to be remitted to the comptroller by the person who supplies the same food items to a mobile vendor. The comptroller is authorized to regard the supplier as the retailer and the mobile vendor as its agent for such sales by Texas Taxation—General Annotated, Article 20.01(J)(2). The amount of tax to be remitted to the comptroller on such sales shall be computed by multiplying the supplier's sales price to the mobile vendor plus the amount of markup that will be added by the mobile vendor at the time the item is resold at retail times the applicable tax rate. For reporting and auditing purposes, the percentage markup will not be considered to exceed 20% unless the comptroller notifies an individual taxpayer in writing that he should report such sales in the future based on a higher percentage of markup.

[(e) If the American plan is used by hotels, boarding houses, or other places of business, a segregation must be made between the charges for room or lodging and the charges for meals.

[(f) Meals furnished to employees are taxable only if the employees pay cash for the meals or if the employees choose to receive the meals in lieu of wages. An employer is not liable for tax on the amount of any subsidy paid to a catering company unless it is paid as part of the sales price for meals served to employees or guests.

[(g) Operators of eating establishments and other food service operators shall pay the tax on the purchase of all equipment and replacement parts for equipment. Supply items and equipment taxable to the operator shall consist of but not be limited to place mats, tablecloths, cloth napkins, silverware, dishes, cooking utensils, dispensers, garbage liners, mop holders, lime squeezers, grill bricks, aprons, glass creamers, appliances, and menus and inserts.

[(h) Operators of eating establishments and food service operators may purchase on resale or exemption certificates those items which are furnished to their customers with the food or beverages; these items must be of a nonreusable nature or qualify for exemption as wrapping or packaging materials. Such items shall include nonreusable paper, wooden, plastic, and aluminum articles. Items included are cake boxes, lunch boxes, cups, (paper, plastic, or styrofoam), paper and plastic containers, menu tissues, bottle wraps, butter chip trays, paper dishes, knives, forks, spoons, all paper napkins, soda straws, toothpicks, french fry bags, stir sticks, ice cream sticks, souffle cups, hot dog trays, and other types of nonreusable trays.

[(i) Meals and food products, and soft drinks and candy, are exempt when:

[(1) sold by religious organizations or at functions conducted under the authority of a particular religious organization;

[(2) sold or served by public or private schools, school districts, student organizations, or parent-teacher associations in an elementary or secondary school during the regular school day pursuant to an agreement with the proper school authorities;

[(3) sold or served by a parent-teacher association during a fund-raising sale, the proceeds of which do not go to the benefit of an individual;

[(4) sold by a person under 18 years of age who is a member of a nonprofit organization devoted to the exclusive purpose of education, physical, or religious training, and groups associated with public or private elementary or secondary schools as a part of a fund-raising drive sponsored by the organization for its exclusive use; or

[(5) served to patients or inmates of hospitals and other institutions licensed by the state for the care of human beings (However, meals served to visitors or employees of such establishments shall be subject to the tax).

[(j) The exemptions set out in the preceding subsection do not extend to meals and food products sold by universities, colleges, junior colleges, or other schools of higher learning.

[(k) Foods and drinks purchased by common carriers for the purpose of serving passengers en route aboard such carriers are exempt from the tax and any charge made by the carrier for serving these items is also exempt.]

Issued in Austin, Texas, on July 6, 1981.

Doc. No. 814408 Bob Bullock
 Comptroller of Public Accounts

Proposed Date of Adoption: August 10, 1981
 For further information, please call (512) 475-3825.

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part IX. Commission on Jail Standards

Chapter 263. Life Safety Rules

Life Safety and Emergency Equipment

The Texas Commission on Jail Standards proposes to amend §263.56 (217.08.05.006) to require jails with a capacity of 20 or more to maintain a self-contained breathing apparatus. This will provide greater capability to preserve lives in the event of fire or smoke within the jail.

The Texas Commission on Jail Standards has determined that the fiscal implications to state and local governments would result in the following estimated expenditures during the next five years:

Fiscal Year	State	Local	Total
1981	0	20,000	20,000
1982	0	8,000	8,000
1983	0	8,000	8,000
1984	0	2,000	2,000
1985	0	2,000	2,000

Public comment is invited and may be submitted by telephoning the agency at (512) 475-2716 or by writing to the commission at P.O. Box 12985, Austin, Texas 78711.

This amendment is proposed under authority of Texas Civil Statutes, Article 5115.1.

§263.56 (217.08.05.006). *Inaccessibility of Inmates.* All life safety equipment shall be out of reach of inmates, or otherwise secured from unauthorized tampering. **At least one self-contained breathing apparatus shall be available and maintained in or near each facility control station. All custodial personnel shall be trained and quarterly drills conducted in the use of this equipment.**

Issued in Austin, Texas, on June 24, 1981.

Doc. No. 814318 Andy J. McMullen
 Chairman
 Texas Commission on Jail Standards

Proposed Date of Adoption: August 10, 1981
 For further information, please call (512) 475-2716.

Chapter 283. Discipline in County Jails

The Texas Commission on Jail Standards proposes new §283.2 (217.18.00.002) which provides for an inmate grievance procedure. This will provide a procedure for processing serious inmate grievances to comply with federal standards and to avoid possible legal actions.

The Texas Commission on Jail Standards has determined that the only fiscal implication for state, county, or local government is the avoidance of litigation expenses by following the proposal.

Public comment is invited and may be submitted by telephoning the agency at (512) 475-2716, or by writing to the commission at P.O. Box 12985, Austin, Texas 78711.

The following new section is proposed under the authority of Texas Civil Statutes, Article 5115.1.

§283.2 (217.18.00.002). *Inmate Grievance Plan.* Every sheriff shall have and implement a written plan, approved by the commission, for inmate grievance procedures. This plan shall be an administrative means for the resolution of inmate complaints involving violations or deprivations of civil and constitutional rights. It supplements, but does not replace, less formal procedures for resolving other and more minor grievances. It does not affect or replace the inmate disciplinary procedure. Each plan shall provide for:

(1) Communications, distribution, and accessibility of grievance procedures to all inmates. The written grievance procedures (together with explanatory materials and oral presentations in any language spoken by a significant portion of the jail's population) shall be distributed and explained to each inmate in a manner in which will ensure an understanding and/or accessibility of the use of the procedure to each inmate, including impaired or handicapped inmates.

(2) Applicability. The grievance procedures must apply to all deprivations or violations of civil and constitutional rights by the jail, correctional officers, and other inmates. They should explain in broad range terms the types of grievances to which they apply (such as violations of civil rights, criminal acts, deprivation of privileges, etc.) and to which

they do not apply (such as transitory, temporary conditions, personal nuisances, etc.).

(3) **Initiation and receipt.** The procedure for initiating a grievance shall be simple and straightforward and shall ensure its prompt delivery to the sheriff for such investigation as the sheriff directs.

(4) **Investigation and consideration.** The procedure shall provide for investigating and considering the allegations and establishing the facts of each grievance without the participation of any person who in any capacity appears to be involved in the matter.

(5) **Grievance board or committee; inmate and employee participation.** The procedure shall provide for a grievance board or committee to consider grievances after investigation and to enact, implement, and amend the grievance procedures of the jail. A role for employees and inmates (at a minimum in some advisory capacity) to participate in the grievance system or its policies shall be provided; however, no inmate shall participate in the investigation or resolution of any inmate grievance, and confidentiality of the grievance shall be maintained.

(6) **Fixed time limits.** Responses shall be made within fixed time limits at each level of decision. Time limits may vary between jails, but expeditious processing of grievances at each level of decision is essential to prevent grievances from becoming moot. In all instances, grievances must be processed from initiation to final disposition in less than 90 days, unless the grievant agrees in writing to an extension for a fixed period. Expiration of a time limit at any stage of the process shall entitle the grievant to move to the next stage of the process, unless the grievant has agreed in writing to an extension of the time for a response.

(7) **Review of reprisals and/or policy.** The procedures shall allow the grievant to be entitled to and ensure a review by a person or entity not under the supervision or control of the sheriff or jail personnel, or all grievances concerning:

(A) reprisals of custodial personnel against inmates; and

(B) the substance or general application of jail policy.

(8) **Emergency procedure.** The procedures shall make special provision for the definition of and the expeditious investigation, response to, and correction of grievances of an emergency nature.

(9) **Reasoned, written responses.** Each grievance shall be answered in writing at each level of decision and review. The response shall state the reasons for the decision reached and shall include a statement that the inmate is entitled to further review, if such is available, and shall contain simple directions for obtaining such review.

(10) **Remedies.** A reasonable range of meaningful remedies shall be afforded successful grievants, and may include monetary remedies, restitution of property, reclassification, correction of records, personnel actions, and changes in jail policies or practices.

(11) **Protection from reprisals.** The procedures shall prohibit reprisals from bona fide uses of the procedure, shall provide written assurance that use of the grievance procedure will not result in formal or informal reprisals against the inmate, and shall entitle the inmate to pursue a grievance resulting from a reprisal.

(12) **Records, confidentiality, annual evaluation.** Records of the filing and determination of grievances shall be maintained, collected, and preserved for at least three years;

shall be summarized and evaluated at least annually by numbers, types, and dispositions of grievances filed; numbers, types, and implementations of remedies granted; numbers and types of emergency grievances; average time of disposition of ordinary and emergency grievances; costs generated or saved by compliance with procedures; and recommendations for improvements. Records regarding the participation of an inmate in grievance procedures shall not be made available to the staff of other inmates, and shall be available only to the grievance committee or board participating in the disposition of the grievance.

Issued in Austin, Texas, on June 24, 1981.

Doc. No. 814319 Andy J. McMullen
Chairman
Commission on Jail Standards

Proposed Date of Adoption: August 10, 1981

For further information, please call (512) 475-2716.

NONCODIFIED

Governor's Committee on Aging Board on Aging Policies and Procedures 348.12.01

The Governor's Committee on Aging proposes to adopt Rules 348.12.01.001-.008 which establish policies and procedures for the orderly conduct of business by the Board on Aging. The Board on Aging was created as a part of the Texas Department on Aging which will replace the Governor's Committee on Aging on September 1, 1981. After that date, any reference in law to the Governor's Committee on Aging means the Texas Department on Aging. These rules will describe the membership of the board, frequency and sites of meetings, board responsibilities, and delegations of authority. Additionally, these rules will provide procedures for the removal and replacement of members as well as establish guidelines for the orderly operation and administration of the Texas Department on Aging. It is contemplated that these rules can be adopted effective September 1, 1981, or shortly thereafter.

The Governor's Committee on Aging does not anticipate the proposed rules will have state or local fiscal implications.

Public comment is invited and may be submitted by telephoning Tim Shank, staff attorney, at (512) 475-2717; or by writing him at P.O. Box 12786, Austin, Texas 78711.

These rules are proposed under authority of the Human Resources Code, Chapter 101, as amended.

.001. *Function.* The board shall carry out the functions prescribed by law to the Texas Department on Aging.

.002. Board Composition. The Board on Aging shall be composed of nine members appointed by the governor, with the advice and consent of the senate. Each member must have demonstrated an interest in and knowledge of the problems of aging. Members are appointed to serve for terms of six years. Such terms will be staggered so that the terms of three members expire every two years. A member may be reappointed to the board. The terms of members who were serving on the Governor's Committee on Aging on August 31, 1981, shall be carried over with the Board on Aging until expiration of six years continuous service on the committee and board.

.003. Chairman of the Board. In addition to the nine members of the board, the governor shall appoint a chairman who will direct the work of the board. The chairman shall serve during the tenure of the appointing governor.

.004. Compensation. The chairman and board members will serve without compensation but are entitled to reimbursement for actual travel expenses incurred in performing the duties of the office.

.005. Entitlements. The chairman and board members may be entitled, during their tenure, to participate in the Uniform Group Insurance Program of Texas and such other programs that may be provided by law.

.006. Meetings.

(a) **Scheduling.** The board shall hold meetings quarterly and may hold any additional meetings as deemed necessary by the chairman. The chairman shall set the dates and locations of all meetings; however, at least one meeting shall be held annually in Austin, Texas. The chairman shall give notice to the executive director so that the members may have notice no less than three weeks in advance of the regular meeting. Special and emergency meetings may be held in response to a call of the chairman or a majority of the members at any time by giving one week's notice to all members. All meetings will be open to the public and conducted in accordance with Texas Civil Statutes, Article 6252-17.

(b) **Agendas.** The chairman, with the assistance of the executive director, shall prepare and submit to each member prior to each meeting listing subjects to be considered by the board. The agendas shall provide an opportunity for citizens to address the board on any item of business included on the agenda. Notice of date, time, place and the agenda shall be posted publicly and published in the *Texas Register* as required by law.

(c) **Quorum.** Five members of the board shall constitute a quorum, and when a majority vote is required, this is deemed to mean a majority of those members present at a meeting having a quorum. The chairman shall vote only to break a tie.

(d) **Attendance.** In the event a member shall fail to attend three consecutive, regularly scheduled meetings of the board over the period of four quarters, such member shall be deemed to have resigned de facto, and after due inquiry by the board as to reasons for such absences, the matter may be reported by the chairman to the governor.

(e) **Proxies.** No proxies shall be permitted at any meeting of the board.

(f) **Minutes.** The proceedings of all meetings shall be duly recorded. Copies of the minutes shall be forwarded to each member for review and comments or corrections prior to approval at a subsequent meeting. The approved minutes

shall be the "official minutes" and will be kept at the Department on Aging's offices and shall be open for inspection by the public.

.007. Executive Director. The board shall appoint an executive director of aging who shall discharge all executive and administrative functions of the department. The coordinator of aging as of August 31, 1981, shall be carried over as the executive director of the Department on Aging. The executive director shall serve at the pleasure of the board. Unless otherwise specified in these rules or by order of the board, all rights, powers, and duties of the board may be delegated to the executive director.

.008. Amendments. These rules may be amended by the board at any regular or special meeting, provided a copy of the proposed amendments are furnished each board member 21 days prior to the date of the meeting at which the amendments are to be considered.

Issued in Austin, Texas, on July 1, 1981.

Doc. No. 814325 Chris Kyker
 Coordinator of Aging
 Governor's Committee on Aging

Proposed Date of Adoption: August 10, 1981
 For further information, please call (512) 475-2717.

348.14.01

The Governor's Committee on Aging proposes to adopt Rules 348.14.01.001-.008 implementing the Human Resources Code, Chapter 101, §101.005, as amended. The Citizens Advisory Council on Aging was created as part of the Texas Department of Aging which will replace the Governor's Committee on Aging on September 1, 1981. After that date any reference in law to the Governor's Committee on Aging means the Texas Department of Aging. These rules will provide for the orderly conduct of business by the council. They will provide for membership criteria, appointment, compensation, meetings, procedures for the conduct of meetings, and the duties and responsibilities of council members.

The Governor's Committee on Aging does not anticipate the proposed rules will have state or local fiscal implications.

Public comment is invited and may be submitted by telephoning Tim Shank, staff attorney, at (512) 475-2717, or by writing him at P.O. Box 12786, Austin, Texas 78711.

These rules are proposed under authority of the Human Resources Code, Chapter 101.

.001. Function. The Citizens Advisory Council shall advise and make recommendations to the Texas Board on Aging on matters pertaining to the planning and coordination of services to the elderly throughout the State of Texas. The council shall assist and advise on developing and implementing the state plan; conduct public hearings; represent the interests of older persons; and review and comment on other state plans, budgets, and policies which affect older persons. The council may perform such other functions as are assigned by the Board on Aging or the executive director on aging.

.002. Composition. The chairman of the Board on Aging shall appoint, with the advice and consent of the board, the members to the Citizens Advisory Council using the following criteria:

- (1) one member shall be appointed from each designated area agency on aging;
- (2) at least 1/2 of the members shall be age 60 or over;
- (3) there shall be representation on the council of minorities;
- (4) there shall be representation of women;
- (5) members must be knowledgeable about the needs of the elderly and experienced in the special needs of the elderly;
- (6) there shall be representation by consumer participants of services provided through the Department on Aging.

.003. Terms of Office. Council members shall serve for staggered terms of three years with the terms on 1/3 of the membership expiring on January 31st of each year. The first appointees to the council shall draw lots for their initial terms of office. One-third of appointed members shall serve a term expiring on January 31, 1983; 1/3 shall serve a term expiring on January 31, 1984; and 1/3 shall serve a term expiring on January 31, 1985. A member may be reappointed to the council. The current members of the Citizens Advisory Council to the Governor's Committee shall continue their terms until September 1, 1981, or until their successors are duly appointed.

.004. Compensation. Citizens Advisory Council members shall serve without compensation but are entitled to reimbursement for actual travel expenses incurred in the performance of their duties as directed by the Board on Aging. Any council member who is absent for three consecutive meetings shall be deemed to have resigned de facto and will be replaced by the chairman of the Board on Aging.

.005. Presiding Officer of the Citizens Advisory Council. The chairman of the Board on Aging shall appoint a chair and a vice chair of the Citizens Advisory Council, with the consent of the board. The chair of the advisory council shall preside at all meetings. In the event the chair of the Citizens Advisory Council is unable to preside at a scheduled meeting, the vice-chair will preside.

.006. Meetings.

(a) **Scheduling.** The council shall hold meetings quarterly and may hold any additional meetings as deemed necessary by the chair in coordination with the executive director. The chair shall set the dates and locations of all meetings; however, at least one meeting shall be held annually in Austin, Texas. The chair shall give notice to the executive director so that the members may have notice no less than three weeks in advance of the regular meeting. Special and emergency meetings may be held in response to a call of the chair or a majority of the members, at any time by giving one week's notice to all members. All meetings will be open to the public and conducted in accordance with Texas Civil Statutes, Article 6252-17.

(b) **Agendas.** The chair, with the assistance of the executive director, shall prepare and submit to each member prior to each meeting listing subjects to be considered by the council. The agendas shall provide an opportunity for citizens to address the council on any item of business in-

cluded on the agenda. Notice of date, time, place, and the agenda shall be posted publicly and published in the *Texas Register* as required by law.

(c) **Quorum.** One-half of the members of the council shall constitute a quorum and when a majority vote is required, this is deemed to mean a majority of those members present at a meeting having a quorum. The chair shall vote only to break a tie.

(d) **Minutes.** The proceedings of all meetings shall be duly recorded. Copies of the minutes shall be forwarded to each member for review and comments or corrections prior to approval at a subsequent meeting. The approved minutes shall be the "official minutes" and will be kept at the Department on Aging's offices and shall be open for inspection by the public.

.008. Amendments. The council may propose amendments to these rules at any regular or special meeting, provided a copy of the proposed amendments are furnished each council member 21 days prior to the date of the meeting at which the amendments are to be considered. The proposed amendments must then go through the rulemaking process as provided by the *Texas Register* and Administrative Procedure Act.

Issued in Austin, Texas, on July 1, 1981.

Doc. No. 814326 Chris Kyker
 Coordinator of Aging
 Governor's Committee on Aging

Proposed Date of Adoption: August 10, 1981
 For further information, please call (512) 475-2717.

Texas Commission on Alcoholism State Planning 303.04.00

The Texas Commission on Alcoholism proposes to amend Rule 303.04.00.001, which adopts by reference the Texas State Plan for the Prevention, Treatment, and Control of Alcohol Addiction and Abuse. The amendment, as proposed, updates the 1980-81 state plan, and addresses progress made toward meeting the goals and objectives during 1980. The action plan addresses goals and objectives to be met during the 1982-84 project period. The other section containing rules in the plan is the introduction.

It has been determined by commission staff that amendment of this rule has no known fiscal implications for the state or for units of local government.

Public comment is invited and may be submitted by telephoning the commission office at (512) 475-2577, or by writing to the commission at the eighth floor, Sam Houston Building, Austin, Texas 78701.

This amendment is proposed under the authority of Texas Civil Statutes, Article 5561c.

.001. State Plan. [In compliance with Public Law 94-371,] This rule adopts by reference all rules contained in the **1982-84** [1980-81] Texas State Plan for the Prevention, Treatment, and Control of Alcohol Addiction and Abuse, which shall be referred to as Exhibit A and is available upon

request at the offices of the Texas Commission on Alcoholism, eighth floor, Sam Houston Building, Austin, Texas 78701, and for public inspection at the Texas Register Division of the Secretary of State, located on the fifth floor, Sam Houston Building, Austin, Texas 78701.

Issued in Austin, Texas, on July 1, 1981.

Doc. No. 814294 Ross Newby
Executive Director
Texas Commission on Alcoholism

Proposed Date of Adoption: August 10, 1981
For further information, please call (512) 475-2577.

Texas Department of Human Resources

Intermediate Care Facility for Mentally Retarded

Eligibility for Participation 326.35.03

The Texas Department of Human Resources proposes new Rule 326.35.03.004 in its Title XIX Intermediate Care Facility for Mentally Retarded rules. Because of the limited appropriations for fiscal year 1982 for the Non-State School ICF-MR Program, the department proposes to temporarily cease accepting provider applications from September 1, 1981, through December 31, 1981. During this temporary period, the department will work with the Texas Department of Mental Health and Mental Retardation to develop more effective and efficient measures to contain costs in this program. The intent is to maintain the program within its appropriation and also provide for high quality client care.

The department has determined that implementation of the proposed rule will result in the following savings to the state for fiscal year 1982: \$1,366,312 (state funds); \$1,721,398 (federal funds). There are no fiscal implications beyond fiscal year 1982 because the policy will not be in effect after December 31, 1981. There are no fiscal implications for units of local government.

Written comments are invited and may be sent to Susan L. Johnson, administrator, Policy Development Support Division—172, Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, within 21 days of publication in this Register.

The following rule is proposed under the authority of the Human Resources Code, Title 2.

.004. Provider Application Acceptance. Effective September 1, 1981, through December 31, 1981, the department will not accept provider applications for Title XIX Intermediate Care Facilities for the Mentally Retarded.

Issued in Austin, Texas, on July 6, 1981.

Doc. No. 814412 Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Proposed Date of Adoption: September 1, 1981
For further information, please call (512) 441-3355, ext. 2037.

State Board of Insurance

Rating and Policy Forms

Fixing Rates of Automobile Insurance 059.05.01

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the State Board of Insurance, 1110 San Jacinto, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The State Board of Insurance proposes to repeal Rule 059.05.01.007 entitled Fixing Rate of Automobile Insurance-Investment Income Study. The purpose of the repeal is to encourage an open, objective climate for the board's consideration of investment income in rate development by eliminating any rule adopted under different economic conditions which suggests a binding, mechanical treatment of investment income in rate development.

The proposed repeal is consistent with the appropriation of \$200,000 to the State Board of Insurance by passage of House Bill 656, 67th Texas Legislature, for use in studying the relationship of investment income to rate development in the various lines of insurance.

There are no fiscal implications as a result of the repeal of this rule; the State Board of Insurance relies on its Automobile and Miscellaneous Lines Section in making this determination.

Public comment is invited and should be submitted in writing to Gaylon Daniel, staff actuary, Actuarial Division—Property and Casualty, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786. Comments will be accepted 30 days from publication of this notice in the *Texas Register*.

The repeal of Rule 059.05.01.007 is proposed under the authority of Texas Insurance Code Annotated, Articles 5.01, 5.03, and 1.04.

.007. Investment Income Study.

Issued in Austin, Texas, on July 2, 1981.

Doc. No. 814413 Pat Wagner
Chief Clerk
State Board of Insurance

Proposed Date of Adoption: August 10, 1981
For further information, please call (512) 475-2950.



Pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, an agency may take final action on a rule 30 days after publication of the proposed action in the *Register*. Upon adoption of the action, "the agency, if requested to do so by an interested person either prior to adoption or within 30 days after adoption, shall issue a concise statement of the principal reasons for and against its adoption, incorporating in the statement its reasons for overruling the considerations urged against its adoption." The action is effective 20 days after filing of the notice of final action with the Texas Register Division unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice. The notice includes whether the action is promulgated with or without changes to the action proposed; a statement of the legal authority under which the final action is promulgated; and the text of the final action, in compliance with the rules of the Texas Register Division. If an agency takes final action on a rule with no changes made to the text as proposed, only the preamble of the notice and statement of legal authority will be published. The text, as appropriate, will be published only if final action is taken with changes made to the proposed action. The certification information, which includes the effective date of the final action, follows each published submission of final action. A telephone number for further information is also published.

An agency may withdraw proposed action or the remaining effectiveness of emergency action by filing a notice of withdrawal with the Texas Register Division. The notice will appear in this section of the *Register* and is generally effective immediately upon filing with the Texas Register Division.

This section now contains two classifications: codified and noncodified. Agencies whose rules have been published in the *Texas Administrative Code* will appear under the heading "Codified." These rules will list the new TAC number, which will be followed immediately by the *Texas Register* 10-digit number. Agencies whose rules have not been published in the TAC will appear under the heading "Noncodified." The rules under the heading "Codified" will appear first, immediately followed by rules under the heading "Non-codified."

CODIFIED

TITLE 7. BANKING AND SECURITIES

Part VII. State Securities Board

Chapter 109. Transactions Exempt from Registration

The State Securities Board has adopted the amendment to paragraph (11) of §109.4 (065.05.00.009) with changes from the proposed text. No comments from the public were received concerning this proposal.

The amendment is adopted pursuant to the authority of Texas Civil Statutes, Article 581, §5T, and §28-1.

§109.4 (065.05.00.009). Public Solicitation or Advertisements. This rule is intended to reflect the support of the Securities Board for the proposition that potential investors in transactions exempt under §5.I of the Act have a legitimate interest in receiving reasonable information concerning the plan of business and the financial condition of the issuer of the securities.

(1)-(10) (No change.)

(11) Investments of \$100,000 or more. In addition to sales made under the Securities Act, §5.I the State Securities Board, pursuant to the Securities Act, §5.T, exempts from the registration requirements of the Securities Act, §7, the sale of any securities by the issuer itself or by a registered dealer acting as agent for the issuer provided all the following conditions are satisfied in sales to Texas investors:

(A) (No change.)

(B) The minimum purchase of such security by each investor is \$100,000, and such minimum amount must be paid in cash, or in installments or by other financing arrangements which put the investor at risk for a minimum of \$100,000. For the purpose of determining the sophistication of the investor in order to comply with subsection (1)(B)(i) of this section, it will be presumed that the entire investment is due at the time the initial sale is made, regardless of the actual terms of payment.

(C)-(F) (No change.)

Issued in Austin, Texas, on July 1, 1981.

Doc. No. 814309 Richard D. Latham
 Securities Commissioner
 State Securities Board

Effective Date: July 22, 1981

Proposal Publication Date: January 9, 1981

For further information, please call (512) 474-2233.

Chapter 113. Registration of Securities

The State Securities Board has adopted the amendment to paragraphs (10) and (11) of §113.3 (065.07.00.004), and has added a new paragraph (13), with minor changes from the proposed text. No comments from the public were received concerning this proposal.

The amendments are adopted pursuant to the authority of Texas Civil Statutes, Article 581, §7 and §28-1.

§113.3 (065.07.00.004). Fair, Just, and Equitable Standards. The following factors, among others, will usually be considered in determining whether or not a securities issue is fair, just, and equitable:

(1)-(9) (No change.)

(10) Excessive options and warrants. Offerings ordinarily will not be considered fair, just, and equitable if the issuer has options and warrants outstanding which, because of their number and terms of exercise, render likely a substantial dilution of per share equity or per share earnings or a corresponding reduction in market price per share. Options and warrants in excess of 10% of the shares outstanding at the conclusion of the offering will be regarded as excessive

and will be prohibited unless the issuer can clearly demonstrate that special circumstances justify such additional options and warrants. Options to nonexecutive management and other employees of the issuer which are part of an employee incentive plan; to third parties in conjunction with previous arms length financing arrangements; or to the public as part of a public offering are excluded from the 10% restriction if such options are otherwise reasonable in amount and exercise price.

(11) Permitted options and warrants. The following standards will be considered in determining whether or not the issuance of warrants or stock purchase options to those other than all of the purchasers of securities has been justified by the applicant:

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

(C) Option to underwriters. Options to underwriters will be considered justified if all of the following conditions are met:

(i) (No change.)

(ii) If the number of shares covered by warrants and options to the underwriters does not exceed 10% of the securities proposed to be sold to the public in the offering under consideration;

(iii)-(ix) (No change.)

(12) (No change.)

(13) Loans to officers, directors, and key employees.

If otherwise permitted by applicable law, loans to officers, directors and key employees may be considered fair, just and equitable if approved by a majority of the disinterested independent directors of the issuer provided such loans are fully disclosed in subsequent reports to shareholders. Loans in existence prior to the filing of an application for securities registration must be ratified by a majority of the disinterested independent directors of the company and fully disclosed in the offering materials.

Issued in Austin, Texas, on July 1, 1981.

Doc. No. 814310 Richard D. Latham
Securities Commissioner
State Securities Board

Effective Date: July 22, 1981

Proposal Publication Date: January 9, 1981

For further information, please call (512) 474-2233.

Chapter 139. Exemptions by Rule or Order

The State Securities Board has adopted a new paragraph to §139.7 (065.20.00.007) with changes from the proposed text. Comments from the public were received concerning this proposal, and the changes were based upon the comments received.

This new section is adopted pursuant to the authority of Texas Civil Statutes, Article 581, §5.T, §12, and §28-1.

§139.7 (065.20.00.007). *Sale of Securities to Nonresidents.*

(a) The offer and sale of securities by an issuer or its selling agent to a non-Texas resident not present in Texas when the offer is made is exempt from the securities registration provisions of the Securities Act. (The Securities Act provides exemptions from the securities registration requirements which might be available to some issuers or selling agents offering or selling to non-Texas residents present in the state.)

(b) An issuer or selling agent who makes an offer or sale from Texas, by any means, including use of the mail or telephone, is a dealer and must comply with the dealer registration requirements of the Securities Act. (The Securities Act provides exemptions from the dealer registration requirements which might be available to some issuers or selling agents.) An offer is not deemed to be made from Texas merely because offering material is prepared in Texas, if such material is still in the possession of the issuer or its selling agent when it leaves the state. A sale is not deemed to be made in Texas merely because a purchaser sends his purchase money to Texas, or because clerical functions connected with the closing of a sale are performed in Texas.

Issued in Austin, Texas, on July 1, 1981.

Doc. No. 814311 Richard D. Latham
Securities Commissioner
State Securities Board

Effective Date: July 22, 1981

Proposal Publication Date: January 9, 1981

For further information, please call (512) 474-2233.



TITLE 25. HEALTH SERVICES

Part II. Texas Department of Mental Health and Mental Retardation

Chapter 405. Client (Patient) Care

Subchapter I. Review Boards (Skyview Maximum Security Unit at the Rusk State Hospital) for Making a Determination of Manifest Dangerousness

The Texas Department of Mental Health and Mental Retardation adopts amendments to §§405.191-405.198, 405.199, 405.201, 405.214, 405.217, and 405.219 (302.04.10.001-.008, .010, .019, .032, .035, and .037) without changes to the proposed text published in the April 3, 1981, issue of the *Texas Register* (6 TexReg 1234).

The amendments are adopted under authority of Texas Civil Statutes, Article 5547-202, §2.11.

Issued in Austin, Texas, on July 3, 1981.

Doc. No. 814386 John J. Kavanagh, M.D.
Commissioner
Texas Department of Mental Health and
Mental Retardation

Effective Date: July 24, 1981

Proposal Publication Date: April 3, 1981

For further information, please call (512) 465-4591.

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part X. Texas Water Development Board

Chapter 335. Industrial Solid Waste

(Editor's note: Adoptions submitted by the Texas Water Development Board concerning industrial solid waste management regulations are being published serially beginning in the July 7 issue. The chapters, subchapters, and sections affected by this action are listed below. The effective date for the serialized adoptions is September 1, 1981, with the exception of §§335.235 (156.22.14.005) and §335.452(6) (156.22.27.002(6)), which become effective October 13, 1981. The adoptions for Subchapters C, D, H, J, K, L, M, N, Q, R, T, V, and W appear in this issue.)

Chapter 335. Industrial Solid Waste

Subchapter A. Industrial Solid Waste Management in General

§§335.1-335.15 (156.22.01.101-.115)

§§335.1-335.18 (156.22.02.001.018)

Subchapter B. Hazardous Industrial Solid Waste Management

§§335.41-335.46 (156.22.04.001-006)

Subchapter B. Hazardous Industrial Solid Waste Management General Provisions

§§335.41-335.48 (156.22.05.101-.108)

Subchapter C. Standards Applicable to Generators of Hazardous Industrial Solid Waste

§§335.61, 335.63, 335.64, 335.68, 335.69, 335.72,
335.74-335.76

(156.22.06.001, .003, .004, .008, .009, .012, .014-.016)

Subchapter D. Standards Applicable to Transporters of Hazardous Industrial Solid Waste

§§335.91-335.94 (156.22.07.001-.004)

Subchapter H. Shipping Ticket, Record-Keeping, and Reporting Requirements

§§335.172, 335.175, 335.176 (156.22.11.002,.005,.006)

Subchapter J. Closure and Postclosure

§§335.213, 335.214, 335.217-335.219

(156.22.13.003, .004, .007-.009)

Subchapter K. Financial Requirements

§§335.232-335.235 (156.22.14.002-.005)

Subchapter L. Use and Management of Containers

§335.24 (156.22.15.004)

Subchapter M. Tanks

§335.266 (156.22.16.006)

Subchapter N. Surface Impoundments

§§335.286, 335.287 (156.22.17.006, .007)

Subchapter R. Incinerators

§§335.361 and 335.362 (156.22.21.001 and .002)

Subchapter T. Chemical, Physical, and Biological Processing

§335.407 (156.22.23.007)

Subchapter V. Permitting Standards for Owners and Operators of Hazardous Waste Storage, Processing, and Disposal Facilities

§§335.451-335.455 (156.22.27.001-.005)

Subchapter W. Delisting of Hazardous Waste

§§335.481-335.487 (156.2.30.001-.007)

Subchapter C. Standards Applicable to Generators of Hazardous Industrial Solid Waste

At its regular meeting on June 16, 1981, the Texas Water Development Board adopted proposed amendments to §§335.61, 335.63, 335.64, 335.68, 335.69, 335.72, and 335.74-335.76 (156.22.06.001, .003, .004, .008, .009, .012, and .014-.016) concerning standards applicable to generators of hazardous industrial solid waste. Changes from the proposed sections are contained in §335.61 (156.22.06.001). The board, in adopting the final rules, modified subsection (c) of §335.61 (156.22.06.001) by adding paragraph (10) to clarify that the definition of "onsite storage, processing, or disposal" given in §335.1(a)(14) (156.22.01.101(a)(14)) would be applicable in the case of shipments of small quantities of hazardous waste by a generator subject to the reduced requirements of subsection (c).

These sections are adopted under the authority of the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), and the Texas Water Code, §5.131 and §5.132.

§335.61 (156.22.06.001). Purpose, Scope, and Applicability.

(a) Except as provided in subsections (b) and (c) of this section, this subchapter establishes standards for generators of hazardous industrial solid waste. These standards are in addition to any applicable provisions contained in Subchapter A of this chapter (relating to Industrial Solid Waste Management in General).

(b) (No change.)

(c) Generators of small quantities of hazardous industrial solid waste are subject to the following requirements:

(1) A generator is a small quantity generator in a calendar month if he generates less than 1,000 kilograms of hazardous waste in that month.

(2) Except as provided in paragraphs (5) and (6) of this subsection, a small-quantity generator is not subject to regulation under this subchapter, provided the generator complies with the requirements of paragraph (7) of this subsection.

(3) Hazardous waste that is beneficially used or reused or legitimately recycled or reclaimed and that is excluded from regulation by §335.41 (156.22.05.101) of this title (relating to Purpose, Scope, and Applicability) is not included in the quantity determinations of this section. Hazardous waste that is subject to the requirements of Subchapter B of this chapter (relating to Hazardous Industrial Solid Waste Management General Provisions); Subchapter C of this chapter (relating to Standards Applicable to Generators of Hazardous Industrial Solid Waste); Subchapter D of this chapter (relating to Standards Applicable to Carriers of Hazardous Solid Waste); Subchapter E of this chapter (relating to General Facility Standards); Subchapter F of this chapter (relating to Preparedness and Prevention); Subchapter G of this chapter (relating to Contingency Plan and Emergency Proceedings); Subchapter H of this chapter (relating to Shipping Ticket, Record-Keeping, and Reporting Requirements); Subchapter I of this chapter (relating to Groundwater Monitoring); Subchapter J of this chapter (relating to Closure and Postclosure); Subchapter K of this chapter (relating to Financial Requirements); Subchapter L of this chapter (relating to Use and Management of Containers); Subchapter M of this chapter (relating to Tanks);

Subchapter N of this chapter (relating to Surface Impoundments); Subchapter O of this chapter (relating to Waste Piles); Subchapter P of this chapter (relating to Land Treatment); Subchapter Q of this chapter (relating to Landfills); Subchapter R of this chapter (relating to Incinerators); Subchapter S of this chapter (relating to Thermal Processing); and Subchapter T of this chapter (relating to Chemical, Physical, and Biological Processing) is included in the quantity determinations of this subsection.

(4) In determining the quantity of hazardous waste he generates, a generator need not include:

(A) his hazardous waste when it is removed from on-site storage; or

(B) hazardous waste produced by on-site processing of his hazardous waste.

(5) A small quantity generator who generates acutely hazardous waste in a calendar month in quantities greater than set forth as follows is subject to the requirements of this subchapter:

(A) a total of one kilogram of a commercial chemical products and manufacturing chemical intermediates having the generic names listed in 40 Code of Federal Regulations §261.33(e), and off-specification commercial chemical products and manufacturing chemical intermediates which, if they met specifications, would have the generic names listed in 40 Code of Federal Regulations §261.33(e); or

(B) a total of 100 kilograms of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any commercial chemical products or manufacturing chemical intermediates having the same generic names listed in 40 Code of Federal Regulations §261.33(e).

(6) A small quantity generator may accumulate hazardous waste on site. A generator who accumulates at any time hazardous waste in quantities equal to or exceeding 1,000 kilograms, or acutely hazardous wastes in quantities greater than set forth in paragraph (5)(A) or (5)(B) of this subsection is subject to the requirements of this subchapter with respect to all accumulated hazardous waste. The time period of §335.69 (156.22.06.009) of this title (relating to Accumulation Time) for accumulation of wastes on site begins for a small quantity generator when the accumulated wastes exceed the applicable exclusion level.

(7) In order for a generator to be excluded from regulation under this subsection, the generator must:

(A) comply with §335.62 (156.22.06.002) of this title (relating to Hazardous Waste Determination) of this subchapter;

(B) if he stores his hazardous waste on site, store it in compliance with the requirements of paragraph (6) of this subsection; and

(C) either process or dispose of the hazardous waste in an on-site facility, or ensure delivery to an off-site storage, processing, or disposal facility either of which is:

(i) permitted by the Environmental Protection Agency under 40 Code of Federal Regulations Part 122;

(ii) in interim status under 40 Code of Federal Regulations Parts 122 and 265;

(iii) authorized to manage hazardous waste by a state with a hazardous waste management program approved under 40 Code of Federal Regulations Part 123;

(iv) permitted, licensed, or registered by a state to manage municipal or industrial solid waste; or

(v) a facility which beneficially uses or reuses, or legitimately recycles or reclaims his waste; or processes the waste prior to beneficial use or reuse, or legitimate recycling or reclamation.

(8) A generator of hazardous waste subject to the reduced requirements of this subsection may mix the hazardous waste with nonhazardous waste and remain subject to these reduced requirements even though the resultant mixture exceeds the quantity limitations identified in this subsection, unless the mixture meets any of the characteristics of hazardous wastes identified in 40 Code of Federal Regulations Part 261, Subpart C.

(9) A small quantity generator who mixes a solid waste with a hazardous waste that exceeds a quantity exclusion level of this subsection is subject to regulation under this subchapter.

(10) Where the storage, processing, or disposal is of a small quantity of hazardous waste by a generator subject to the reduced requirements of this subsection, "on-site storage, processing, or disposal" shall have the meaning given in §335.1(a)(14) (156.22.01.101(a)(14)) of this title (relating to Definitions).

(d) (No change.)

(e) An owner or operator who initiates a shipment of hazardous waste from a processing, storage, or disposal facility must comply with the generator and standards contained in §335.10 (156.22.01.110) of this title (relating to Shipping and Reporting Procedures Applicable to Generators of Class I Industrial Solid Waste), §335.13 (156.22.01.113) of this title (relating to Record Keeping and Reporting Procedures Applicable to Generators of Class I Industrial Solid Waste), and this subchapter.

(Note: The provisions of §335.69 (156.22.06.009) of this title (relating to Accumulation Time) are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of §335.69 (156.22.06.009) of this title (relating to Accumulation Time) only apply to owners or operators who are shipping hazardous waste which they generated at that facility.)

(f) A farmer who generates waste pesticides which are hazardous waste and who complies with §335.76 (156.22.06.016) of this title (relating to Farmers) is not required to comply with this chapter with respect to those pesticides.

§335.63 (156.22.06.003). EPA Identification Numbers.

(a) (No change.)

(b) A generator must not offer hazardous waste to transporters or to storage, processing, or disposal facilities that have not received an EPA identification number.

§335.64 (156.22.06.004). Additional Requirements for Shipping Ticket.

(a) In addition to the requirements of §335.10 (156.22.01.110) of this title (relating to Shipping and Reporting Procedures Applicable to Generators of Class I Industrial Solid Waste), generators who transport, or offer for transport, hazardous industrial solid waste for off-site storage, processing, or disposal shall comply with the requirements of this section in the preparation of a shipping ticket.

(b) The information contained in the shipping ticket shall include the EPA identification numbers of the generator, each transporter, and the storage, processing, or disposal facility and alternate facility, if any.

(c) (No change.)

§335.68 (156.22.06.008). Placarding. Before transporting or offering hazardous waste for transportation off site, a generator must placard or offer the initial transporter the appropriate placards according to Department of Transportation regulations for hazardous materials under 49 Code of Federal Regulations Part 172, Subpart F.

§335.69 (156.22.06.009). Accumulation Time.

(a) A generator may accumulate hazardous waste on site without a permit for 90 days or less, provided that:

(1) All such waste is, within 90 days, shipped off site to a designated facility or placed in an on-site facility that is permitted under 40 Code of Federal Regulations Part 122, has interim status under 40 Code of Federal Regulations Part 122, or is authorized to manage hazardous waste by a state with a hazardous waste management program approved under 40 Code of Federal Regulations Part 123;

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

(b) (No change.)

§335.72 (156.22.06.012). Exception Reporting.

(a) A generator who does not receive a copy of the shipping ticket with the handwritten signature of the owner or operator of the designated facility within 35 days of the date that the waste was accepted by the initial transporter must contact the transporter or the owner or operator of the designated facility, or both, to determine the status of the hazardous waste.

(b) A generator must submit an exception report to the department if he has not received a copy of the shipping ticket with the handwritten signature of the owner or operator of the designated facility within 45 days of the date that the waste was accepted by the initial transporter. The exception report must include:

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

§335.74 (156.22.06.014). Notification Requirements for Interstate Shipments. In the case of interstate shipments of hazardous waste for which a shipping ticket has not been returned within 45 days of acceptance of the waste by the initial transporter, the generator shall notify the appropriate regulatory agency of the state in which the designated facility is located and the appropriate regulatory agency of the state in which the shipment may have been delivered. If a state required to be notified under this section has not received interim or final authorization pursuant to the Resource Conservation and Recovery Act of 1976, §3006, the generator shall notify the administrator that the shipping ticket has not been returned.

§335.75 (156.22.06.015). International Shipments.

(a) (No change.)

(b) When shipping hazardous waste outside the United States, the generator must:

(1) (No change.)

(2) Meet the requirements under §335.64 (156.22.06.004) of this title (relating to Additional Requirements for Shipping Ticket) and §335.10(b) (156.22.06.110(b)) of this title (relating to Shipping and Reporting Procedures Applicable to Generators of Class I Industrial Solid Waste) for the shipping ticket, except that:

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

(c) A generator must submit an exception report to the executive director if:

(1) he has not received a copy of the shipping ticket signed by the transporter stating the date and place of departure from the United States within 45 days from the date it was accepted by the initial transporter; or

(2) within 90 days from the date the waste was accepted by the initial transporter, the generator has not received written confirmation from the foreign consignee that the hazardous waste was received.

(d) When importing hazardous waste into the state from a foreign country, a person must meet the requirements of §335.64 (156.22.06.004) of this title (relating to Additional Requirements for Shipping Ticket) and §335.10(b) (156.22.01.110(b)) of this title (relating to Shipping and Reporting Procedures Applicable to Generators of Class I Industrial Solid Waste) for the shipping ticket except that:

(1) (No change.)

(2) In place of the generator's signature on the certification statement, the United States importer or his agent must sign and date the certification and obtain the signature of the initial transporter. (Note: Persons who export hazardous waste to a foreign country under this section must also notify the administrator pursuant to 40 Code of Federal Regulations 262.50, in writing four weeks before the initial shipment of hazardous waste to each country in each calendar year.)

§335.76 (156.22.06.016). Farmers. A farmer disposing of waste pesticides from his own use which are hazardous wastes is not required to comply with this chapter for those wastes provided that he triple rinses each emptied pesticide container in accordance with §335.41(h)(2)(C) (156.22.05.101(h)(2)(C)) of this title (relating to Purpose, Scope, and Applicability) and disposes of the pesticide residues on his own farm in a manner consistent with the disposal instructions on the pesticide label.

Issued in Austin, Texas, on July 1, 1981.

Doc. No. 814254 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Effective Date: September 1, 1981

Proposal Publication Date: May 15, 1981

For further information, please call (512) 475-7845.

Subchapter D. Standards Applicable to Transporters of Hazardous Industrial Solid Waste

The Texas Water Development Board adopts amendments to §§335.91-335.94 (156.22.07.001-.004) without changes to the proposed text published in the May 15, 1981, issue of the *Texas Register* (6 TexReg 1761).

The amendments are adopted under authority of the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), and the Texas Water Code §3.151 and §3.152.

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Doc. No. 814255 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

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Proposal Publication Date: May 15, 1981

For further information, please call (512) 475-7845.

Subchapter H. Shipping Ticket, Record-Keeping, and Reporting Requirements

The Texas Water Development Board adopts amendments to §§335.172, §335.175, and §335.176 (156.22.11.002, .005, .006) without changes to the proposed text published in the May 19, 1981, issue of the *Texas Register* (6 TexReg 1838).

The amendments are adopted under authority of the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), and the Texas Water Code, §5.131 and §5.132.

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Doc. No. 814256 M. Reginald Arnold II
General Counsel
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For further information, please call (512) 475-7845.

Subchapter J. Closure and Postclosure

At its regular meeting on June 16, 1981, the Texas Water Development Board adopted proposed amendments to §§335.213, §335.214, and §§335.217-335.219 (156.22.13.003, .004, .007-.009) relating to closure and postclosure requirements for owners and operators of facilities of hazardous industrial solid waste. Changes from the proposed sections are contained in §§335.213 (156.22.13.003) and §335.218 (156.22.13.008). The board, in adopting the final sections, modified subsection (d) of both sections, dealing with hearing requirements for the approval of closure and postclosure plans, to achieve consistency between the two provisions.

These sections are adopted under the authority of the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, and the Texas Water Code, §3.151 and §3.152.

§335.213 (156.22.13.003). Closure Plan; Amendment of Plan.

(a) On May 19, 1981, the owner or operator must have a written closure plan. He must keep this plan at the facility and all revisions to the plan at the facility until closure is completed and certified in accordance with §335.216 (156.22.13.006) of this title (relating to Certification of Closure). This plan must identify the steps necessary to completely close the facility or partially close the facility at any point during its intended life and to completely close the facility at the end of its intended operating life. The closure plan must include at least the following:

(1) a description of how and when the facility will be partially closed, if applicable, and finally closed. The description must identify the maximum extent of the operation which will be unclosed during the life of the facility and how the requirements of §335.212 (156.22.13.002) of this title (relating to Closure Performance Standard), §335.214 (156.22.13.004) of this title (relating to Time Allowed for Closure), and §335.216 (156.22.13.006) of this title (relating to Certification of Closure), and the applicable closure requirements contained in these sections for specific waste management methods will be met;

(2) an estimate of the maximum inventory of wastes in storage or in processing at any given time during the life of the facility;

(3) (No change.)

(4) an estimate of the expected year of closure and a schedule for final closure. The schedule must include at a minimum the total time required to close the facility and the time required for intervening closure activities which will allow the tracking of the progress of closure. (For example, in the case of a landfill, estimates of the time required to process and dispose of all waste inventory and of the time required to place a final cover must be included.)

(b) The owner or operator may amend his closure plan at any time during the active life of the facility. (The active life of the facility in that period during which wastes are periodically received). The owner or operator must amend the plan whenever changes in operating plans or facility design affect the closure plan, or whenever there is a change in the expected year of closure of the facility. The plan must be analyzed within 60 days of the changes.

(c) The owner or operator must submit his closure plan to the executive director at least 180 days before the date he expects to begin closure. The owner or operator must submit his closure plan to the executive director no later than 15 days after:

(1) termination of interim status (except when a permit is issued to the facility simultaneously with termination of interim status); or

(2) issuance of a judicial decree or compliance order under the RCRA, §3008, or the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §8, to cease receiving wastes or close.

(Note: The date when closure commences should be within 30 days after the date on which the owner or operator expects to receive the final volume of wastes.)

(d) The executive director will provide the owner or operator and the public through newspaper notice the opportunity to submit written comments on the plan and request modifications of the plan within 30 days of the date of the notice. The owner or operator is responsible for the cost of publication. The executive director may, in response to a request or at his own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning a closure plan. The executive director will give public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments, and the two notices may be combined.) The executive director will approve, modify, or disapprove the plan within 90 days of receipt. If the executive director does not approve the plan, the owner or operator must modify the plan or submit a new plan within 30 days. The executive director will approve or modify this plan in writing within 60 days. If the executive director modifies the plan, this modified plan becomes the approved closure plan. The executive director's decision must assure that the approved closure plan is consistent with §335.212 (156.22.13.002) of this title (relating to Closure Performance Standard), §335.214 (156.22.13.004) of this title (relating to Time Allowed for Closure), and §335.216 (156.22.13.006) of this title (relating to Certification of Closure), and the applicable closure requirements contained in these sections for specific waste management methods. A copy of this modified plan must be mailed to the owner or operator. If the owner or operator plans to begin closure before November 19, 1981, he must submit the closure plan by May 19, 1981.

§335.214 (156.22.13.004). Time Allowed for Closure.

(a) Within 90 days after receiving the final volume of hazardous waste, or 90 days after approval of the closure plan if that is later, the owner or operator must process, remove from the site, or dispose of on site all hazardous wastes, in accordance with the approved closure plan. The executive director may approve a longer period of time using the procedures under §335.213(d) (156.22.13.003(d)) of this title (relating to Closure Plan; Amendment of Plan) if the owner or operator demonstrates that he has taken and will continue to take all steps to prevent threats to human health and the environment; and

(1) the activities required to comply with this section will, of necessity, take him longer than 90 days to complete; or

(2) the facility has the capacity to receive additional wastes; there is a reasonable likelihood that a person other than the owner or operator will recommence operation of the site; and closure of the facility would be incompatible with continued operation of the site.

(b) The owner or operator must complete closure activities in accordance with the approved closure plan and within 180 days after receiving the final volume of wastes or 180 days after approval of the closure plan, if that is later. The executive director may approve a longer closure period using the procedures under §335.213(c) (156.22.13.003(c)) of this title (relating to Closure Plan; Amendment of Plan) if the owner or operator can demonstrate that he has taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed but inactive facility; and

(1) the closure activities will of necessity take him longer than 180 days to complete; or

(2) the facility has the capacity to receive additional wastes; there is a reasonable likelihood that a person other than the owner or operator will recommence operation of the site; and closure of the facility would be incompatible with the continued operation of the site.

(Note: Under subsections (a)(2) and (b)(2) of this section, if operation of the facility is recommenced, the executive director may defer completion of closure activities until the new operation is terminated.)

§335.217 (156.22.13.007). Postclosure Care and Use of Property.

(a) Postclosure care must continue for 30 years after the date of completing closure and must consist of at least the following:

(1)-(2) (No Change.)

(b) The executive director may require continuation of any of the security requirements of §335.115 (156.22.08.005) of this title (relating to Security) after the date closure has been completed when:

(1) wastes may remain exposed after completion of closure; or

(2) access by the public or domestic livestock may pose a hazard to human health. In extending any of these requirements, the executive director will use the procedures in §335.218(c) (156.22.13.008(c)) of this title (relating to Postclosure Plan; Amendment of Plan).

(c) Postclosure use of property on or in which hazardous waste remains after closure must never be allowed to disturb the integrity of the final cover, liner(s), or any other

components of any containment system, or the function of the facility's monitoring systems, unless the owners or operators can demonstrate to the executive director either in the postclosure plan or by petition, through the procedures in §335.218(c) or (f) (156.22.13.008(c) or (f)) of this title (relating to Postclosure Plan; Amendment of Plan), as appropriate, that the disturbance:

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

(d) All postclosure care activities must be performed in accordance with the approved postclosure plan as specified in §335.218 (156.22.13.008) of this title (relating to Postclosure Plan; Amendment of Plan).

§335.218 (156.22.13.008). Postclosure Plan; Amendment of Plan.

(a) On May 19, 1981, the owner or operator of a disposal facility must have a written postclosure plan. He must keep a copy of the postclosure plan and all revisions to the plan at the facility. This plan must identify the activities which will be carried on after closure and the frequency of those activities. The postclosure plan must include at least:

(1) a description of the planned groundwater monitoring activities and frequencies at which they will be performed to comply with Subchapter I of this chapter (relating to Groundwater Monitoring) during the postclosure period;

(2) a description of the planned maintenance activities and frequencies at which they will be performed to ensure:

(A) (No change.)

(B) The function of the facility's monitoring equipment as specified in §335.192 (156.22.12.002) of this title (relating to Groundwater Monitoring System); and

(3) the name, address, and phone number of the person or office to contact about the disposal facility during the postclosure care period. This person must keep an updated postclosure plan during the postclosure care period.

(b) The owner or operator may amend his postclosure plan at any time during the active life of the disposal facility or during the postclosure care period. The owner or operator must amend his plan any time changes in operating plans or facilities design, or events which occur during the active life of the facility, affect his postclosure plan. The plan must be amended within 60 days after the changes or events occur.

(c) The owner or operator of a disposal facility must submit his postclosure plan to the executive director at least 180 days before the date he expects to begin closure. The date when he "expects to begin closure" should be immediately after the date on which he expects to receive the final volume of wastes. The owner or operator must submit his closure plan to the executive director no later than 15 days after:

(1) termination of interim status (except when a permit is issued to the facility simultaneously with termination of interim status); or

(2) issuance of a judicial decree or compliance order under the RCRA, §3008, or the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, to cease receiving wastes or close.

(Note: The date when closure commences should be within 30 days after the date on which the owner or operator expects to receive the final volume of wastes.)

(d) The executive director will provide the owner or operator and the public through a newspaper notice the opportunity to submit written comments on the plan and request modifications of the plan including modification of the 30-year postclosure period required in §335.217 (156.22.13.007) of this title (relating to Postclosure Care and Use of Property) within 30 days of the date of the notice. The owner or operator is responsible for the cost of publication. The executive director may, in response to a request or at his own discretion, hold a public hearing whenever a hearing might clarify one or more issues concerning the postclosure plan. The executive director will give the public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for written public comments, and the two notices may be combined.) The executive director will approve, modify, or disapprove the plan within 90 days of its receipt. If the executive director does not approve the plan, the owner or operator must modify the plan or submit a new plan for approval within 30 days. The executive director will approve or modify this plan in writing within 60 days. If the executive director modifies the plan, this modified plan becomes the approved postclosure plan. The executive director must base his decision upon the criteria required of petitions under subsection (f)(1)(A) of this section. A copy of this modified plan must be mailed to the owner or operator. If an owner or operator plans to begin closure before November 19, 1981, he must submit the postclosure plan by May 19, 1981.

(e) The owner or operator may amend his postclosure plan during the postclosure care period. The owner or operator must amend his plan any time changes in monitoring or maintenance plans or events which occur during the postclosure care period affect the postclosure plan. The owner or operator must petition the executive director within 60 days of the changes or events, under the procedures of subsection (f) of this section, to allow the plan to be modified.

(f) The postclosure plan (or period) may be modified during the postclosure care period or at the end of the postclosure care period in either of the following two ways:

(1) The owner or operator or any member of the public may petition the executive director to extend or reduce the postclosure care period based on cause, or alter the requirements of the postclosure care period based on cause.

(A) The petition must include evidence demonstrating that:

(i) the secure nature of the facility makes the postclosure care requirement(s) unnecessary or supports reduction of the postclosure care period specified in the current postclosure plan (e.g., leachate or groundwater monitoring results, characteristics of the waste, application of advanced technology, or alternative disposal, processing, or reuse techniques indicate that the facility is secure); or

(ii) the requested extension in the postclosure care period or alteration of postclosure care requirements is necessary to prevent threats to human health and the environment.

(B) These petitions will be considered by the executive director only when they present new and relevant information not previously considered by the executive director. Whenever the executive director is considering a petition, he will provide the owner or operator and the public through a newspaper notice the opportunity to submit written comments within 30 days of the date of the notice. He will also, in response to a request or at his own discretion, hold a public

hearing whenever a hearing might clarify one or more issues concerning the postclosure plan. The executive director will give the public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for written public comments, and the two notices may be combined.) After considering the comments, he will issue a final determination, based upon the criteria set forth in paragraph (1) of this section.

(C) If the executive director denies the petition, he will send the petitioner a brief written response giving a reason for the denial.

(2) The executive director may tentatively decide to modify the postclosure plan if he deems it necessary to prevent threats to human health and the environment. He may propose to extend or reduce the postclosure care period based on cause or alter the requirements of the postclosure care period based on cause.

(A) The executive director will provide the owner or operator and the affected public through a newspaper notice the opportunity to submit written comments within 30 days of the date of the notice and the opportunity for a public hearing as in subsection (a)(1)(A) of this section. After considering the comments, he will issue a final determination.

(B) The executive director will base his final determination upon the same criteria as required for petitions under subsection (f)(1)(A) of this section.

(Note: A modification of the postclosure plan may include, where appropriate, the temporary suspension rather than permanent deletion of one or more postclosure care requirements. At the end of the specified period of suspension, the executive director would then determine whether the requirement(s) should be permanently discontinued or reinstated to prevent threats to human health and the environment.)

§335.219 (156.22.13.009). *Notice to County Clerk.* Within 90 days after closure is completed, the owner or operator of a disposal facility must submit to the county clerk and to the executive director a survey plat indicating the location and dimensions of landfill cells or other disposal areas with respect to permanently surveyed benchmarks. This plat must be prepared and certified by a professional land surveyor. The plat filed with the county clerk must contain a note, prominently displayed, which states the owner's or operator's obligation to restrict disturbance of the site as specified in §335.217(c) (156.22.13.007(c)) of this title (relating to Postclosure Care and Use of Property). In addition, the owner or operator must submit to the executive director and to the county clerk a record of the type, location, and quantity of hazardous wastes disposed of within each cell or area of the facility. The owner or operator must identify the type, location, and quantity of hazardous wastes disposed of within each cell or area of the facility. For wastes disposed of before these sections were promulgated, the owner or operator must identify the type, location, and quantity of the wastes to the best of his knowledge and in accordance with any records he has kept.

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Doc. No. 814257 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

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Proposal Publication Date: May 19, 1981

For further information, please call (512)475-7845.

Subchapter K. Financial Requirements

(Editor's note: All of the sections in this subchapter are effective September 1, 1981, with the exception of §335.235 (156.22.14.005) which becomes effective October 13, 1981.)

At its regular meeting on June 16, 1981, the Texas Water Development Board adopted amendments to §§335.232-335.235 (156.22.14.002-.005) relating to financial requirements for owners and operators of facilities used to store, process, or dispose of hazardous industrial solid waste. Changes from the proposed sections are contained in §335.234 (156.22.14.004). The board, in adopting the final sections, modified §335.234 (156.22.14.004) by adding the phrase "until the effective date of §235.235 (156.22.14.005) of this subchapter" in order to clarify that the provisions of §335.234 (156.22.14.004) were permissive only until the requirements of §335.235 (156.22.14.005) become effective.

These amendments are adopted under the authority of the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), and the Texas Water Code, §3.151 and §3.152.

§335.232 (156.22.14.002). *Cost Estimate for Facility Closure.*

(a) On May 19, 1981, each facility owner or operator must have a written estimate of the cost of closing the facility in accordance with the requirements in §335.212 (156.22.12.002) of this title (relating to Closure Performance Standard); §335.213 (156.22.12.003) of this title (relating to Closure Plan; Amendment of Plan); §335.214 (156.22.12.004) of this title (relating to Time Allowed for Closure); §335.215 (156.22.12.005) of this title (relating to Disposal or Decontamination of Equipment); §335.216 (156.22.12.006) of this title (relating to Certification of Closure) and applicable closure requirements contained in these sections for specific waste management methods. The owner or operator must keep this estimate and all subsequent estimates required by this section at the facility. The estimate must equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan. (Note: For example, the closure cost estimate for a particular landfill may be for the cost of closure when its active disposal operations extended over 20 acres, if at all other times these operations extend over less than 20 acres. The estimate would not include costs of partial closures that the closure plan schedules before or after the time of maximum closure cost.)

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

§335.233 (156.22.14.003). *Cost Estimate for Postclosure Monitoring and Maintenance.*

(a) On May 19, 1981, the owner or operator of a disposal facility must have a written estimate of the annual cost of postclosure monitoring and maintenance of the facility in accordance with the applicable postclosure regulations in §335.217 (156.22.13.007) of this title (relating to Postclosure Care and Use of Property; Period of Care); §335.218 (156.22.13.008) of this title (relating to Postclosure Plan; Amendment of Plan); §335.219 (156.22.13.009) of this title (relating to Notice to County Clerk); §335.220 (156.22.13.010) of this title (relating to Notice in Deed to Property) and other applicable postclosure requirements contained in these sections. The owner or operator must keep this estimate, and all subsequent estimates required in this section at the facility.

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

§335.234 (156.22.14.004). *Financial Assurance Requirements.* Until the effective date of §335.235 (156.22.14.005) of this title (relating to Financial Assurances for Hazardous Waste Storage, Processing, or Disposal Facilities), the executive director may require financial assurance acceptable to the executive director of any person who is processing, storing, or disposing of hazardous waste pursuant to the interim authorization provided in §335.2(c) (156.22.01.102(c)) of this title (relating to Permit Required). The applicant shall supply any requested information in addition to that provided in the application so that the executive director may establish the cost of closing the facility in the event of total abandonment by the operator.

§335.235 (156.22.14.005). *Financial Assurances for Hazardous Waste Storage, Processing, or Disposal Facilities.* Except as otherwise provided for in this subchapter and to the extent consistent with the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, and the rules of the Texas Water Development Board, the regulations contained in 40 Code of Federal Regulations Part 265, Subpart II, which concern financial assurances for hazardous waste storage, processing, or disposal facilities are adopted by reference. The executive director will maintain in the office of the department a current set of regulations contained in 40 Code of Federal Regulations Part 265. (Note: Where reference is made in those regulations to "regional administrator," the reference is more properly made, for purposes of state law, to the executive director of the Department of Water Resources or commission, consistent with the organization of the department as set out in the Texas Water Code, Chapter 5, Subchapter B.

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Doc. No. 814258 M. Reginald Arnold II
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Effective Date: September 1, 1981

Effective date for §335.235: October 13, 1981

Proposal Publication Date: May 19, 1981

For further information, please call (512) 475-7845.

Subchapter L. Use and Management of Containers

The Texas Water Development Board adopts an amendment to §335.244 (156.22.15.004) without changes to the proposed text published in the May 19, 1981, issue of the *Texas Register* (6 TexReg 1838).

The amendment is adopted under authority of the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, and the Texas Water Code, §5.131 and §5.132.

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Doc. No. 814259 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

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For further information, please call (512) 475-7845.

Subchapter M. Tanks

The Texas Water Development Board adopts an amendment to §335.266 (156.22.16.006) without changes to the proposed text published in the May 19, 1981, issue of the *Texas Register* (6 TexReg 1838).

The amendment is adopted under authority of the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, and the Texas Water Code, §5.131 and §5.132.

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Doc. No. 814260 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

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For further information, please call (512) 475-7845.

Subchapter N. Surface Impoundments

The Texas Water Development Board adopts amendments to §335.286 and §335.287 (156.22.17.006 and .007), relating to closure and postclosure requirements for surface impoundments, without changes to the proposed text published in the May 19, 1981, issue of the *Texas Register* (6 TexReg 1844).

The amendments are adopted under authority of the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, and the Texas Water Code, §5.131 and §5.132.

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Doc. No. 814261 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

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Proposal Publication Date: May 19, 1981
For further information, please call (512) 475-7845.

Subchapter Q. Landfills

The Texas Water Development Board adopts amendments to §335.345 (156.22.20.005), relating to special requirements for the landfilling of ignitable or reactive waste, without changes to the proposed text published in the May 19, 1981, issue of the *Texas Register* (6 TexReg 1844).

The amendments are adopted under authority of the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, and the Texas Water Code, §5.131 and §5.132.

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Doc. No. 814262 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

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For further information, please call (512) 475-7845.

Subchapter R. Incinerators

The Texas Water Development Board adopts amendments to §335.361 and §335.362 (156.22.21.001 and .002) without changes to the proposed text published in the May 19, 1981, issue of the *Texas Register* (6 TexReg 1844).

The amendments are adopted under authority of the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, and the Texas Water Code, §5.131 and §5.132.

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Doc. No. 814263 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

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For further information, please call (512) 475-7845.

Subchapter T. Chemical, Physical, and Biological Processing

The Texas Water Development Board adopts amendments to §335.407 (156.22.23.007) relating to special requirements for incompatible wastes that are chemically, physically, or biologically processed, without changes to the proposed text published in the May 19, 1981, issue of the *Texas Register* (6 TexReg 1845).

The amendments are adopted under the authority of the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), and the Texas Water Code, §5.131 and §5.132.

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Doc. No. 814264 M. Reginald Arnold II
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Texas Department of Water Resources

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For further information, please call (512) 475-7845.

Subchapter V. Permitting Standards for Owners and Operators of Hazardous Waste Storage, Processing, and Disposal Facilities

(Editor's note: All of the sections in this subchapter are effective September 1, 1981, with the exception of §335.452(6) (156.22.27.002(6)) which is effective October 13, 1981.)

The Texas Water Development Board adopts new §§335.451-335.455 (156.22.27.001-.005) without changes to the proposed text published in the May 19, 1981, issue of the *Texas Register* (6 TexReg 1845).

The sections are adopted under authority of the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), and the Texas Water Code, §5.131 and §5.132.

Issued in Austin, Texas, on July 1, 1981.

Doc. No. 814265 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Effective Date: September 1, 1981
Effective date of §335.452(6): October 13, 1981
Proposal Publication Date: May 19, 1981
For further information, please call (512) 475-7845.

Subchapter W. Delisting of Hazardous Waste

The Texas Water Development Board adopts new §§335.481-335.487 (156.22.30.001-.007) without changes to

the proposed text published in the May 19, 1981, issue of the *Texas Register* (6 TexReg 1847).

The sections are adopted under authority of the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), and the Texas Water Code, §5.131 and §5.132.

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Doc. No. 814266 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

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For further information, please call (512) 475-7845.

Chapter 341. Consolidated Permits and Chapter 353. Underground Injection Control

(Editor's note: Adoptions submitted by the Texas Water Development Board concerning consolidated permits and underground injection control will be published serially beginning in the July 14 issue. The chapters, subchapters, and sections affected by this action are listed below. The effective date for the serialized adoptions is July 24, 1981.)

Chapter 341. Consolidated Permits

General Provisions

§§341.121, 341.122 (156.25.02.001, .002)

Applications and Review

§§341.131-341.139 (156.25.03.001-.009)

Application for Permit

§§341.151-341.185 (156.25.04.001-.035)

Additional Conditions for Injection Well Permits

§§341.191-341.200 (156.25.16.001-.010)

Additional Conditions for Solid Waste Storage, Processing, or Disposal Permits

§§341.341-341.346 (156.25.18.001-.006)

Additional Conditions for Waste Discharge Permits

§§341.211-341.213 (156.25.21.001-.003)

Emergency Orders

§§341.91, 341.93, 341.95 (156.25.25.001, .003, .005)

Enforcement

§§341.101-341.103 (156.25.30.001-.003)

Amendments, Renewals, Transfers, Revocation, or Suspension

§341.221, 341.225, 341.230, 341.235, 341.240

(156.25.31.005, .010, .015, .020)

Actions, Notice, and Hearing

§§341.261-341.290 (156.25.36.001-.030)

Trial Sum Plans

§§341.361-341.366 (156.25.40.001-.006)

Permit Characteristics and Conditions

§341.317 (156.25.11.007)

Chapter 353. Underground Injection Control

General Provisions

§§353.1-353.25 (156.27.01.001-.025)

General Standards and Methods

353.41-353.47 (156.27.02.001-.007)

Standards for Class I Wells

§§353.61-353.67 (156.27.05.001-.007)

Standards for Class III Wells

§§353.81-353.86 (156.27.10.001-.006)

Standards for Class III Well Area Development

§§353.101-353.107 (156.27.15.001-.007)

Considerations Prior to Permit Issuance

§§353.121, 353.122 (156.27.20.001, .002)

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter O. Sales Tax Division—State Taxes

Under the authority of Texas Taxation Annotated, Article 20.11(A), the Office of the Comptroller of Public Accounts has adopted §3.302 (026.02.20.022), with changes to the proposed text published in the May 12, 1981, issue of the *Texas Register* (6 TexReg 1688).

§3.302 (026.02.20.022). *Accounting Methods, Credit Sales, Bad Debts, Deductions and Repossessions.*

(a) Accounting methods. For sales and use tax purposes, retailers may use a cash basis, an accrual basis, or any generally recognized accounting basis which correctly reflects the operation of their business. Retailers who wish to use an accounting system to report tax which is not on a pure cash or accrual basis or that is not a commonly recognized accounting system should obtain prior written approval from the comptroller.

(b) Credit sales.

(1) Credit sales include all sales in which the terms of the sale provide for deferred payments of the purchase price. Credit sales include installment sales, conditional sales contracts, and revolving credit accounts.

(2) Sales tax is due on insurance, interest, finance charges, and all other service charges incurred as a part of a credit sale unless these charges are stated separately in the contract to the customer.

(3) Tax is to be reported on a credit sale based upon the accounting method used by the retailer.

(A) If the retailer is on an accrual basis, the entire amount of tax is due and must be reported at the time the sale is made.

(B) If the retailer is on a cash basis of accounting, the payment received from the customer includes a proportionate amount of tax, sales receipts, and may also include finance charges. Tax must be reported based upon the actual cash collected during the reporting period excluding separately stated finance charges.

(C) If the retailer uses an accounting basis which is not a pure cash or accrual basis, tax must be reported in a consistent manner which accurately reflects the realization of income from the credit sales on the retailers books and records.

(c) Transfer or sale of sale contracts and accounts receivable. A retailer may sell, factor, or assign to a third party the retailer's right to receive all payments due under a credit sale. At the time the contract or receivable is sold, factored, or assigned, the tax becomes due on all remaining payments. The retailer is responsible for reporting all remaining tax due under the credit sale to the comptroller in the reporting period in which the contract or receivable is sold, factored, or assigned. No reduction in the amount of tax to be reported and paid by the retailer is allowed if the transfer to the third party is for a discounted amount. This section does not apply to the assignment or pledge of contracts or accounts receivable by a seller to a third party as loan collateral.

(d) Bad debts.

(1) Any portion of the sales price of a taxable item which the retailer cannot collect is considered to be a bad debt.

(A) A retailer is not required to report tax on any amount which has been entered in the retailer's books as a bad debt during the reporting period in which the sale was made and which will be taken as a deduction on the next federal income tax return.

(B) A retailer is entitled to a credit for tax reported and paid on an account later determined to be a bad debt. A retailer may take a deduction on the retailer's report form or obtain a refund from the comptroller in the reporting period in which the retailer's books reflect the bad debt. Deductions and refunds due to bad debts are limited to four years from the date the account is entered in the retailer's books as a bad debt.

(2) The amount of the bad debt may include both the sales price of the taxable item and nontaxable charges such as freight or finance charges which were separately billed to the customer. A deduction may only be claimed on that portion of the bad debt which represents the amount reported subject to tax. In determining that amount, all payments and credits to the account may be applied ratably against the various charges comprising the bad debt except as provided by subsection (d)(3) of this section.

(3) A retailer may not deduct from the amount subject to tax to be reported the expense of collecting a bad debt or the amount retained by or paid to a third party for the service of collecting a bad debt.

(4) To claim bad debt deductions, a retailer's records must show:

- (A) date of original sale;
- (B) name and address of purchaser;
- (C) amount purchaser contracted to pay;
- (D) taxable and nontaxable charges;
- (E) amount on which retailer paid tax;
- (F) all payments or other credits applied to the account of the purchaser;

(G) evidence that the uncollected amount has been designated as a bad debt in the retailer's books and records and has been or will be claimed as a bad debt deduction for income tax purposes.

(5) If a retailer later collects all or part of an account for which a bad debt deduction was claimed, the amount collected must be reported as a taxable sale in the reporting period in which such collection was made.

(6) Credit or installment sales may not be labeled as bad debts merely for the purpose of delaying the payment of the tax.

(e) Repossessions.

(1) When taxable items upon which tax has been paid by the retailer are repossessed, the retailer is allowed a credit or deduction for that portion of the actual purchase price remaining unpaid. The deduction must not include any nontaxable charges which were a part of the original sales contract. Any payments made by the purchaser prior to repossession must be applied ratably against the various charges in the original sales contract.

(2) A retailer may not deduct from the tax to be reported the expense of collecting an account receivable or the amount retained by or paid to a third party for the service of collecting an account or repossessing or selling a repossessed item.

(3) To claim a deduction or credit the retailer's records must show:

- (A) date of original sale;
- (B) name and address of purchaser;
- (C) amount purchaser contracted to pay;
- (D) taxable and nontaxable charges;
- (E) amount on which retailer paid tax;
- (F) all payments or other credits applied to the account of the purchaser.

(4) Sales tax is due on the sale of a repossessed item whether sold by a vendor, mortgagee, secured party, assignee, trustee, sheriff, or an officer of the court unless the sale is otherwise exempt. If the vendor, mortgagee, secured party, assignee, trustee, sheriff, or officer of the court does not collect the tax, the purchaser must remit the tax directly to the comptroller.

Issued in Austin, Texas, on July 6, 1981.

Doc. No. 814409 Bob Bullock
Comptroller of Public Accounts

Effective Date: July 27, 1981

Proposal Publication Date: May 12, 1981

For further information, please call (512) 475-3825.

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part IX. Commission on Jail Standards

Chapter 259. New Construction

New Jail Design, Construction, and Furnishing Requirements

The Commission on Jail Standards adopts amendments to §259.63 (217.05.02.053) without changes to the proposed text published in the May 1, 1981, issue of the *Texas Register* (6 TexReg 1550). This section will permit usage of a vandal-resistant water closet/lavatory/drinking fountain in lieu of a flushing floor drain. This change fulfills the intent of the original rules and permits greater latitude based on local desires.

The amendments are adopted under authority of Texas Civil Statutes, Article 5115.1.

Issued in Austin, Texas, on June 24, 1981.

Doc. No. 814320 Andy J. McMullen
Chairman
Commission on Jail Standards

Effective Date: July 23, 1981

Proposal Publication Date: May 1, 1981

For further information, please call (512) 475-2716.

New Lockup Design, Construction, and Furnishing Requirements

The Commission on Jail Standards adopts amendments to §259.156 (217.05.03.046) without changes to the proposed text published in the May 1, 1981, issue of the *Texas Register* (6 TexReg 1550). This section describes the type of cell re-

quiring emergency operation of doors capability. This change is recommended so that requirements in new lock-up design will be consistent with other requirements within the standards.

The amendments are adopted under authority of Texas Civil Statutes, Article 5115.1.

Issued in Austin, Texas, on June 4, 1981.

Doc. No. 814321 Andy J. McMullen
Chairman
Commission on Jail Standards

Effective Date: July 23, 1981
Proposal Publication Date: May 1, 1981
For further information, please call (512) 475-2716.

The Commission on Jail Standards adopts amendments to §259.159 (217.05.03.049) without changes to the proposed text published in the May 1, 1981, issue of the *Texas Register* (6 TexReg 1550). This section permits usage of a vandal-resistant water closet/lavatory/drinking fountain in lieu of a flushing floor drain. This change fulfills the intent of the original rules and permits greater latitude based on local desires.

The amendments are adopted under authority of Texas Civil Statutes, Article 5115.1.

Issued in Austin, Texas, on June 24, 1981.

Doc. No. 814322 Andy J. McMullen
Chairman
Commission on Jail Standards

Effective Date: July 23, 1981
Proposal Publication Date: May 1, 1981
For further information, please call (512) 475-2716.

Chapter 261. Existing Construction

Existing Jail Design, Construction, and Furnishing Requirements

The Commission on Jail Standards adopts amendments to §261.52 (217.07.01.052) without changes to the proposed text published in the May 1, 1981, issue of the *Texas Register* (6 TexReg 1551).

The amendments are adopted under authority of Texas Civil Statutes, Article 5115.1.

Issued in Austin, Texas, on June 24, 1981.

Doc. No. 814323 Andy J. McMullen
Chairman
Commission on Jail Standards

Effective Date: July 23, 1981
Proposal Publication Date: May 1, 1981
For further information, please call (512) 475-2716.

The Commission on Jail Standards adopts amendments to §261.148 (217.07.02.048) without changes to the proposed text published in the May 1, 1981, issue of the *Texas Register* (6 TexReg 1551).

The amendments are adopted under authority of Texas Civil Statutes, Article 5115.1.

Issued in Austin, Texas, on June 24, 1981.

Doc. No. 814324 Andy J. McMullen
Chairman
Commission on Jail Standards

Effective Date: July 23, 1981
Proposal Publication Date: May 1, 1981
For further information, please call (512) 475-2716.

NONCODIFIED

Texas Department of Human Resources

HEAP

The Texas Department of Human Resources adopts amendments, repeals, and additions to its chapter concerning the Home Energy Assistance Program (HEAP), without changes to the proposed text published in the May 22, 1981, issue of the *Texas Register* (6 TexReg 1885).

In January 1981, the department implemented HEAP, which is a federally funded program designed to assist low-income households in paying for the heating of their homes. The department is adopting changes to the rules to implement a summer cooling program. This program will assist low-income households in paying for the increasingly high cost of energy necessary for the cooling of their homes. According to medical data, persons aged 65 or older suffer hardships during periods of high heat. Therefore, due to the limited amount of funds available, only households with individuals age 65 or older will be eligible.

No comments were received, and no changes were made to the proposed text.

Program Administration 326.14.10

The amendments to Rule 326.14.10.001-003 are adopted under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

Issued in Austin, Texas, on July 1, 1981.

Doc. No. 814282 Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Effective Date: July 22, 1981
Proposal Publication Date: May 22, 1981
For further information, please call (512) 441-3355, ext. 2037.

Program Requirements 326.14.20.003, .004

The Texas Department of Human Resources adopts amendments to Rules 326.14.20.003, .004 without changes to the proposed text published in the May 22, 1981, issue of the *Texas Register* (6 TexReg 1886).

The amendments are adopted under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

Issued in Austin, Texas, on July 1, 1981.

Doc. No. 814283 Marlin W. Johnston
 Commissioner
 Texas Department of Human Resources

Effective Date: July 22, 1981
Proposal Publication Date: May 22, 1981
For further information, please call (512) 441-3355, ext. 2037.

326.14.20.005, .006, .008, and .009

The repeal of Rules 326.14.20.005, .006, .008, and .009 is adopted under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

Issued in Austin, Texas, on July 1, 1981.

Doc. No. 814284 Marlin W. Johnston
 Commissioner
 Texas Department of Human Resources

Effective Date: July 22, 1981
Proposal Publication Date: May 22, 1981
For further information, please call (512) 441-3355, ext. 2037.

326.14.20.010

The Texas Department of Human Resources adopts new Rule 326.14.20.010 without changes to the proposed text published in the May 22, 1981, issue of the *Texas Register* (6 TexReg 1886).

This rule is adopted under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

Issued in Austin, Texas, on July 1, 1981.

Doc. No. 814285 Marlin W. Johnston
 Commissioner
 Texas Department of Human Resources

Effective Date: July 22, 1981
Proposal Publication Date: May 22, 1981
For further information, please call (512) 441-3355, ext. 2037.

Application and Determination Process 326.14.40

The Texas Department of Human Resources adopts amendments to Rules 326.14.40.001, .005, and .009 without changes to the proposed text published in the May 22, 1981, issue of the *Texas Register* (6 TexReg 1887).

The amendments are adopted under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

Issued in Austin, Texas, on July 1, 1981.

Doc. No. 814286 Marlin W. Johnston
 Commissioner
 Texas Department of Human Resources

Effective Date: July 22, 1981
Proposal Publication Date: May 22, 1981
For further information, please call (512) 441-3355, ext. 2037.

Fraud Procedures 326.14.55

The Texas Department of Human Resources adopts an amendment to Rule 326.14.55.001 without changes to the proposed text published in the May 22, 1981, issue of the *Texas Register* (6 TexReg 1887).

The amendment is adopted under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

Issued in Austin, Texas, on July 1, 1981.

Doc. No. 814287 Marlin W. Johnston
 Commissioner
 Texas Department of Human Resources

Effective Date: July 22, 1981
Proposal Publication Date: May 22, 1981
For further information, please call (512) 441-3355, ext. 2037.



The Texas Open Meetings Act, Texas Civil Statutes, Article 6252-17, requires that an agency with statewide jurisdiction have notice posted for at least seven days before the day of a meeting. An institution of higher education must have notice posted for at least 72 hours before the scheduled meeting time. Although some notices may be received and filed too late for publication before the meeting is held, all filed notices will be published in the *Register*. Each notice published includes the date, time, and location of the meeting; an agenda or a summary of the agenda as furnished for publication by the agency; where additional information may be obtained; and the date and time of filing.

A political subdivision covering all or part of four or more counties must have notice posted for at least 72 hours before the scheduled meeting time. Each notice published includes the date, time, and location of the meeting and where further information may be obtained. These notices are published under the heading "Regional Agencies," alphabetically by date filed.

Any of the governmental entities named above must have notice of an emergency meeting, or an emergency addition or amendment to an agenda, and the reason for such emergency, posted for at least two hours before the meeting is convened. Emergency notices filed by these entities will be published in the *Register*; however, notices of an emergency addition or amendment to an agenda filed by a regional agency will not be published in the *Register* since the original agendas for these agencies are not published.

All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor in the East Wing of the State Capitol. These notices may contain more detailed agendas than space allows to be published in the *Register*.

Texas Adult Probation Commission

Friday, July 10, 1981, 9 a.m. The Texas Adult Probation Commission made an emergency addition to the agenda of a meeting to be held in the conference room, Suite 400, 812 San Antonio, Austin. The additions are the Audit Committee report, and the request for division of Nueces, Kleberg, and Kenedy Counties into two departments. These items were inadvertently omitted on the original submission.

Information may be obtained from Sharon Hull, 812 San Antonio, Suite 400, Austin, Texas 78701, (512) 475-1374.

Filed: July 6, 1981, 3:57 p.m.
Doc. No. 814427

Texas Animal Health Commission

Monday, July 6, 1981, 9 a.m. The Texas Animal Health Commission met in emergency session in the Bronze Room of the South Park Inn, 3201 South Loop 289, Lubbock. The agenda for the meeting, which was originally scheduled for 10 a.m. July 2, 1981, remains the same, with the exception of an added executive session. The meeting was rescheduled on

an emergency basis because the attorney for the Texas Animal Health Commission who had to meet with the commission in executive session, was not available at the original time as he had to go to Houston for a trial.

Information may be obtained from Jo Anne Conner, 1020 Sam Houston Building, Austin, Texas, (512) 475-4111.

Filed: July 2, 1981, 4:42 p.m.
Doc. No. 814342

State Board of Barber Examiners

Tuesday, July 7, 1981, 8 a.m. The State Board of Barber Examiners made an emergency addition to the agenda of a meeting held in Room H-111, 5555 North Lamar, Austin. The addition concerned a 10 a.m. hearing for an Ohio applicant to protest failure of haircut. His request for hearing was received after the original agenda had been filed for publication.

Information may be obtained from Mary Jo McCrorey, 5555 North Lamar, Room H-111, Austin, Texas, (512) 458-2241.

Filed: July 2, 1981, 3:43 p.m.
Doc. No. 814339

Finance Commission of Texas

Thursday, July 23, 1981, 9 a.m. The Savings and Loan Section of the Finance Commission of Texas will meet in the savings and loan commissioner's office, 1004 Lavaca Street, Austin. According to the agenda, the commission will adopt an amendment to Regulation 10.9 as a permanent regulation, which was previously adopted as an emergency measure; consider the revision of Chapter 8 and amendments to Chapter 12 of the rules and regulations; and review personnel matters.

Information may be obtained from L. Alvis Vandygriff, 1004 Lavaca Street, Austin, Texas, (512) 475-7991.

Filed: July 2, 1981, 4:46 p.m.
Doc. No. 814347

Firemen's Training School Advisory Board

Saturday, July 18, 1981, 7 p.m. The Fire Protection Training Division of the Firemen's Training School Advisory Board, and the Texas Engineering Extension Service and the Texas A&M University System will hold a joint meeting in the Briarcrest Country Club, Bryan. Items on the agenda include special recognitions of state association board members, minutes of previous meeting, annual report, overview of Fire School activities, and a board activity schedule.

Information may be obtained from Henry D. Smith, Fire Protection Training Division, Texas Engineering Extension Service, Texas A&M University System, College Station, Texas 77843.

Filed: July 3, 1981, 9:45 a.m.
Doc. No. 814345

State Board of Insurance

Thursday, July 16, 1981, 9:30 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto, Austin, to consider Docket 6442—acquisition of controlling shares of American Underwriters Life Insurance Company, Houston, by Ray Stocks.

Information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, (512) 475-4353.

Filed: July 6, 1981, 10:04 a.m.
Doc. No. 814420

Monday, July 20, 1981. The Commissioner's Hearing Section of the State Board of Insurance is rescheduling public hearings to be held in Room 342, 1110 San Jacinto Street, Austin, in the following dockets and times:

1 p.m. Docket 6438—application for admission of Mutual Service Life Insurance Company, St. Paul, Minnesota.

1:30 p.m. Docket 6439—application for admission of Mutual Service Casualty Insurance Company, St. Paul, Minnesota.

Information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, (512) 475-4353.

Filed: July 6, 1981, 10:04 a.m.
Doc. Nos. 814421 and 814422

Lamar University

Thursday, July 9, 1981, 11 a.m. The Executive Committee of the Lamar University Board of Regents met in rescheduled session in the board room of the Plummer Administration Building, main campus, Beaumont, to consider approval of bids for addition to Cherry Engineering Building. The committee also met in executive session.

Information may be obtained from Andrew J. Johnson, P.O. Box 10014, Lamar University Station, Beaumont, Texas 77710, (713) 838-7533.

Filed: July 6, 1981, 12:06 p.m.
Doc. No. 814424

Merit System Council

Tuesday, July 14, 1981, 10 a.m. The Merit System Council will meet at 507 Brown Building, Eighth and Colorado Streets, Austin, to discuss the budget for the fiscal year beginning September 1, 1981, and funding for fiscal years 1982 and 1983.

Information may be obtained from Leo F. Brockmann, P.O. Box 1389, Austin, Texas 78767, (512) 477-9665.

Filed: July 3, 1981, 2:18 p.m.
Doc. No. 814352

Wednesday, July 15, 1981, 1:30 p.m. The Merit System Council will meet at 507 Brown Building, Eighth and Colorado Streets, Austin, to discuss the upcoming budget, agency services as effected by Senate Bill 988, and examination schedules. The council will also meet in executive session.

Information may be obtained from Leo F. Brockmann, P.O. Box 1389, Austin, Texas 78767, (512) 477-9665.

Filed: July 3, 1981, 2:19 p.m.
Doc. No. 814353

Thursday, July 16, 1981, 9 a.m. The Merit System Council will conduct an appeal hearing at 507 Brown Building, Eighth and Colorado, Austin.

Information may be obtained from Leo F. Brockmann, P.O. Box 1389, Austin, Texas 78767, (512) 477-9665.

Filed: July 2, 1981, 3:43 p.m.
Doc. No. 814338

Texas Municipal Retirement System

Monday, July 27, 1981, 9 a.m. The Texas Municipal Retirement System Board of Trustees will meet in the main auditorium, 1200 IH 35 North, Austin. According to the agenda, the board will review and act on proposals from actuarial firms for service for calendar year 1982.

Information may be obtained from Jimmie L. Mormon, 1200 IH 35 North, Austin, Texas 78768, (P.O. Box 2225), (512) 476-7577.

Filed: July 6, 1981, 1:49 p.m.
Doc. No. 814428

North Texas State University

Wednesday, July 15, 1981, 1:30 p.m. The Facilities Committee of the North Texas State University and Texas College of Osteopathic Medicine Board of Regents will meet in the Webb Room of the Headliners Club, Austin, to consider the following matters: gravel surface parking lots; emergency roof renovation, coliseum; project authorization and architect selection for completion of GAB fifth floor; authorization for contracting with KDNT for transmission tower use; revised parking and traffic rules and regulations; project status report; and remove architectural barriers for handicapped.

Information may be obtained from Jan Dobbs, P.O. Box 13108, Denton, Texas 76203, (817) 788-2198.

Filed: July 6, 1981, 10:05 a.m.
Doc. No. 814415

Wednesday, July 15, 1981, 1:50 p.m. The Role and Scope Committee of the North Texas State University and Texas College of Osteopathic Medicine Board of Regents will meet in the Webb Room of the Headliners Club, Austin, to consider the following matters:

concerning North Texas State University—leaves of absence; promotion and tenure recommendations; policy for administering and reporting leaves of absence without pay; additions to policy statement on academic freedom, responsibility and tenure; small class report; additional concentration in home economics; creation of office of vice president for external affairs; and presentation by North Texas State University Computer Science Department;

concerning Texas College of Osteopathic Medicine—personnel transactions; appointments to the Texas College of Osteopathic Medicine Advisory Board.

Information may be obtained Jan Dobbs, P.O. Box 13108, Denton, Texas 76203, (817) 788-2198.

Filed: July 6, 1981, 10:06 a.m.
Doc. No. 814416

Wednesday, July 15, 1981, 2:30 p.m. The Budget and Finance Committee of the North Texas State University and Texas College of Osteopathic Medicine Board of Regents will meet in the Webb Room of the Headliners Club, Austin, to consider the following matters:

concerning North Texas State University—increase in student union fee; room and board rate increase; increase in rental rate for North Texas State University apartments; fee register for fiscal year 1982 (tuition and fees 1981-82); waiver of university fees to promote staff development; authority to sign checks, vouchers, and other documents for the university; Athletic Department personnel and budget considerations;

concerning Texas College of Osteopathic Medicine—reallocation of state appropriations and budget supplements for various departments.

Information may be obtained from Jan Dobbs, P.O. Box 13108, Denton, Texas 76203, (817) 788-2198.

Filed: July 6, 1981, 10:06 a.m.
Doc. No. 814417

Wednesday, July 15, 1981, 2:50 p.m. The Student Affairs Committee of the North Texas State University and Texas College of Osteopathic Medicine Board of Regents will meet in the Webb Room of the Headliners Club, Austin, to consider the revisions to the guidelines for administering special item scholarships for North Texas State University and guidelines and procedures for administration of the state tuition scholarships for Texas College of Osteopathic Medicine.

Information may be obtained from Jan Dobbs, P.O. Box 13108, Denton, Texas 76203, (817) 788-2198.

Filed: July 6, 1981, 10:06 a.m.
Doc. No. 814418

Wednesday, July 15, 1981, 3 p.m. The North Texas State University and Texas College of Osteopathic Medicine Board of Regents will meet in the Webb Room of the Headliners Club, Austin, to consider the following matters:

concerning North Texas State University—approval of minutes; meet in executive session (Texas Civil Statutes, Article 6252-17, §2, paragraphs e, legal; f, real estate; and g, personnel); approval of committee recommendations; and other business (resolution of appreciation; resolution on naming of buildings);

concerning Texas College of Osteopathic Medicine—approval of minutes; meet in executive session (Vernon's Civil Statute, Article 6252-17, paragraphs e, legal; f, real estate; and g, personnel); approval of committee reports; and other business.

Information may be obtained from Jan Dobbs, P.O. Box 13108, Denton, Texas 76203, (817) 788-2198.

Filed: July 6, 1981, 10:06 a.m.
Doc. No. 814419

Board of Nurse Examiners

Tuesday and Wednesday, July 21 and 22, 1981, 8 a.m. and 10 a.m., respectively. The Board of Nurse Examiners will meet in the Lonestar Room of the Sunrise Motor Hotel, 7622 North Interregional, Austin. According to the summarized agenda, the board will conduct disciplinary, reinstatement, and informal hearings. The board will also consider the following matters: education report; report of executive secretary; and report of examination. In the event the regular meeting on July 21 is not completed, the meeting will resume in the board's office, 510 South Congress, Austin, on July 22. On Wednesday the board will conduct a public hearing regarding licensure of foreign nurses from the United Kingdom, Scotland, New Zealand, Ireland, and Australia.

Information may be obtained from Margaret L. Rowland, R.N., 510 South Congress, Suite 216, Austin, Texas 78704, (512) 478-9602.

Filed: July 7, 1981, 8:57 a.m.
Doc. No. 814435

Texas Board of Licensure for Nursing Home Administrators

Wednesday, July 15, 1981, 10 a.m. The Texas Board of Licensure for Nursing Home Administrators will meet in Suite 202, board room, 7333 U.S. Highway 290 East, Austin. According to the summarized agenda, the board will consider the following matters: approval of May 26, 1981, minutes; formal hearing; fee increase; and 200-hour course.

Information may be obtained from Karl E. Bishop, 7333 U.S. Highway 290 East, Suite 202, Austin, Texas 78723, (512) 926-9530.

Filed: July 7, 1981, 8:59 a.m.
Doc. No. 814438

Board of Pardons and Paroles

Monday-Friday, July 20-24, 1981, 9 a.m. daily. The Board of Pardons and Paroles will meet in Room 711, Stephen F. Austin Building, Austin. According to the agenda, the board will review cases of inmates for parole consideration; act on emergency reprieve requests and other acts of executive clemency; review reports regarding persons on parole; review procedures affecting the day-to-day operation of support staff; review and initiate needed rule changes relating to general operation, executive clemency, parole, and all hearings conducted by the agency; and take action upon gubernatorial directives.

Information may be obtained from Ken Casner, 711 Stephen F. Austin Building, Austin, Texas, (512) 475-3363.

Filed: July 3, 1981, 9:44 a.m.
Doc. No. 814346

Texas Peanut Producers Board

Thursday, July 16, 1981, 1 p.m. The Texas Peanut Producers Board of the Texas Department of Agriculture will meet in the Michael Divin Farm Supply Store, FM 536, Pleasanton. According to the agenda, the board will elect officers, consider marketing proposals, and discuss the peanut program.

Information may be obtained from Joe Boswell, P.O. Box 398, Gorman, Texas 76454, (817) 734-2853.

Filed: July 6, 1981, 4:12 p.m.
Doc. No. 814426

Public Utility Commission of Texas

Tuesday, July 7, 1981, 9 a.m. The Public Utility Commission of Texas held an emergency meeting Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the commission considered issuance of an order concerning the motions for rehearing in Docket 3690—application of General Telephone Company of the Southwest for authority to increase rates. Docket 3690 was added to this meeting in order that motions for rehearing could be considered within the time deadlines of the Texas Register and Administrative Procedures Act.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: July 2, 1981, 3:01 p.m.
Doc. No. 814335

Monday, July 13, 1981. The Public Utility Commission of Texas will conduct prehearing conferences in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in the following dockets, and times:

10 a.m. Docket 3949—application of Victoria County Electric Cooperative Company for a rate increase within a system-wide area (electric).

1:30 p.m. Docket 3566—application of Jalarco, Inc., for a certificate of convenience and necessity within Williamson County.

1:30 p.m. Docket 3726—application of City of Cedar Park for a certificate of convenience and necessity within Williamson County (water).

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: July 2, 1981, 3:01 p.m.
Doc. Nos. 814336 and 814337

Tuesday, July 14, 1981. The Public Utility Commission of Texas will conduct prehearing conferences in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in the following dockets and times:

9 a.m. Docket 3936—application of Nueces Electric Cooperative, Inc., for a rate increase.

10 a.m. Docket 3920—petition of Southwestern Bell Telephone Company for authority to change rates.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: July 3, 1981, 9:44 a.m. and 3:41 p.m.
Doc. Nos. 814343 and 814376

Wednesday, July 15, 1981, 10 a.m. The Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3948—appeal of Texas-New Mexico Power Company from the ratemaking determination of the City of Lewisville (electric).

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: July 7, 1981, 8:56 a.m.
Doc. No. 814432

Thursday, July 16, 1981, 10 a.m. The Public Utility Commission of Texas will conduct a prehearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3735—application of Siesta Shores Water Works for a rate increase within Zapata County.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: July 3, 1981, 9:44 a.m.
Doc. No. 814344

Tuesday, July 28, 1981, 10 a.m. The Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3861—application of General Telephone Company of the Southwest for authority to increase rates in order to expense station connections.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: July 3, 1981, 3:39 p.m.
Doc. No. 814377

Monday, August 10, 1981, 10 a.m. The Hearings Division of the Public Utility Commission of Texas is rescheduling a hearing to be held in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3774—complaint of Airco, Inc., against Houston Lighting and Power Company concerning rates.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: July 7, 1981, 8:57 a.m.
Doc. No. 814433

Thursday, August 13, 1981, 1:30 p.m. The Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3866—application of Westwood Water Supply for a certificate of convenience and necessity within Polk County.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: July 6, 1981, 9:08 a.m.
Doc. No. 814406

Wednesday, August 19, 1981, 10 a.m. The Public Utility Commission of Texas will conduct a prehearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3920—petition of Southwestern Bell Telephone Company for authority to change rates.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: July 3, 1981, 3:41 p.m.
Doc. No. 814378

Friday, August 21, 1981, 10 a.m. The Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 2765—inquiry by Public Utility Commission of Texas into certain rates of Southwestern Bell Telephone Company concerning MCI Telecommunications Corporation.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: July 6, 1981, 9:08 a.m.
Doc. No. 814407

Monday, August 24, 1981, 10 a.m. The Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3920—petition of Southwestern Bell Telephone Company for authority to change rates.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: July 3, 1981, 3:40 p.m.
Doc. No. 814379

Wednesday, September 9, 1981, 9 a.m. The Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3926—application of Kaurman County Electric Cooperative, Inc., for a rate increase.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: July 3, 1981, 3:40 p.m.
Doc. No. 814380

Tuesday, September 15, 1981, 10 a.m. The Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3897—application of City of Primera for a certificate of convenience and necessity within Cameron County (water).

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: July 7, 1981, 8:56 a.m.
Doc. No. 814434

State Purchasing and General Services Commission

Thursday, July 16, 1981, 10 a.m. The State Purchasing and General Services Commission will meet in Room 916 of the LBJ Building, 111 East 17th Street, Austin. According to the agenda, the commission will consider the following matters: selection of architect for the construction of the Travis Building; progress report on the renovation of the SAMSCO project; report on workshop for negotiation; management by objective (MBO) seminars and implementation plan; surplus stock inventory control; improved facilities planning and construction—construction voucher flow; report on personnel data base system; State Purchasing and General Services Commission monthly reports; and date and time for next regular meeting of the commission.

Information may be obtained from Homer A. Foerster, P.O. Box 13047, Austin, Texas, (512) 475-2211.

Filed: July 7, 1981, 9:46 a.m.
Doc. No. 814439

Railroad Commission of Texas

Monday, July 6, 1981, 9 a.m. The Gas Utilities Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in Room 107, 1124 IH 35 South, Austin. The addition concerned consideration of Gas Utilities Docket 3101—statement of intent filed by Amoco Gas Company to change transportation rates charged to Lone Star Gas Company. The emergency addition was necessary because more time was needed to consider the proposed rates before they became effective.

Information may be obtained from Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas, (512) 445-1126.

Filed: July 3, 1981, 3:31 p.m.
Doc. No. 814354

Monday, July 6, 1981, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas made emergency additions to the agenda of a meeting held in the first floor auditorium, 1124 IH 35 South. The additions concerned the following dockets:

1-76244—Crude Processing, Inc., to expand reclamation plant, Pearsall Field, Frio County.

4-76481—HBH Petroleum Corporation, to operate a reclamation plant, Jim Wells County.

7C-76540—Spencer Petroleum, Inc., to operate a reclamation plant, Upton County.

These items were considered on less than seven days' notice required as a matter of urgent public necessity.

Information may be obtained from George F. Singletary, Jr., P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1292.

Filed: July 3, 1981, 3:24 p.m.
Doc. No. 814355

Monday, July 6, 1981, 9 a.m. The Transportation Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held at 1124 IH 35 South, Austin. The addition concerned the consideration of emergency adoption of §5.318 (051.03.17.018), emergency glass authority, at the request of Kerr Glass Manufacturing Corporation, Waxahachie. A current shortage of transportation service available to Kerr Glass Manufacturing Corporation created an imminent peril to public safety and welfare, and was considered on less than seven days' notice as a matter of urgent public necessity.

Information may be obtained from Owen T. Kinney, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1330.

Filed: July 3, 1981, 3:29 p.m.
Doc. No. 814356

Monday, July 6, 1981, 9 a.m. The Transportation Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held at 1124 IH 35 South, Austin. The addition concerned Docket 002674A7NC—application of Texas Tex-Pack Express, Inc., to change name of Common Carrier Certificate 2674 to Mistletoe Express Service of Texas, Inc. This matter was considered on less than seven days' notice as a matter of urgent public necessity.

Information may be obtained from Owen T. Kinney, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: July 3, 1981, 3:30 p.m.
Doc. No. 814357

Monday, July 13, 1981, 9 a.m. The Railroad Commission of Texas will meet in the third floor conference room, 1124 IH 35 South, Austin. According to the agenda, the commission will consider and act on the director's report relating to pending litigation, Sunset review procedures, and other budget, administrative, and personnel matters.

Information may be obtained from Walter Earl Lilie, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

Filed: July 3, 1981, 3:31 p.m.
Doc. No. 814358

Monday, July 13, 1981, 9 a.m. The Administrative Services Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 IH 35 South, Austin. According to the agenda, the division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Information may be obtained from Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1222.

Filed: July 3, 1981, 4:29 p.m.
Doc. No. 814385

Monday, July 13, 1981, 9 a.m. The Automatic Data Processing Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 IH 35 South, Austin. According to the agenda, the division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters. Information may be obtained from Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204.

Filed: July 3, 1981, 3:18 p.m.
Doc. No. 814359

Monday, July 13, 1981, 9 a.m. The Liquefied-Petroleum Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 IH 35 South, Austin. According to the agenda, the division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Information may be obtained from Hugh F. Keepers, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-1301.

Filed: July 3, 1981, 3:31 p.m.
Doc. No. 814362

Monday, July 13, 1981, 9 a.m. The Gas Utilities Division of the Railroad Commission of Texas will meet in Room 107, 1124 IH 35 South, Austin. According to the summarized agenda, the division will consider Gas Utilities Dockets 3130, 3131, 3132, 3133, 3134, 3135, 2907, 3136, 3139 and the director's report. The commission will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Information may be obtained from Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas, (512) 445-1126.

Filed: July 3, 1981, 3:31 p.m.
Doc. No. 814360

Monday, July 13, 1981, 9 a.m. The Office of Information Services of the Railroad Commission of Texas will meet in Room 107, 1124 IH 35 South, Austin. According to the agenda, the commission will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Information may be obtained from Brian W. Schaible, P.O. Drawer 12967, Austin, Texas, (512) 45-1231.

Filed: July 3, 1981, 3:30 p.m.
Doc. No. 814381

Monday, July 13, 1981, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 IH 35 South, Austin. According to the summarized agenda, the division will consider various matters falling within the Railroad Commission's oil and gas regulatory jurisdiction. The division will also consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Information may be obtained from Jan Burriss, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: July 3, 1981, 3:24 p.m.
Doc. No. 814363

Monday, July 13, 1981, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas is making an addition to the agenda of a meeting to be held in the first floor auditorium, 1124 IH 35 South, Austin. According to the agenda, the division will consider Docket 8-76816—application by Saxon Oil Company for temporary oil field rules for the Breedlove, East (Spraberry) Field, Martin County.

Information may be obtained from Chuck Wendlandt, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1363.

Filed: July 3, 1981, 3:24 p.m.
Doc. No. 814364

Monday, July 13, 1981, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas is making an addition to the agenda of a meeting to be held in the first floor auditorium, 1124 IH 35 South, Austin. According to the agenda, the division will consider Docket 2-76717—application of Tana Oil and Gas Corporation for permission to produce well at a reduced rate of 50% of allowable to balance overproduction of well in Clegg (Wilcox B) Field, Live Oak County. The division will also consider a motion to allow Tana Oil and Gas Corporation to produce the Holm-State Well 1-U at a reduced rate of 25% of the assigned allowable on an interim basis until the Railroad Commission of Texas makes a final determination in this docket.

Information may be obtained from Susan C. Kovar, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1285.

Filed: July 3, 1981, 3:25 p.m.
Doc. No. 814365

Monday, July 13, 1981, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas is making an addition to the agenda of a meeting to be held in the first floor auditorium, 1124 IH 35 South, Austin. According to the agenda, the division will consider Docket 3-16489—application of Champlin Petroleum Corporation for temporary exception (not to exceed 120 days) to the no flare gas order for 18 wells in the Giddings (Austin Chalk-3) Field, Burleson County.

Information may be obtained from Bob R. Harris, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: July 3, 1981, 3:32 p.m.
Doc. No. 814366

Monday, July 13, 1981, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas has revised the agenda of a meeting to be held in the first floor auditorium, 1124 IH 35 South, Austin. According to the agenda, the division will consider a recommendation to the Federal Energy Regulatory Commission that the Cotton Valley Formation in the area of the Paige, northeast (Cotton Valley) field in Bastrop County, be designated as a tight formation under §107 of the Natural Gas Policy Act of 1978.

Filed: July 3, 1981, 3:25 p.m.
Doc. No. 814367

Monday, July 13, 1981, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas has revised the agenda of a meeting to be held in the first floor auditorium, 1124 IH 35 South, Austin. According to the summarized agenda, the division will consider category determinations under §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Information may be obtained from Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1273.

Filed: July 3, 1981, 3:25 p.m.
Doc. No. 814368

Monday, July 13, 1981, 9 a.m. The Personnel Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 IH 35 South, Austin. According to the agenda, the division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Information may be obtained from Herman L. Wilkins, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120.

Filed: July 3, 1981, 3:18 p.m.
Doc. No. 814369

Monday, July 13, 1981, 9 a.m. The Surface Mining and Reclamation Division of the Railroad Commission of Texas will meet in the conference room of the Railroad Commission Building, 1124 IH 35 South, Austin. According to the agenda, the division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Information may be obtained from J. Randel (Jerry) Hill, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0206.

Filed: July 3, 1981, 3:29 p.m.
Doc. No. 814370

Monday, July 13, 1981, 9 a.m. The Transportation Division of the Railroad Commission of Texas will meet at 1124 IH 35 South, Austin. According to the summarized agenda, the division will consider various matters falling within the Railroad Commission's transportation regulatory jurisdiction. The division will also consider and act on the division director's report on administration, budget, procedures, and personnel matters.

Information may be obtained from Owen T. Kinney, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330

Filed: July 3, 1981, 3:18 p.m.
Doc. No. 814371

Stephen F. Austin State University

Friday, July 17, 1981, 2 p.m. The Stephen F. Austin State University Board of Regents Committees will meet at the Henderson Clay Products Lodge, Huxley Bay. According to the summarized agenda, the board will consider the following matters: personnel items; approval of fiscal year 1981 budget; approval of parking and traffic regulations; renewal of bank depository agreements, report on enrollment; and approval of development policy.

Information may be obtained from William R. Johnson, Box 6078, Nacogdoches, Texas 75962, (713) 569-2201.

Filed: July 7, 1981, 8:58 a.m.
Doc. No. 814436

Saturday, July 18, 1981, 9:30 a.m. The Stephen F. Austin State University Board of Regents will meet at the Henderson Clay Products Lodge, Huxley Bay. According to the summarized agenda, the board will consider the following matters: personnel items; approval of fiscal year 1981 budget; approval of parking and traffic regulations; renewal of bank depository agreements, report on enrollment; and approval of development policy.

Information may be obtained from William R. Johnson, Box 6078, Nacogdoches, Texas 75962, (713) 569-2201.

Filed: July 7, 1981, 8:58 a.m.
Doc. No. 814437

Advisory Council for Technical-Vocational Education in Texas

Thursday, July 9, 1981, 10 a.m. The Steering Committee of the Advisory Council for Technical-Vocational Education in Texas held an emergency meeting in Suite 202, of the advisory council office, 1700 South Lamar, Austin. According to the agenda, the council considered the following matters: council committee structure and assignments; program of work and activities for the council for 1981-82; and agenda of the Task Force meeting. The members arranged to be present at this meeting to coincide with another regularly scheduled meeting.

Information may be obtained from Valeria Blaschke, 1700 South Lamar, Suite 202, Austin, Texas 78704, or P.O. Box 1886, Austin, Texas 78767, (512) 475-2046.

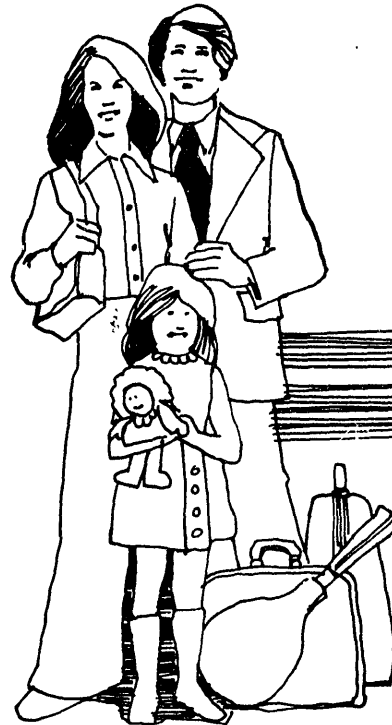
Filed: July 3, 1981, 3:50 p.m.
Doc. No. 814375

Texas Turnpike Authority

Wednesday, July 15, 1981, 10:30 a.m. The Board of Directors of the Texas Turnpike Authority will meet in the Regency II Room of the Executive Inn, 3232 West Mockingbird Lane, Dallas. According to the summarized agenda, the board will consider the following items: minutes of board meeting of December 3, 1980; minutes and ratification of actions of Permanent Contract Awards Committee meeting of April 14, 1981; various supplemental agreements to contracts for the Houston Ship Channel bridge project and a construction progress report; rate review study of Mountain Creek Lake bridge project; depositories for Dallas north tollway project; employment of appraisers for Hardy Road project; revision of General Counsel's fees; and election of officers. The board will also meet in executive session.

Information may be obtained from Harry Kabler, P.O. Box 19327, Dallas, Texas 75219, (214) 522-6200.

Filed: July 6, 1981, 10:08 a.m.
Doc. No. 814414



Texas Water Commission

Monday, July 6, 1981, 10 a.m. The Texas Water Commission made an emergency addition to the agenda of a meeting held in Room 118 of the Stephen F. Austin Building, 1700 North Congress, Austin, regarding the resetting of a hearing date on the conversion of Dallas County Water Control and Improvement District 6 to a Municipal Utility District. Due to the petitioner being unable to obtain timely newspaper publication, it was necessary that this matter be reset for hearing as soon as possible.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: July 2, 1981, 11:05 a.m.
Doc. No. 814315

Monday, July 13, 1981, 10 a.m. The Texas Water Commission will meet in Room 118 of the Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda, the commission will consider the following matters: applications for district bond issues and amendments; release from escrow; resetting of hearing dates for creation of district matters; dissolution of district matter; water quality permits; renewals and dismissal; water rights applications; application to amend certificate of adjudication of Hidalgo County; Irrigation District 2; voluntary abandonment and cancellation of water use permit; and motion for rehearing.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: July 2, 1981, 11:05 a.m.
Doc. No. 814316

Monday, July 27, 1981, 10 a.m. The Texas Water Commission is rescheduling a hearing to be conducted in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, to consider the conversion of Dallas County Water Control and Improvement District 6 into a municipal utility district.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas, (512) 475-4514.

Filed: July 7, 1981, 9:18 a.m.
Doc. No. 814430

Tuesday, July 28, 1981, 10 a.m. The Texas Water Commission will conduct a partial rehearing in Room 118 of the Stephen F. Austin Building, 1700 North Congress, Austin, on the final determination of claims of water rights in the Middle Colorado River Segment of the Colorado River Basin.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: July 3, 1981, 3:20 p.m.
Doc. No. 814381

Tuesday, August 11, 1981, 1 p.m. The Texas Water Commission will conduct hearings in the district courtroom, Hamilton County Courthouse, Hamilton, on contests to the preliminary determination of water right claims in the Middle Leon River segment of the Brazos River Basin.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: July 6, 1981, 11:11 a.m.
Doc. No. 814425

Wednesday, August 19, 1981, 10 a.m. The Texas Water Commission will conduct a hearing in Room 124A of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, in Docket RE-0172—application of City of Corsicana for approval of preliminary plans for construction of certain improvements in Navarro County.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: July 3, 1981, 3:22 p.m.
Doc. No. 814382

Friday, August 21, 1981, 10 a.m. The Texas Water Commission will conduct a hearing in Room 618 of the Stephen F. Austin Building, 1700 North Congress, Austin, in Docket RE-0167—application of City of Gatesville for approval of preliminary plans for construction of certain improvements in Coryell County.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: July 3, 1981, 3:21 p.m.
Doc. No. 814383

Wednesday, September 9, 1981, 10 a.m. The Texas Water Commission will conduct a hearing in Room 124A of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, in Docket RE-0169—application of Bedrock Development Company for approval of preliminary plans for construction of certain improvements in Tarrant County.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514

Filed: July 3, 1981, 3:22 p.m.
Doc. No. 814384



Texas Department of Water Resources

Thursday, August 13, 1981, 9:30 a.m. The Texas Department of Water Resources will conduct a public hearing at 630 East Hopkins, San Marcos, to receive public comments on the proposed amendment to §331.61(m) (156.20.10.001(m)).

Information may be obtained from Bruce Wasinger, P.O. Box 13087, Austin, Texas 78711, (512) 475-6658.

Filed: July 7, 1981, 9:17 a.m.
Doc. No. 814431

Regional Agencies

Meetings Filed July 2, 1981

The Ellis County Tax Appraisal District met at 411 Gibson Street, Waxahachie, on July 9, 1981, at 8 p.m. Information may be obtained from Gray Chamberlain, 411 Gibson Street, P.O. Box 217, Waxahachie, Texas 75165, (214) 937-3552.

The Fisher County Appraisal District Board will meet in the Hospitality Room, Fisher County Courthouse, Roby, on July 13, 1981, at 8 p.m. Information may be obtained from Billie L. Holcomb, Box 516, Roby, Texas 79543.

The Texas Municipal Power Agency, Board of Directors, met in the Johnson Station Room, Rodeway Inn, 360 and Six Flags Drive, Arlington, on July 9, 1981, at 10 a.m. Information may be obtained from Joel T. Rodgers, 2225 East Randol Mill Road, Arlington, Texas 76011, (817) 461-4400.

Doc. No. 814317

Meetings Filed July 3, 1981

The Alamo Area Council of Governments, Area County Judge/Alamo Consortium, met at 7915 South Pan Am, Jimenez Food Products, San Antonio, on July 8, 1981, at 12 noon. The Executive Committee and the Area Council met at the same location on the same date, but at 1:30 p.m. and 2:30 p.m. respectively. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201.

The Education Service Center, Region II, Board of Directors, will meet in the Administrative Conference Room, 209 North Water, Corpus Christi, on July 23, 1981, at 6:30 p.m. Information may be obtained from Dr. Thomas Tope, Jr., 209 North Water, Corpus Christi, Texas 78401.

The Hansford County Appraisal District will meet in the Pittman-Shieldknight Building, 511 West 11th Street, Spearman, on July 10, 1981, at 3 p.m. Information may be obtained from Alice Peddy, P.O. Box 650, Gruver, Texas 79040.

The Palo Pinto Appraisal District met at 603 South Oak, Mineral Wells, on July 9, 1981, at 7 p.m. Information may be obtained from H.H. Quillen, 100 Southeast Fifth Street, Mineral Wells, Texas 76067, (817) 325-6871.

The San Patricio County Appraisal District met in the Court House Annex Room 101, Sinton, on July 9, 1981, at 9:30 a.m. Information may be obtained from Bennie L. Stewart, 313 North Rachal, Sinton, Texas, (512) 364-5402.

Doc. No. 814348

Meetings Filed July 6, 1981

The Ark-Tex Council of Governments, Executive Committee, met at the Titus County Convention Center, Mt. Pleasant, on July 9, 1981, at 7:30 p.m. Information may be obtained from Vivienne Arvin, P.O. Box 5307, Texarkana, Texas 75501.

The Central Texas Council of Governments, Area Agency on Aging, will meet at the Cameron Senior Center, 701 North Emancipation Street, Cameron, on July 15, 1981, at 11 a.m. Information may be obtained from Jack C. Knox, Box 729, Belton, Texas 76513, (817) 939-1801.

The East Texas Council of Governments, Executive Committee, met at 3800 Stone Road, Kilgore, on July 9, 1981, at 7 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

The Kendall County Appraisal District, Board of Directors, will meet in Room 201 of the Boerne Utilities Building, 402 East Blanco, Boerne, on July 15, 1981, at 8 p.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8526.

The Nortex Regional Planning Commission, Executive Committee, will meet at the McBride Land and Cattle Company, 501 Scott Street, Wichita Falls, on July 16, 1981, at noon. The North Texas State Planning Region Consortium will meet at the same location, on the same day, but at 1 p.m. Information may be obtained from Edwin B. Daniel, 2101 Kemp Boulevard, Wichita Falls, Texas 76309, (817) 322-5281.

The Northeast Texas Municipal Water District, Board of Directors, will meet at 1003 Linda Drive, Daingerfield, on July 13, 1981, at 7 p.m. Information may be obtained from Homer Tanner, P.O. Box 680, Daingerfield, Texas 75638, (214) 645-2241.

The San Antonio River Authority, Board of Directors, will meet in the San Antonio River Authority conference room, 100 East Guenther Street, San Antonio, on July 15, 1981, at 2 p.m. The Board of Trustees met at the same location and on the same day, immediately following the 2 p.m. meeting of the Board of Directors. Information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, 100 East Guenther, San Antonio, Texas 78204, (512) 227-1373.

The South Texas Health Systems Agency, Nominating Committee of the Golden Crescent Subarea Advisory Council, held an emergency meeting at the Allied Health Building, Victoria College, Victoria, on July 8, 1981, at 6 p.m. The Golden Crescent Subarea Advisory Council met at the same location and day, at 7 p.m. Information may be obtained from Ruben Saenz, Box 2378, Kingsville, Texas 78363, (512) 595-5545.

The Tri-Region Health Systems Agency, Nortex Subarea Advisory Council, met in Room 217 of the Wichita Falls Activity Center, 607 10th and Indiana, Wichita Falls, on July 9, 1981, at 7 p.m. Information may be obtained from Susan Bennett, 2642 Post Oak Road, Abilene, Texas, (915) 698-9481.

The Upshur County Appraisal District will meet in the appraisal district office, Gilmer Middle School, Warren Street, Gilmer, on July 13, 1981, at 7:30 p.m. Information may be obtained from Louise Stracener, P.O. Box 31, Gilmer, Texas 75644, (214) 843-3736.

Doc. No. 814405

Meetings Filed July 7, 1981

The Blanco County Appraisal District will meet at 519 Fourth Street, Blanco, on July 14, 1981, at 6:30 p.m. Information may be obtained from Kay Wright, P.O. Box 725, Blanco, Texas 78606, (512) 833-5073.

The Permian Basin Regional Planning Commission, Board of Directors, will meet at the Odessa Country Club, Odessa, on July 15, 1981, at 1:30 p.m. Information may be obtained from Pam Hammit, P.O. Box 6391, Midland, Texas 79701, (915) 563-1061.

Doc No. 814429

The following documents are required to be published in the *Register*: applications to purchase control of state banks filed by the Banking Commissioner of Texas pursuant to Texas Civil Statutes, Article 342-401a(B)(6), changes in interest rate filed by the Savings and Loan Commissioner of Texas pursuant to Texas Civil Statutes, Article 5069-1.07; and consultant proposal requests and awards filed by state agencies, regional councils of government, and the Texas State Library pursuant to Texas Civil Statutes, Article 6252-11c. In order to allow agencies to communicate information quickly and effectively, other information of general interest to the public of Texas is published as space allows.

Governor's Committee on Aging

Change of Agency Designation

Notice is hereby given that the 67th Texas Legislature in regular session enacted House Bill 1112 which amends the Human Services Code, Chapter 101, (Texas Civil Statutes) thereby creating the Texas Department on Aging vice the Governor's Committee on Aging. The amendment further designates the department head as executive director vice-coordinator of aging. The amendment was signed into law by the governor on June 15, 1981, with an effective date of September 1, 1981.

The Governor's Committee on Aging is continued in existence and its name is changed to the Department on Aging. Any reference in a law to the Governor's Committee on Aging means the Texas Department on Aging after August 31, 1981.

All rules and regulations published in the *Texas Register* under agency Code 348 and in the Texas Administrative Code, Title 40, Social Services and Assistance, Part IX, should be annotated to reflect this change in agency designation.

Issued in Austin, Texas, on July 1, 1981.

Doc No 814334 Chris Kyker
 Coordinator of Aging
 Governor's Committee on Aging

Filed, July 2, 1981, 9:12 a.m.

For further information, please call (512) 475-2717.

Texas Commission on Alcoholism

Public Hearing

Update of the 1982-84 Texas State Plan for the Prevention, Treatment, and Control of Alcohol Addiction and Abuse

The State Advisory Council of the Texas Commission on Alcoholism has scheduled a public hearing for Wednesday, July 29, 1981, at 3 p.m., in Room 2-102 of the Joe C. Thompson Conference Center in Austin. The purpose of the hearing is to allow for additional citizen input into the state planning process, including unmet and undermet needs and methods to better address those needs. Testimony received at the hearing will be considered in the update of the 1982-84 Texas State Plan for the Prevention, Treatment, and Control of Alcohol Addiction and Abuse.

For more information please contact Wayne Ewen, deputy director, Texas Commission on Alcoholism, eighth floor, Sam Houston Building, Austin, Texas 78701, (512) 475-2577.

Issued in Austin, Texas, on July 1, 1981.

Doc. No 814293 Ross Newby
 Executive Director
 Texas Commission on Alcoholism

Filed: July 1, 1981, 2:28 p.m.

For further information, please call (512) 475-2577.

Texas Department of Community Affairs

Manpower Services Division—Public Notices

Balance of State Preliminary Grant Application

The Texas Department of Community Affairs has submitted to the Department of Labor its preliminary grant application to request funding for the delivery of fiscal year 1982 services under the Comprehensive Employment and Training Act. The Annual Plan for Title II, Parts B, C, and D; Title IV Youth Employment and Training Program (YETP); Youth Community Conservation Improvement Project (YCCIP); and Summer Youth Employment Program (SYEP), Title VI and Title VII were submitted for the Texas balance of state. The grant covers the period October 1, 1981, through September 30, 1982, for the amount of \$12,521,081. Funds under this grant will be available to the 118 counties which comprise the balance of State of Texas.

The program purpose and activities provided for by the grant are as follows.

Title II BC—To serve unemployed and underemployed individuals through classroom training, on-the-job training, and work experience aimed at employment in recognized skill shortage occupations.

Title II D—To administratively complete the phase-out of the program.

Title IV YETP and YCCIP—To administratively prepare for the projected phase-out of the program.

Title IV SYEP—To initiate pre-planning for the fiscal year 1982 program.

Title VI—To administratively complete the phase-out of the program.

Title VII—To increase the involvement of the business community in employment and training activities and to increase private sector employment opportunities for unemployed or underemployed persons who are economically disadvantaged.

The complete grant application and a comparison of performance against the prior year's plan through the third quarter can be reviewed at the Texas Department of Community Affairs, 210 Barton Springs Road, Austin, between the hours of 8 a.m. and 5 p.m. Interested persons wishing to make comments should telephone (512) 475-6256 or write to Jim Boyd, Manpower Services Division, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711. Subsequent modifications to the annual plan will not be published; however interested groups, organizations, or individuals may

notify Mr. Boyd of their desire to review modifications during the grant year. All comments should be made no later than August 15, 1981.

Issued in Austin, Texas, on July 1, 1981.

Doc. No. 814351 Jeanne Marcus
General Counsel
Texas Department of Community Affairs

Filed: July 3, 1981, 11:06 a.m.
For further information, please call (512) 475-6903.

Governor's Coordination and Special Services Preliminary Grant Application

The Texas Department of Community Affairs has submitted to the Department of Labor its preliminary grant application to request funding for the delivery of fiscal year 1982 services under the Governor's Coordination and Special Services Grant. The Annual Plans for the Vocational Education Grant, the State Coordination and Special Services Grant, and the State Coordination and Establishment of Educational Linkages Grant were submitted in accordance with specifications for the Comprehensive Employment and Training Act. The grant covers the period from October 1, 1981, through September 30, 1982, for the amount of \$8,713,000.

A synopsis of the purpose and activities of each grant follows:

Vocational Education Grant—This grant will provide for the delivery of vocational and basic education training services for clients of prime sponsors in Texas

State Coordination and Special Services—Funds will be utilized to carry forth additional support efforts for Texas prime sponsors by funding projects which facilitate coordination; perform direct support services to prime sponsors; and conduct programs which serve the most in need

State Coordination and Establishment of Linkages Between Prime Sponsors and Education Agencies and Institutions Grant—This grant will provide for a system of regional coordination bodies in Texas to support joint planning and coordination between the CETA system, public education, and the private sector employer

The complete grant application and a comparison of performance against the prior year's plan through the third quarter can be reviewed at the Texas Department of Community Affairs, 210 Barton Springs Road, Austin, between the hours of 8 a.m. and 5 p.m. Interested persons wishing to make comments should telephone (512) 475-6256 or write to Jim Boyd, Manpower Services Division, Texas Department of Community Affairs, P O Box 13166, Austin, Texas 78711. Subsequent modifications to the annual plan will not be published; however, interested groups, organizations, or individuals may notify Mr. Boyd of their desire to review modifications during the grant year. All comments should be made no later than August 15, 1981.

Issued in Austin, Texas, July 1, 1981.

Doc. No. 814350 Jeanne Marcus
General Counsel
Texas Department of Community Affairs

Filed: July 3, 1981, 11:07 a.m.
For further information, please call (512) 475-6903.

Office of Consumer Credit Commissioner

Rate Ceilings

Pursuant to the provisions of the 67th Legislature of Texas, Regular Session, 1981, House Bill 1228, the Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Article 1.04, Title 79, as amended (Texas Civil Statutes, Article 5069-1.04).

Type of Rate Ceiling	Effective Period ⁽¹⁾	Type of Transaction	
		Consumer ⁽²⁾ / Commercial ⁽³⁾ through \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated rate (weekly rate)	7/13/81-7/19/81	24%	28%
Monthly (variable commercial only)	7/1/81-7/31/81	24%	27.80%
Quarterly	7/1/81-9/30/81	24%	27.73%
Annual ⁽⁵⁾	7/1/81-9/30/81	24%	24.10%

(1) Dates set out above are inclusive.

(2) Credit for personal, family, or household use.

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

(4) Same as (3) above, except excluding credit for agricultural use.

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

Issued in Austin, Texas, on July 6, 1981.

Doc. No. 814410 Sam Kelley
Consumer Credit Commissioner

Filed: July 6, 1981, 9:22 a.m.

For further information, please call (512) 475-2111.

Texas Employment Commission Correction of Error

A meeting notice submitted by the Texas Employment Commission was inadvertently omitted from the July 3, 1981, issue of the *Texas Register*. The meeting was held on July 7, 1981, at 1 p.m., in Room 644 of the Texas Employment Commission Building, 15th and Congress, Austin. Items on the agenda included the following: approval of minutes of June 15, 1981, meeting; report on meetings with the governor; EEO policy for PBP; substitute teachers; consultant and APA coordinator; Merit System status of line item positions; and agenda items for July 21, 1981, meeting. The commission was also scheduled to meet in executive session to discuss personnel, premises, and litigation matters.

Information may be obtained from Pat Joiner, Texas Employment Commission Building, 15th and Congress, Austin, Texas, (512) 397-4514.

Texas Health Facilities Commission

Applications for Declaratory Ruling, Exemption Certificate, and Transfer and Amendment of Certificate

Notice is hereby given by the Texas Health Facilities Commission of application (including a general project description) for declaratory ruling, exemption certificate, transfer of certificate, and amendment of certificate accepted during the period of July 1-3, 1981.

Should any person wish to become a formal party to any of the above-stated applications, that person must file a request to become a party to the application with the chairman of the commission within 25 days after the application is accepted. The first day for calculating this 25-day period is the first calendar day following the date of acceptance of the application. The 25th day will expire at 5 p.m. on the 25th consecutive day after the date said application is accepted. If the 25th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. A request to become a party should be mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, and must be received at the commission no later than 5 p.m. of the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to an application for a declaratory ruling, exemption certificate, transfer of certificate, or amendment of certificate must meet the minimum criteria set out in §511.5 (315.20.01.050). Failure of a party to supply the minimum necessary information in the correct form will result in a defective request to become a party and such application will be considered uncontested.

The fact that an application is uncontested will not mean that it will be approved. The application will be approved only if the commission determines that it qualifies under the criteria of Texas Civil Statutes, Article 4418(h), §3.02 or §3.03, and §505.81 and §505.82 (315.17.04.010 and .030), §§505.91-505.93 (315.17.05.010, .020, and .030), §§507.81-507.83 (315.18.04.010, .020, and .030), and §§507.91-507.93 (315.18.05.010, .020, and .030).

In the following list, the applicant and date of acceptance are listed first, the file number second, the relief sought third, and description of the project fourth. EC indicates exemption certificate; DR indicates declaratory ruling; TR indicates transfer of ownership of certificate; AMD indicates amendment of certificate; and CN indicates certificate of need.

McAllen Methodist Hospital, McAllen (7/1/81)
AH81-0629-033
EC—Request to purchase vascular flow equipment as an expansion of existing cardiovascular diagnostic services

The Methodist Hospital, Houston (7/1/81)
AH81-0629-027
EC—Request to purchase an ECG telemetry monitoring system for the intermediate care unit located on the fourth floor of the Fondren Building

McAllen Methodist Hospital, McAllen (7/1/81)
AH81-0629-031
EC—Request to acquire an echocardiograph unit and a computerized exercise system with treadmill to upgrade the existing cardiac stress testing department

Good Health Plus, Inc., San Antonio (7/1/81)
AO81-0629-039
EC—Request to lease additional space and purchase equipment in order to provide 10 additional exam rooms for HMO members

Home Health Agency of Texas, Inc., Seymour (7/1/81)
AS81-0102-020T (062581)
T/CN—Request to transfer 33-1/3% of the stock in Home Health Agency of Texas, Inc., from David Hajek back to the corporation; (the certificate of need authorizes the establishment of the parent office of Home Health Agency of Texas, Inc., in Seymour, a subunit in Childress, a subunit in Breckenridge, a branch office in Haskell, and a branch office in Vernon; services to be provided include skilled nursing, home health aide, medical social services, and physical, speech, and occupational therapies)

Issued in Austin, Texas, on July 6, 1981.

Doc. No. 814411 Linda E. Zatopek
Assistant General Counsel
Texas Health Facilities Commission

Filed: July 6, 1981, 9:52 a.m.
For further information, please call (512) 475-6940.

State Board of Insurance

Letter from Commissioner of Insurance to All Managing General Agents

Important notice regarding expiration of managing general agent's licenses issued under Texas Insurance Code, Article 21.07-3, §5.

Notice is given that the State Board of Insurance has had occasion to review certain procedures in the Agent's License Division whereby, in the past, that division may have renewed or reissued managing general agent's licenses under the Texas Insurance Code, Article 21.07-3, §5, after the holder of such license has permitted it to expire by failing to timely renew the license.

There is no specific statutory authority permitting renewal or reissuance of such a license once it has expired. In the future, a \$5 license which has been permitted to expire will not be eligible for renewal or reissuance. (A \$5 license expires one year from the date of its issuance unless an application to qualify for renewal of such license shall be filed with the commissioner and the renewal fee paid on or before such date. For example a \$5 license issued on September 1, 1980, will expire on September 1, 1981, unless an application to qualify for renewal is filed and the renewal fee is paid on or before September 1, 1981). It is imperative that holders of these licenses carefully review their records so as to avoid inadvertent expiration.

Should the holder of a \$5 license that has been permitted to expire desire to continue as or again be a managing general agent, such holder must apply for a new license under §4 of Article 21.07-3 and meet all the current statutory requirements set out in that section.

This notice applies to all \$5 license renewals made subsequent to the date of notice of the board's interpretation (June 4, 1981). A copy of the board's memorandum is available for review at the Texas Register Division office, 503E Sam Houston Building, Austin.

Issued in Austin, Texas, on July 2, 1981.

Doc. No. 814349 E. J. Voorhis
Commissioner of Insurance

Filed: July 3, 1981, 9:44 a.m.

For further information, please call (512) 475-2950.

Texas Water Commission

Applications for Waste Discharge Permits

Notice is given by the Texas Water Commission of public notices of waste discharge permit applications issued during the period of June 29-July 3, 1981.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain (1) the name, mailing address, and phone number of the person making the request; and (2) a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 45 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by writing Larry R. Soward, assistant chief hearings examiner, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1311.

Listed are the name of the applicant and the city in which the facility is located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal.

Week Ending July 3, 1981

City of New Waverly; wastewater treatment plant; west of the junction of FM Road 1375 in Walker County; 11020-02; new permit

Central Power and Light Co., Corpus Christi; Barney M. Davis Steam Electric Station; at the southern limits of the City of Corpus Christi in Nueces County; 01490; renewal

Central Power and Light Co., Corpus Christi; Nueces Bay Steam Electric Station; north of Navigation Boulevard in Nueces County; 01244; renewal

Medina County Water Control and Improvement District 3, Natalia; domestic sewage facility; on the west side of Sixth Street in Medina County; 11806-01; renewal

City of Moody; domestic sewage facility; northwest of State Highway 317 and FM Road 107 in Moody, McLennan County; 10225-01; renewal

Houston Lighting and Power Co., Houston; industrial wastewater treatment facility; north of IH 10, between Dell Dale Street in Harris County; 02499; amendment and renewal

Houston Lighting and Power Co., Houston; Sam Bertron Steam Electric Station; south of Peggy Lake, northwest of the City of La Porte in Harris County; 01026; amendment and renewal

City of Pasadena (Vince Bayou 1A-West Plant), Pasadena; domestic sewage facility; on the west bank of Vince Bayou in Pasadena, Harris County; 10053-01; renewal

Harris County Municipal Utility District 105, Houston; domestic sewage facility; on the north side of Bear Creek in Harris County; 11792-01; renewal

West Texas Utilities Co., Abilene; Concho Steam Electric Station; on the west bank of Bell Street Lake in Tom Green County; 00965; renewal

Community Treatment, Inc., (Indian Creek Plant), San Antonio; domestic sewage facility; north of the intersection of IH 35 in Bexar County; 10827-02; renewal

Blue Bell Manor Utility Co., Inc., Houston; domestic sewage facility; on Halls Bayou, north of the city limits of Houston in Harris County; 11473-01; renewal

City of La Villa; wastewater treatment plant; north of State Highway 107 in Hidalgo County; 12393. new permit

City of Goodrich; wastewater treatment plant; west of the city limits of Goodrich in Polk County; 12407; new permit

Kendall County Water Control and Improvement District 1, Comfort; wastewater treatment facility; northeast of and adjacent to the junction of IH 10, east of the City of Comfort in Kendall County; 10414-01; amendment

City of Lockhart; wastewater treatment facility; at the end of Lanemore Street in Caldwell County; 10210; amendment

Seaway Pipeline, Inc., Bartlesville, Oklahoma; wastewater treatment facility; southwest of the City of Freeport in Brazoria County; 02018.

City of Kirbyville, domestic sewage facility; east of the intersection of U.S. Highway 96 in Jasper County; 10203-03; amendment

Berwind Railway Service Co., Marshall; wastewater treatment plant; east of the City of Marshall in Harrison County; 12390; new permit

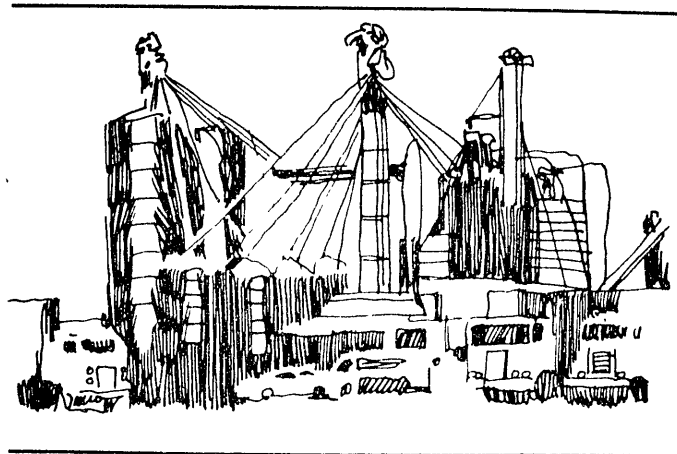
Cecil D. Bullock, Jr., Silsbee; wastewater treatment facility; at the intersection of Spurger Road in Hardin County; 12401; new permit

City of Tuscola; wastewater treatment facility; at the intersection of the Atchison, Topeka and Santa Fe Railroad tracks in Taylor County; 12365; new permit

Issued in Austin, Texas, on July 3, 1981.

Doc. No. 814423 Mary Ann Hefner
 Chief Clerk
 Texas Water Commission

Filed: July 6, 1981, 11:11 a.m.
For further information, please call (512) 475-4514.



Each issue of the *Register* includes a conversion table of *Texas Administrative Code* titles affected for that issue. Once a month a guide to agency activity for the previous month is published, as well as a cumulation of TAC titles affected for the previous month. Quarterly and annual indexes to the *Texas Register* are published separately and bound in light blue for distinction.

TAC Titles Affected in This Issue

The following is a list of the chapters of each title of the *Texas Administrative Code* affected by documents published in this issue of the *Register*. The listings are arranged in the same order as the table of contents of the *Texas Administrative Code*.

TITLE 7. BANKING AND SECURITIES

Part VII. State Securities Board

7 TAC §109.4 (065.05.00.009)	2383
7 TAC §113.3 (065.07.00.004)	2383
7 TAC §139.7 (065.20.00.007)	2384

TITLE 13. CULTURAL RESOURCES

Part I. Texas State Library and Archives Commission

13 TAC §1.51 (351.20.04.011)	2372
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TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

16 TAC §5.136 (051.03.08.006)	2372
16 TAC §5.141 (051.03.08.011)	2373
16 TAC §5.458 (051.03.50.102)	2374

TITLE 25. HEALTH SERVICES

Part II. Texas Department of Mental Health and Mental Retardation

25 TAC §§405.191-405.198, 405.199, 405.201, 405.214, 405.217, 405.219 (302.04.10.001-.008, .010, .019, .032, .035, .037)	2384
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TITLE 28. INSURANCE

Part I. State Board of Insurance

Noncodified (059.05.01.007)	2382
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TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part X. Texas Water Development Board

31 TAC §§335.61, 335.63, 335.64, 335.68, 335.69, 335.72, 335.74-335.76 (156.22.06.001, .003, .004, .008, .009, .012, .014-.016)	2385
31 TAC §§335.91-335.94 (156.22.07.001-.004)	2387
31 TAC §§335.172, 335.175, 335.176 (156.22.11.002, .005, .006)	2388
31 TAC §§335.213, 335.214, 335.217-335.219 (156.22.13.003, .004, .007-.009)	2388

31 TAC §§335.232-335.235 (156.22.14.002-.005)	2391
31 TAC §335.244 (156.22.15.004)	2391
31 TAC §335.266 (156.22.16.006)	2392
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31 TAC §§335.361, 335.362 (156.22.21.001, .002) ..	2392
31 TAC §335.407 (156.22.23.007)	2392
31 TAC §§335.451-335.455 (156.22.27.001-.005) ..	2392
31 TAC §§335.481-335.487 (156.22.30.001-.007) ..	2393

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

34 TAC §3.202 (026.02.20.022)	2393
34 TAC §3.293 (026.02.20.013)	2374

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part IX. Commission on Jail Standards

37 TAC §259.63 (217.05.02.053)	2394
37 TAC §259.156 (217.05.03.046)	2394
37 TAC §259.159 (217.05.03.049)	2395
37 TAC §261.52 (217.07.01.052)	2395
37 TAC §261.148 (217.07.02.048) ..	2395
37 TAC §265.56 (217.08.05.006)	2378
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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

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Part III. Texas Commission on Alcoholism

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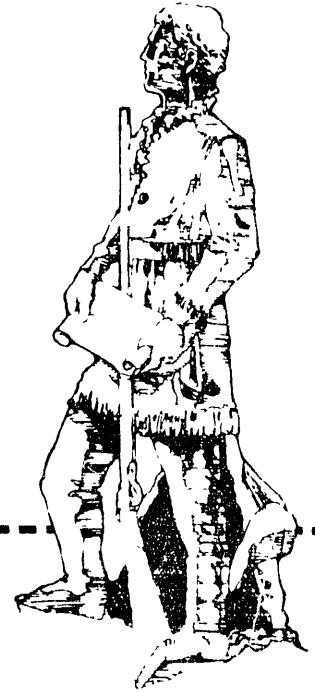
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