

# Texas Register

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APR 7 1983



## Highlights

- ★ The State Board of Dental Examiners proposes new rules concerning specialty advertising; earliest possible date of adoption - May 2 ..... page 1049
- ★ The Texas Air Control Board proposes amendments, repeals, and new rules in a chapter concerning motor vehicles; proposed date of adoption - August 1 ..... page 1057
- ★ The Texas Water Development Board adopts amendments, repeals, and new rules in a chapter concerning the Water Well Drillers Act; effective date - April 13 ..... page 1068

# How To Use the Texas Register

## Texas Register

The *Texas Register* (ISN 0362-4781) is published twice a week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1983 with the exception of January 25, March 8, April 26, and November 29, by the Office of the Secretary of State, 201 East 14th Street, P.O. Box 13824, Austin, Texas 78711-3824, (512) 475-7886.

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

- Governor: appointments, executive orders, and proclamations
- Secretary of State: summaries of opinions based on election laws
- Attorney General: summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules: rules adopted by state agencies on an emergency basis
- Proposed Rules: rules proposed for adoption
- Withdrawn Rules: rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules: rules adopted following a 30 day public comment period
- Open Meetings: notices of open meetings
- In Addition: miscellaneous information required to be published by statute or provided as a public service

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

**How To Cite:** Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which that document was published. For example, a document

published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: page 2 in the lower left-hand corner of this page is written: "8 TexReg 2 issue date," while on the opposite page, in the lower right-hand corner, page 3 is written: issue date 8 TexReg 3.

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

## Texas Administrative Code

The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules currently being published by Shepard's/McGraw Hill, in cooperation with this office.

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

1 indicates the title under which the agency appears in the *Texas Administrative Code* (a listing of all the titles appears below).

**TAC** stands for the *Texas Administrative Code*, **§27.15** is the section number of the rule (27 indicates that the rule is under Chapter 27 of Title 1; 15 represents the individual rule within the chapter).

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Latest Texas Code Reporter  
(Master Transmittal Sheet), No. 10, December 1982

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Secretary of State

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As required by Texas Civil Statutes, Article 6252-13a, §6, the *Register* publishes executive orders issued by the Governor of Texas. Appointments made and proclamations issued by the governor are also published. Appointments are published in chronological order.

Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 475-3021.

# The Governor

## Appointment Made March 16

### Texas Optometry Board

For a term to expire January 31, 1989:

Barry J. Davis  
3101 Eugenia  
Groves, Texas 77619

Mr. Davis is replacing Jay N. Rogers, of Beaumont, whose term expired.

Issued in Austin, Texas, on March 16, 1983.

TRD-832124      Mark White  
Governor of Texas

## Appointments Made March 21

### Structural Pest Control Board

For terms to expire August 30, 1984:

Larry A. Esparza  
165 Westlawn Park  
Brownsville, Texas 78520

Mr. Esparza is replacing Donald J. Wallace III, of Dallas, whose appointment was returned to this governor.

Maxine R. Goodman  
935 West Live Oak  
Lockhart, Texas 78644

Mrs. Goodman is replacing William F. Brown, Jr., of Houston, whose appointment was returned to this governor.

Tommy L. Brown  
6409 Riviera  
Fort Worth, Texas 76118

Mr. Brown is replacing George S. Elo, of San Antonio, whose term expired.

### University of Texas System

To the Board of Regents for terms to expire January 10, 1989:

Mario Yzaguirre  
224 Calle Retama  
Brownsville, Texas 78520

Mr. Yzaguirre is replacing Sam Barshop, of San Antonio, who was not confirmed by the Senate.

Robert B. Baldwin III  
306 Commons Ford Road  
Austin, Texas 78746

Mr. Baldwin is replacing Hilary B. Doran, Jr., of Del Rio, whose appointment was returned to this governor.

### State Securities Board

For a term to expire January 18, 1989:

Robert K. Utley III  
4005 El Capitan  
Temple, Texas 76501

Mr. Utley is replacing Grogan W. Lord of Houston, whose term expired.

Issued in Austin, Texas, on March 21, 1983.

TRD-832125-      Mark White  
823127      Governor of Texas

# The Attorney General

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

Requests for opinions, opinions, and open record decisions are summarized for publication in the *Register*.

Questions on particular submissions, or requests for copies of opinion requests should be addressed to Susan L. Garrison, Opinion Committee chairwoman, Office of the Attorney General, Supreme Court Building, Austin, Texas 78711, (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 78711-2548, or by telephoning (512) 475-3744. A single opinion is free; additional opinions are \$ 1.00 a copy.

## Opinions

**JM-1 (RQ-16).** Request from Maurice S. Pipkin, executive director, State Commission on Judicial Conduct, Austin, concerning whether a justice of the peace may refuse to marry an interracial couple.

**Summary of Opinion.** Once a justice of the peace undertakes to exercise the authority to marry people granted him by the Texas Family Code, Article 1.83, he may not, consistent with the equal protection clause of the United States Constitution, refuse to conduct a marriage ceremony for the reason that the parties are not of the same race.

TRD-832187

**JM-2 (RQ-17).** Request from Roy Blake, chairman, Senate Committee on Administration, Texas State Senate, Austin, concerning whether the Corrigan Hospital District may build and operate a nursing home to provide geriatric care.

**Summary of Opinion.** Senate Bill 965, Acts of the 62nd Legislature, 1971, Chapter 396, §3(a) and §4(a), at 1420, authorizes the building of a nursing home facility which provides geriatric care in the City of Corrigan.

TRD-832188

**JM-3 (RQ-959).** Request from Don R. Stiles, executive director, Texas Adult Probation Commission, Austin, concerning whether a district adult probation department may use judicial district funds to pur-

chase real property to use as a community-based correctional facility.

**Summary of Opinion.** Judicial districts are not authorized to use state aid obtained under the Code of Criminal Procedure, Article 42.121, to purchase land or buildings in which to house community-based correctional programs and services.

TRD-832189

**JM-4 (RQ-867).** Request from Felipe Reyna, McLennan County criminal district attorney, Waco, concerning whether the water board of the City of Robinson is required to comply with Texas Civil Statutes, Article 6252-17.

**Summary of Opinion.** The Board of Trustees of the City of Robinson waterworks is a governmental body as defined in Texas Civil Statutes, Article 6252-17, §1(c). Meetings of the Board of Trustees must be open to the public as provided by Article 6252-17, §2(a), and written notice of each meeting must be given as required in Article 6252-17, §3A.

TRD-832190

**JM-5 (RQ-903).** Request from Gibson D. Lewis, chairman, Committee on Intergovernmental Affairs, Texas House of Representatives, Austin, concerning benefits for treatment of alcohol and drug dependency under the Texas Insurance Code, Article 3.51-9.

**Summary of Opinion.** An insurer may not deny benefits under the Availability of

Alcohol and Other Drug Dependency Coverage Act, Texas Civil Statutes, Article 3.51-9, when the provider is an alcohol or other drug dependency center but is not a hospital. All insurers subject to the Act must make available benefits under the Act and must treat alcohol or other drug dependency treatment centers like hospitals. A group health insurer governed by the Texas Insurance Code, Chapter 3, must provide benefits if the insured goes to any alcohol or drug dependency treatment center. Non-profit corporations governed by the Texas Insurance Code, Chapter 20, may both limit their benefits to their contracted providers and may refuse to provide benefits under the Act at all in specific disease policies. Health maintenance organizations may restrict benefits to their contracted providers. As a matter of law, if a policy governed by the Act is silent, it automatically provides full benefits. An insurer may not assign an alternate level of benefits without express rejection of full benefits. Rejection need not be in writing. "Necessary care and treatment of alcohol dependency" means an entire treatment plan as set out in the Act and requires more than detoxification. An insurer may require each new member to be medically underwritten prior to coverage as a condition to the group selecting full benefits, so long as this is its underwriting policy for physical illness generally.

TRD-832191

**JM-6 (RQ-15).** Request from James W. Smith, Jr., Frio County attorney, Pearsall,

concerning whether the commissioners court may exclude the county clerk from its executive session meetings.

**Summary of Opinion.** The commissioners court of Frio County may exclude the county clerk from executive sessions of the court held under Texas Civil Statutes, Article 6252-17.

TRD-832192

**JM-7 (RQ-822).** Request from Edward O. Coultas, executive director, State Bar of Texas, Austin, concerning whether a District of Columbia professional corporation needs a certificate of authority to transact business in Texas.

**Summary of Opinion.** A foreign corporation that is a partner in a general partnership organized under the laws of the State of Texas is deemed to be transacting business in the state and thus is required to obtain a certificate of authority from the secretary of state. The same rule would apply to a foreign professional corporation, except that the secretary has no authority to grant the certificate to a foreign professional, rather than business, corporation. The absence of any licensing provision for a foreign corporation to do business in the State of Texas indicates that the legislature did not wish to allow a foreign professional corporation to carry on any activities that amount to transacting business in this state. Thus, because being a partner would amount to transacting business in this state, and the foreign professional corporation could not be licensed under the usual corporation licensing provisions, the foreign professional corporation may not participate as a partner in a partnership organized under the laws of the State of Texas.

TRD-832193

**JM-8 (RQ-806).** Request from Leonard H. O. Spearman, president, Texas Southern University, Houston, concerning whether Texas Southern University must pay a claim under the Texas Relocation Assistance Program established by Texas Civil Statutes, Article 3266b.

**Summary of Opinion.** Texas Civil Statutes, Article 3266b, is by its terms applicable to institutions of higher learning. Article 3266b is permissive and not mandatory in nature and does not of its own force obligate any department, agency, instrumentality, or political subdivision of the state to make relocation assistance payments or to provide relocation advisory services in connection with its acquisition of real property. Should a department, agency,

instrumentality, or political subdivision of the state elect to make relocation assistance payments and provide relocation advisory services under Article 3266b, or should it be required to do so by federal law, such payments should be made uniformly to all persons determined to be eligible under the rules required to be made under Article 3266b. The limits for relocation assistance payments to be made under Article 3266b have been set by the legislature by reference to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 United States Code §§4601-4655, and may be determined in each case by reference to the specific provisions of that Act.

TRD-832194

**JM-9 (RQ-945).** Request from C. A. Wilkins, executive director, Texas Aeronautics Commission, Austin, concerning loans to cities and counties by the Texas Aeronautics Commission.

**Summary of Opinion.** The Texas Aeronautics Commission is without authority to make loans or grants to cities or counties that have not complied with the Texas Constitution, Article 11, §5 and §7, if applicable.

TRD-832195

**JM-10 (RQ-859).** Request from James L. Chapman, district attorney, Sulphur Springs, concerning revocation of probation under the Texas Code of Criminal Procedure, Article 42.12, §8(c), for a probationer's failure to make a court-ordered payment.

**Summary of Opinion.** Under the Texas Code of Criminal Procedure, Article 42.12, §8(c), inability to pay fees is an affirmative defense to the failure to pay them, regardless of whether, in addition to failure to pay fees, other grounds for revocation of probation are urged in a revocation hearing.

TRD-832196

**JM-11 (RQ-876).** Request from Mike Driscoll, Harris County attorney, Houston, concerning fees to be collected by a county clerk for filing a foreign judgment pursuant to Texas Civil Statutes, Article 2328b-5.

**Summary of Opinion.** The fee to be collected by a county clerk for filing a foreign judgment is \$10. The title of the Act establishing the fee is constitutionally sufficient for that purpose. Fees for other enforcement proceedings respecting foreign judgments are the same as those provided by law for the enforcement of judgments of the courts of this state.

TRD-832197

**JM-12 (RQ-904).** Request from Robert Bernstein, Commissioner, Texas Department of Health, Austin, concerning whether community mental health/mental retardation centers are exempt from licensing under Texas Civil Statutes, Article 4442c.

**Summary of Opinion.** Community centers for mental health and mental retardation, as established in Texas Civil Statutes, Article 5547-203, are exempt from licensing under Texas Civil Statutes, Article 4442c, because the centers are under the jurisdiction of the Texas Department of Mental Health and Mental Retardation.

TRD-832198

**JM-13 (RQ-942).** Request from Kenneth H. Ashworth, commissioner, Coordinating Board, Texas College and University System, Austin, concerning whether securities pledged by a bank to secure the deposit of junior college district funds may be placed for safekeeping with another bank.

**Summary of Opinion.** With the approval of the junior college district, a depository bank holding public junior college funds may place for safekeeping its pledged securities with another bank that is owned by the same holding company as the depository bank. The Texas Education Code, §23.79(c), authorizes a junior college district to direct the depository bank to place the pledged securities in safekeeping with a bank independent of the holding company.

TRD-832199

**JM-14 (RQ-961).** Request from Mike Driscoll, Harris County attorney, Houston, concerning whether Harris County may collect a 15% charge on delinquent taxes collected through the county attorney's office.

**Summary of Opinion.** The Harris County commissioners court may not execute a contract to enforce the collection of delinquent taxes with the county attorney of Harris County pursuant to the Texas Property Tax Code, §6.30. When the county attorney of Harris County represents the county in enforcing the collection of delinquent taxes, the commissioners court may not impose an additional penalty to defray collection costs pursuant to the Texas Property Tax Code, §33.07.

TRD-832200

**JM-15 (RQ-927).** Request from Charles B. Wood, executive director, Texas Industrial Commission, Austin, concerning the use of bond proceeds raised under Texas Civil Statutes, Article 5190.6, for public display of works of art.

**Summary of Opinion.** A requirement by a municipality permitting creation of an industrial development corporation that a predetermined percentage of bond proceeds of each project be allocated to "a display of works of art" is not consistent with the requirements of the Development Corporation Act of 1979.

TRD-832201

**JM-16 (RQ-953).** Request from Warren New, Yoakum County attorney, Plains, concerning whether a charge imposed on a telephone company by a city may be passed on to the county as a customer of the telephone company.

**Summary of Opinion.** A charge imposed by a municipality upon a telephone utility denominated a franchise fee and measured by a percentage of the gross receipts of the utility is not a tax, rather such charge is a rental imposed for the use of the streets. A telephone utility may pass through such charge to its customers, including the county, without violating statutory or constitutional provisions.

TRD-832202

## Open Records Decisions

**ORD-358 (RQ-913).** Request from Tom Hanna, of Mehafty, Weber, Keith, and Gonsoulin, Beaumont, concerning ratio studies of real property prepared by a county appraisal district; access by a legislator.

**Summary of Decision.** The Jefferson County Appraisal District received a request from a state legislator for sales ratio studies which it conducted. Information consisted primarily of comparisons between the selling prices of real property and the appraised value of those properties. Information was covered by the Texas Tax Code, §22.27, which renders confidential information voluntarily disclosed to an appraisal office about property sales prices after promise that it would be held confidential. This provision prevented release of the information sought unless release was authorized by §22.27, subsection (b).

TRD-832179

**ORD-359 (RQ-10).** Request from W. Kent Johnson, director, legal services, Texas Department of Mental Health and Mental Retardation, Austin, concerning whether a report to the commissioner of mental health and mental retardation on problems at the El Paso State Center for Human Development is exempted from public disclosure by the Open Records Act.

**Summary of Decision.** The Department of Mental Health and Mental Retardation received a request for a report on problems at a particular mental health facility. Portions of the report were exempted by the Open Records Act, §3(a)(11), as opinion and recommendations. None of the information was exempted by §3(a)(2), because there was no reference to intimate details of a highly personal nature regarding a public employee. Nor was any of the information exempted from disclosure by §3(a)(3), because there was no litigation pending or specifically anticipated with respect to this information.

TRD-832180

**ORD-360 (RQ-1).** Request from Robert L. McCallum, attorney at law, Dallas, concerning whether records relating to the operation of a municipal airport are exempted from public disclosure by the Open Records Act, §3(a)(3).

**Summary of Decision.** The City of Addison received a request under the Open Records Act for a substantial body of information pertaining to the operation of the Addison airport. All of the information was exempted from disclosure by the Open Records Act, §3(a)(3), since there were three pending lawsuits to which the requested information related.

TRD-832181

**ORD-361 (RQ-944).** Request from Mike Driscoll, Harris County attorney, Houston, concerning the availability to an unsuccessful applicant of certain information from a pre-employment application file.

**Summary of Decision.** The Harris County Sheriff's Department received a request for information relating to an unsuccessful applicant for employment. The information he sought consisted of the reasons why his application was rejected. The request was made on his behalf by his attorney. Nothing in the file was exempted from public disclosure by the Open Records Act, §3(a)(1) or §3(a)(2), since none of the materials related to information protected by a common law or constitutional right of privacy. Section 3(a)(3), the litigation exception, did not apply. The mere fact that the request was made by an attorney did not invoke the litigation exception, and no other facts regarding potential litigation were presented. Section 3(a)(8) did not apply because disclosure of the requested information would not unduly interfere with law enforcement. Portions of the record were pro-

ected from disclosure by §3(a)(11), the interagency memorandum exception.

TRD-832182

**ORD-362 (RQ-14).** Request from J. Rush Milam III, McAllen city attorney, concerning whether information in police files relating to the execution of a search warrant is exempted from public disclosure by the Open Records Act, §3(a)(3) or §3(a)(11).

**Summary of Decision.** The McAllen Police Department received a request for certain information relating to a search warrant that had been executed in December 1980. The name of the arresting officer or officers was available to the public. Neither was this information exempted from disclosure by the Open Records Act, §3(a)(3) or §3(a)(11). The name of the confidential informant who provided the information upon which the search was based would be withheld under the Open Records Act, §3(a)(1), as information confidential by judicial decisions recognizing the informant's privilege.

TRD-832183

**ORD-363 (RQ-419).** Request from Earl Roberts, Jr., of Roberts and Harbour, attorneys at law, Longview, concerning whether files on employees of the Sabine River Authority are open.

**Summary of Decision.** The Sabine River Authority received a request under the Open Records Act for certain personnel records. The letter from the Sabine River Authority accompanying the records contended that the material was exempted from disclosure by §§3(a)(2), 3(a)(3), and 3(a)(11) of the Act. It was not apparent from an examination of the documents that any of these exceptions was clearly applicable, and the Office of the Attorney General was unsuccessful in attempts to contact representatives of the river authority by phone and letter. The authority's general claim that an exception applied to an entire file, when the exception clearly is not applicable to all of the information in it, does not comport with the procedural requirements of the Open Records Act. Since the Sabine River Authority failed to make any showing as to how and why a particular exception applied to the requested material, it was concluded that all of the records were available to the public.

TRD-832184

**ORD-364 (RQ-25).** Request from Paul K. Williams, assistant city attorney, Midland, concerning whether a videotape of the booking of a prisoner into the city jail is exempted from public disclosure by the Open Records Act, §3(a)(8).



**Summary of Decision.** The City of Midland received a request under the Open Records Act for a videotape showing the booking of a person into the city jail. A videotape constitutes "developed materials" within the ambit of the "public records" to which the Open Records Act is applicable. The videotape contained much information excepted from public disclosure by the Open Records Act, §3(a)(8), the law enforcement exception. Although it did include some information that has been recognized as public information, the confidential information was so in-

extricably intertwined with the disclosable information that the videotape could be accepted in its entirety. However, information subject to public disclosure under §3(a)(8) remains available in written form.

TRD-832185

**ORD-365 (RQ-13).** Request from Bob E. Bradley, executive director, Texas State Board of Accountancy, Austin, concerning information maintained by the Texas State Board of Public Accountancy concerning a complaint against a business entity.

**Summary of Decision.** The Texas State Board of Public Accountancy received a request under the Open Records Act for information relating to a complaint against a business entity. The file related to a company or individual that was neither an applicant, licensee, or former licensee of the board. The information was determined to be relevant to a lawsuit against the board to enjoin it from enforcing its licensing provisions against nonlicensed individuals and entities.

TRD-832186

# Proposed Rules

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

The proposal, as published in the *Register*, must include a brief explanation of the proposed action; a fiscal statement indicating effect on state or local government; a statement explaining anticipated public benefits and possible economic costs to individuals required to comply with the rule; a request for public comments; a statement of statutory authority under which the proposed rule is to be adopted (and the agency's interpretation of the statutory authority); the text of the proposed action; and a certification statement. The certification information, which includes legal authority, the proposed date of adoption or the earliest possible date that the agency may file notice to adopt the proposal, and a telephone number to call for further information, follows each submission.

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

## TITLE 4. AGRICULTURE Part I. Texas Department of Agriculture Chapter 11. Herbicide Regulations. 4 TAC §11.1, §11.2

The Texas Department of Agriculture proposes amendments to §11.1 and §11.2, concerning counties regulated and county special provisions.

The Texas Herbicide Law, Texas Agriculture Code, Chapter 75 (1981), regulates the sale, distribution, and use of hormone herbicides in certain counties. Section 75.023 of the law provides county commissioners courts with the authority to regulate or exempt its county from the Texas Herbicide Law in response to citizen requests. The commissioner of the Texas Department of Agriculture is authorized by the statute to promulgate rules for the adequate enforcement of a county's decision on the applicability of the Texas Herbicide Law to that county. Pursuant to this authority, the Texas Department of Agriculture proposes to amend §11.1 and §11.2 to reflect orders of the commissioners courts of Austin, Burleson, Cochran, Dimmitt, Frio, King, Lynn, and Runnels Counties, together with special provisions requested by the commissioners courts and approved by the commissioner of the Texas Department of Agriculture.

A brief summary of the proposed amendments follows.

Section 11.1 has been amended to include Dimmitt County in the list of counties regulated and to eliminate Lynn County from the list.

Section 11.2 has been amended to redraft the special herbicide provisions applying to Burleson County found in §11.2(o). The amendments concern the use of 2, 4-D formulations in the county between the dates of April 1 and September 15. The proposed rule provides for the restriction during this period that only amine formulations are to be used with a boom-type sprayer in a designated area and that the use of cluster nozzles are prohibited in the area.

In subsection (r), amendments have been made concerning regulated areas of Runnels County to require no permit from October 1 to May 28 of the year following.

In subsection (u), amendments have been made to prohibit aerial application of hormone herbicides in Frio County except for the months of April, May, and June of each year.

A new subsection (x) has been added to the rule to provide special herbicide provisions for newly described portions of Austin County and to exempt all other portions of this county from the Texas Herbicide Law and Regulations, Texas Agriculture Code, Chapter 75.

A new subsection (y) has been added to the rule to prohibit aerial application of hormone herbicides in

Cochran County during the period of May 1 to October 15 of each year.

A new subsection (z) has been added to the rule to outline the portion of Dimmitt County which is to be regulated by the Texas Agriculture Code, Chapter 75, and to exempt all other portions of the county from the Texas Agriculture Code, Chapter 75. This new subsection also prohibits aerial application of hormone-type herbicides in the regulated area.

A new subsection (aa) has also been added to prohibit aerial application of hormone herbicides in King County between the dates of June 10 and October 15 of each year.

It is hoped that the effect of these amendments will be to improve the safety and efficiency of herbicide applications in Austin, Burleson, Cochran, Dimmitt, Frio, King, Lynn, and Runnels Counties and to give effect to the orders of the respective commissioners courts of these counties concerning the applicability of the Texas Herbicide Law to the counties.

William C. Neiser, fiscal services director, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rules.

David Ivie, Agricultural and Environmental Sciences Division director, has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be increased public safety occasioned by the regulation of herbicide application and reduced likelihood of damage to non-targeted plants, crops, or livestock caused by herbicide application in Austin, Burleson, Cochran, Dimmitt, Frio, King, Lynn, and Runnels Counties. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Patrick D. Redman, Attorney, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711. All comments submitted should be in writing and substantially comply with 4 TAC §1.4(b), relating to the submission of comments concerning a proposed rule of the department.

The amendments are proposed under the Texas Agriculture Code, §75.018 and §75.019, which provides the Texas Department of Agriculture with the authority to promulgate rules necessary to enforce the Texas Agriculture Code, Chapter 75.

**§11.1. Counties Regulated.** The following counties shall be subject to all of the provisions of the Texas Agriculture Code, Chapter 75 (1981), unless specifically excepted by the provisions of §11.2 of this title (relating to County Special Provisions): Aransas, Austin, Bell, Bexar, Borden, Brazoria, Brazos, Burleson, Calhoun, Cochran, Collin, Collingsworth, Colorado, Cottle, Culberson, Dallas, Dawson, Delta, Denton, Dickens, Dimmitt, Donley, El Paso, Falls, Fannin, Fort Bend, Frio, Gaines, Galveston, Hall, Hardin, Harris, Haskell,

Hidalgo, Houston, Hudspeth, Hunt, Jackson, Jefferson, Karnes, Kaufman, King, Knox, Lamar, Lamb, Liberty, Loving, [Lynn,] McLennan, Martin, Matagorda, Midland, Milam, Newton, Orange, Parmer, Rains, Reeves, Refugio, Robertson, Rockwall, Runnels, San Patricio, Travis, Tyler, Van Zandt, Waller, Ward, Washington, Wharton, Williamson, Wilson, and Wood.

**§11.2. County Special Provisions.**

(a)-(i) (No change.)

(j) [King and] Cottle. The application of hormone-type herbicides is expressly prohibited between June 10 and October 15 of each year.

(k)-(n) (No change.)

(o) Burleson. The following special provisions apply:

(1) (No change.)

(2) [The application of regulated herbicides is expressly prohibited] Between April 1 and September 15 of each year, the following restrictions on the use of 2,4-D formulations shall apply: [in the following area, unless, prior to each use, approval of the commissioner of agriculture or his representative is secured.]

**(A) Only amine formulations may be used with a boom-type sprayer in that area** beginning at Milam County line; thence south along FM Road 1362 to FM Road 166; thence east to FM Road 2039; thence south to FM 60; thence west on FM 60 to Davidson Creek; thence south along Davidson Creek to Washington County line to Brazos River; thence north along Brazos County line to Milam County line, the place of the beginning.

**(B) In the designated area of subparagraph (A), cluster nozzles are prohibited.**

(p)-(q) (No change.)

(r) Runnels. That portion of Runnels County beginning on the west county line at the point of intersection with the Colorado River, east-southeasterly along the Colorado River to its intersection with U.S. Highway 83, thence north along U.S. Highway 83 to its intersection with FM 382, thence northeasterly along FM 382 to its intersection with FM 2647, thence northerly along FM 2647 to [with] its intersection with FM 1770, thence westerly along FM 1770 to the intersection with U.S. Highway 83, thence northerly along U.S. Highway 83 to its intersection with the north county line, thence westerly along the north Runnels County line to the northwest corner of the county, thence southerly along the west county line to the Colorado River, the point of beginning, is regulated by the Texas Herbicide Law. In regulated areas, no permit is required from October 1 to May 28 [24] of the year following. Use [of high volatile and low volatile ester formulations] of regulated herbicides is prohibited between [the date of] May 28 [24] and October 1 of each year. [And further, amine and other nonvolatile formulation may be used in the regulated area between the dates of May 24 and October 1 each year provided that the user obtain a permit as prescribed by the law prior to such use.]

(s)-(t) (No change.)

(u) Frio. Aerial application of hormone herbicides is prohibited except for the months of April, May, and June of each year. [Only amine-type herbicides can be used, and approval from the commissioner or his representative must be obtained before application by aerial or ground equipment. Only boom-type ground equipment

can be used, nozzle height not to exceed 24 inches, maximum pressure not to exceed 20 pounds per square inch. Bond or insurance will be required on all spraying over 10 acres. Only amine-type herbicides will be used and will meet the following requirements for ground equipment permits:

[Wind Velocity	Downwind	Upwind
0-5 mph	within 16 rows	8 rows
6-10 mph	1/8 mile	8 rows

[Permits for aerial application will be issued on the basis of requirements outlined in §11.6 of this title (relating to General Requirements of These Regulations).]

(v)-(w) (No change.)

(x) **Austin.** That portion of Austin County lying east and south of the line described in paragraph (1) of this subsection is regulated by the Texas Agriculture Code, Chapter 75.

(1) Beginning at the point where State Highway 36 crosses the north county line, thence southerly along Highway 36 to FM 949; thence westwardly along FM 949 to the San Bernard River.

(2) All other lands in Austin County are exempt from the Texas Herbicide Law and Regulations, Texas Agriculture Code, Chapter 75.

(y) **Cochran.** The aerial application of hormone herbicides is prohibited between May 1 to October 15 of each year.

(z) **Dimmit.** That portion of Dimmit County within the area described in paragraph (1) of this subsection is regulated by the Texas Agriculture Code, Chapter 75.

(1) Beginning at the intersection of the centerline of U.S. Highway 83 and the Dimmit-Zavala County line; thence in a southerly direction following the centerline of U.S. Highway 83, through Carrizo Springs, Texas, and Asherton, Texas, to its intersection with FM Road 190 East; thence in a northeasterly direction following the centerline of FM Road 190 to its intersection with State Highway 85; thence in an easterly direction following the centerline of State Highway 85 to its intersection with FM Road 65; thence following the centerline of FM Road 65 to its intersection with the Dimmit-Zavala County line; thence in a westerly direction following the Dimmit-Zavala County line to the place of beginning.

(2) All other lands in Dimmit County are exempt from the Texas Agriculture Code, Chapter 75.

(3) Aerial application of hormone-type herbicides in the regulated area of Dimmit County is prohibited.

(aa) **King.** Aerial application of hormone herbicides is prohibited between June 10 and October 15 of each year.

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

Issued in Austin, Texas, on March 23, 1983.

TRD-832111            Jim Hightower  
                                 Commissioner  
                                 Texas Department of Agriculture

Earliest possible date of adoption:  
May 2, 1983

For further information, please call (512) 475-6346.



## TITLE 7. BANKING AND SECURITIES

### Part VII. State Securities Board Chapter 115. Dealers and Salesmen

#### 7 TAC §115.1

The State Securities Board proposes amendments to §115.1, concerning restricted registration as a dealer or salesman to deal exclusively in options on foreign currencies and reporting requirements for dealers to report to the commissioner entry of state or federal administrative orders, criminal convictions, or court judgments, orders, or decrees entered against the dealer or any salesman or officer of the dealer.

Peggy Peters, director of dealer registration, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Ms. Peters has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be simplification of the registration process for persons who desire to register as dealers and salesmen only of options on foreign currencies and increased information available to the commissioner in determining whether the matters required to be reported by all dealers affect the current license or application for licenses of dealers and salesmen. There is no anticipated economic cost to individuals who are required to comply with the portion of the rule allowing restricted registration to deal only in options on foreign currencies, as the rule reduces the burden of dealer registration for such persons, since it is proposed in conjunction with a rule partially waiving examination requirements for such applicants. The anticipated economic costs to individuals who are required to comply with the portion of the rule governing reporting requirements will be minimal, as the proposed rule merely requires a report to the commissioner and copies of the order, conviction, or decree in question only upon request to the commissioner.



The new rule is proposed under Texas Civil Statutes, Article 4551d, which provides the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of this state as may be necessary for the performance of its duties and/or to ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

§109.107. *Specialty Advertising or Listings/Limitation of Practice.*

(a) Dentists may advertise as being a specialist in or practice limited to a particular field of dentistry, i.e., orthodontist, pedodontist, periodontist, prosthodontist, endodontist, oral and maxillofacial surgeon, oral pathology, or dental public health, provided they are a specialist as defined by the American Dental Association.

(b) The definition of a specialist as specified by this rule pertains to this and only this rule for the purpose of defining advertising and must not be randomly applied to any other law or rule of the Texas Dental Practice Act.

(c) This rule does not preclude or limit any dentist from offering and performing any treatment to any patient as prescribed by the Texas Dental Practice Act. This rule does not preclude any dentist from advertising to the public the availability of any dental service to the public that a dentist may offer and perform as prescribed by the Texas Dental Practice Act.

(d) All dentists who have claimed to be dental specialists, or hold themselves to be engaged in a dental practice limited to, without regard to the American Dental Association criteria of specialization, and can document such claim to have acted as such prior to January 1, 1965, may continue to act as such under the protection of this rule.

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

Issued in Austin, Texas, on March 23, 1983.

TRD-832120 William S. Nail  
Executive Director  
Texas State Board of Dental  
Examiners

Earliest possible date of adoption:  
May 2, 1983

For further information, please call (512) 475-2443.

**Part XXX. Texas State Board of  
Examiners of Professional  
Counselors  
Chapter 681. Professional  
Counselors  
Subchapter A. The Board  
25 TAC §681.22**

The Texas State Board of Examiners of Professional Counselors proposes amendments to §681.22, con-

cerning the schedule of fees for professional counselors. The amendments to this rule will reduce the fees required of professional counselors for licensure, renewal of licensure, examination, and specialty designation and renewal.

Daniel L. Boone, executive secretary, has determined that for the first five-year period the rule will be in effect there will be fiscal implications as a result of enforcing or administering the rule. The effect on state government will be an estimated reduction in cost and estimated loss in revenue of \$90,000 for 1983, and \$250,000 each year from 1984-1987. There is no estimated additional cost to state government and no anticipated effect on local government.

Mr. Boone has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the reduced cost of counseling services because licensed professional counselors will have reduced fees for the regulation of their practices.

The anticipated economic impact for 1983-1987 to individuals who are required to comply with the rule as proposed will be the reduction in fees by the amounts indicated as follows: \$20 per year for the licensure examination fee, \$14 per year for the licensure fee, \$45 per year for the specialty designation fee, \$20 per year for the specialty examination fee, \$30 per year for the renewal fee for licensure only, \$35 per year for the renewal fee for licensure with specialty, \$35 per year for late renewal fee for licensure only, \$30 per year for late renewal fee for licensure with specialty, and \$25 per year for licensure renewal penalty fee.

Comments on the proposal may be submitted to Daniel L. Boone, Executive Secretary, Texas State Board of Examiners of Professional Counselors, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7511. Comments will be accepted for 30 days after publication of this proposal in the *Texas Register*.

The amendments are proposed under Texas Civil Statutes, Article 4512g, §6(e)(2), which provides the Texas State Board of Examiners of Professional Counselors with the authority to adopt rules under the Licensed Professional Counselor Act, including rules on fees.

§681.22. *Fees.*

(a) (No change.)

(b) Schedule of fees.

(1) (No change.)

(2) Licensure examination fee—**\$35** [\$55].

(3) Licensure fee—**\$36** [\$50].

(4) Specialty designation fee—**\$30** [\$75].

(5) Specialty examination fee—**\$35** [\$55].

(6) Renewal fee—licensure only—**\$15** [\$45].

(7) Renewal fee—licensure with specialty designation—**\$30** [\$65].

(8) Late renewal fee—licensure only (when renewed after expiration date but before revocation)—**\$30** [\$65].

(9) Late renewal fee—licensure with specialty designation (when renewed after expiration date)—\$60 [\$90].

(10) Licensure renewal penalty fee (must be paid along with renewal fee when license is renewed after revocation but within one year of the expiration date)—\$50 [\$75].

(11)-(13) (No change.)

(c) (No change.)

(d) Any remittance submitted to the board in payment of a required fee other than a timely renewal fee, **licensure fee, or specialty fee** must be in the form of a **cashier's** [certified] check or money order.

(e) (No change.)

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

Issued in Austin, Texas, on March 24, 1983

TRD-832167 Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Proposed date of adoption  
May 14, 1983

For further information, please call (512) 458-7511.

## Subchapter C. Complaints and Violations

### 22 TAC §681.76

The Texas State Board of Examiners of Professional Counselors proposes new §681.76, concerning the licensing of persons with criminal backgrounds. This rule establishes the guidelines and criteria on the eligibility of persons with criminal backgrounds to obtain licenses as professional counselors.

Daniel L. Boone, executive secretary, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Boone has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the establishment of guidelines and criteria on the eligibility of persons with criminal backgrounds to obtain professional counselor licenses. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Daniel L. Boone, Executive Secretary, Texas State Board of Examiners of Professional Counselors, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7511. Comments will be accepted for 30 days after publication of these proposed rules in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 4512g, §6(e)(2), which provides the

Texas State Board of Examiners of Professional Counselors with the authority to adopt rules not inconsistent with the Licensed Professional Counselor Act, including rules on the licensure of persons with felony convictions.

### §681.76. Licensing of Persons with Criminal Backgrounds to Be Professional Counselors.

(a) This section is designed to establish guidelines and criteria on the eligibility of persons with criminal backgrounds to obtain licenses as professional counselors.

(b) Criminal convictions which directly relate to the profession of professional counseling.

(1) The board may suspend or revoke an existing license, disqualify a person from receiving a license, or deny to a person the opportunity to be examined for a license because of a person's conviction of a felony or misdemeanor if the crime directly relates to the duties and responsibilities of a professional counselor.

(2) In considering whether a criminal conviction directly relates to the occupation of a professional counselor, the board shall consider:

(A) the nature and seriousness of the crime;

(B) the relationship of the crime to the purposes for requiring a license to be a professional counselor. The following felonies and misdemeanors relate to the license of a professional counselor because these criminal offenses indicate an inability or a tendency to be unable to perform as a licensed professional counselor:

(i) the misdemeanor of knowingly or intentionally acting as a licensed professional counselor without a license;

(ii) Texas Penal Code offenses against the person, property, public order and decency, and public health, safety, and morals. This subsection includes the offense of attempting or conspiring to commit any of the offenses in this subsection.

(iii) The misdemeanors and felonies listed in clauses (i)-(ii) of this subparagraph are not inclusive in that the board may consider other particular crimes in special cases in order to promote the intent of the Act and these rules.

(C) the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved; and

(D) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of a licensed professional counselor. In making this determination, the board will apply the criteria outlined in Texas Civil Statutes, Article 6252-13c, §4(c)(1)-(7), the legal authority for these rules.

(c) Procedures for revoking, suspending, or denying a license to persons with criminal backgrounds.

(1) The board's executive secretary will give written notice to the person that the board intends to deny, suspend, or revoke the license after hearing in accordance with the provisions of the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, and the board's formal hearing procedures (22 TAC §§681.91-681.101).

(2) If the board denies, suspends, or revokes a license under these rules after hearing, the executive secretary will give the person written notice:

(A) of the reasons for the decision;

(B) that the person, after exhausting administrative appeals, may file an action in a district court of Travis County for review of the evidence presented to the board and its decision; and

(C) that the person must begin the judicial review by filing a petition with the court within 30 days after the board's action is final and appealable.

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

Issued in Austin, Texas, on March 24, 1983

TRD-832168

Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Proposed date of adoption:  
May 14, 1983

For further information, please call (512) 458-7511.



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

*(Editor's note: Because the State Board of Insurance's rules have not yet been published in the Texas Administrative Code (TAC), they do not have designated TAC numbers. For the time being, the rules will continue to be published under their Texas Register numbers. However, the rules will be published under the agency's correct TAC title and part.)*

### Powers and Duties Examination [of Carriers] and Corporate Custodian and Tax

059.01.15.203

The State Board of Insurance proposes amendments to Rule 059.01.15.203, concerning instruction and forms for the preparation of tax returns by various insurers and other entities regulated by the State Board of Insurance. Paragraph (1) of the rule was amended

on an emergency basis and became effective on December 20, 1982. The emergency amendment appeared in the December 31, 1982, issue of the *Texas Register* (7 TexReg 4517).

J. W. Arendall, Corporate Custodian and Tax Division director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Arendall has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the adoption of appropriate forms and instructions to facilitate proper tax returns by insurers and other entities required to report and pay taxes to the State Board of Insurance.

The anticipated economic cost to individuals who are required to comply with the rules as proposed will be the administrative costs in completing the forms and following the instructions. The cost will depend on each company's record keeping practices and size and type of operation.

Comments on the proposal may be submitted to J. W. Arendall, Director, Corporate Custodian and Tax Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas, 78786.

The amendment is proposed under authority of the Texas Insurance Code, Articles 1.04, 1.10, §9, 4.10, 4.11, 5.12, 5.24, 5.49, 5.68, 8.24, 9.46, 15.18, and 23.08; §22 and §33 of the Texas Health Maintenance Organization Act; and Texas Civil Statutes, Articles 4769, 6252-13a, §4, and 8306, §28. The statutes authorize and require the board to collect taxes; and authorize the board to prescribe reporting forms, to adopt rules to carry out the provisions of certain laws, and to adopt procedural rules necessary or appropriate for the board to carry out its statutory function.

.203. *Preparation of Tax Returns. Forms and instructions for the preparation of tax returns for insurance companies and other principals as amended effective June 1, 1983, are adopted by reference. These instructions and forms may be obtained from the Corporate Custodian and Tax Division of the State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786. Each insurer or other entity shall follow such instructions and use and report on such forms as appropriate to its operation.* [Instructions for tax returns by all domestic insurance companies authorized to transact life, accident, and health business in Texas, all foreign and alien life, health, and accident insurance companies, and all insurance companies authorized to transact property and casualty business in Texas are set out below. Further instructions for domestic, foreign, and alien companies, lloyds, reciprocals, and miscellaneous organizations transacting fire and casualty business are attached hereto and incorporated herein by reference. A Texas tax return form to be filled out by domestic, foreign, and alien companies, lloyds, reciprocals, and miscellaneous organizations transacting fire and casualty business is attached hereto and incorporated herein by reference. A Texas tax return form to



be filed by domestic, foreign, and alien life, health, and accident companies is attached hereto and incorporated herein by reference. Copies of the instructions contained in this rule and the instructions and forms incorporated herein by reference may be obtained by contacting the Examination Division of the State Board of Insurance. The insurance companies set out above shall follow such instructions and submit returns as are applicable to them. (Instructions.)

(1) The instructions and forms are more particularly identified as follows:

(A) a document identified as the 1982 Texas Tax Return Form for Domestic, Foreign, and Alien Life, Health and Accident Companies;

(B) a document identified as 1982 Special Instructions, Texas Tax Return for Domestic, Foreign, and Alien Life, Health, and Accident Companies;

(C) a document identified as 1982 Instructions for Preparing Texas Tax Returns for Foreign and Alien Life, Health, and Accident Companies Transacting Business in Texas;

(D) a document identified as the 1982 Texas Tax Return Form for Domestic, Foreign, and Alien Companies, Lloyds, Reciprocal, and Miscellaneous Organizations Transacting Fire and Casualty Business in Texas;

(E) a document identified as 1982 Instructions for Preparing the Texas Tax Return for Domestic, Foreign, and Alien Companies, Lloyds, Reciprocal, and Miscellaneous Organizations Transacting Fire and Casualty Business in Texas;

(F) a document identified as a form with instructions for preparing the 1982 Texas Tax Return for Health Maintenance Organizations;

(G) a document identified as a form with instructions for preparing the Texas Tax Return for Non-profit Legal Services Corporations. [1. Supplementary instructions for preparing tax returns for foreign life, accident, and health insurance companies: Subject: Schedule A, Texas Securities and Similar Securities in accordance with the provisions of Texas Civil Statutes, Article 4769, and the Texas Insurance Code, Article 3.36, each company exercising the privilege of a reduced tax rate must file an itemized list of all securities used for both states in Schedule A of the Texas tax return. This list should be prepared in the same order as enumerated in Schedule A of the Texas tax return, making certain all securities qualify under the provisions of Texas Civil Statutes, Article 4769, and the Texas Insurance Code, Article 3.34. When the portfolio of investments in the annual statement has been reported in even dollars, the same procedure may be followed in furnishing the Schedule of Texas Securities and Similar Securities in Schedule A of the tax return. If the portfolio of investments in the annual statement has been reported in dollars and cents, then the Schedule of Texas Securities and Similar Securities should be reported in the same manner in Schedule A of the tax return. Bonds and debentures are to be reported at amortized or book value, stocks at actual cost, and real estate at market value. When bank deposits are used for a tax reducing item, a schedule of each bank listing the month end balances for each bank, according to the company's ledger accounts, must be submitted averaged for the calendar year. The average of the

bank balances for the 12-month period is to be entered on line 15, Schedule A of the tax return. All certificates of deposits reported in Schedule D of the annual statement must be averaged for the 12-month period in the schedule of bank balances. Pursuant to Attorney General's Opinion-WW 1331, certificates of deposits are considered deposits in banks and must be included when computing Texas Securities and Similar Securities for a reduced tax rate. Savings and loan certificates are acceptable securities and may be entered on line 16, Schedule A of the tax return. A detail of the savings and loan certificates of Share Accounts must be furnished for those investments reflected in Schedule E of the annual statement in a lump sum amount, identifying the saving and loan companies, and the city and state where located. A detail listing of the policy loans is not required as reported on line 12, Schedule A of the tax return unless a request is made at a later date. The state of incorporation of a company issuing bonds or stocks determines the state of which such bond or stock is considered a security. Moody's and Standard & Poor's manuals are used by the Examination Division for determining the state of incorporation. Please note your records to submit this schedule and attach to the tax return when filed.]

(2)-(3) (No change)

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

Issued in Austin, Texas, on March 24, 1983.

TRD-832150 James W. Norman  
Chief Clerk  
State Board of Insurance

Earliest possible date of adoption:  
May 2, 1983

For further information, please call (512) 475-2950.

### 059.01.15.224

The State Board of Insurance proposes new Rule 059.01.15.224, concerning annual statement blanks and other forms and instructions to be used and followed by insurers and certain other entities regulated by the State Board of Insurance in making reports of their operations to the State Board of Insurance. This rule was adopted on an emergency basis and became effective on December 20, 1982. The emergency amendment appeared in the December 31, 1982, issue of the *Texas Register* (7 TexReg 4518).

J. W. Arendall, Corporate Custodian and Tax Division director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Arendall has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the adoption of forms and instructions to facilitate appropriate reporting to the board by entities it regulates.

The anticipated economic cost to individuals required to comply with the rule as proposed will be the administrative expense in completing the forms. The amount will depend on the company's record keeping practices and size and type of operation.

Comments on the proposal may be submitted to J.W. Arendall, Director, Corporate Custodian and Tax Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas, 78786

This new rule is proposed under authority of the Texas Insurance Code, Articles 1.04, 1.10, §9, 1.11, 1.24, 3.07, 6.11, 6.12, 8.07, 8.08, 8.24, 9.22, 9.47, 10.30, 11.06, 11.19, 14.15, 14.39, 15.15, 15.16, 16.18, 16.24, 16.27, 17.22, 17.25, 18.12, 19.08, 20.02, 21.21, 21.43, 22.06, 22.18, and 23.26, the Texas Health Maintenance Organization Act, §10 and §22; Texas Civil Statutes, Article 6252-13a, §4; and Rule 059 21.48 001 of this title, relating to insider trading and proxy solicitation. The statutes and rule require the filing of annual statements and other information from insurers and other entities regulated by the State Board of Insurance; permit the board to require and obtain information from insurers and other entities; and give the board certain authority to adopt rules, including procedural rules necessary or appropriate for the board to perform its statutory function.

*.224. Annual Statement Blanks, Instructions, and Other Forms.* The annual statement blanks, instructions, and other forms specified in this rule are adopted by reference and may be obtained from the Corporate Custodian and Tax Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786. The insurer or other entity specified in each form or instruction shall properly report to the State Board of Insurance using such form or forms and following such instructions as are appropriate to it. The adopted forms are as follows:

- (1) a 1982 Texas annual statement blank to be used by life and accident and health insurance companies;
- (2) a form entitled "Instructions for Completing Life and Accident and Health Annual Statement Blank;"
- (3) a 1982 Texas annual statement blank for life and accident and health insurance company separate accounts, excluding variable life insurance;
- (4) a form entitled "Instructions for Completing Separate Accounts Annual Statement Blank;"
- (5) a 1982 Texas annual statement blank to be used by fire and casualty companies;
- (6) a form entitled "Instructions for Completing Fire and Casualty Annual Statement Blank;"
- (7) a 1982 Texas annual statement blank to be used by fraternal orders;
- (8) a form entitled "Instructions to Fraternal Benefit Societies for Completing Annual Statement Blanks;"
- (9) a 1982 Texas annual statement blank to be used by title insurance companies;
- (10) a form entitled "Instructions for Completing Title Insurance Annual Statement Blank;"
- (11) a 1982 annual statement blank for health maintenance organizations;

(12) a form entitled "General Information and Instructions for Filing Health Maintenance Organization Annual Report of Affairs and Conditions;"

(13) a form entitled "Supplement 'A' to Schedule T, Exhibit of Medical Malpractice Premiums Written Allocated by States and Territories;"

(14) a form entitled "Fraternal Benefit Societies—Supplement to Valuation Report;"

(15) a form entitled "Products Liability Insurance Supplement—1982;"

(16) a form entitled "Schedule SIS, Stockholder Information Supplement;"

(17) a form entitled "Insurance Expense Exhibit—1982;"

(18) a form entitled "Credit Life and Accident and Health Exhibit;"

(19) a form entitled "Credit Life Insurance Statistical Report;"

(20) a form identified as direct business in the State of Texas during the year 1982 and further identified as the Standard (NAIC), page 46, Form I,

(21) a form entitled "Medical Malpractice Business in the State of Texas Schedule P;"

(22) a 1982 Texas annual statement blank to be used by statewide mutual assessment associations, local mutual aid associations, burial associations, and exempt associations, which includes the Texas reporting supplement;

(23) a form entitled "Instructions for the 1982 Mutual Assessment Annual Statement;"

(24) a 1982 Texas annual statement blank to be used by farm mutual insurance companies which includes the 1982 Texas reporting supplement;

(25) a form entitled "Instructions for the 1982 Farm Mutual Annual Statement;"

(26) a 1982 annual statement blank to be used by prepaid legal service corporations which includes the 1982 Texas reporting supplement;

(27) a form entitled "Instructions to Prepaid Legal Services Corporations for Completing Annual Statement Blank;"

(28) a form identified as the 1982 Texas reporting supplement to the annual statement for domestic stock life companies, domestic stock fire companies, domestic stock fire and casualty companies, domestic stock casualty companies, and stipulated premium companies.

(29) a form identified as the 1982 Texas reporting supplement to the annual statement for domestic mutual life companies, domestic mutual fire and/or casualty companies, and domestic county mutual companies;

(30) a form identified as the 1982 Texas reporting supplement to the annual statement for foreign stock life companies, foreign stock fire companies, foreign stock casualty companies, and Mexican casualty companies;

(31) a form identified as the 1982 Texas reporting supplement to the annual statement for foreign mutual life companies and foreign mutual fire and/or casualty companies;

(32) a form identified as the 1982 Texas reporting supplement to the annual statement for domestic

lloyds, foreign lloyds, domestic reciprocals, and foreign reciprocals;

(33) a form identified as the 1982 Texas reporting supplement to the annual statement for domestic fraternal societies and foreign fraternal societies,

(34) a form identified as the 1982 Texas reporting supplement to the annual statement for domestic title companies, and foreign title companies,

(35) a form identified as the 1982 Texas reporting supplement to the annual statement for health maintenance organizations,

(36) a form identified as supplement pages 22, 23, 24, 25, 26, 27, and 28 to the annual statement for health maintenance organizations, and

(37) a form identified as the officers and directors page to be used by each domestic insurer and other principals licensed by the State Board of Insurance

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

Issued in Austin, Texas, on March 24, 1983

TRD-832151 James W. Norman  
Chief Clerk  
State Board of Insurance

Earliest possible date of adoption  
May 2, 1983

For further information, please call (512) 475-2960.

## Rating and Policy Forms Rate Deviations, Motor Vehicle Insurance [Promulgated Rates as Controlling]

059.05.03.001

The State Board of Insurance proposes amendments to Rule 059.05.03.001, concerning requirements and procedures to apply for an automobile rate deviation pursuant to the Texas Insurance Code, Article 5.03. Paragraph (1) is amended to require the submission of one original and one copy, instead of one original and two copies, of Automobile Deviation Application Form AD-77, which is adopted by reference. References to the physical damage fleet rating plan are deleted from the rule and Automobile Deviation Application Form AD-77, since the physical damage fleet rating plan has been repealed.

Automobile Deviation Application Form AD-77 is also amended as follows. The "Analysis of Surplus" sheet is conformed to the current Texas Reporting Supplement of the required annual statement. Other portions of Form AD-77 are conformed to the expense categories currently employed by the board in automobile ratemaking. Certain numerical figures in Form AD-77 are deleted (these numerical figures are expense factors which change each time the board changes the factor for a particular expense category in automobile ratemaking; a footnote is added in the place of the figures which explains that the appropriate factor is required to be inserted, and that board personnel will

insert the factor currently being used as a convenience to the applicant.) Other changes are merely editorial. The foregoing amendments will not change any present board procedure. Their purpose is to simply update the deviation application procedure and application form.

Thomas M. Jackson, assistant director, Automobile and Miscellaneous Lines Section, has determined that for the first five year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Jackson has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be an updated rule which conforms to present board practice. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Thomas M. Jackson, Assistant Director, Automobile and Miscellaneous Lines Section, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The amendments are proposed under authority of the Texas Insurance Code, Article 5.03, which regulates applications for automobile deviations, and pursuant to which the board shall resolve by rules, to the extent permitted by law, any conflicts or ambiguities as are necessary to accomplish the purposes of Article 5.03, and under authority of the Texas Insurance Code, Article 5.10, which empowers the board to make and enforce all reasonable rules, not inconsistent with the Texas Insurance Code, Chapter 5, Subchapter A, as are necessary to carry out its provisions.

*(Editor's note: In addition to the amendments in wording of the rule, the subdivisions of the rule are being redesignated according to the Register's current format. The entire rule is being published for clarity.)*

*.001. Deviation Rate Filing for Automobile Insurance* This rule and the form adopted herein by reference apply [applies] to all applications for permission to write automobile insurance in Texas on a deviated basis in accordance with the provisions of the Texas Insurance Code, Article 5.03 [as amended]. [The following provisions apply to all such applications.]

(1) Companies shall submit an original and one copy [two copies] of the Texas Automobile Deviation Application Form AD-77, as revised, to the State Board of Insurance (Board), 1110 San Jacinto Street, Austin, Texas 78786, setting out as a minimum the [that] information called for in the [said] form. **Texas Automobile Deviation Application Form AD-77 is incorporated herein by reference. Copies of the form may be obtained from the Automobile and Miscellaneous Lines Section, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.**

(2) Deviation applications shall be filed, under oath, by an officer [official] of the applicant insurer. Other supporting data regarded by the applicant as per-

ment may also be submitted; ], or may be required by the board may, after [its] receipt of the application, **require additional information**

(3) **The applicant shall specify** the precise manual or rating classifications and the precise coverages from which it [the applicant] desires to deviate, including the percent of deviation from board promulgated rates [, shall be set out]

(4) The statistical and financial information called for in the application may be taken from the Annual Statement and the Insurance Expense Exhibit if [wherein] available

(5) Deviations at lesser or greater rates, previously approved by the board, automatically terminate when the board promulgates a new set of rates, except as provided in the Texas Insurance Code, Article 5.03, §(c) [subchapter (c), as amended]

(6) Deviations must be on a uniform basis by class or subclass and coverage. Deviations must be on a uniform basis statewide unless specifically otherwise approved by the board. Any insurer desiring to write insurance under a deviated basis on a classification plan different from that promulgated by the board may include in the [this] application a request for permission to do so. The board will approve the use of only such additions or refinements in its classification plan as will produce subclassifications which when combined will enable consideration of the insurer's experience under both the board classification plan and the insurer's [its own] classification plan. Such additions or refinements must result in premium that will be just, adequate, reasonable, not excessive, and not unfairly discriminatory. Subclassifications based on [territory or] driving record will not be approved. A request for approval of subclassifications or deviation by territory must be accompanied by adequate explanation and statistical justification.

(7) Deviations are not permitted for [those] classes that are rated in accordance with the rating plans promulgated by this board, including, but not limited to retrospective rating, liability experience rating, [physical damage fleet rating] and loss and composite rating, and the Texas Automobile Insurance Plan.

(8) All financial and underwriting information called for in the application shall be given as of December 31 of the latest year, unless otherwise indicated.

(9) Deviations are authorized upon the condition that the deviating companies report statistically both the deviated premium and the amount of premium which would have been received at standard rates, i.e., not deviated.

(10) The coverage column on page three of Form AD-77 may be completed using the following broad general categories:

(A) all liability coverages except (list specific coverages to which deviation does not apply such as Use of Other Automobiles Coverage Broad Form);

(B) all physical damage coverages except (list specific coverages to which deviation does not apply such as Towing and Labor Costs Coverage) otherwise, the specific coverages by class must be shown.

(11) Texas Automobile Deviation Application Form AD-77, as amended in July 1977, consisting of 15 pages, attached hereto and incorporated herein by refer-

ence will be used for all submissions with an effective date on and after August 29, 1977.]

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

Issued in Austin, Texas, on March 24, 1983

TRD 832152 James W. Norman  
Chief Clerk  
State Board of Insurance

Earliest possible date of adoption  
May 2, 1983

For further information, please call (512) 475-2950.

## General Provisions Unfair Competition and Unfair Practices

059.21.21.004, .006, .007

The State Board of Insurance proposes the repeal of Rules 059.21.21.004, .006, and .007, concerning regulations on the replacement of certain life insurance policies. Due to the increasingly complicated nature of many life insurance policy forms and because of the difficulty in applying the regulation, the board has made a preliminary determination that the rules are not accomplishing the purpose for which they were promulgated and should be repealed.

Ted Becker, staff actuary (life), A. W. Pogue, Policy Approval Division manager, and Ray Marek, Business Practices and Procedure Division manager, have determined that for the first five-year period the repeals will be in effect there will be no fiscal implications to state or local government as a result of the repeals. Although there will be some savings of time for State Board of Insurance personnel, no staff reduction is anticipated. There will be a small savings in office supplies or postage, depending on how often State Board of Insurance personnel would be involved in enforcing the rules if they were not repealed.

Mr. Pogue has also determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of the repeals will be the elimination of ineffective rules. The anticipated economic cost to individuals who have been heretofore required to comply with the rules will be a savings. The present cost per replacement naturally depends on the administrative practices and diligence of individual companies and agents. The total cost to a particular company or agent will depend very largely on the number of replacements involved. However, estimates of the cost in time and material to agents replacing policies runs from \$23.50 to \$50 per replacement. Estimates of costs from a few replacing companies range from a little more than \$5.00 to a little more than \$18 per replacement.

Comments on the proposal may be submitted to A. W. Pogue, Division Manager, Policy Approval Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The repeals are proposed under the authority of the Texas Insurance Code, Article 21.21, § 13, which provides the State Board of Insurance with the authority to promulgate and enforce reasonable rules and regulations in the accomplishment of the purposes of the Texas Insurance Code, Articles 21.20 and 21.21, including, but not limited to, rules required to affect uniformity with the adopted procedures of the National Association of Insurance Commissioners; and pursuant to the board's authority to repeal any rule it has previously promulgated.

- .004. *Replacement of Life Insurance I.*
- .006. *Replacement of Life Insurance II.*
- .007. *Replacement of Life Insurance III.*

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

Issued in Austin, Texas, on March 23, 1983.

TRD-832146      James W. Norman  
                         Chief Clerk  
                         State Board of Insurance

Earliest possible date of adoption:  
May 2, 1983

For further information, please call (512) 475-2950.

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part III. Texas Air Control Board

#### Chapter 114. Motor Vehicles

##### 31 TAC §114.1

The Texas Air Control Board proposes amendments to §114.1, concerning maintenance and operation of air pollution control systems or devices used to control emissions from motor vehicles. The proposed amendments prohibit the use of leaded gasoline in motor vehicles designed for use of unleaded gasoline and also prohibit the sale of devices for circumventing a motor vehicle's emission control devices.

These amendments are proposed as part of the implementation of vehicle parameter inspection and maintenance program in the Texas State Implementation Plan (SIP) Ozone Control Strategy for Harris County adopted by the Texas Air Control Board on December 3, 1982. The SIP is required by the Federal Clean Air Act, § 172, to include a vehicle inspection and maintenance program for all areas for which extensions beyond the 1982 ozone attainment deadline were requested and granted. Harris County is the only area in Texas where an extension was granted.

Bennie Engelke, deputy director for administrative services, has determined that for the first five-year period that the rule will be in effect there will be fiscal implications as a result of enforcing or administering the

rule. The major part of the expected cost to state and local governments will be for monitoring and inspection activities, part of which may be assumed by the local government during the five-year period with a corresponding shift in costs from the state government to the local government. There will be additional cost to the state for public information activity, and this is expected to fall mainly within the first year. The effect on state government will be an estimated additional cost of \$7,000 in 1983, and \$15,000 annually from 1984-1987.

Roger Wallis, deputy director for standards and regulations program, has determined that for each year of the first five years the rule as proposed is in effect the public benefit as a result of enforcing the rule as proposed will be the reduction of emissions of hydrocarbons and other pollutants from mobile sources that will result because of the large number of emissions control systems operating properly. An additional public benefit is a reduction in long-term repair cost caused by misfueling.

There will be a short-term cost to individuals who would otherwise use leaded gasoline, but this short-term cost is more than offset by the reduction in long-term repair cost. Both long-term and short-term costs are highly variable, affected by other factors, and therefore not reasonably quantifiable. There is also a cost due to loss of sales to individuals who sell devices for circumvention of emission control devices. The extent of loss of sales is difficult to ascertain and quantify.

Public hearings on this proposal are scheduled for the following times and places:

April 25, 1983, at 6:30 p.m., in the City of El Paso city council chambers, second floor, 2 Civic Center Plaza, El Paso.

May 3, 1983, at 7 p.m., in the auditorium, Texas Air Control Board, 6330 Highway 290 East, Austin.

May 4, 1983, at 7 p.m., in the basement conference room, Arlington Public Library, 101 East Abram, Arlington.

May 5, 1983, at 7 p.m., at the Bureau of Air Quality Control, 7411 Park Place, Houston.

Copies of the proposed rule changes are available at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723, and at all Texas Air Control Board regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. Written testimony received by May 13, 1983, will be included in the hearing record. The Texas Air Control Board would appreciate receiving five copies of testimony prior to the hearings, where possible. Written comments should be sent to the Hearing Examiner, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

These amendments are proposed under Texas Civil Statutes, Article 4477-5, § 3.09(a), which provides the Texas Air Control Board with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to

amend any rule or regulation the Texas Air Control Board makes.

§114.1. Maintenance and Operation of Air Pollution Control Systems or Devices Used To Control Emissions from Motor Vehicles.

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

(e) No person may introduce leaded gasoline into a motor vehicle designed and certified by the Environmental Protection Agency for use of unleaded gasoline at any motor vehicle fuel dispensing facility where unleaded gasoline is available. The operator of the motor vehicle fuel dispensing facility shall report to the Texas Air Control Board the license number of any vehicle observed to be misfueled in violation of this subsection. A notice of the prohibitions and requirements of this subsection shall be prominently displayed at all facilities in Harris County which dispense more than 200,000 gallons per year of motor vehicle fuel.

(f) No person may sell any system or device designed to replace or circumvent any system or device, or any part thereof, installed by a vehicle manufacturer to comply with the Federal Motor Vehicle Control Program and used to control emissions of air pollutants from a motor vehicle or motor vehicle engine to be used on a public highway unless the system or device to be sold is equally effective in controlling emissions of air pollutants from the vehicle or engine.

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

Issued in Austin, Texas, on March 23, 1983.

TRD-832160 Bill Stewart, P.E. Executive Director Texas Air Control Board

Proposed date of adoption. August 1, 1983

For further information, please call (512) 451-5711, ext. 354.



Part VII. Texas Water Well Drillers Board

Chapter 231. Substantive Rules Licensing Procedures

34 TAC §231.43

The Texas Water Well Drillers Board proposes an amendment to §231.43, concerning certification by the board. The amendment consists of the addition

of new subsection (c) with no change to the existing subsections (a) and (b). The amendment provides for a one-year waiting period on certification of an applicant who is the subject of a complaint filed with the attorney general's office concerning a violation of the Water Well Drillers Act. Additionally, it provides for a one-year waiting period on certification of an applicant whose license has been revoked by the board following a public hearing. This rule is necessary to provide sufficient time for the prosecution of complaints by the attorney general's office without fear that such action will become moot due to the violator obtaining the required license.

Mike Hodges, Fiscal Services Section chief, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule

Mr. Hodges has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be more effective enforcement of the provisions of the Water Well Drillers Act by the attorney general's office. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Patrick J. Sullivan, General Counsel's Office, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711, (512) 475-4338.

This amendment is proposed under Texas Civil Statutes, Article 7621e, §7, which provides the Water Well Drillers Board with the authority to adopt, prescribe, promulgate, and enforce all rules and regulations reasonably necessary to effectuate the provisions of the Water Well Drillers Act.

§231.43. Certification by the Board.

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

(c) An applicant at the discretion of the board may not be certified by the board for up to a one-year period following:

- (1) a board meeting at which the board voted to refer to the attorney general's office a complaint involving the applicant; or
(2) an administrative hearing conducted by the board which resulted in the revocation of the applicant's license.

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

Issued in Austin, Texas, on March 23, 1983.

TRD-832118 Susan Plettman General Counsel Texas Department of Water Resources

Earliest possible date of adoption: May 2, 1983

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

§ 114.2, § 114.3

*(Editor's note: The text of the following rules being proposed for repeal will not be published. The rules may be examined in the offices of the Texas Air Control Board, 6330 Highway 290 East, Austin, or in the Texas Register office, 503E Sam Houston Building, Austin.)*

The Texas Air Control Board proposes the repeal of § 114.2, concerning exclusions and exceptions, and § 114.3, concerning effective date. New § 114.5, concerning exclusions and exemptions, which is simultaneously proposed for adoption, is an amended version of old § 114.2. The repeal of § 114.3, concerning effective date, is proposed because the effective date for each new rule and amendment is published in both the *Texas Register* and the Texas Administrative Code.

Bennie Engelke, deputy director for administrative services, has determined that for the first five-year period the repeals will be in effect there will be no fiscal implications to state or local government as a result of the repeals.

Roger Wallis, deputy director for standards and regulations, has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of the repeals will be improved understanding of regulatory provisions by eliminating unnecessary and confusing language. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Public hearings on this proposal are scheduled for the following times and places.

April 25, 1983, at 6:30 p.m., in the City of El Paso city council chambers, second floor, 2 Civic Center Plaza, El Paso.

May 3, 1983, at 7 p.m., in the auditorium, Texas Air Control Board, 6330 Highway 290 East, Austin.

May 4, 1983, at 7 p.m., in the basement conference room, Arlington Public Library, 101 East Abram, Arlington.

May 5, 1983, at 7 p.m., at the Bureau of Air Quality Control, 7411 Park Place, Houston.

Copies of the proposed rule changes are available at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723, and at all Texas Air Control Board regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. Written testimony received by May 13, 1983, will be included in the hearing record. The Texas Air Control Board would appreciate receiving five copies of testimony prior to the hearings, where possible. Written comments should be submitted to the Hearing Examiner, Texas Air Control Board, 6330 Highway, 290 East, Austin, Texas 78723.

These repeals are proposed under Texas Civil Statutes, Article 77-5, § 3.09(a), which provides the Texas Air Control Board with the authority to make

rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the Texas Air Control Board makes.

§ 114.2. *Exclusions and Exceptions.*

§ 114.3. *Effective Date.*

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

Issued in Austin, Texas, on March 23, 1983.

TRD-832158 Bill Stewart, P.E.  
Executive Director  
Texas Air Control Board

Earliest possible date of adoption:

August 1, 1983

For further information, please call (512) 451-5711, ext. 354.

31 TAC § 114.3, § 114.5

The Texas Air Control Board (TACB) proposes new § 114.3, concerning inspection requirements, to require conformity with the vehicle emissions control system related portion of the vehicle safety inspection requirements administered by the Texas Department of Public Safety (DPS). The proposed rule also requires that, at the time of resale of a 1984 (or newer) model motor vehicle to a resident of Harris County, the seller must provide the purchaser certification that the vehicle complies with those vehicle emission control related requirements.

The TACB also proposes new § 114.5, concerning exclusions and exceptions, to replace § 114.2, simultaneously proposed for repeal. The proposed new rule places the rule in more logical sequence relative to other rules of Regulation IV, concerning motor vehicles. In addition, a new subsection (c) is proposed to make vehicles exclusively equipped for fuels other than gasoline or diesel exempt from the inspection requirement of § 114.1, relating to maintenance and operation of air pollution control systems or devices used to control emissions from motor vehicles, and § 114.3, relating to inspection requirements. Emission control devices on these vehicles are unnecessary.

Bennie Engelke, deputy director for administrative services, has determined that for the first five-year period the rules will be in effect the fiscal implications are those associated with certification of vehicles at the time of resale. There is a concurrent vehicle emission control system inspection requirement administered by DPS under the Texas Vehicle Inspection Act and monitored by the TACB. This inspection requirement has fiscal implications to the state government and to the vehicle owners, but the majority of these implications would be incurred whether or not the proposed rules are adopted.

There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Roger Wallis, deputy director for standards and regulations program, has determined that for each year of the first five years the rules as proposed are in effect, the public cost as a result of enforcing the rules as proposed will be the cost of certifying an affected vehicle at the time of resale. There will probably be related costs resulting from compliance with the vehicle emission control related safety inspection requirements established by the DPS. Owners of vehicles equipped for fuel other than gasoline or diesel will benefit as a result of the exemption from emission control device requirements.

Public hearings on this proposal are scheduled for the following times and places.

April 25, 1983, at 6:30 p.m., in the El Paso city council chambers, second floor, 2 Civic Center Plaza, El Paso.

May 3, 1983, at 7 p.m., in the auditorium, Texas Air Control Board, 6330 Highway 290 East, Austin.

May 4, 1983, at 7 p.m., in the basement conference room, Arlington Public Library, 101 East Abram, Arlington.

May 5, 1983, at 7 p.m., at the Bureau of Air Quality Control, 7411 Park Place, Houston.

Copies of the proposed rule changes are available at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. Written testimony received by May 13, 1983, will be included in the hearing record. The TACB would appreciate receiving five copies of testimony prior to the hearings, where possible. Written comments should be sent to the Hearing Examiner, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

The new rules are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provides the Texas Air Control Board with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the Texas Air Control Board makes.

**§114.3<sup>e</sup> Inspection Requirements.**

(a) All motor vehicles must comply with air pollution emission control related requirements included in the annual vehicle safety inspection requirements administered by the Texas Department of Public Safety.

(b) At the time of resale of 1984 or newer model year motor vehicle to a resident of Harris County, the seller of the vehicle must, prior to transfer of ownership, provide to the purchaser of such vehicle certification that the vehicle complies with the air pollution emission control related requirements included in the annual vehicle safety inspection requirements applicable to Harris County administered by the Texas Department of Public Safety.

**§114.5. Exclusions and Exceptions.**

(a) This chapter does not apply to motor vehicles or motor vehicle engines which are intended solely or primarily for use on a farm or ranch; or for legally sanctioned motor competitions; for research and development uses; or for instruction in a bona fide vocational training program where the use of a system or device would be detrimental to the purpose for which the vehicle or engine is intended to be used.

(b) Vehicles belonging to members of the U.S. Department of Defense (DOD) participating in the DOD Privately Owned Vehicle Import Program are exempt from the provisions of §114.1 of this title (relating to Maintenance and Operation of Air Pollution Control Systems or Devices used to Control Emissions from Motor Vehicles) if the following conditions are met:

(1) Only the catalytic converter and the fuel filler restrictor inlet are removed from the vehicle.

(2) The vehicle is delivered to the appropriate port for overseas shipment within 30 days after the emission control device(s) is removed.

(3) If the vehicle is returned to the United States, all systems or devices used to control emissions from the vehicle are restored to good operable condition within 30 days of pickup of the vehicle from the appropriate port of importation.

(c) Vehicles equipped to operate on fuel other than gasoline or diesel are exempt from the provisions of §114.1 of this title (relating to Maintenance and Operation of Air Pollution Control Systems or Devices) and §114.3 of this title (relating to Inspection Requirements) if their design precludes the use of gasoline or diesel fuel without modification.

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

Issued in Austin, Texas, on March 23, 1983.

TRD-832161

Bill Stewart, P.E.  
Executive Director  
Texas Air Control Board

Proposed date of adoption:

August 1, 1983

For further information, please call (512) 475-5711, ext. 354.



An agency may withdraw proposed action or the remaining effectiveness of emergency action on a rule by filing a notice of withdrawal with the *Texas Register*. The notice is generally effective immediately upon filing with the *Register*.

If a proposal is not adopted or withdrawn within six months after the date of publication in the *Register*, it will automatically be withdrawn by the *Texas Register*. Notice of the withdrawal will appear in the next regularly scheduled issue of the *Register*. The effective date of the automatic withdrawal will appear immediately following the published notice.

No further action may be taken on a proposal which has been automatically withdrawn. However, this does not preclude a new proposal of an identical or similar rule following normal rulemaking procedures.

# Withdrawn Rules

## TITLE 22. EXAMINING BOARDS Part V. Texas State Board of Dental Examiners Chapter 109. Conduct Prohibitions 22 TAC §109.107

The Texas State Board of Dental Examiners has withdrawn from consideration for permanent adoption new §109.107, concerning conduct. The text of the new section as proposed appeared in the December 24, 1982, issue of the *Texas Register* (7 TexReg 4482).

Issued in Austin, Texas, on March 23, 1983.

TRD-832121 Carol McPherson  
Administrative Technician  
Texas State Board of Dental  
Examiners

Filed: March 23, 1983  
For further information, please call (512) 475-2443.

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

*(Editor's note: Because the State Board of Insurance's rules have not yet been published in the Texas Administrative Code (TAC), they do not have designated TAC numbers. For the time being, the rules will continue to be published under their Texas Register numbers. However, the rules will be published under the agency's correct TAC title and part.)*

### General Provisions Replacement of Life Insurance 059.21.20.001-.012

The State Board of Insurance has withdrawn from consideration for permanent adoption new Rules

059.21.20.001-.012, concerning general provisions. The text of the new sections as proposed appeared in the February 10, 1981, issue of the *Texas Register* (6 TexReg 604).

Issued in Austin, Texas, on March 24, 1983.

TRD-832148 James W. Norman  
Chief Clerk  
State Board of Insurance

Filed: March 24, 1983  
For further information, please call (512) 475-2950.

### Unfair Competition and Unfair Practices 059.21.21.004, .006, .007

The State Board of Insurance has withdrawn from consideration for permanent adoption the repeal of Rules 059.21.21.004, .006, and .007, concerning general provisions. The notice of proposed repeal appeared in the February 10, 1981, issue of the *Texas Register* (6 TexReg 614).

Issued in Austin, Texas, on March 24, 1983.

TRD-832149 James W. Norman  
Chief Clerk  
State Board of Insurance

Filed: March 24, 1983  
For further information, please call (512) 475-2950.

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE Part I. Texas Department of Human Resources Chapter 3. AFDC Employment Initiative 40 TAC §3.5111

The Texas Department of Human Resources has withdrawn from consideration for permanent adoption

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new §3.5111, concerning the AFDC Program. The text of the new section as proposed appeared in the January 7, 1983, issue of the *Texas Register* (8 TexReg 53).

Issued in Austin, Texas, on March 25, 1983.

TRD-832205 Susan Johnson  
Administrator  
Policy Development Support  
Division  
Texas Department of Human  
Resources

Filed: March 25, 1983  
For further information, please call (512) 441-3355,  
ext 2037.

new §3.5126, concerning the AFDC Program. The text of the new section as proposed appeared in the January 7, 1983, issue of the *Texas Register* (8 TexReg 53).

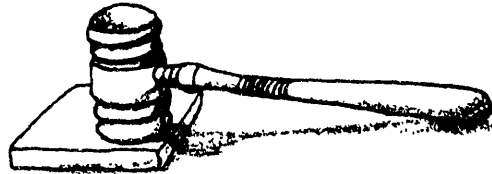
Issued in Austin, Texas, on March 25, 1983.

TRD-832206 Susan Johnson  
Administrator  
Policy Development Support  
Division  
Texas Department of Human  
Resources

Filed: March 25, 1983  
For further information, please call (512) 441-3355,  
ext. 2037.

## 40 TAC §3.5126

The Texas Department of Human Resources has withdrawn from consideration for permanent adoption



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

The document, as published in the *Register*, must indicate whether the rule is adopted with or without changes to the proposal. The notice must also include paragraphs which: explain the legal justification for the rule; how the rule will function; contain comments received on the proposal; list parties submitting comments for and against the rule; explain why the agency disagreed with suggested changes; and contain the agency's interpretation of the statute under which the rule was adopted.

If an agency adopts the rule without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. The text of the rule, as appropriate, will be published only if final action is taken with alterations to the proposal. The certification information, following the submission, contains the effective date of the final action, the proposal's publication date, and a telephone number to call for further information.

## Adopted Rules



### TITLE 7. BANKING AND SECURITIES Part VII. State Securities Board Chapter 109. Transactions Exempt from Registration

#### 7 TAC §109.4

The State Securities Board adopts amendments to §109.4, with minor changes to the proposed text published in the January 18, 1983, issue of the *Texas Register* (8 TexReg 208).

The rule is adopted to clarify existing staff interpretation of the rule, as well as to make a rule exemption available to persons who have been subjected to federal administrative orders, convictions, or court orders, if such persons are currently licensed by the Securities and Exchange Commission (SEC) to conduct securities-related business.

The rule, as amended, provides a coordinating exemption for sale of securities in private offerings in Texas

to the federal exemptions under SEC regulations for private offerings under Rules 505 and 506 of Regulation D.

John E. Gangstad of Brown, Maroney, Rose, Baker, and Barber, Austin, wrote supporting efforts to clarify the rule. Mr. Gangstad suggested that confusion may result from present wording of the rule and that perhaps the rule should be clarified by adding language that, notwithstanding the aggregation provisions contained in subparagraph (11)(D) of the rule, sales under the rule may be used to sell securities to up to 35 unaccredited investors within a 12-month period, counting any prior sales under the Texas Securities Act, §5.1(a) or §5.1(c). Mr. Gangstad's proposed wording was not adopted, as it is felt the proposed language was adequate to convey the intent behind the rule. Also, Mr. Gangstad suggested rewriting proposed subparagraph (11)(F) of the regulation. The substance would not be changed on Mr. Gangstad's proposal but merely the method of wording in an attempt to verify the meaning of the rule. Mr. Gangstad's proposed language was adopted. In addition, the adopted text corrects some errors of organizational terminology in subparagraphs (F)-(H) of paragraph (11). Finally, Mr. Gangstad suggested rewriting subparagraph (3)(D), which was not included in the amendments as proposed; accordingly, such comments were not addressed in adoption of the rule.

The amendments are adopted under Texas Civil Statutes, Article 581-5.T and 28-1, which provide, respectively, that the board may prescribe exempt transactions by rule or regulation, and that the board may adopt such rules and regulations as may be necessary to carry out the provisions of the Securities Act.

**§109.4. Public Solicitation or Advertisements** This section is intended to reflect the support of the Securities Board for the proposition that potential investors in transactions exempt under §5.1 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) Exempt limited offerings. In addition to sales made under the Securities Act, §5.1, 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:

(A) (No change.)

(B) Neither the issuer nor the registered dealer (as such terms are defined in clause (v) of this subparagraph):

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

(iv) The prohibitions of clauses (i), (ii), and (iii) of this subparagraph shall not apply if the party subject to the disqualifying order is duly licensed to conduct securities-related business in the state in which the administrative order or judgment was entered against such party or, if the order or judgment was entered by federal authorities, the prohibitions of clauses (i), (ii), and (iii) of this subparagraph shall not apply if the party subject to the disqualifying order is duly licensed to conduct securities-related business by the Securities and Exchange Commission. Any disqualification caused by this section is automatically waived if the state or federal authorities which created the basis for disqualification determine upon a showing of good cause that it is not necessary under the circumstances that the exemption be denied.

(v) For purposes of this subparagraph (B) only, "issuer" includes any directors, executive officers, general partners, or beneficial owners of 10% or more of any class of its equity securities (beneficial ownership meaning the power to vote or direct the vote and/or the power to dispose or direct the disposition of such securities), and "registered dealer" shall include any partners, directors, executive officers, or beneficial owner of 10% or more of any class of the equity securities of the registered dealer (beneficial ownership meaning the power to vote or direct the vote and/or the power to dispose or direct the disposition of such securities.)

(vi) (No change.)

(C) (No change.)

(D) This section may not be combined with the Securities Act, §5.1(a) or §5.1(c), to make sales to more than 35 unaccredited security holders during a 12-month period. Except for accredited investors who became security holders pursuant to this section, security holders who purchase in sales made in compliance with this section are included in the count of security holders under §5.1(a) or purchasers under §5.1(c), but this section may be used to exceed the numbers of security holders or purchasers allowed by such sections over an extended period of time.

(E) Issuers who offer and sell securities under this section only through a securities dealer registered in

Texas may do so without filing any notice with the State Securities Board.

(F) No notice is required for sales made under clause (i) of subparagraph (A) of this paragraph (11) or under clause (ii) of subparagraph (A) of this paragraph (11), where the sales are made exclusively to accredited investors listed in clauses (i)-(iv) of the definition of "accredited investor" contained in subparagraph (H) of this paragraph (11) or to entities in which all of the equity owners are accredited investors listed in clauses (i)-(iv) of such definition. However, for sales under clause (ii) of subparagraph (A) of this paragraph (11), in whole or in part to accredited investors listed in clauses (v)-(viii) of such definition of "accredited investor," issuers who are not registered securities dealers and who do not sell securities under this paragraph (11) by or through registered securities dealers shall file a sworn notice on Form 133.29 or on a reproduction thereof not less than 10 business days before any sale claimed to be exempt under this paragraph (11) may be consummated setting forth at least:

(i)-(iv) (No change.)

(G) Accredited investor security holders who purchase in sales made under this exemption are not counted as security holders under §5.1(a) or purchasers under §5.1(c) in determining whether any other sales to other security holders or purchasers are exempt under §5.1. That is to say, this exemption for sales to accredited investors is cumulative with and in addition to the exemptions contained in §5.1, and sales made under clause (ii) of subparagraph (A) of paragraph (11) are not considered in determining whether sales made in reliance on the exemptions contained in §5.1 would be within the numerical limits on the number of security holders or purchasers contained in §5.1.

(H) For purposes of this section, "accredited investor" shall mean any person who comes within any of the following categories, or who the issuer reasonably believes comes within any of the following categories, at the time of the sale of the securities to that person:

(i) Any bank as defined in the Securities Act of 1933, §3(a)(2) whether acting in its individual or fiduciary capacity; insurance company as defined in §2(13) of the Securities Act of 1933; investment company registered under the Investment Company Act of 1940 or a business development company as defined in §2(a)(48) of that Act; small business investment company licensed by the U.S. Small Business Administration under the Small Business Investment Act of 1958, §301(c) or (d); employee benefit plan within the meaning of Title I of the Employee Retirement Income Security Act of 1974, if the investment decision is made by a plan fiduciary, as defined in §3(21) of such act, which is either a bank, insurance company, or investment adviser registered under the Investment Advisers Act of 1940, or if the employee benefit plan has total assets in excess of \$5 million;

(ii) any private business development company as defined in the Investment Advisers Act of 1940, §202(a)(22);

(iii) any organization described in the Internal Revenue Code, §501(c)(3) with total assets in excess of \$5 million;

(iv) any director, executive officer, or general partner of the issuer of the securities being offered or sold, or any director, executive officer, or general partner of a general partner of that issuer;

(v) any person who purchases at least \$150,000 of the securities being offered, where the purchaser's total purchase price does not exceed 20% of the purchaser's net worth at the time of sale, or joint net worth with that person's spouse, for one or any combination of the following:

(I) cash,

(II) securities for which market quotations are readily available,

(III) any unconditional obligation to pay cash or securities for which market quotations are readily available which obligation is to be discharged within five years of the sale of securities to the purchaser, or

(IV) the cancellation of any indebtedness owed by the issuer to the purchaser;

(vi) any natural person whose individual net worth or joint net worth with that person's spouse, at the time of his purchase exceeds \$1 million;

(vii) any natural person who had an individual income or joint income with that person's spouse in excess of \$200,000 in each of the two most recent years and who reasonably expects an income in excess of \$200,000 in the current year; and

(viii) any entity in which all of the equity owners are accredited investors under clauses (i)-(iv), (vi), or (vii) of this subparagraph (H).

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

Issued in Austin, Texas, on March 25, 1983.

TRD-832231 Richard D. Latham  
Securities Commissioner  
State Securities Board

Effective date: April 15, 1983

Proposal publication date: January 18, 1983

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

## Chapter 115. Dealers and Salesmen

### 7 TAC §115.3

The State Securities Board adopts amendments to §115.3, without changes to the proposed text published in the January 21, 1983, issue of the *Texas Register* (8 TexReg 261).

The rule is amended to delete language which could be misconstrued to allow a waiver of examinations for persons who are acting on behalf of state or national banks registering to be securities dealers.

The rule as amended will require banks and persons acting on their behalf to meet all examination requirements to be registered as a general securities dealer. The rule as amended will grant a partial waiver of the examination requirements to be licensed to deal exclusively in options on foreign currencies.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 581-28-1, which provides that the board may make or adopt rules and regulations governing registration statements, applications, notices, and reports, classify securities, persons, and matters within its jurisdiction and prescribe different requirements for different classes, and repeal prior rules or regulations.

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

Issued in Austin, Texas, on March 25, 1983

TRD-832232 Richard D. Latham  
Securities Commissioner  
State Securities Board

Effective date: April 15, 1983

Proposal publication date: January 21, 1983

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

## Chapter 133. Forms

### 7 TAC §133.19

The State Securities Board adopts an amendment to §133.19, concerning application for registration of a corporation or partnership as a securities dealer or investment adviser, with changes to the proposed text published in the January 18, 1983, issue of the *Texas Register* (8 TexReg 210).

The amendment is adopted to clarify information requested from applicants and to make the questions on the agency form more closely parallel to questions on uniform forms now in use.

The rule will clarify the intent of questions 3, 17, 21, and 28 on the application form. The only change from the proposed text is to change the amended date from February to March 1983.

Comments were received regarding to the proposal from the Investment Company Institute of Washington, D.C., whose assistant counsel recommended a further amendment to the form to avoid any confusion about the requirements that out-of-state dealers establish and maintain branch offices in Texas, in light of a federal district court decision in Virginia. While the staff is in the process of evaluating changes to the branch office requirements, a change in policy would require amendments not only to the application forms, but also to agency regulations. No amendments were proposed to regulations governing branch offices, so changes to both the forms and such regulations to deal with the comments will be proposed at a future time.

The amendment is adopted under Texas Civil Statutes, Article 581-28.1, which provides that the board may promulgate rules and regulations governing registration statements, applications, notices, and reports.



recognition from the agency, and is in good standing, and providing any information about the ethical behavior; or

(4) substantiation acceptable to the board of the minimum academic, experience, and ethical standards established by the nationally recognized certification agency for a specialty designation. This substantiation shall include detailed official catalog course descriptions, statements from accredited academic institutions and/or professors written on the institution's letterheads, notarized statements and evaluations from supervisors or agencies where the required experience was gained, letters of reference attesting to the applicant's ethical and professional standards of practice, and other appropriate documentation of expertise in the specialty area for which application is being made;

(5) for applications on or after September 1, 1982, evidence that any supervision received to meet a requirement for recognition by a certification agency for a particular specialty was received from a supervisor who meets the board's supervision requirements set out in §681.144 of this title (relating to Supervisor Requirements), board designation as a specialist in the particular specialty area for which the licensee is seeking recognition, and is listed with the board as an approved supervisor as required in §681.144 of this title (relating to Supervisor Requirements),

(6) any other evidence required by the board to establish the counselor's credentials in a specialty area.

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

Issued in Austin, Texas, on March 24, 1983

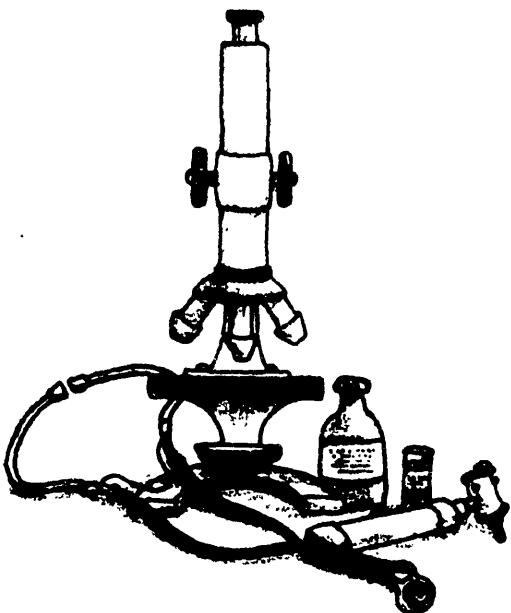
TRD-832169

Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Effective date, April 15, 1983

Proposal publication date, December 24, 1982

For further information, please call (512) 458-7511.



## TITLE 28. INSURANCE

### Part I. State Board of Insurance

*(Editor's note: Because the State Board of Insurance's rules have not yet been published in the Texas Administrative Code (TAC), they do not have designated TAC numbers. For the time being, the rules will continue to be published under their Texas Register numbers. However, the rules will be published under the agency's correct TAC title and part.)*

#### Life, Health, and Accident Insurance Rules for Exemption from Review and Approval of Certain Life, Accident, Health, and Annuity Forms and Expedition of Review Process of Facsimiles of Previously Approved Forms

059.03.42.030-.038

The State Board of Insurance adopts amendments to Rules 059.03.42.030-.037, without changes, and to Rule .038, with changes to the proposed text published in the February 4, 1983, issue of the *Texas Register* (8 TexReg 379). Only the text of Rule 059.03.42.038 will be published in this issue.

These rules exempt certain forms from the review and approval process specified in the Texas Insurance Code, Article 3.42, and expedite the review process of facsimiles of previously approved forms under authority of the same statute. Due to the large increase in the number of forms filed for review over the past several years, policy forms cannot presently be adequately reviewed within the period required by law. As a result, many new, unusual, and complex forms are not receiving appropriate attention. The forms proposed to be exempted are simple and uncomplicated, claims and complaints to the agency over the coverage provided in these forms are rarely due to the forms themselves. All forms will, of course, still be required to comply with applicable law. In addition, the board believes the procedures specified in Rule 059.03.42.037 of this title, relating to copies of previously approved forms, will help in expediting the review process under the Texas Insurance Code, Article 3.42. It is the board's opinion that the review for approval or disapproval of the forms proposed to be exempted is not necessary for the protection of the public. There is a change from the proposed text in Rule 059.03.42.038, where the words "from the date the privileges finally terminate" are added to the end of the second sentence for clarification. These rules are a revised version of rules adopted on an emergency basis effective November 19, 1982. The emergency rules appeared in the November 26, 1982, issue of the *Texas Register* (7 TexReg 4097). The exemptions in the proposed rules are somewhat broader than the emergency rules, and there are other nonsubstantive editorial changes.

No comments were received regarding adoption of the new rules.

The new rules are adopted pursuant to the Texas Insurance Code, Article 3.42, §(e), which provides the State Board of Insurance with the authority to exempt from the requirements of Article 3.42, for so long as it deems proper, any insurance document or form, the filing and approval of which is, in the board's opinion, not desirable or necessary for the protection of the public; and under the Texas Insurance Code, Article 1.04, and Texas Civil Statutes, Article 6252-13a, §4, which authorizes the board to adopt procedural rules necessary or appropriate for it to perform its statutory function.

.038. *Sanctions.* If after notice and hearing it is determined that an insurer's filing made under Rule 059.03.42.033 of this title (relating to Exempt Forms), fails to comply with Rule 059.03.42.034 of this title (relating to General Information), or that an insurer's filing made under Rule 059.03.42.037 of this title (relating to Copies of Previously Approved Forms), fails to be an exact copy of a filing previously approved, the privileges under these rules are canceled for the insurer, and the insurer is henceforth required to file for review and approval any and all forms intended for use in Texas. Application for reinstatement of any privilege canceled under these rules may not be made for a period of one year from the date the privileges finally terminate. Nothing in these rules limits the commissioner from imposing any other sanction authorized by law, including, but not limited to, the sanctions specified in the Texas Insurance Code, Article 1.10, §7.

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

Issued in Austin, Texas, on March 23, 1983

TRD-832147      James W. Norman  
                         Chief Clerk  
                         State Board of Insurance

Effective date: April 14, 1983

Proposal publication date: February 4, 1983

For further information, please call (512) 475-2950.



## TITLE 31. NATURAL RESOURCES AND CONSERVATION Part X. Texas Water Development Board

### Chapter 319. Water Well Drillers Act General Provisions

31 TAC §319.1, §319.2

The Texas Water Development Board adopts amendments to §319.1 and §319.2, concerning purpose of rules and definitions of terms, without changes to the proposed text published in the December 31, 1982, issue of the *Texas Register* (7 TexReg 4542). The amendments detail more specifically the duties of the Texas Department of Water Resources under the Water Well Drillers Act, Texas Civil Statutes, Article 7621e, and other sections of the Water Code. The adopted amendments of definitions clarify some existing definitions and add new definitions for previously undefined terms. These amendments are necessary to understand and implement other changes and new rules adopted by the board.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the authority of the Texas Water Code, §§5.131 and 5.132, which provides that the Texas Water Development Board shall make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of the state.

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

Issued in Austin, Texas, on March 23, 1983

TRD-832132      Susan Plettman  
                         General Counsel  
                         Texas Department of Water  
                         Resources

Effective date: April 13, 1983

Proposal publication date: December 31, 1982

For further information, please call (512) 475-6943.

### Well Logs and Reporting Undesirable Water

31 TAC §319.31, §319.32

The Texas Water Development Board adopts amendments to §319.31 and §319.32, concerning well logs and reporting undesirable water, without changes to the proposed text published in the December 31, 1982, issue of the *Texas Register* (7 TexReg 4543).

The amendments update the language used in these sections to conform with language used in other sections. The amendments also delete language referring to plugging and completion operations, the require-



ments for which have been consolidated in an adopted new section.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the authority of the Texas Water Code, § 5 131 and § 5 132, which provides that the Texas Water Development Board shall make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of the state

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

Issued in Austin, Texas, on March 23, 1983

TRD-832133 Susan Plettman  
General Counsel  
Texas Department of Water  
Resources

Effective date April 13, 1983  
Proposal publication date December 31, 1982  
For further information, please call (512) 475-6943.

### Well Logs and Completion

31 TAC §§319.33-319.37

The Texas Water Development Board adopts the repeal of § 319 33 319 37, concerning well logs and completion, without changes to the proposed text published in the December 31, 1982, issue of the *Texas Register* (7 TexReg 4544). These rules are being repealed to avoid any conflict with newly adopted §§319 41-319 50, which cover the subject in greater detail.

No comments were received regarding adoption of the repeals

The repeals are adopted under the authority of the Texas Water Code, § 5 131 and § 5 132, which provides that the Texas Water Development Board shall make any rules reasonably necessary to carry out the powers and duties under the provisions of the Code and any other laws of the state

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

Issued in Austin, Texas, on March 23, 1983

TRD-832134 Susan Plettman  
General Counsel  
Texas Department of Water  
Resources

Effective date: April 13, 1983  
Proposal publication date: December 31, 1982  
For further information, please call (512) 475-6943.

### Water Well Drilling, Completion, Capping, and Plugging

31 TAC §§319.41-319.50

The Texas Water Development Board adopts new §§319 41 319 50, concerning water well drilling, completion, capping, and plugging, without changes to the proposed text published in the December 31, 1982, issue of the *Texas Register* (7 TexReg 4545).

The new rules bring together in one section various requirements which had previously been contained in other sections. The adopted rules set standards for water well drilling, completion, capping, and plugging which are more specific than previous requirements. These new standards are necessary to protect underground water supplies from pollution by surface water or injurious water from other water bearing strata. They provide uniform standards to be applied throughout the state and to aid in enforcement actions by providing specific objective criteria to determine the adequacy and competency of drilling, completion, capping, and plugging techniques.

No comments were received regarding adoption of the new rules

The new rules are adopted under the authority of the Texas Water Code, § 5 131 and § 5 132, which provides that the Texas Water Development Board shall make any rules reasonably necessary to carry out the powers and duties under the provisions of the Code and any other laws of the state

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

Issued in Austin, Texas on March 23, 1983

TRD 832135 Susan Plettman  
General Counsel  
Texas Department of Water  
Resources

Effective date April 13, 1983  
Proposal publication date December 31, 1982  
For further information, please call (512) 475-6943.

### Well Plugging

31 TAC §§319.51-319.56

The Texas Water Development Board adopts the repeal of §§319.51-319.56, concerning well plugging, without changes to the proposed notice of repeal published in the December 31, 1982, issue of the *Texas Register* (7 TexReg 4547). These rules are being repealed to avoid any conflict with adopted §§319.41-319.50 which cover the subject in greater detail.

No comments were received regarding adoption of the repeals.

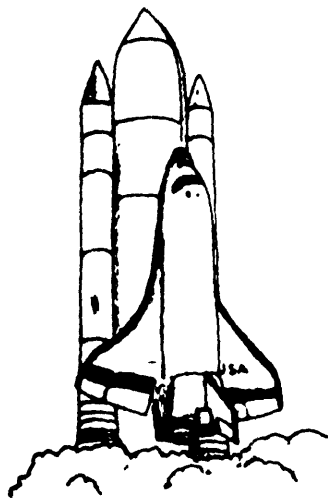
The repeals are adopted under the authority of the Texas Water Code, §5 131 and §5 132, which provides that the Texas Water Development Board shall make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of the state

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

Issued in Austin, Texas, on March 23, 1983

TRD-832136 Susan Plettman  
General Counsel  
Texas Department of Water  
Resources

Effective date April 13, 1983  
Proposal publication date December 31, 1982  
For further information, please call (512) 475-6943



### Miscellaneous Provisions

#### 31 TAC §319.71, §319.72

The Texas Water Development Board adopts amendments to §319.71 and §319.72, concerning minimum standards and field inspection, without changes to the proposed text published in the December 31, 1982, issue of the *Texas Register* (7 TexReg 4547). The amendments will bring these sections into conformity with language utilized in other sections and delete unnecessary language.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the authority of the Texas Water Code, §5.131 and §5.132, which provides that the Texas Water Development Board shall make any rules reasonably necessary to carry out the powers and duties under the provisions of the Code and any other laws of the state.

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

Issued in Austin, Texas, on March 23, 1983.

TRD 832137 Susan Plettman  
General Counsel  
Texas Department of Water  
Resources

Effective date April 13, 1983  
Proposal publication date December 31, 1982  
For further information, please call (512) 475-6943.

#### 31 TAC §319.73

The Texas Water Development Board adopts the repeal of §319.73, concerning complaints, without changes in the proposed notice of repeal published in the December 31, 1982, issue of the *Texas Register* (7 TexReg 4548). The rule is being repealed and being replaced by a new rule §319.74, which more specifically outlines the procedure to be followed in complaint actions. Because the rule has been completely rewritten, the existing rule is being repealed and a new rule adopted.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the authority of the Texas Water Code, §5 131 and §5 132, which provides that the Texas Water Development Board shall make any rules reasonably necessary to carry out the powers and duties under the provisions of the Code and any other laws of the state.

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

Issued in Austin, Texas on March 23, 1983

TRD-832138 Susan Plettman  
General Counsel  
Texas Department of Water  
Resources

Effective date April 13, 1983  
Proposal publication date, December 31, 1982  
For further information, please call (512) 475-6943.

#### 31 TAC §319.73, §319.74

The Texas Water Development Board adopts new §319.73 and §319.74, concerning plugging responsibility and complaints, without changes to the proposed text as published in the December 31, 1982, issue of the *Texas Register* (7 TexReg 4548). Section 319.73 establishes a procedure whereby a water well driller may notify the department when injurious water is encountered and the driller is prevented from plugging or completing the well in accordance with board rules. Section 319.74 establishes the new complaint procedure for reporting violations of the Water Well Drillers Act and the Water Code. This section is necessary because the previous section dealing with complaints has been repealed in favor of the newly adopted procedures.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the authority of the Texas Water Code, §5.131 and §5.132, which provides that the Texas Water Development Board shall make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of the state.

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

Issued in Austin, Texas, on March 23, 1983  
 TRD-832139 Susan Plettman  
 General Counsel  
 Texas Department of Water  
 Resources

Effective date: April 13, 1983  
 Proposal publication date: December 31, 1982  
 For further information, please call (512) 475-6943.

## Licensing Procedures

### 31 TAC §§319.91-319.98

The Texas Water Development Board adopts amendments to §§319.91-319.98, concerning licensing procedures, without changes to the proposed text published in the December 31, 1982, issue of the *Texas Register* (7 TexReg 4550). The adopted amendments make minor changes in the existing rules to conform to statutory language contained in the Water Well Drillers Act, as amended. The changes also delete unnecessary language.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the authority of the Texas Water Code, §5.131 and §5.132, which provides that the Texas Water Development Board shall make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of the state.

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

Issued in Austin, Texas, on March 23, 1983.  
 TRD-832140 Susan Plettman  
 General Counsel  
 Texas Department of Water  
 Resources

Effective date: April 13, 1983  
 Proposal publication date: December 31, 1982  
 For further information, please call (512) 475-6943.

### 31 TAC §319.99, §319.100

The Texas Water Development Board adopts the repeal of §319.99 and §319.100, concerning reci-

procity and disposition of applications, without changes to the proposed notice of repeal published in the December 31, 1982, issue of the *Texas Register* (7 TexReg 4552). The provisions of these sections have been incorporated and included in the amendments concerning licensing procedures. The adopted amendments render these sections unnecessary.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the authority of the Texas Water Code, §5.131 and §5.132, which provides that the Texas Water Development Board shall make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of the state.

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

Issued in Austin, Texas, on March 23, 1983.  
 TRD-832141 Susan Plettman  
 General Counsel  
 Texas Department of Water  
 Resources

Effective date: April 13, 1983  
 Proposal publication date: December 31, 1982  
 For further information, please call (512) 475-6943.

### 31 TAC §319.99

The Texas Water Development Board adopts new §319.99, concerning disposition of revenues, without changes to the proposed text published in the December 31, 1982, issue of the *Texas Register* (7 TexReg 4552). The section makes provision for the establishment and maintenance of a special fund created with money collected by the department under the provisions of the Water Well Drillers Act, Texas Civil Statutes, Article 7621e, §11.

No comments were received regarding adoption of the new section.

The new section is adopted under the authority of the Texas Water Code, §5.131 and §5.132, which provides that the Texas Water Development Board shall make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of the state.

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

Issued in Austin, Texas, on March 23, 1983.  
 TRD-832142 Susan Plettman  
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**TITLE 34. PUBLIC FINANCE  
Part 1. Comptroller of Public  
Accounts**

**Chapter 3. Tax Administration  
Subchapter A. General Rulings**

**34 TAC §3.6**

The Comptroller of Public Accounts adopts new §3.6, concerning subpoenas of third-party record keepers, without changes to the proposed text published in the February 25, 1983, issue of the *Texas Register* (8 TexReg 670). The Texas Tax Code, §111.0043, authorizes the comptroller to subpoena a taxpayer's records from any person in possession of them to determine the taxpayer's obligation to the state. This might include a bank, supplier, or customer of a taxpayer. The Texas Tax Code, §111.0044, provides special procedures for third party orders and subpoenas including payment of expenses incurred in complying with the subpoena. The purpose of this section is to fix the rates of reimbursement to be paid to third-party record keepers as provided by the Texas Tax Code, §111.0044(h), and to provide a procedure for requesting payment. This section was adopted on an emergency basis, effective February 18, 1983.

No comments were received regarding adoption of the new section.

This new section is adopted under the authority of the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the enforcement and administration of the Code.

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

Issued in Austin, Texas, on March 28, 1983

TRD-832241      Bob Bullock  
Comptroller of Public Accounts

Effective date: April 18, 1983  
Proposal publication date: February 25, 1983  
For further information, please call (512) 475-1922.

**Subchapter B. Minerals Tax Division—  
Natural Gas Taxes**

**34 TAC §3.14**

The Comptroller of Public Accounts adopts the repeal of §3.14, concerning exemption of certain royalty interests from gas occupation taxes, without changes to the proposed notice of repeal published in the February 25, 1983, issue of the *Texas Register* (8 TexReg 670). The method of allocation of the tax when there is partial ownership exempt from tax contained in the present rule has been invalidated by comptroller's Decision 11,660.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the authority of the Texas Tax Code, §111.002 which provides that the comptroller may prescribe, adopt, and enforce rules relating to the enforcement and administration of the Code.

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

Issued in Austin, Texas, on March 28, 1983

TRD 832242      Bob Bullock  
Comptroller of Public Accounts

Effective date: April 18, 1983  
Proposal publication date: February 25, 1983  
For further information, please call (512) 475 3341.

The Comptroller of Public Accounts adopts new §3.14, concerning exemption of certain interest owners from gas occupation taxes, without changes to the proposed text published in the February 25, 1983, issue of the *Texas Register* (8 TexReg 670). This section is adopted to replace existing §3.14, which is being repealed. The purpose of the adoption is to conform this rule to comptroller's Decision 11,660. The method of computation of the tax has been changed. Under the new section, the tax burden will be borne ratably by the nonexempt royalty and working interests on the basis of the division of the net cash proceeds from the sale of processed gas. The repealed section allocated the tax burden on the fractional interest of each taxpayer in the mineral estate. The new section also provides an example of the computation of the tax.

No comments were received regarding adoption of the new section.

The new section is adopted under the authority of the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the enforcement and administration of the Code.

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

Issued in Austin, Texas, on March 28, 1983.

TRD-832243      Bob Bullock  
Comptroller of Public Accounts

Effective date: April 18, 1983  
Proposal publication date: February 25, 1983  
For further information, please call (512) 475-3341.

**Subchapter L. Fuels Tax Division**

**34 TAC §3.171**

The Comptroller of Public Accounts adopts the repeal of §3.171, concerning special purpose liquefied gas



*Comment.* Several commentors objected to starting a mandatory employment program during a period of high unemployment.

*Response* Previous studies, both nationwide and departmental, show no correlation between the unemployment rate in an area and the number of AFDC clients placed in jobs in the area. Clients have tried looking for jobs on their own. Given the competitive nature of the current job market, the department thinks it is important to provide assistance to clients to improve their chances of success in employment efforts.

*Comment* One commentor disagreed that there is no fiscal impact on clients. The commentor stated that the loss of Medicaid has a potential long term negative effect on children.

*Response* The department's fiscal impact was specific to out of pocket expenses by clients required to comply with the proposed rules. Studies have shown that long term welfare receipt has a negative effect on children. The department thinks that families will benefit financially and otherwise if the caretaker becomes self supporting.

*Comment* Several commentors requested that participation in the job search program be voluntary.

*Response* For the test, the department is using federal participation requirements. The department will evaluate the effectiveness of the program for both volunteers and clients who are mandated to participate.

*Comment* Several commentors think that the department should do the initial assessment and provide support services. One commentor felt that the provider should do the employability assessment for AFDC recipients rather than the department.

*Response.* The department does not have staff to perform the assessment or provide support services for AFDC applicants. Even with enough staff, if the department performed the assessment or arranged support services, employment efforts for the applicant would be delayed. The department currently performs assessments for AFDC recipients, so this responsibility remains with the department.

One of the purposes of the employment initiative test is to determine the effectiveness of a contracted job search program. This effectiveness will be evaluated along with other components of the test.

*Comment.* One commentor asked if job search is available only once every 12 months or if a client could participate more than once.

*Response.* The employment initiative test will be conducted only six months. During the test, recipients may participate one time. Applicants may participate as many times as they apply for AFDC within the six month period.

*Comment* One commentor agreed with the 60-day job retention requirement before a provider is paid for a job placement. Many commentors, however, think

that the wait for reimbursement causes a hardship on the provider.

*Response* The department will pay providers on a monthly basis for job placement to alleviate the delay in payments.

*Comment* Many commentors think that the fee paid for applicant job search and for job placements is inadequate. Some commentors suggested that the department prorate the job placement fee.

*Response* The department is raising the fee for applicant job search to \$35. The department will pay \$405 for a 90 day job placement and will prorate that amount by the period the client holds the job.

*Comment* Several commentors expressed interest in the evaluation, questioned its thoroughness, and suggested other areas to be evaluated.

*Response* The department has planned a thorough evaluation. The department's evaluation of the field test will be published at the end of the test. The department will send copies to individuals and organizations who have expressed an interest.

*Comment* One commentor thinks that part time employment should be acceptable if it is the best an applicant or recipient can achieve. Another commentor applauded the department for maintaining a 30 hour weekly employment at the federal minimum wage limit. Another commentor stated that minimum wage employment would be inadequate to meet a single parent family's basic needs.

*Response* The department's goal is helping clients become self-supporting. The department realizes that jobs below the federal minimum wage level or less than 30 hours per week do not necessarily make a family self-supporting or self-sufficient. The department will evaluate the number of clients who receive jobs above minimum wage and what the client's characteristics are.

*Comment.* A commentor was concerned that the rules requiring job search may result in an otherwise eligible woman being denied access to AFDC benefits.

*Response* Job search is a condition of eligibility for applicants in the test sites. All conditions of eligibility must be met. The department will explain rights and responsibilities to applicants. Applicant participation is through self-declaration based on established employment services criteria.

*Comment.* One commentor asked about the funding source for this program.

*Response.* The funding source for this program is Title IV-A.

*Comment.* A commentor strongly supports efforts to supervise provider conduct and to take action against abusive providers. The commentor thinks the department should ensure that illegal practices such as fee-splitting do not occur.

*Response.* Standards for providers are stated in the provider agreement and the policies and procedures

agreement that the provider signs. The department's contract managers will monitor the provider's compliance with these standards.

*Comment.* One commentor suggested that clients be allowed to keep their AFDC benefits until they are assured that their employment is permanent. This time period, however, should not exceed six months. This commentor also suggested that child care and transportation be subsidized for three months for clients who receive minimum wage employment.

*Response.* Federal regulations specify that earned income must be counted in determining AFDC eligibility and how the income is counted. Some clients may be eligible for four months of Medicaid coverage after AFDC eligibility ends. Some clients may be eligible for food stamps but would need to apply for them as a non AFDC client.

Eligibility for child care is established separately from this program, but many families will continue to meet eligibility requirements for more than three months. The department does not have the funds to continue reimbursement of transportation costs after job search ends.

*Comment.* A commentor suggested that the DHR form coalitions with area adult education programs to arrange for tutoring of clients by retired persons, students, and possibly other clients.

*Response.* This suggestion is consistent with the department's plans to use all available community resources to enable AFDC recipients to become ready for employment.

*Comment.* One commentor recommended a procedure that would prevent the need for an AFDC certification interview for those applicants who obtain employment before their scheduled interview.

*Response.* Federal regulations require a personal interview during the application process. Earnings resulting from applicant job search will be identified at the time of the interview. An applicant's earnings may also be identified by a provider before the applicant's scheduled interview.

The department received many comments about specific rules as proposed. Those comments and the department's response follow.

Concerning §3.5101(b)(1), one commentor thinks that employment providers should not be allowed to conduct initial assessments of applicants. The department should have that responsibility.

In response, the department refers persons to its response to the general comment on this subject.

Concerning §3.5103 and §3.5104, several commentors objected to job search being a condition of eligibility.

In response, the department states that it is testing alternate methods for helping AFDC applicants and recipients find jobs. Pursuant to 45 Code of Federal Regulations §240.01, the state is allowed to make job search a condition of eligibility.

Concerning §3.5105, a commentor is concerned that the cooperation and good will of employers might be damaged in a program that forces each client to go to job interviews to receive AFDC benefits.

In response, the department states that the program requires clients to go on job interviews. The WIN Program had this requirement for many years, and employer relations have not suffered. This aspect of the program will be carefully evaluated.

Concerning §3.5106, one commentor thinks that there should be an exemption for temporary or chronic emotional stress. Another commentor recommends an exemption for clients with emotional and physical disabilities.

In response, the department states that it follows the exemption criteria used in the statewide employment services program. The worker may determine that the client has good cause for nonparticipation if the client has a temporary illness or circumstances which make it impossible for him to participate.

Concerning §3.5107, a commentor requests that clients receive, in writing, a description of what support services they may receive.

In response, the department states that applicants will receive a leaflet that describes the program, client responsibilities, and support services clients may receive. Recipients will receive a full explanation of the program. Staff will answer any questions clients have.

Concerning §3.5108, several commentors believe that the sanction period is too severe and places a hardship on AFDC children because of an adult's action. One commentor requested the sanction period be reduced to no more than one month for the first instance of noncompliance.

In response, the department states that federal regulations specify that states should use "up to" the sanctions specified for WIN Demo. The department's statewide employment program and the employment initiative test will be initiated during the same time period. The department has decided to use the same sanction period for all clients whether the clients are participating in job search or in the statewide employment program.

Concerning §3.5110, several commentors recommended that the department use its limited resources to design and implement its own program aimed at upgrading the employability of AFDC mothers through training.

In response, the department states that it does not have funding for this type of training. The department thinks that other state and local agencies which have funding are better equipped to provide the training. The department refers all clients to whatever training is available in the community that will upgrade their employability. The department will continue this policy.

Concerning §3.5112, a commentor requested that clients receive a written description of the program.

goals, list of client responsibilities, and list of services to which clients are entitled from providers and DHR.

In response, the department refers persons to its response to the comment on §3.5107

Concerning §3 5119(3) and §3 5120(2), a commenter requests that the department not distinguish between termination by the employer and termination by the employee

In response, the department states that if clients leave their jobs for good cause, the department does not distinguish between the types of terminations

The department has made several changes to the proposed rules for clarity and consistency. The substantive rule changes are as follows

In §3.5105, the department added a reference to §3.5005(d) which lists the reasons that constitute good cause.

In §3 5106(b), the word "may" was inadvertently omitted from the proposed rules. This was corrected to read "DHR may accept the applicant's declaration of an exemption."

In §3 5108(a), the language was changed from "fails to participate" to "does not participate."

In §3 5108(c), the language was changed to read "A recipient must not be mandated to participate in job search more often than once every 12 months."

Section 3 5111 has been withdrawn because this requirement is included in §3 5108. All subsequent rules are renumbered.

In §3.5113, the rule was changed to add subsection (c). This addition allows providers to identify characteristics of clients they are able to serve and types of employment they are suited to offer to clients. Providers must obtain written approval from the DHR before implementing these options.

In §3.5115, the department changed the length of time that provider agreements are effective from eight to 12 months.

In §3.5118(2), the expectations for the types of jobs a provider should refer applicants to were expanded to include "jobs that are expected to last at least 90 calendar days." The language regarding support services was changed to clarify how services may be arranged. Also the wording was changed to specify that the department will not pay a provider if he offers certain types of support services. The rule was expanded to specify that a provider is paid for this service if an applicant obtains employment through the provider's efforts, even if the provider did not arrange the required number of interviews.

In §3.5118(3), the rule was rewritten to add a requirement that applicants' jobs may not be part of a jobs program that has wage subsidies and job recruitment components for target populations. The job must begin within 60 days of the effective date on the authorization.

The department changed the rate of payment for job placement. The department will pay a provider \$405 for job placements lasting 90 calendar days. The payment is prorated if the applicant keeps the job less than 90 days.

In §3 5119(1), the expectations for the types of jobs a provider should refer recipients to were expanded to include "jobs that are expected to last at least 90 calendar days." The language regarding support services was changed to clarify how services may be arranged. Also the wording was changed to specify that the department will not pay a provider if he offers certain types of support services.

The rule was expanded to specify that a provider is paid for this service if a recipient obtains employment through the provider's efforts, even if the provider did not arrange the required number of interviews.

In §3 5119(2), the rule was rewritten to add a requirement that recipients' jobs may not be part of a jobs program that has wage subsidies and job recruitment components for target populations. The recipient's job must begin within 80 calendar days of the effective date on the authorization.

The department changed the rate of payment for job placement. The department will pay a provider \$405 for job placements lasting 90 calendar days. The payment is prorated if the recipient keeps the job less than 90 days.

In §3 5120(3), the wording was changed to clarify the provider's documentation requirements.

In §3 5120(6), the wording was changed to specify that providers must complete the entire job search unit of service before requesting payment for that service.

Section 3 5126 has been withdrawn because the requirements are covered in §3 5117.

These rules are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; and under Chapter 31, which authorizes the department to administer financial assistance and related services.

**§3.5103 Applicant Responsibilities.** The AFDC applicant has the following responsibilities relating to job search:

- (1) completing the application for assistance and the self-screen for AFDC forms,
- (2) participating in job search if referred,
- (3) reporting to the job search provider that the applicant chooses from a list of providers and taking the authorization form to the provider
- (4) notifying income assistance staff of any change that might affect the applicant's employment services status within 10 days after the change.

**§3.5104 Recipient Responsibilities.** The AFDC recipient has the following responsibilities relating to job search:

- (1) attending the employability assessment interview conducted by the family support worker;



(2) participating in employment services activities planned by the family support worker;

(3) reporting to the job search provider that the recipient chooses from a list of providers and taking the authorization form to the provider;

(4) notifying the income assistance or family support worker of any change that might affect the recipient's employment services status within 10 days after the change unless the recipient is required to submit a monthly status report form

**§3.5105. Participation in Applicant Job Search.** An AFDC applicant must participate in job search unless he is exempt. The applicant must report to the approved provider within 10 calendar days from the AFDC application file date. If the provider determines that the applicant is employable, the applicant must go to at least three job interviews to which the provider refers him. If the applicant is employed before the second or third interview, he is not required to complete the remaining interviews. The applicant must accept a job offer which is compatible with his skills and abilities, does not present unusual barriers, averages 30 or more hours a week, and pays at least the federal minimum wage. The applicant is not required to participate in job search longer than 30 calendar days from the AFDC application file date. If the applicant who is mandated to participate fails to participate, without good cause, his needs are not included in an AFDC grant. Section 3.5005(d) of this title (relating to Nonparticipation in Employment Services) lists the reasons that constitute good cause. AFDC applicants who are exempt may volunteer for job search. Participation in applicant job search does not delay certification for AFDC.

**§3.5106. Exemptions.**

(a) Applicants are exempt from participation in job search if they are:

- (1) under 16 years old;
- (2) 16 or 17 years old and attending elementary, secondary, vocational, or technical school full time;
- (3) 18 years old and attending secondary, vocational, or technical school full time;
- (4) applying for AFDC foster care;
- (5) ill or incapacitated;
- (6) 65 years old or older;
- (7) needed at home to care for children under six years old;
- (8) needed at home to care for an ill or incapacitated household member; or
- (9) employed for 30 or more hours a week.

(b) The DHR may accept the applicant's declaration of an exemption

**§3.5107. Applicant Job Search Services.**

(a) Applicant job search is a purchased service in which a provider helps the applicant find a job. Section 3.5118 of this title (relating to Provider Services for AFDC Applicants) lists the services provided to AFDC applicants

(b) The applicant is entitled to support services including babysitting and transportation, if needed, to participate in job search assistance.

**§3.5108. Requirement for Recipients To Participate in Employment Services and Sanctions.**

(a) An AFDC recipient must participate in employment services unless exempt. If a recipient does not participate and does not have good cause, his needs are removed from the AFDC grant for three consecutive AFDC payment months. Each successive time a recipient does not participate, his needs are removed for six months.

(b) Recipients who are exempt may volunteer for employment services. A recipient who volunteers is eligible for the same services provided to recipients who are mandated to participate

(c) A recipient must not be mandated to participate in job search more often than once every 12 months.

**§3.5110. Participation Requirements.** The recipient referred for job search must report to the approved provider within 10 calendar days of the referral. The recipient must participate in the employment assessment, objective setting, and job preparation sponsored by the provider. The recipient must go to at least five job interviews that the provider refers him to unless the recipient is employed before any of the interviews. The recipient must accept a bona fide job offer. The recipient is not required to participate in job search longer than 50 calendar days from the date of referral

**§3.5111. Recipient Notification and Appeals.** The recipient is entitled to written notification of any adverse action and his right to appeal. The recipient is entitled to appeal:

- (1) the department's determination that he is mandated to participate
- (2) adverse action based on his nonparticipation in job search

**§3.5112. Recipient Job Search Services.**

(a) Recipient job search is a purchased service in which a provider helps the recipient with job seeking skills, objective setting, and finding a job. Section 3.5119 of this title (relating to Provider Services for AFDC Recipients) lists the services provided to AFDC recipients.

(b) The recipient is entitled to support services including babysitting and transportation, if needed, to participate in job search

**§3.5113. Types of Providers.**

(a) The DHR may purchase job search services from the following types of providers:

- (1) public agencies including the Texas Employment Commission, Texas Rehabilitation Commission, Texas Commission for the Blind, cities, counties, and special districts including school districts;
- (2) private, profitmaking entities including private employment agencies. These must be organized as corporations, partnerships, or sole proprietorships; and
- (3) private nonprofit corporations.

(b) Providers may choose to serve AFDC applicants only, AFDC recipients only, or both AFDC applicants and recipients

(c) Providers may further identify characteristics of applicants and recipients that they are able to serve including geographic location, skilled or nonskilled, educational background, and other similar characteristics.

Providers may also identify the types of employment they are suited to offer to applicants and recipients. Providers must obtain written approval from the DHR before implementing either of these options.

**§3.5114 Provider Participation Requirements.** Unless exempted by law, providers for DHR job search services must have a certificate of authority from the Texas Department of Labor and Standards.

**§3.5115 Negotiation of the Provider Agreement.** The DHR uses noncompetitive negotiation to select providers. The DHR and the provider execute a provider agreement. The duration of the provider agreement cannot exceed 12 months. The agreement specifies how services are provided and the rate the DHR pays for each unit of service.

**§3.5116 Authority of Provider's Representative.** The provider's governing body must designate and document in writing the individual responsible for negotiating and signing the provider agreement.

**§3.5117 Executing the Agreement.** The provider must agree to comply with the general provisions stated in the provider agreement and the provisions stated in the policies and procedures agreement. The provider's representative documents the provider's agreement with these provisions by signing the provider agreement form. The DHR negotiator and the provider's representative decide the duration of the agreement and whether the provider will serve AFDC applicants only, AFDC recipients only, or both AFDC applicants and recipients. These decisions are documented on the provider agreement.

**§3.5118 Provider Services for AFDC Applicants.** The DHR pays the provider for three units of service given to AFDC applicants:

(1) Initial interview and employment assessment for AFDC applicants. The provider assesses the applicant's employment potential, suitable types of employment, and support services the applicant needs to hold a job. The provider analyzes the applicant's education, work history, general health condition, certifications or licenses, special skills or aptitudes, and barriers to employment including lack of babysitting arrangements and transportation. The DHR pays for this unit of service only if the provider cannot deliver any other unit of service to the applicant because the applicant is not employable within 30 days of the effective date of the authorization. The rate of payment for this unit of service is \$5.00.

(2) Employment assessment interview and job search services for AFDC applicants. The provider conducts an employment assessment interview as described in paragraph (1) of this section. If the provider determines that the applicant is employable within 30 calendar days of the effective date of the authorization, the provider arranges at least three job interviews for the applicant. The provider schedules each interview to be held within 30 calendar days of the effective date of the authorization. The provider refers the applicant to jobs that are compatible with the applicant's skills and abilities, that do not present unusual barriers, that average 30 or more hours a week, that are expected to last at least 90 calendar days, and that pay at least the federal minimum wage. (Items reported to the Internal Revenue Service as other compensation may be included as wages for this require-

ment.) If the applicant needs support services including babysitting or transportation to participate in job search, the provider ensures that the applicant receives them. The provider may provide the support services directly, arrange and pay for the services from a third party, arrange for the services from a third party at no cost, or pay the applicant for the services. If the provider pays the applicant or a third party for the services, the provider must keep a record of the type of service, the cost, the date delivered, and the source. The DHR does not pay the provider to provide, arrange for, or pay for support services that are not essential to immediate job seeking. These include long-range remedial care and services, training, and psychological counseling. The provider establishes policies governing his provision of the support services and informs the applicant about the policies at the initial interview. The provider is entitled to payment for this unit of service if the provider arranges three job interviews even though the applicant does not participate in the interviews and is not employed. The provider must document the reasons and notify the DHR. If the applicant obtains employment as a result of an interview arranged by the provider, the provider is entitled to payment for this unit of service, even though the provider arranged fewer than three interviews. The rate of payment for this unit of service is \$35.

(3) Job placement for AFDC applicants. The provider places the applicant in a job as a result of providing the employment assessment and job search services. The applicant's job must average 30 or more hours a week, pay the equivalent of federal minimum wage, and not be part of a specially created jobs program that has wage subsidies and job recruitment components for target populations. The provider must confirm the job placement within 30 calendar days of the effective date of the authorization. The applicant's job must begin within 60 calendar days of the effective date of the authorization. The DHR pays the provider \$405 for each job placement lasting at least 90 calendar days. If the applicant keeps the job less than 90 calendar days, the DHR pays the provider a prorated amount based on the length of time the applicant remained employed.

**§3.5119 Provider Services for AFDC Recipients.** The DHR pays the provider for two units of service given to AFDC recipients:

(1) Job search services for AFDC recipients. The provider assesses the recipient's employment potential, suitable types of employment, and support services the recipient needs to hold a job. The provider analyzes the recipient's education, work history, general health condition, certifications or licenses, special skills or aptitudes, and barriers to employment including lack of babysitting arrangements and transportation and lack of skills in job seeking or job retention. The provider and the recipient set objectives for securing a job for the recipient within 90 calendar days of the effective date of the authorization. These objectives are based on the employment assessment, the local labor market, and the recipient's preference. The provider assists the recipient with needed job search skills including using the telephone with prospective employers, completing job applications, writing resumes, interviewing, dressing appropriately, managing a home and employment, developing good work habits,

and following work rules. The provider arranges at least five job interviews for the recipient. The provider schedules each interview to be held within 50 calendar days of the effective date of the authorization. The provider refers the recipient to jobs that are compatible with the recipient's skills and abilities, that do not present unusual barriers, that average 30 or more hours a week, that are expected to last at least 90 calendar days, and that pay at least the federal minimum wage. (Items reported to the Internal Revenue Service as other compensation may be included as wages for this requirement.) If the recipient needs support services including babysitting or transportation to participate in job search, the provider ensures that the recipient receives them. The provider may provide the support services directly, arrange and pay for the services from a third party, arrange for the services from a third party at no cost, or pay the recipient or a third party for the services, the provider must keep a record of the type of service, the cost, the date delivered, and the source. The DHR does not pay the provider to provide, arrange for, or pay for support services that are not essential to immediate job seeking. These include long-range remedial care and services, training, and psychological counseling. The provider establishes policies governing his provision of support services and informs the recipient about the policies at the initial interview. If the recipient does not get a job after a job interview, the provider determines the reasons and provides additional job preparation. If the recipient obtains employment as a result of an interview arranged by the provider, the provider is entitled to payment for this unit of service even though the provider arranged fewer than five interviews. The rate of payment for this unit of service is \$100.

(2) Job placement for AFDC recipients. The provider places the recipient in a job as a result of providing job search services. The recipient's job must average 30 or more hours a week, pay at least the equivalent of federal minimum wage, and not be part of a specially created jobs program that has wage subsidies and job recruitment components for target populations. The provider must confirm the job placement within 50 calendar days of the effective date of the authorization. The recipient's job must begin within 80 calendar days of the effective date of the authorization. The DHR pays the provider \$405 for each job placement lasting at least 90 calendar days. If the recipient keeps the job less than 90 calendar days, the DHR pays the provider a prorated amount based on the length of time the recipient remained employed.

**§3.5120. Conditions for Payment.** The DHR reimburses a provider for units of service delivered to applicants and recipients only under the following conditions.

- (1) The provider must render the service within the effective dates of the provider agreement.
- (2) The provider must render the service on or after the effective date on the authorization.
- (3) The provider must submit to the DHR within seven calendar days documentation of the delivery or occurrence of the initial employment assessment interview,

job search service including job confirmation, and job placement.

(4) The provider may refuse to serve applicants or recipients who do not report to the provider within 10 calendar days of the effective date of the authorization. The DHR does not pay the provider for any services.

(5) The provider must request payment by completing a purchase voucher and a report form prescribed by the DHR.

(6) The provider must complete all job search activities for an applicant or recipient before requesting payment for the job search unit of service for that applicant or recipient.

(7) The provider must submit only one request for payment each month.

**§3.5121. Time Frame for Payment.** To be paid, the provider must request payment for a unit of service within 45 calendar days after the end of the month the provider completed the unit of service.

**§3.5122. Charging Applicants or Recipients.** The provider must not charge AFDC applicants or recipients fees for job search services.

**§3.5123. Right to Appeal a Provider Decision.** An AFDC applicant or recipient may appeal a decision made by a provider. The applicant or recipient must request the appeal through the DHR within 10 calendar days after he is notified of a provider's decision. The DHR conducts hearings according to the rules contained in Chapter 79 of this title (relating to Legal Services).

**§3.5124. Provider Agreement Termination and Renewal.**

(a) Provider agreements expire on the expiration date stated on the provider agreement unless the DHR and the provider renew the agreement.

(b) The DHR or the provider may terminate an agreement before the expiration date if:

(1) the provider and the DHR mutually agree on an earlier expiration date. The regional administrator and the provider's representative must document this agreement in writing.

(2) either the provider or the DHR gives 30 calendar days advance written notice to the other party. Termination may be earlier for loss of license, loss of certification status, conviction of fraud, provider's breach of the provider agreement, loss of federal or state funds, or change of federal or state laws or regulations that make reduction or termination of the program necessary.

(3) the provider changes ownership or ceases operation as a business entity.

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

Issued in Austin, Texas, on March 25, 1983

TRD-832204      Marlin W. Johnston  
Commissioner  
Texas Department of Human  
Resources

Effective date: April 15, 1983  
Proposal publication date: January 7, 1983  
For further information, please call (512) 441-3355,  
ext 2037

# Open Meetings

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. Although some notices may be received too late for publication before the meeting is held, all those filed are published in the *Register*. Notices concerning state agencies, colleges, and universities must contain the date, time, and location of the meeting, and an agenda or agenda summary. Published notices concerning county agencies include only the date, time, and location of the meeting. These notices are published alphabetically under the heading "Regional Agencies" according to the date on which they are filed.

Any of the governmental entities named above must have notice of an emergency meeting, or an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published. However, notices of emergency additions or revisions to a regional agency's agenda will not be published since the original agenda for the agency was not published.

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

## Texas Department of Agriculture

**Tuesday, April 5, 1983, 10 a.m.** The Agricultural Protective Act Unit of the Consumer Services Division of the Texas Department of Agriculture will meet in Suite 301, 2800 Northeast Loop 410, San Antonio. According to the agenda, the unit will conduct a license hearing to consider the cancellation of a combination vegetable and citrus license held by W. C. Garden Fresh, Inc., San Antonio, for alleged violation of the Agricultural Protective Act.

**Contact:** Bill Quicksall, P.O. Box 12847, Austin, Texas 78711, (512) 475-4304.

**Filed:** March 28, 1983, 8:30 a.m.  
TRD-832235

## Texas Air Control Board

**Friday, April 8, 1983, 10:30 a.m.** The Texas Air Control Board will meet at 6330 Highway 290 East, Austin. Items on the agenda summary include approval of the March 18, 1983, minutes, reports; consideration of requests for an extended compliance date regarding Regulation V for Cities Service Company and American Can

Company; a report on the capabilities of the TACB laboratory; and new business.

**Contact:** Ramon Dasch, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 354.

**Filed:** March 24, 1983, 4:11 p.m.  
TRD-832157

## Battleship Texas Commission

**Thursday, April 7, 1983, 1:30 p.m.** The Battleship Texas Commission will meet in the captain's quarters of the battleship *Texas*, 3527 Battleground Road, La Porte. Items on the agenda summary include the minutes of the previous meeting and discussion of the Sesquicentennial.

**Contact:** Ruth Pirtle, 3527 Battleground Road, La Porte, Texas 77571, (713) 479-2411.

**Filed:** March 28, 1983, 2:47 p.m.  
TRD-832262

## Texas Board of Chiropractic Examiners

**Thursday and Friday, April 7 and 8, 1983, 9 a.m. daily.** The Texas Board of Chiro-

practic Examiners will meet in Building C-245, 1300 East Anderson Lane, Austin. According to the agenda, the board will conduct enforcement hearings; hear a presentation on behalf of the Council of Chiropractic Orthopedists; hear comments to proposed 22 TAC §75.1(10); conduct a deliberation of enforcement and discuss general board business and the budget for fiscal year 1984-1985, and the upcoming exams in July.

**Contact:** Edna A. Parsons, 1300 East Anderson Lane, Building C-245, Austin, Texas 78752, (512) 835-2006.

**Filed:** March 25, 1983, 9:50 a.m.  
TRD-832178

## Texas Education Agency

**Thursday, March 31, 1983, 3 p.m.** The Continuing Advisory Committee for Special Education of the Texas Education Agency met in emergency session in Room 410, 7703 North Lamar Boulevard, Austin. According to the agenda summary, the committee conducted a review of the state plan for 1984-1986; updated standards for the certification of special education teachers; and considered an overview of proposed

special education rule revisions. The emergency status was necessary because the committee needed to review the proposed special education rule revisions prior to the State Board of Education meeting.

**Contact:** Susan K. Thomas, 201 East 11th Street, Austin, Texas 78701, (512) 834-4410

**Filed:** March 24, 1983, 4:29 p.m.  
TRD-832165

**Friday, April 1, 1983, 9 a.m.** The Continuing Advisory Committee for Special Education will meet in Room 410, 7703 North Lamar Boulevard, Austin. Items on the agenda summary include approval of the 1984-1986 state plan, recommendations concerning proposed State Board of Education Rules for special education, and a comprehensive School Health Advisory Committee joint position statement regarding the private physician's rule in special education.

**Contact:** Susan K. Thomas, 201 East 11th Street, Austin, Texas 78701, (512) 834-4410

**Filed:** March 24, 1983, 4:30 p.m.  
TRD-832166

### Texas Employment Commission

**Tuesday, April 5, 1983, 9 a.m.** The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission will consider and act on higher level appeals in unemployment compensation cases listed on Docket 15 and set a date for the next meeting.

**Contact:** Courtenay Browning, TEC Building, Room 608, Austin, Texas, (512) 397-4415.

**Filed:** March 28, 1983, 1:20 p.m.  
TRD-832253

### Finance Commission of Texas

**Monday, April 11, 1983, 9:30 a.m.** The Savings and Loan Section of the Finance Commission of Texas will meet at 1004 Lavaca, Austin. According to the agenda, the commission will review and discuss building plans, proposed new regulations, Sunset review, and administrative and other matters.

**Contact:** Luke F. Robinson, P.O. Box 1089, Austin, Texas 78767, (512) 475-4451.

**Filed:** March 25, 1983, 10:09 a.m.  
TRD-832176

### Texas Health Facilities Commission

**Friday, April 8, 1983, 9:30 a.m.** The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications:

#### Certificates of Need

Metropolitan General Hospital,  
San Antonio  
AH82-1025-137

Irving Care Center, Irving  
AN82-1206-245

Jeffrey Place Nursing Center, Waco  
AN82-1109-169

Highland Hospital, Lubbock  
AH82-0830-044

Golden Palms Retirement and Health Center, Harlingen  
AN82-0622-080

Providence Hospital, Waco  
AH82-1217-273

Garland Community Hospital, Garland  
AH82-0813-064

Piney Woods Acres, Corrigan  
AN82-1206-247

Tex Scan - Lewisville Memorial Hospital,  
Denton - Lewisville  
AS82-0621-042

TranShare Corporation, Denton  
AS82-0719-044

A routine business meeting will be held after the open meeting.

**Contact:** John R. Neel, P.O. Box 50049, Austin, Texas 78763

**Filed:** March 28, 1983, 9:11 a.m.  
TRD-832239

### Texas Historical Commission

**Friday, March 25, 1983, 10 a.m.** The Board of Review Ad Hoc Committee of the Texas Historical Commission met in emergency session at 2300 Republic Tower, Dallas. According to the agenda, the committee reviewed existing State Board of Review bylaws, and discussed possible amendments to existing bylaws and the code of conduct for Board of Review members. The emergency status was necessary because the committee meeting needed to precede the upcoming commission meeting in April, and this was the only possible meeting date for all committee members.

**Contact:** Joe Oppermann, P.O. Box 12276, Austin, Texas 78711, (512) 475-3094.

**Filed:** March 24, 1983, 4:14 p.m.  
TRD-832159

### State Board of Insurance

The Commissioner's Hearing Section of the State Board of Insurance will conduct hearings in Room 342, 1110 San Jacinto Street, Austin. The dates, times, and dockets follow.

**Tuesday, April 5, 1983, 1 p.m.** Docket 7121—application of American Equitable Financial Corporation to acquire control of American Equitable Life Insurance Company, Lutkin.

**Contact:** John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287

**Filed:** March 28, 1983, 1:43 p.m.  
TRD-832254

**Wednesday, April 6, 1983, 9:30 a.m.** Docket 7123—approval of a contract of total reinsurance whereby Burleson County Burial Association, Caldwell, will be totally reinsured by Landmark Life Insurance Company, Brownwood.

**Contact:** John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287

**Filed:** March 28, 1983, 1:43 p.m.  
TRD-832255

**Wednesday, April 6, 1983, 1:30 p.m.** Docket 7127—application of Savings Life Insurance Company, Shreveport, Louisiana, for approval to acquire control of National Institute Life Insurance Company, Dallas.

**Contact:** J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353

**Filed:** March 28, 1983, 1:43 p.m.  
TRD-832256

**Thursday, April 7, 1983, 9 a.m.** Docket 7124—reinsurance agreement whereby Owens Service Insurance Company, McKinney, will be reinsured by Union Security Life Insurance Company, Greenville.

**Contact:** J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

**Filed:** March 28, 1983, 1:43 p.m.  
TRD-832257

**Thursday, April 7, 1983, 10:30 a.m.** Docket 7125—reinsurance agreement whereby Harris Funeral Service Insurance Company, Wolfe City, will be reinsured by Union Security Life Insurance Company, Greenville.

**Contact:** J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

**Filed:** March 28, 1983, 1:43 p.m.  
TRD-832258

## Texas Register

**Monday, April 11, 1983, 9 a.m.** Docket 7096-- to determine whether Lost Pines Title Company, Inc., has complied with commissioner's Order 83-0435, dated February 10, 1983.

**Contact:** J. C. Thomas, 1110 San Jacinto Stret, Austin, Texas 78786, (512) 475-4353

**Filed:** March 28, 1983, 1:44 p.m.  
TRD-832259

### Lamar University

**Tuesday, April 12, 1983, 5:30 p.m.** The Personnel Committee of the Board of Regents of Lamar University will meet at 115 West Caldwell Drive, Beaumont. According to the agenda, the committee will meet in executive session to review personnel.

**Contact:** Andrew J. Johnson, P.O. Box 10014, Beaumont, Texas 77710, (409) 838-8404

**Filed:** March 28, 1983, 10:29 a.m.  
TRD-832245

### Texas Department of Mental Health and Mental Retardation

**Wednesday, March 30, 1983, 1:30 p.m.** The Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation met in emergency session in the central office auditorium, 909 West 45th Street, Austin. According to the agenda, the board reviewed a departmental legislative program and pending or contemplated litigation. The emergency status was necessary because legislative hearings on bills affecting the department are scheduled on a continuing basis and such bills must be discussed by the board prior to these hearings. Information concerning pending litigation must be given to the board prior to discovery proceedings which are scheduled during the first week of April.

**Contact:** Gary E. Miller, P.O. Box 12668, Austin, Texas 78711, (512) 454-3761

**Filed:** March 29, 1983, 9:05 a.m.  
TRD-832268

### Board of Pardons and Paroles

**Monday-Friday, April 11-15, 1983, 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.

**Contact:** John W. Byrd, Room 711, Stephen F. Austin Building, Austin, Texas, (512) 475-3363

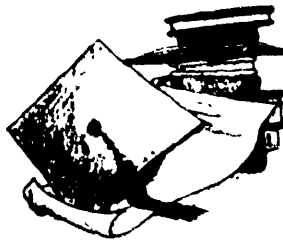
**Filed:** March 28, 1983, 1:52 p.m.  
TRD-832260

### State Pension Review Board

**Thursday, April 7, 1983, 8:30 a.m.** The Legislative Advisory Committee of the State Pension Review Board will meet in Room G-35 B, Senator Traeger's Office, State Capitol, Austin. According to the agenda summary, the committee will discuss upcoming legislation.

**Contact:** Benette Meadows, P.O. Box 13498, Austin, Texas 78711, (512) 475-8332

**Filed:** March 29, 1983, 9:38 a.m.  
TRD-832270



### Texas State Board of Physical Therapy Examiners

**Friday, April 8, 1983, 2:30 p.m.** The Texas State Board of Physical Therapy Examiners will meet in Suite 260, Building C, 1300 East Anderson Lane, Austin. According to the agenda, the Investigation Committee will report on the results of plea bargains for four cases previously scheduled for hearings, and consider miscellaneous board business.

**Contact:** Lois M. Smith, 1300 East Anderson Lane, Building C-260, Austin, Texas 78752, (512) 835-1846

**Filed:** March 25, 1983, 2:40 p.m.  
TRD-832223

**Friday, April 29, 1983, 4 p.m.** The Texas State Board of Physical Therapy Examiners will meet at the El Paso Marriott, El Paso. The room number will be posted in the lobby of the hotel. According to the agenda, the board will discuss special committee reports.

**Contact:** Lois M. Smith, 1300 East Anderson Lane, Building C 260, Austin, Texas 78752, (512) 835-1846

**Filed:** March 25, 1983, 2:40 p.m.  
TRD-832222

### State Property Tax Board

**Friday, April 15, 1983, 10 a.m.** The State Property Tax Board will meet in the conference room, 9501 IH 35 North, Austin. According to the agenda, the board will conduct a committee meeting as required under the Property Tax Code, §23.73(b), for approval of rules previously adopted by the board. The rule covers procedures related to the qualification and valuation of openspace land devoted to timber production.

**Contact:** Kenneth E. Graeber, 9501 IH 35 North, Austin, Texas, (512) 837-8622

**Filed:** March 28, 1983, 2:22 p.m.  
TRD-832261

### Public Utility Commission of Texas

**Thursday, March 31, 1983, 9 a.m.** The Hearings Division of the Public Utility Commission of Texas met in emergency session in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division conducted a prehearing in Docket 4712- petition of Houston Lighting and Power Company for revision of purchased power service (PPS) tariff schedule. The emergency status was necessary to discuss objectives to discovery. Discovery deadlines must be adhered to meet statutory deadlines under §43 of the Act on this rate application.

**Contact:** Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

**Filed:** March 24, 1983, 2:48 p.m.  
TRD-832155

The Hearings Division of the Public Utility Commission of Texas will meet in Suite

450N, 7800 Shoal Creek Boulevard, Austin Days, times, and dockets follow

**Monday, April 4, 1983, 9 a.m.** A prehearing conference in Docket 5067—application of Oakridge Water Company, doing business as Pine Springs Utility, for a rate increase in Polk, Tyler, Hardin, Walker, San Jacinto, Trinity, and Liberty Counties

**Contact:** Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

**Filed:** March 25, 1983, 9:48 a.m.  
TRD-832173

Addition to the above agenda

A prehearing conference in Docket 5074—application of Stamford Electric Cooperative, Inc., for authority to increase rates within Jones, Haskell, Fisher, Shackelford, Stonewall, and Throckmorton Counties

**Contact:** Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

**Filed:** March 25, 1983, 9:49 a.m.  
TRD-832175

**Monday, April 4, 1983, 1:30 p.m.** A prehearing conference in Docket 5078—application of Tex-La Electric Cooperative of Texas, Inc., for approval of a wholesale firm electric power rate

**Contact:** Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

**Filed:** March 25, 1983, 2:41 p.m.  
TRD-832226

**Wednesday, April 6, 1983, 9 a.m.** A prehearing conference in Docket 5053—inquiry into the legality of water service rendered by Bill Rogers in Marshall Creek Estates

**Contact:** Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

**Filed:** March 25, 1983, 2:41 p.m.  
TRD-832224

**Thursday, June 9, 1983, 9 a.m.** A hearing in Docket 5018—application of Williamson County Water Company, Inc., for a certificate of convenience and necessity within Williamson County

**Contact:** Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

**Filed:** March 25, 1983, 9:49 a.m.  
TRD-832177

**Monday, June 13, 1983, 9 a.m.** A hearing in Docket 5039—applications of Vacation

Village Water Company and Vacation Village Sewer Company for rate/tariff changes within Denton County

**Contact:** Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

**Filed:** March 25, 1983, 9:48 a.m.  
TRD-832174

### Railroad Commission of Texas

**Monday, April 4, 1983, 9 a.m.** The following divisions of the Railroad Commission of Texas will meet at 1124 IH 35 South, Austin. The agendas and meeting rooms follow

The Administrative Services Division will meet in the first floor auditorium to consider and act on the division director's report on division administration, budget, procedures, and personnel matters

**Contact:** Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1121

**Filed:** March 25, 1983, 11:22 a.m.  
TRD-832208

The Automatic Data Processing Division will meet in the first floor auditorium to consider and act on the division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters

**Contact:** Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204

**Filed:** March 25, 1983, 11:24 a.m.  
TRD-832209

The Flight Division will meet in Room 107 to consider and act on the division director's report on division administration, budget, procedures, and personnel matters

**Contact:** Ken Fessler, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1103

**Filed:** March 25, 1983, 11:24 a.m.  
TRD-832210

The Gas Utilities Division will meet in Room 107 to consider gas utilities Dockets 3716, 3952-3978, 2645 consolidated, 3991, 3994, and the director's report

**Contact:** Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0461

**Filed:** March 25, 1983, 11:26 a.m.  
TRD-832211

The Office of Information Services will meet in the first floor auditorium to consider and act on the division director's

report on division administration, budget, procedures, and personnel matters

**Contact:** Brian W. Schable, P.O. Drawer 12067, Austin, Texas 78711

**Filed:** March 25, 1983, 11:23 a.m.  
TRD-832212

The Liquefied Petroleum Gas Division will meet in the first floor auditorium to consider a proposed amendment to 16 IAC §9.171 to be published in the *Texas Register* for public comments, and to consider and act on the division director's report on division administration, budget, procedures, and personnel matters

**Contact:** Hugh E. Keepers, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-1301

**Filed:** March 25, 1983, 11:26 a.m.  
TRD-832213

The Oil and Gas Division will meet in the first floor auditorium to consider various matters falling within the Railroad Commission's oil and gas regulatory jurisdiction

**Contact:** Jan Burris, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307

**Filed:** March 25, 1983, 11:23 a.m.  
TRD-832214

Additions to the above agenda

Consideration of whether or not to institute legal action against Nova Energy Group, Inc., and H. D. Bruns

**Contact:** Glenn Jordan, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1229

**Filed:** March 25, 1983, 3:26 p.m.  
TRD-832229

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

**Contact:** Madalyn E. Curvin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1273

**Filed:** March 25, 1983, 11:22 a.m.  
TRD-832215

The Personnel Division will meet in the first floor auditorium to consider and act on the division director's report on division administration, budget, procedures, and personnel matters

**Contact:** Herman E. Wilkins, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120

**Filed:** March 25, 1983, 11:25 a.m.  
TRD-832216

The Office of Special Counsel will meet in the third floor conference room to consider and act on the director's report relating to

## Texas Register

pending litigation, Sunset Commission review, and other budget, administrative, and personnel matters

**Contact:** Walter Earl Lile, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186

**Filed:** March 25, 1983, 11 25 a.m.  
TRD-832217

The Surface Mining and Reclamation Division will meet in Room 107 to consider an interagency contract with the Texas Department of Corrections for microfilming and microfiche document preparation and to consider and act on the division director's report on division administration, budget, procedures, and personnel matters

**Contact:** F. Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751

**Filed:** March 25, 1983, 11 21 a.m.  
TRD-832218

The Transportation Division will meet in the first floor auditorium, Room 107, to consider various matters falling within the Railroad Commission's transportation regulatory jurisdiction

**Contact:** Sandy Yates, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330

**Filed:** March 25, 1983, 11 20 a.m.  
TRD-832219

**Wednesday, April 20, 1983, 2 p.m.** The Oil and Gas Division of the Railroad Commission of Texas will meet at the Hilton Inn, 7909 IH 40 East, Amarillo. According to the agenda summary, the commission will conduct a statewide oil and gas hearing.

**Contact:** Harriett Frammell, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1297

**Filed:** March 25, 1983, 11 26 a.m.  
TRD-832220

### School Land Board

**Tuesday, April 5, 1983, 10 a.m.** The School Land Board will meet in Room 118, General Land Office, 1700 North Congress Avenue, Austin. Items on the agenda include approval of the minutes of the previous board meeting; opening of bids received for the April 5, 1983, oil, gas, and other minerals lease sale; an application to drill from a surface location on a state lease to a bottom hole location on a federal lease in the Gulf of Mexico; pooling agreement amendment applications; pooling applications; and

cabin permit rebuilding requests on coastal public lands

**Contact:** Linda K. Fisher, 1700 North Congress Avenue, Room 835, Austin, Texas, (512) 475-4307

**Filed:** March 28, 1983, 3 49 p.m.  
TRD-832264

### Texas Sesquicentennial Museum Board

**Thursday, April 7, 1983, 2 p.m.** The Texas Sesquicentennial Museum Board will meet in the 16th floor board room, United Bank Building, 15th and Guadalupe, Austin. Items on the agenda include approval of the minutes from the prior meeting, an update on legislative activities, a presentation by the Science Place in Dallas, a report from the Management Strategies Group, and items for general discussion

**Contact:** Fran Lochridge Forbes, P.O. Box 12428, Austin, Texas 78711, (512) 475-1615

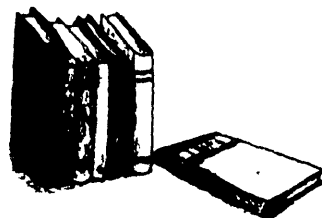
**Filed:** March 25, 1983, 2 41 p.m.  
TRD-832225

### Veterans Affairs Commission

**Friday, April 22, 1983, 10 a.m.** The Veterans Affairs Commission will meet in the Texoma Room, Kiva Inn Motor Hotel, 401 Broad Street, Wichita Falls. According to the agenda, the commission will consider reports on its activities and make decisions relative to general administrative matters pertaining to veterans' programs

**Contact:** Aubrey E. Bullard, P.O. Box 12277, Austin, Texas 78711, (512) 475-4185

**Filed:** March 24, 1983, 10 23 a.m.  
TRD-832,44



### Veterans Land Board

**Tuesday, April 5, 1983, 2 p.m.** The Veterans Land Board of the General Land Office will meet in Room 831, Stephen F. Austin Building, Austin. Items on the agenda include approval of the March 21,

1983, minutes, a report from the executive secretary, setting the interest rate for veterans' loans, a request for review of eligibility, and a review of statements of financial incapacity

**Contact:** Richard Keahey, Stephen F. Austin Building, Room 831, Austin, Texas 78701, (512) 475-3766

**Filed:** March 25, 1983, 1 01 p.m.  
TRD-832221

### Board of Veterinary Medical Examiners

**Sunday-Wednesday, May 8-11, 1983, 2 p.m. daily.** The Board of Veterinary Medical Examiners will meet at the Holiday Inn, 1503 Texas Avenue, College Station. According to the agenda, the board will discuss practice complaints and conduct general board business. Licensing examinations will commence on Monday, May 9, in the MSC Center, Texas A&M University, and continue through Wednesday, May 11

**Contact:** Roger Shipman, 3810 Medical Parkway #119, Austin, Texas 78756, (512) 458-1183

**Filed:** March 28, 1983, 2 43 p.m.  
TRD-832263

### Texas Water Commission

**Monday, April 4, 1983, 10 a.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, Austin. Items on the agenda summary include water district bond issues, release from escrow, use of surplus funds, setting of the hearing date of district dissolution, water quality proposed permits, amendments and renewals, final decisions on water right matters, and the filing and setting of hearing dates

**Contact:** Mary Ann Helmet, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514

**Filed:** March 24, 1983, 3 14 p.m.  
TRD-832157

### Regional Agencies Meetings Filed March 24

**The Amarillo Mental Health and Mental Retardation Regional Center, Executive Committee, met in Room G-15, Psychiatric**



**Pavilion, 7201 Evans, Amarillo, on March 31, 1983, at noon. The Board of Trustees met on the same day at the same location, in Room J-13, at 1:30 p.m. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79116-3250, (806) 353-7235.**

**The Brown County Appraisal District, Board of Directors, will meet at 403 Fisk, Brownwood, on April 4, 1983, at 7 p.m. Information may be obtained from Conner S. Scott, 400 South Broadway, Brownwood, Texas, (915) 643-5676.**

**The Central Texas Mental Health and Mental Retardation Center, Board of Trustees, met at 408 Mulberry Drive, Brownwood, on March 29, 1983, at 4:30 p.m. Information may be obtained from Gloria Willen, P.O. Box 250, Brownwood, Texas, (915) 646-9574.**

**The Region IV Education Service Center, Board of Directors, will meet in the board room, 7200 West Tidwell, Houston, on April 12, 1983, at 6 p.m. Information may be obtained from Tom Pate, Jr., P.O. Box 863, Houston, Texas 77001, (713) 868-1051.**

**The Harris County Appraisal District, Board of Directors, met at 3737 Dacoma, Houston, on March 29, 1983, at 3 p.m. Information may be obtained from Searcy German, P.O. Box 10975, Houston, Texas 77292, (713) 683-9200.**

TRD-832145

#### Meetings Filed March 25

**The Austin-Travis County Mental Health and Mental Retardation Center, Board of Trustees, met in executive session in the board room, 1430 Collier Street, Austin, on March 30, 1983, at 6:30 p.m. Information may be obtained from Debbie Sandoval, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141, ext. 27.**

**The Fannin County Appraisal District, Board of Review, met in emergency session at 401 North Main, Bonham, on March 25, 1983, at 5:30 p.m. Information may be obtained from Bettye Manning, 401 North Main, Bonham, Texas 75418, (214) 583-9546.**

**The Hays County Central Appraisal District, Board of Directors, will meet on the first floor, courthouse annex, San Marcos, on April 4, 1983, at 2 p.m. Information may be obtained from Ruth Clayton, P.O. Box 1287, San Marcos, Texas 78666, (512) 396-4777.**

**The Nolan County Central Appraisal District, Board of Review, met in the city commission room, city hall, Sweetwater, on March 29, 1983, at 9:30 p.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421.**

**The Trinity River Authority of Texas, Executive Committee, will meet via conference call at 5300 South Collins, Arlington, on April 1, 1983, at 9:30 a.m. Information may be obtained from Geri Elliott, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.**  
TRD-832172

#### Meetings Filed March 28

**The Ark-Tex Council of Governments, Executive Committee, met at the Sirloin Stockade, Paris, on March 31, 1983, at 5:30 p.m. The Board of Directors met at City Hall, Paris, on the same day at 7:30 p.m. Information may be obtained from Vivienne Arvin, P.O. Box 5307, Texarkana, Texas 75501, (501) 774-3481.**

**The Bastrop County Appraisal District, Board of Directors, met in the conference room, Bastrop County Courthouse, 803 Pine Street, Bastrop, on March 31, 1983, at 2 p.m. Information may be obtained from Roy E. Humble, 705 Spring Street, Bastrop, Texas 78602, (512) 321-4316.**

**The Bexar-Medina-Atascosa Counties Water Control and Improvement District 1, Board of Directors, will meet at the district office, Highway 81, Natalia, on April 4, 1983, at 8 a.m. Information may be obtained from C. A. Mueller, P.O. Box 170, Natalia, Texas 78059, (512) 663-2132.**

**The Central Appraisal District of Erath County, Board of Directors, will meet at 1191 South Loop, Stephenville, on April 13, 1983, at 10 a.m. Information may be obtained from James Bachus, 1191 South Loop, Stephenville, Texas, (817) 965-5434.**

**The Palo Pinto Appraisal District, Board of Review, met at 603 South Oak, Mineral Wells, on March 30, 1983, at 4:30 p.m. Information may be obtained from Ruth Henderson, 100 Southeast Fifth Street, Mineral Wells, Texas 76067, (817) 325-6871.**

**The Tarrant County Appraisal District, Appraisal Review Board, will meet in Suite 300, 1701 River Run, Fort Worth, on April 13, 1983, at 9 a.m. Information may be obtained from Bobby L. Reed, 1701 River Run, Suite 200, Fort Worth, Texas 76107, (817) 332-3151.**

**The Tyler County Tax Appraisal District, Appraisal Board, will meet at 1004 West Bluff, Woodville, on April 4, 1983, at 7 p.m. The Review Board will meet at the same location on April 12, at 7 p.m. Information may be obtained from Leslie J. Silva, P.O. Box 9, Woodville, Texas 75979, (409) 283-3736.**

**The Wheeler County Appraisal District will meet at the district's office, Courthouse Square, on April 4, 1983, at 2 p.m. Information may be obtained from Marilyn Copeland, Box 349, Wheeler, Texas, (806) 826-5900.**

**The Wood County Appraisal District, Appraisal Review Board, met in emergency session in the conference room, 217 North Main, Quitman, on March 30, 1983, at 2 p.m. Information may be obtained from W. Carson Wages, P.O. Box 951, Quitman, Texas 75783, (214) 763-4946.**

TRD-832240

#### Meetings Filed March 29

**The Region IX Education Service Center, Board of Directors, will meet at 301 Loop 11, Wichita Falls, on April 7, 1983, at 1:30 p.m. Information may be obtained from Don Brewer, 301 Loop 11, Wichita Falls, Texas 76305, (817) 322-6928.**

**The South Texas Health Systems Agency, Board of Directors Policy Committee, will meet at the Sheraton Marina-Inn, 300 North Shoreline, Corpus Christi, on April 8, 1983, at 7:30 p.m. Information may be obtained from H. Barrett Bock, P.O. Box 2378, Kingsville, Texas 78363, (512) 595-5545.**

TRD-832269

# The Legislature

For the purpose of public information, the *Register* publishes a listing of the bills that have been submitted to the governor and the status of these bills.

A bill will be listed after the bill has passed both the House and the Senate and again when the Governor acts upon the bill.

## Bills Submitted to the Governor

### March 28

**SB 94** Relating to hunting and fishing and to the conservation of wildlife resources in all counties.

Sponsor: Lyon

**SB 131** Relating to the number of trustees in certain school districts and the validation of actions by a board of trustees improperly composed.

Sponsor: Traeger

**SB 182** Relating to the trade of public school land.

Sponsor: Santiesteban

**SB 259** Relating to the authority to fill a vacancy in the office of a joint district-county clerk.

Sponsor: Sharp

## Bills Signed by the Governor

### March 24

**SB 589** Making an appropriation to the State Purchasing and General Services Commission required to complete construction of the William B. Travis State Office Building.

Effective Date: March 24, 1983

### March 28

**SB 95** Relating to the authority of the lieutenant governor and the speaker of the house of representatives to administer oaths, affidavits, and affirmations and to give a certificate of fact.

Effective Date: August 29, 1983

**SB 345** Relating to an appropriation to Texas Tech University for snowstorm damage to the Livestock Pavilion.

Effective Date: March 28, 1983.

The *Register* is required by statute to publish applications to purchase control of state banks (filed by the banking commissioner); notices of rate ceilings (filed by the consumer credit commissioner); changes in interest rate and applications to install remote service units (filed by Texas Savings and Loan commissioner); and consultant proposal requests and awards (filed by state agencies, regional councils of government, and the Texas State Library and Archives Commission).

In order to aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows. This often includes applications for construction permits (filed by the Texas Air Control Board); applications for amendment, declaratory ruling, and notices of intent (filed by the Texas Health Facilities Commission); applications for waste disposal permits (filed by the Texas Water Commission); and notices of public hearing.

# In Addition



## Texas Air Control Board Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period of March 14-18, 1983.

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

A copy of all material submitted by the applicant is available for public inspection at the central office of the Texas Air Control Board at the address stated above, and at the regional office for the Air Quality Control Region within which the proposed facility will be located.

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

Western Extrusions, Carrollton; aluminum extrusions paint line; 1735 Sandy Lake Road; 9296; new source

Hunt Oil Company, Big Spring; oil and gas treating plant; (location not available); 9297; new source

Liquid Energy Corporation, Bryan; gas plant expansion; (location not available); 9298; modification

Solano Gas Processing, Inc., Asherton; natural gas treating plant-phase II; (location not available); 9299; new source

Issued in Austin, Texas, on March 21, 1983.

TRD-832162      Ramon Dasch  
Director of Hearings  
Texas Air Control Board

Filed: March 24, 1983  
For further information, please call (512) 451-5711,  
ext. 354.

## Public Hearings

Pursuant to the requirements of the Texas Clean Air Act, Texas Civil Statutes, Article 4477-5, §3.09; 40 Code of Federal Regulations §51.4 of the Environmental Protection Agency regulations concerning state implementation plans; the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5; and 31 TAC §103.11(4) of the procedural rules of the Texas Air Control Board (TACB), the TACB will conduct public hearings to receive testimony concerning two repeals, an amendment, and two new sections to its rules, and revisions to the state implementation plan.

Specifically, the TACB proposes to repeal 31 TAC §114.2, relating to motor vehicle exclusions and exceptions, and §114.3, relating to effective date; to amend §114.1, relating to maintenance and operation of air pollution control systems or devices used to control emissions from motor vehicles; and to adopt new §114.5, relating to motor vehicle exclusions and exceptions, and new §114.3, relating to motor vehicle inspection requirements.

The amendment of §114.1 would prohibit the use of leaded gasoline in motor vehicles designed for use of unleaded gasoline and would also prohibit the sale of devices that circumvent a motor vehicle's emission control systems. New §114.3 requires motor vehicles to comply with the emission control system related portion of the vehicle safety inspection requirements administered by the Texas Department of Public Safety (DPS). It also requires that upon resale of a 1984 or newer model year motor vehicle to a resident of Harris County, the seller provide a certification of compliance with such vehicle emission control related safety inspection requirements administered by the DPS. Finally, new §114.5 replaces old §114.2 and additionally exempts motor vehicles designed to run exclusively on fuels other than gasoline or diesel from certain maintenance and inspection requirements.

The hearings will be held at the following times and places.

April 25, 1983, at 6:30 p.m., in the City of El Paso city council chambers, second floor, 2 Civic Center Plaza, El Paso.

May 3, 1983, at 7 p.m., in the auditorium, Texas Air Control Board, 6330 Highway 290 East, Austin.

May 4, 1983, at 7 p.m., in the basement conference room, Arlington Public Library, 101 East Abram, Arlington.

May 5, 1983, at 7 p.m., at the Bureau of Air Quality Control, 7411 Park Place, Houston.

Public comments, both oral and written, on these proposed repeals, amendment, and new rules and state implementation plan revisions are invited at the public hearings. Written comments not submitted at the hearing may be submitted to the TACB central office in Austin up to and including May 13, 1983. The comments at the hearing as well as the written comments received by May 13, 1983, at the TACB central office in Austin will be considered by the board prior to any final decision on the proposed changes. Five copies of all written comments offered would be helpful to the board in making its review.

The proposed rule is published in this issue of the *Texas Register* and is available at the central office of the TACB located at 6331 Highway 290 East, Austin, Texas 78723, and at the regional offices of this agency. For further information, call Beverly Fowler, (512) 451-5711.

Issued in Austin, Texas, on March 22, 1983.

TRD-832163 Bill Stewart, P.E.  
Executive Director  
Texas Air Control Board

Filed: March 24, 1983

For further information, please call (512) 451-5711, ext. 354.

Pursuant to the Texas Clean Air Act, §3.17, the Texas Air Control Board will hold public hearings to receive comments regarding actions proposed by the U.S. Environmental Protection Agency (EPA) which would lead to substantial economic sanctions in various areas of the

state. As further outlined below, comments are requested on the effects of these sanctions if they are imposed, possible additional emission controls, unique local circumstances that might influence the need for or type of possible additional emission controls, the authority of the EPA to take such action, and appropriate responses to the proposal.

The EPA recently announced proposed actions regarding the Texas State Implementation Plan (SIP) in relationship to certain areas and pollutants (February 3, 1983, issue of the *Federal Register*, 48 FedReg 4972-5118). The public has until May 5, 1983, to comment to the EPA concerning these proposed actions. The EPA has divided these areas into three groups.

Location	Pollutant
<b>Group I—Attainment date of December 31, 1987</b>	
Harris County	Ozone
<b>Group II—Attainment date of December 31, 1982</b>	
Dallas County	Ozone
Tarrant County	Ozone
El Paso County	Ozone
Part of City of El Paso	Carbon Monoxide (CO)
Part of City of El Paso	Particulates (TSP)
Part of City of Houston	TSP
Part of City of San Benito	TSP
Part of City of Corpus Christi	TSP
<b>Group III—Attainment date of December 31, 1982</b>	
Gregg County	Ozone
Nueces County	Ozone
Two parts of City of El Paso	TSP
Part of City of Brownsville	TSP
Part of City of Corpus Christi	TSP
Part of City of Aldine	TSP
Brazoria County	Ozone
Jefferson County	Ozone
Galveston County	Ozone
Orange County	Ozone
Victoria County	Ozone

With regard to Groups I and II, the EPA proposes to ban new construction of major sources or major modifications for the pollutant at issue in the areas specified. Such action could have serious negative economic impact in the areas affected. In addition, the EPA may choose to withhold further federal funding of highways, wastewater treatment projects, and air pollution program grants in or concerning these areas. In regard to Group III, the EPA proposes to review 1983 ambient air data and determine appropriate action by July 1, 1984.

These actions are based upon the EPA's determination that the SIP for Harris County for ozone does not include a vehicle inspection and maintenance program equivalent to the EPA-recommended tail pipe test; the

National Ambient Air Quality Standards (NAAQS) for one or more pollutants have been exceeded in the Group II areas and are anticipated to continue to be exceeded notwithstanding implementation of an EPA-approved SIP emission control plan designated to provide for attainment by December 31, 1982; and the NAAQS for one or more pollutants have previously been exceeded in Group III areas. However, the EPA has determined after reviewing recent air quality data that the standards either are not likely to be exceeded in the areas after December 31, 1982, or in the areas in which the standard may continue to be exceeded are rural counties in which exceedance of the ozone standard is caused by nearby urban areas.

The TACB is soliciting public comment concerning the direct and indirect economic and environmental consequences of the sanctions, if imposed; any additional reasonably available air pollution control measures in the areas in question not already required by the TACB which would provide the necessary pollutant reductions; unique local circumstances that might influence the need for or the type of additional reasonably available air pollution control measures in a particular area; the authority of the EPA under the Federal Clean Air Act (FCAA) to take the proposed actions; and the appropriate responses by Texas to the proposed EPA actions, such as SIP revisions requiring additional air pollution controls, legal challenge of the EPA's proposal, or requested changes to the FCAA.

Public hearings will be held at the following times and places:

April 12, 1983, at 7 p.m., in the Quality Inn Market Center, 2015 North Industrial, Dallas.

April 13, 1983, at 7 p.m., in the auditorium, ground floor, Public Health Center, 1800 University Drive, Fort Worth.

April 18, 1983, at 7 p.m., in the auditorium, Corpus Christi-Nueces County Department of Public Health, 1702 Horne Road, Corpus Christi.

April 19, 1983, at 7 p.m., at the Hilton Inn (Hobby Airport), 8181 Airport Boulevard, Houston.

April 20, 1983, at 7 p.m., in the auditorium, Community Building, 210 East Heywood, San Benito.

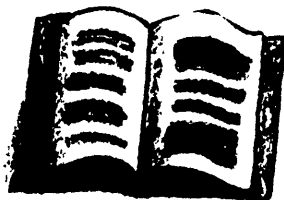
April 25, 1983, at 7:30 p.m., in the City of El Paso city council chambers, second floor, 2 Civic Center Plaza, El Paso.

Issued in Austin, Texas, on March 22, 1983.

TRD-832164      Bill Stewart, P.E.  
Executive Director  
Texas Air Control Board

Filed: March 24, 1983

For further information, please call (512) 451-5711, ext. 354.



## Banking Department of Texas Applications To Acquire Control of a State Bank

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

On February 23, 1983, the banking commissioner received an application to acquire control of Citizens State Bank, Anton, by Don Workman, Lubbock; E. E. Palmer, E. M. Palmer, and H. D. Atchison, all of Levelland; Don R. Johnson, Sundown; and John F. Lott, Jr., of Post.

On March 23, 1983, notice was given that the application would not be denied.

Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on March 23, 1983.

TRD-832203      O. A. Cassity III  
Assistant General Counsel  
Banking Department of Texas

Filed: March 25, 1983

For further information, please call (512) 475-4451.

On March 24, 1983, the banking commissioner received an application to acquire control of Dallas International Bank, Dallas, by James L. Henderson of Burleson and Kenneth P. Henderson of Tomball.

Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on March 24, 1983.

TRD-832227      O. A. Cassity III  
Assistant General Counsel  
Banking Department of Texas

Filed: March 25, 1983

For further information, please call (512) 475-4451.

## Capital Area Planning Council Consultant Contract Award

This report of the award of a contract for consulting services is filed under Texas Civil Statutes, Article 6252-11c.

The Capital Area Planning Council published its request for consultant service proposals in the November 19, 1982, issue of the *Texas Register* (7 TexReg 4056).

The consultant has contracted to provide technical assistance to CAPCO in preparing a transportation study to identify the most feasible alternatives for providing improved transportation services in Blanco, Burnet, and

Llano counties, and in portions of Hays, Travis, and Williamson counties.

The consultant is Traffic Engineers, Inc., 10849 Kinghurst, Suite 105, Houston, Texas 77099. The consultant contract is in the amount of \$10,000. The beginning date of the contract is March 18, 1983, and the ending date is September 17, 1983.

The due dates of written consultant reports are May 17—progress report; June 17—description of alternative approaches for improving existing transportation services; July 17—description of detailed implementation alternatives; August 17—draft final report; and September 17—final report.

Issued in Austin, Texas, on March 24, 1983.

TRD-832207 Richard G. Bean  
Executive Director  
Capital Area Planning Council

Filed: March 25, 1983  
For further information, please call (512) 443-7653.

### Office of Consumer Credit Commissioner Rate Ceilings

Pursuant to the provisions of House Bill 1228, 67th Legislature of Texas, Regular Session, 1981, the consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Article 1.04, as amended Texas Civil Statutes, Article 5069-1.04.

Effective Period <sup>(1)</sup>	Type of Transaction	
	Commercial <sup>(3)</sup> Consumer <sup>(2)</sup> /thru \$250,000	Commercial <sup>(4)</sup> over \$250,000
<b>Indicated Rate</b>		
<b>Weekly Rate Ceiling</b>		
04/04/83-04/10/83	18.00%	18.00%
<b>Monthly Rate Ceiling (Variable Commercial Only)</b>		
04/01/83-04/30/83	18.00%	18.00%
<b>Quarterly Rate Ceiling</b>		
04/01/83-06/30/83	18.00%	18.00%
<b>Annual<sup>(5)</sup> Rate Ceiling</b>		
04/01/83-06/30/83	20.48%	20.48%

- (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(f)

Issued in Austin, Texas, on March 28, 1983.

TRD-832237 Sam Kelly  
Consumer Credit Commissioner

Filed: March 28, 1983  
For further information, please call (512) 475-2111.

### Texas Education Agency Consultant Proposal Request

This consultant proposal request is filed in compliance with Texas Civil Statutes, Article 6252-11c.

**Description.** The Texas Education Agency is requesting proposals for the services of an experienced, Texas-certified public school superintendent to serve as the commissioner of education's appointed monitor to oversee the affairs of a Texas public school district pursuant to 19 TAC §97.74(f). Proposals will be accepted in written form until the close of business on April 15, 1983.

**Continuation of Service Previously Performed.** This is a continuation of a service now being performed by W.C. Andrews, P.O. Box 336, Gregory, Texas 78359. The agency intends to award a contract to W. C. Andrews unless a better offer is submitted.

**Procedure for Selecting Consultant.** That responding Texas-certified public school superintendent, active or retired, having the broadest and deepest knowledge and experience of school laws, administration, and finance will be selected for contract negotiations

**Contact.** Further information may be obtained by writing or calling D. P. O'Quinn, Deputy Commissioner for School Support, Texas Education Agency, 201 East 11th Street, Austin, Texas 78701, (512) 475-4291.

Issued in Austin, Texas, on March 24, 1983

TRD-832154 Raymon L. Bynum  
Commissioner of Education

Filed: March 24, 1983  
For further information, please call (512) 475-7077.

### Request for Proposals

This request for proposals is not filed under the provisions of Texas Civil Statutes, Article 6252-11c.

**Description.** The Texas Education Agency is requesting proposals for vocational education program improvement projects as provided for by Public Law 94-482, the Educational Amendments of 1976. Proposals are requested in the areas of research, exemplary and innovative curriculum development, personnel training, and grants to overcome sex bias and sex stereotyping.

**Due Dates.** Proposals must be received by TEA no later than 5 p.m. on May 2, 1983. The right to reject any or all proposals is reserved.

**Eligible Applicants.** The following public educational institutions are eligible applicants for these funds: school districts, community/junior colleges, technical institutes, senior colleges, universities, and education service centers.

**Procedure for Selecting Contractors.** Respondents deemed by a review panel to be best qualified by knowledge, experience, and education in the specialties required for the projects, by capacity to complete the projects well and timely, and by reputation for excellence of performance will be selected for cost and contract negotiations.

**Contact.** Further information and copies of the Standard Application for Preparation and Submission of Proposals for Discretionary Funding of Vocational Program Improvement Activities (including specific requests for proposals) may be obtained by writing or calling Dr. R. D. Bristow, Research Coordinating Unit, Texas Education Agency, 201 East 11th Street, Austin, Texas 78701, (512) 834-4165.

Issued in Austin, Texas, on March 24, 1983.

TRD-832153 Raymon L. Bynum  
Commissioner of Education

Filed: March 24, 1983

For further information, please call (512) 475-7077.

## Texas Energy and Natural Resources Advisory Council Consultant Proposal Request

**Description of Program Objectives.** The Texas Energy and Natural Resources Advisory Council (TENRAC) is soliciting proposals for carrying out drilling and logging for hydrologic testing in the vicinity of deep basin lignites (deeper than 200 feet below earth surface) in the East Texas Sabine Uplift region of Wilcox. The work covered by this Statement of Program Intent (SPI) forms a part of the TENRAC deep basin lignite evaluation program, and forms a sequel to the exploratory drilling, coring and logging carried out in the region under TENRAC projects 82-L-1 and 82-L-2. Detailed specifications of work to be performed and general conditions are contained in a separate hydrologic test bid document which will be provided to intending proposers upon request.

This solicitation is issued in accordance with the Texas Energy Development Act of 1977, Texas Civil Statutes, Article 4413 (47b), and pursuant to the rules adopted for administration of the Energy Development Act (31 TAC §§251.1-251.6) and under the provisions of Texas Civil Statutes, Article 6252-11c. Furthermore, the investigation described herein is in general conformity with the philosophy of spending state funds for the collection of needed energy data in cooperation with the private sector to generate public information essential for the state to foster an equitable development climate and to fulfill its responsibilities relative to environmental protection and optimal resource recovery.

Lignite resources in Texas are currently estimated at 58 billion short tons (755 quadrillion Btu's or quads), constituting just over ¼ or 26% of the state's total energy endowment of 2,915 quads. Near-surface lignite resources, or those at depths between 20 and 200 feet, are about 23 billion tons (300 quads), of which some 8.6 to 11.1 billion tons are exploitable by current surface mining methods. Near-surface reserves are adequate to meet the energy needs of this century and will last for a good part of the 21st century. However, the deep basin

lignite resources of the state form a vast energy source which is potentially recoverable by deep-recovery technologies. Deep-basin lignite resources (at exploitable depths between 200 and 2,000 feet and in seams greater than five feet thick) are about 35 billion tons (455 quads) or 16% of the state's energy endowment. At this time these resources are not economically extractable, although small tonnages are technically exploitable by *in situ* gasification. Many experts believe that large tonnages would be potentially recoverable by deep-surface mining or *in situ* gasification or other methods in the not too distant future. Few details are known about the deep-basin lignite. In fact, lack of data is perhaps a major factor contributing to industry's reluctance at this time to make major commitments in Texas to *in situ* gasification, a very site-specific technology. There is concern over the economics of deep recovery and whether deep lignite is a reserve.

Therefore, in 1981, TENRAC ventured on a multi-year program to collect, at a regional level, hydrogeologic, physical and chemical property, and engineering data about the deep lignite resources of the state. Such data will facilitate the assessment of exploitability of deep-basin lignite and identification of areas with high potential for deep recovery. Just as earlier public sector research on near-surface lignite did, this research is expected to ultimately stimulate private exploration and exploitation by providing valuable reference data. It could also form a base for feasibility studies and large-scale field testing of recovery technologies such as *in situ* gasification.

The overall program is being carried out by the Texas University Coal Research Consortium presently comprised of Texas A&M University, Texas Tech University, University of Houston, and University of Texas at Austin. The hydrologic drilling, logging, and testing covered by this SPI will be conducted under the project direction of the Bureau of Economic Geology, University of Texas at Austin (UT-BEG) and under site supervision of the hydrologic consultant retained for the project. The present SPI covers work to be carried out at three sites, one in Panola County near Carthage and two in Cherokee County near Jacksonville. The program covered by this SPI is envisaged to be completed in the current State of Texas funding biennium ending August 31, 1983. Similar work will be conducted at other sites in the Sabine Uplift Wilcox region in the next biennium, and later, over the rest of the Texas lignite belt on a region by region basis.

The chief purpose of hydrologic testing covered by this SPI is to collect in the most economical manner, and in conjunction with previously collected deep lignite exploration data, the minimum hydrologic data that are needed for obtaining essential hydrologic parameters such as permeabilities, transmissivities, compressibilities and leakage, and in deriving useful conclusions at a regional level. It is not the intent of this program to evaluate specific sites or to generate detailed site-specific hydrologic data usually needed for site selection or plant design purposes.

**Specific Areas of Work.** Proposals for the following work are requested. Additional proposals may be solicited

at a later date for hydrologic testing at other locations in the Sabine Uplift Wilcox and in other lignite regions. Proposals may be submitted on either one or both of the two SPI's specified below. The work will be carried out under site management by UT-BEG and with site supervision by R. W. Harden & Associates (RWH&A), the hydrologic consultant retained by TENRAC for Sabine Uplift Wilcox Region. RWH&A will assist UT-BEG in determining detailed test specifications and in supervising field activities. Hence, management-type proposals wherein drilling and logging work are included as sub-contracts are not encouraged.

**SPI 82-L-9: Hydrologic Drilling and Testing of Deep Lignite Environment in Sabine Uplift Wilcox of East Texas (Panola and Cherokee Counties).**

(1) Work specifications. Drilling, well development, testing, plugging, and final clean up work will be carried out at three selected sites in Panola and Cherokee Counties for the following: one test hole, 6½ inch minimum diameter to a base depth of 500 feet; two test holes, 6½ inch minimum diameter to a base depth of 1,700 feet; three test wells, with four- to six-inch minimum inside diameter casing, as selected by the owner, to base depths of 300, 400, and 650 feet; and one piezometer with two-inch minimum inside diameter casing to a base depth of 200 feet.

Detailed technical specifications and general conditions for performance of work are included in the Hydrologic Test Bid Document, Sabine Uplift Wilcox (Panola and Cherokee Counties), which should be used as the basis in preparing the proposal in response to this SPI. Copies of the bid document will be provided upon request.

(2) Contractor qualifications. The contractor shall furnish all labor, transportation, materials, tools, plant, equipment, and supplies necessary for the satisfactory completion of all work described in the Hydrologic Test Bid Document. The contractor shall be a licensed water well driller in the State of Texas, be experienced with conventional mud rotary drilling and in performance of hydrologic testing (preferably in East Texas Wilcox), and be familiar with all rules and regulations governing the performance of the work.

(3) Bidding basis. To facilitate bid comparison and to evaluate alternate extents of testing, bidding shall be done on the basis specified in the bid document. This includes charges to be indicated for addition to or deletion from the contracted work, as detailed under the "Adds and Deducts" section of the bidding basis.

**SPI Number 82-L-10: Logging of hydrologic test wells drilled under SPI 82-L-9 in Sabine Uplift Wilcox (Panola and Cherokee Counties).**

The logging contractor shall provide an experienced lignite logging engineer. For each hole natural gamma, gamma-gamma density, neutron-neutron, focused resistivity, resistivity (64- or 16-inch normal or induction), spontaneous potential, and caliper logs will be run and recorded digitally for compatibility with the University of Texas' CDC Cyber 150/750 computer in Austin. The focused resistivity will have a minimum of 48 inches of formation penetration and be capable of accurately defining lithologic boundaries of the sediments encountered.

Separate bids shall be submitted in terms of monthly rate basis for the logging unit and on a call-out basis. The bid shall include probe, footage, loss charges, and optional services. Estimate the total cost to log seven holes to the following depths: 500, 400, 300, 200, 1,700, 1,700, and 650 feet.

**Funding.** Funding under this SPI will cover only the site indicated above in the lignite region of study. Cost sharing either by providing field services or through contributions of funds or facilities is encouraged and will strengthen a proposal's potential for selection. The reasonableness of the budget and the experience of the proposer will be considered in proposal evaluation. TENRAC reserves the right not to fund any proposal if no satisfactory proposal is received.

**Eligibility.** The following criteria are established for acceptability of proposers.

(1) Texas-based proposers will be given priority consideration and only in unusual circumstances will this priority be disregarded.

(2) Individual members of the council, TENRAC staff, or their immediate families are not eligible.

(3) Individuals who are part of the TENRAC review team are eligible and their review functions will be appropriately limited.

**State Universities and State Agencies.** TENRAC cannot contract to pay indirect costs for state universities and state agencies who may respond to this SPI. However, the full federally audited equivalent indirect costs would be listed as matching funds. This restriction does not apply to other proposers.

**Proposal Content.** Voluminous proposals are not desired. The proposals should include a cover page, including title, SPI number, name, address, and telephone number of the proposer(s), and the signature of the proposer's authorized representative; an equipment summary, including age, type, and size of drilling rigs, mud pumps, and water trucks; an experience summary, including listing of wells of similar depth and construction, and brief resumes of key field personnel proposed for the work, showing work experience, state water well drillers license, and years with company; a financial section (refer to Bidding Basis in bid document); and a list of references. Proposals which do not conform to this outline shall be considered nonresponsive.

**Review Criteria and Procedures.** Evaluation of the submitted proposals will be in accordance with the rules adopted for the administration of the Energy Development Act cited previously and on the basis of the following criteria which are listed in no specific relative order of importance. A copy of the rules will be provided upon request.

(1) Degree to which the proposal is responsive to the overall purpose of the solicitation;

(2) qualifications and experience of project staff;

(3) reasonableness of proposed budget and time schedule;

(4) availability of matching funds or services, if any;

(5) program organization and management including project monitoring procedures;

(6) adequacy of proposed technical scope of work;



- (7) directly related project and staff experience; and
- (8) commitment of physical facilities which are needed to successfully execute this project.

If upon conclusion of the review and evaluation of proposals received pursuant to this solicitation, two or more proposals are ranked so closely that a final selection cannot reasonably be made, the Texas Energy and Natural Resources Advisory Council (TENRAC) may request each such proposer to provide TENRAC with additional information to be used for the purpose of determining the proposal to be selected. Such additional information may include additional written materials not specified in this solicitation or clarifications of proposals. Proposers may also be requested to meet with TENRAC staff in Austin to review or clarify their proposals prior to the final selection of a contractor.

**Deadline and Address for Proposal Submission.** In order to be considered, 10 copies of the proposal must be received at TENRAC, Technology Development Division, Room 506, Employees Retirement System Building, 200 East 18th Street, Austin, Texas 78701, no later than 5 p.m. on April 18, 1983.

**Contract Terms.** The detailed terms of the contract will be negotiated with the selected proposer. A blank contract form with standard terms and conditions will be supplied to interested proposers upon request.

**Schedule for Completion.** Work to be compensated with the current funding must be completed by not later than the end of the present State of Texas funding biennium, i.e., August 31, 1983.

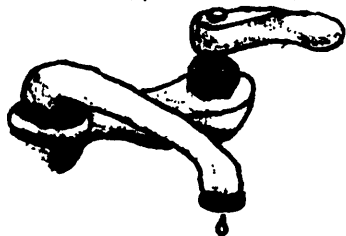
**Target Date for Contract Awards.** It is anticipated that the contract awards will be made in May or June 1983.

**Designation of Contact Person for Additional Information.** Address requests for the Hydrologic Test Bid Document, and questions pertaining to contractual matters to C. D. Rao, Texas Energy and Natural Resources Advisory Council, 200 East 18th Street, Room 506, Austin, Texas 78701, (512) 475-0414 or STS 822-0414, and those relating to the actual drilling, hydrologic testing, and logging to Graham E. Fogg at the Bureau of Economic Geology, the University of Texas at Austin, Geology Building, Room 523, Austin, Texas 78712, (512) 471-1534 or STS 821-1534.

Issued in Austin, Texas, on March 25, 1983.

TRD-832236      M. Lee Wilson  
Director  
Technology Development  
Division  
Texas Energy and Natural  
Resources Advisory Council

Filed: March 28, 1983  
For further information, please call (512) 475-0414.



## Texas Department of Health Emergency Radioactive Material Suspension Order

The Texas Department of Health gives notice that Radioactive Material License 11-2995, issued to Gulf Nuclear, Inc., 16915 El Camino Real, Suite 3221, Houston, Texas 77058, and 202 Medical Center Blvd., Webster, Texas 77598, authorizing the company to process and ship radioactive materials, has been suspended under an emergency order issued by Richard A. Ratliff, Director of the Compliance and Inspection Division of the Bureau of Radiation Control, on March 18, 1983. The licensee shall be afforded opportunity for a hearing on the order if requested in writing within 30 days of the issuance of the order, in accordance with Texas Civil Statutes, Article 4590f, §11(c).

The Texas Department of Health alleges that Gulf Nuclear, Inc., failed to report an accident on February 8, 1983, at the Webster facility involving a rupture of a source containing radioactive material. The Texas Department of Health also alleges that Gulf Nuclear violated the Texas Regulations for Control of Radiation by not evaluating the amount of radioactive material released in its facility during the incident and not assessing the exposure to its employees.

The suspension order requires Gulf Nuclear to provide medical testing of employees and report the details of the source rupture to the Texas Department of Health. The order also requires the company to outline corrective steps for preventing similar incidents.

The March 18, 1983, order remains in effect until the Texas Department of Health completes a comprehensive evaluation of Gulf Nuclear's licensed activities.

Issued in Austin, Texas, on March 24, 1983

TRD-832170      Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed: March 25, 1983  
For further information, please call (512) 835-7000.

## Public Hearings

The Texas Department of Health will conduct hearings on three municipal solid waste disposal site applications.

(1) A public hearing will be held to consider Application 1564 of the City of Bowie to operate a proposed Type I municipal solid waste disposal site to be located approximately 0.5 mile west of Bowie, approximately 0.6 mile northwest of the intersection of State Highway 174 and U.S. Highway 81, on the north side of State Highway 174 between the Chicago Rock Island and Pacific Railroad right-of-way and the Fort Worth and Denver Railroad right-of-way, in Montague County. The hearing will be held on Tuesday, April 26, 1983, at 9 a.m., in the council chambers, City Auditorium, 115 East Tarrant Street, Bowie.

(2) A public hearing will be held to consider Application 576 of the City of New Boston to operate an existing Type I municipal solid waste disposal site located 1.7 miles west of the IH 30-State Highway 8 intersection in New Boston, south of and adjacent to IH 30, north of and adjacent to U.S. Highway 82, in Bowie County. The hearing will be held on Tuesday, April 26, 1983, at 10 a.m., at the Community Center, New Boston.

(3) A public hearing will be held to consider Application 1527 of John L. Hardin to operate a proposed Type II municipal solid waste disposal site to be located one mile south-southeast of the intersection in Longview of FM Highways 1845/2206 and Cherokee Street, in Gregg County. The hearing will be held on Wednesday, April 27, 1983, at 10 a.m., at Matney's Bar-B-Q Restaurant, 209 East U.S. Highway 80, White Oak.

Issued in Austin, Texas, on March 24, 1983

TRD-832171      Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed: March 25, 1983

For further information, please call (512) 458-7236.

## Uranium By-Product Material License Amendments

The Texas Department of Health announces that four radioactive material licenses have been amended.

The Texas Department of Health, Bureau of Radiation Control, has determined that the amendments have no significant impact on the human environment, and the licensees are qualified by reason of training and experience to use the material in question for the purpose requested in accordance with these regulations in such a manner as to minimize danger to public health, safety, and the environment. The licensees' equipment, facilities, and procedures are adequate to minimize danger to public health, safety, and the environment. The issuance of the license amendments will not be inimical to public health and safety or have a detrimental impact on the environment. The licensees satisfy any applicable special requirements in the Texas Regulations for Control of Radiation (TRCR) Parts 41 and 43.

This notice affords the opportunity for a public hearing upon written request by a person affected as required by Texas Civil Statutes, Article 4590f, §11(b), as amended, and as set out in TRCR Part 43.100(d). A written hearing request must be received within 30 days from the date of this notice by David K. Lacker, Director, Radiation Control Program, 1100 West 49th Street, Austin, Texas, 78756. Should no request for a public hearing be timely filed, the license amendments will remain in effect.

A copy of all material submitted is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin. Information relative to the amendments of these specific radioactive material licenses may be obtained by contacting Mr. Lacker. For more information, please call (512) 835-7000.

The licenses and the amendments are as follows:

(1) Radioactive Material License 8-2436 issued to Mobil Oil Corporation for its Holiday/El Mesquite Project located in Duval County near Bruni (mailing address: Mobil Oil Corporation, Uranium Minerals Division, P.O. Box 5444, Denver, Colorado 80217), has been amended to change the individual designated as radiation safety officer.

(2) Radioactive Material License 8-2485 issued to Mobil Oil Corporation for its Piedre-Lumbre Project located in Freer, Duval County (mailing address: Mobil Oil Corporation, Uranium Minerals Division, P.O. Box 5444, Denver, Colorado 80217), has been amended to change the individual designated as radiation safety officer.

(3) Radioactive Material License 8-2600 issued to Mobil Oil Corporation for its Nell Project located in Bee and Live Oak Counties, four miles west of Pawnee (mailing address: Mobil Oil Corporation, Uranium Minerals Division, P.O. Box 5444, Denver, Colorado 80217), has been amended to change the individual designated as radiation safety officer.

(4) Radioactive Material License 9-1634 issued to Conoco, Inc., Karnes County, has been amended to clarify and modify previous license wording as follows. Licensee is authorized to receive by-product material as defined by TRCR Part 43.2(a)(2), including such material from Rhone-Poulenc, Inc., for disposal in its mill tailings pond.

Issued in Austin, Texas, on February 28, 1983

TRD-832241      Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed March 28, 1983

For further information, please call (512) 835-7000.

## Texas Health Facilities Commission Applications Accepted for Amendment, Declaratory Ruling, and Notices of Intent

Notice is hereby given by the Texas Health Facilities Commission of applications accepted as of the date of this publication. In the following list, the applicant is listed first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling; AMD indicates amendment of previously issued commission order; CN indicates certificate of need; PFR indicates petition for reissuance; NIE indicates notice of intent to acquire major medical equipment; NIEH indicates notice of intent to acquire existing health care facilities; NIR indicates notice of intent regarding a research project; NIE/HMO indicates notice of intent for exemption of HMO-related project; and EC indicates exemption certificate.

Should any person wish to become a party to any of the above-stated applications, that person must file a proper

request to become a party to the application within 15 days after the date of this publication of notice. If the 15th day is a Saturday, Sunday, state or federal holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, state or federal holiday. A request to become a party should be mailed to the chair of the commission at P.O. Box 50049, Austin, Texas 78763, and must be received at the commission no later than 5 p.m. on 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 any of these applications must meet the criteria set out in 25 TAC §215.9. Failure of a party to supply the necessary information in the correct form may result in a defective request to become a party.

Trinity Memorial Hospital District, Trinity  
AH83-0222-130

DR/NIEH—Request for a declaratory ruling that neither a certificate of need nor a notice of intent is required for the transfer of ownership, liabilities, and assets of Trinity Memorial Hospital, an existing 30-bed hospital located in Trinity, from Trinity Memorial Hospital Corporation, a nonprofit corporation, to Trinity Memorial Hospital District; or in the alternative, that only a notice of intent is necessary.

Southwest Health of Midland-Odessa, Inc.,  
doing business as West Plains,

A Psychiatric Hospital, Midland  
AH81-1109-045A(032883)

CN/AMD—Request for an amendment of Certificate of Need AN81-1109-045, which authorized the construction and operation of a 29,580 square foot, 60-bed, psychiatric hospital to be located on 2.9 acres of land on Pilot Avenue between La Force Boulevard and Wright Drive in the Midland/Odessa Airport Terminal area between the cities of Midland and Odessa. The certificate holder requests to amend the certificate of need to relocate the site of the psychiatric hospital from Pilot Avenue to a new 10-acre site located at Highway 80 and FM 1788 (northwest corner), approximately 5,000 feet from the original site, and to reduce the project cost from \$4,169,266 to \$3,846,922.

Issued in Austin, Texas, on March 28, 1983

TRD-832238 John R. Neel  
General Counsel  
Texas Health Facilities  
Commission

Filed: March 28, 1983

For further information, please call (512) 475-6940.



## Texas Housing Agency Public Hearing

The Texas Housing Agency (THA) gives notice that it intends to conduct public hearings in connection with seeking public approval for the issuance of industrial development bonds for residential real property. In accordance with federal law, the THA intends to seek public approval from the governor or other applicable elected representative or designated official of the State of Texas for the issuance of Multifamily Residential Certificate of Deposit Revenue Bonds (the "bonds") in an amount not expected to exceed approximately \$100 million.

The bonds, pursuant to the statutory authority of the THA, are being issued to provide financing for sanitary, decent, and safe dwelling accommodations for persons and families of low income and families of moderate income. The bonds constitute limited obligations of the THA. Neither the State of Texas nor any political subdivision, other than the THA, is liable on the bonds. The bonds do not constitute a debt of the State of Texas.

The executive administrator or deputy administrator of the THA will hold public hearings on the residential projects proposed to be financed by the bonds. The hearing will be held Monday, April 4, 1983, at 8:30 a.m., in the Sheraton-Crest Inn, 111 East First Street, Austin.

The proposed residential projects and descriptions are as follows:

Mortgage Loan Amount	\$12.5 million
Name of Development	Shadow Brook Apartments, I, II, III
Location	2000 block of South Cooper Street, Arlington, Tarrant County
Acreage (approx.):	14
Number of Units:	403
Owner:	Shadow Brook, Ltd., with General Partners: Roger Hanson, Shadow Brook I; Eric N. Day, Shadow Brook II; and William L. Jackson, Shadow Brook III.
Lender:	State Savings & Loan Association, Lubbock
Mortgage Loan Amount	\$8 million
Name of Development:	Folsom II Apartments
Location:	near Arkansas Lane, off Pear Ridge Drive and Haverwood Lane, Dallas, Collin County
Acreage (approx.):	10.613
Number of Units:	182
Owner:	A Texas Limited Partnership, to be formed, with a General Partner consisting of Charles Holbrook, the Chasewood Company; Terence C. Golden, Trammell Crow Company; and Trammell S. Crow.
Lender:	First Federal Savings & Loan or Arkansas, Little Rock, Arkansas

# Texas Register

**Mortgage Loan Amount:** \$13.6 million  
**Name of Development:** Jupiter I Apartments  
**Location:** 12800 Jupiter Road at Quail Run, Dallas, Dallas County  
**Acreage (approx.):** 14  
**Number of Units:** 364  
**Owner:** A Texas Limited Partnership, to be formed, with a General Partner consisting of Charles Holbrook, the Chasewood Company, Terence C. Golden, Trammell S. Crow Company, and Trammell S. Crow  
**Lender:** First Federal Savings & Loan or Arkansas, Little Rock, Arkansas

**Mortgage Loan Amount:** \$6 million  
**Name of Development:** South Gate Apartments  
**Location:** Bernas Street and Arden Road, Amarillo, Randall County  
**Acreage (approx.):** 8.542  
**Number of Units:** 188  
**Owner:** Southgate, Ltd. (Don Woodherry, Principal)  
**Lender:** Skokie Federal Savings & Loan, Skokie, Illinois

**Mortgage Loan Amount:** \$13.7 million  
**Name of Development:** Las Colinas II Apartments  
**Location:** Story Road and Northgate Boulevard (off Walnut Hill Lane), Irving, Dallas County  
**Acreage (approx.):** 10.664  
**Number of Units:** 252  
**Owner:** A Texas Limited Partnership, to be formed, with a General Partner consisting of Charles Holbrook, the Chasewood Company, Terence C. Golden, Trammell S. Crow Company, Trammell S. Crow, and Tom Teague, Brentwood Properties  
**Lender:** First Federal Savings & Loan or Arkansas, Little Rock, Arkansas

**Mortgage Loan Amount:** \$7.5 million  
**Name of Development:** Denton Apartments  
**Location:** Audra Drive and Mulkey Lane (off East McKinney Street), Denton, Denton County  
**Acreage (approx.):** 11  
**Number of Units:** 222  
**Owner:** C&C Development Company (William Earl Cox, Principal)  
**Lender:** Skokie Federal Savings & Loan, Skokie, Illinois

**Mortgage Loan Amount:** \$13,693,722  
**Name of Development:** Flower Mound Apartments  
**Location:** At Timbercreek Road, across from Timbercreek Elementary School, Flower Mound, Denton County  
**Acreage (approx.):** 27.68  
**Number of Units:** 384  
**Owner:** Flower Mound Apartments, Ltd., (Lloyd L. Hayes, Principal)  
**Lender:** Fidelity Savings & Loan, Port Arthur

**Mortgage Loan Amount:** \$6.1 million  
**Name of Development:** Stuart's Mark I Apartments  
**Location:** 5000 Block of Pear Ridge Drive (off Haverwood Lane), North Dallas, Collin County  
**Acreage (approx.):** 6  
**Number of Units:** 144  
**Owner:** A Texas Limited Partnership, to be formed, with a General Partner consisting of Charles Holbrook, the Chasewood Company, Terence C. Golden, Trammell S. Crow Company, Trammell S. Crow, and Tom Teague, Brentwood Properties  
**Lender:** First Federal Savings & Loan or Arkansas, Little Rock, Arkansas

**Mortgage Loan Amount:** \$7.3 million  
**Name of Development:** Quincy's Mark Apartments  
**Location:** 4701 Haverwood Lane at Pear Ridge Drive, North Dallas, Collin County  
**Acreage (approx.):** 7.1522  
**Number of Units:** 168  
**Owner:** A Texas Limited Partnership, to be formed, with a General Partner consisting of Charles Holbrook, the Chasewood Company, Terence C. Golden, Trammell S. Crow, and Tom Teague, Brentwood Properties  
**Lender:** First Federal Savings & Loan or Arkansas, Little Rock, Arkansas

**Mortgage Loan Amount:** \$6.1 million  
**Name of Development:** Stuart's Mark II Apartments  
**Location:** 5000 Block of Pear Ridge Drive (off Haverwood Lane), North Dallas, Collin County  
**Acreage (approx.):** 5.6476  
**Number of Units:** 144  
**Owner:** A Texas Limited Partnership, to be formed, with a General Partner consisting of Charles Holbrook, the Chasewood Company, Terence C. Golden, Trammell S. Crow, and Tom Teague, Brentwood Properties  
**Lender:** First Federal Savings & Loan or Arkansas, Little Rock, Arkansas

**Mortgage Loan Amount:** \$6.1 million  
**Name of Development:** Stuart's Mark I Apartments  
**Location:** 5000 Block of Pear Ridge Drive (off Haverwood Lane), North Dallas, Collin County  
**Acreage (approx.):** 5.6476  
**Number of Units:** 144  
**Owner:** A Texas Limited Partnership, to be formed, with a General Partner consisting of Charles Holbrook, the Chasewood Company, Terence C. Golden, Trammell S. Crow, and Tom Teague, Brentwood Properties  
**Lender:** First Federal Savings & Loan or Arkansas, Little Rock, Arkansas

All interested persons are invited to attend the public hearing to express their views on the projects and the issuance of the bonds. Please direct questions or requests for additional information to Stan KANTROWITZ, General Counsel, Texas Housing Agency, 413 West 13th Street, Suite 604, Austin, Texas 78701, (512) 475-0812.

Persons who intend to appear at the hearing and express views are encouraged to contact Mr. Kantrowitz either in writing or by telephone in advance of the hearing.

Any interested persons unable to attend the hearing may submit their views in writing to Mr. Kantrowitz at the Texas Housing Agency in Austin prior to the date scheduled for the hearing. All written comments will be

made available for review by all parties attending the public hearing.

Issued in Austin, Texas, on March 23, 1983

TRD-832156 Stan Kantrowitz  
General Counsel  
Texas Housing Agency

Filed: March 24, 1983

For further information, please call (512) 475-0812.



## Texas Department of Human Resources Request for Proposals

The Texas Department of Human Resources (DHR) announces its intent to competitively procure a contract or contracts for in-home services in the 40-county area of the Texas Panhandle (Regions 01 and 02) with concentrations in Potter, Randall, Gray, Hutchinson, and Lubbock Counties.

In-home services help families make changes in their living patterns which enable them to manage their own affairs more completely and with greater independence. This is accomplished by providing counseling, training, information, and referral to parents and relatives. In-home services will be provided to clients referred by child protective services workers of the Texas Department of Human Resources.

The contract amount(s) is not to exceed \$170,000 per year, contracted on a one-year basis beginning September 1, 1983, with the option to renew for not more than four years.

Interested potential providers desiring additional information on in-home services procurements in Regions 01 and 02 are invited to contact Carol A. Lindemann, Program Director, Texas Department of Human Resources, P. O. Box 3700, Amarillo, Texas 79116-3700, (806) 373-4226. A request for proposal (RFP) may be obtained from Mr. Lindemann between April 5, 1983, and April

14, 1983. An offeror's conference to explain the RFP and answer questions will be held on April 14, 1983, in Amarillo. Interested parties are urged to obtain a copy of the RFP prior to April 14, 1983, and to attend the meeting on that date.

Issued in Austin, Texas, on March 23, 1983

TRD-832128 Marlin W. Johnston  
Commissioner  
Texas Department of Human Resources

Filed: March 23, 1983

For further information, please call (512) 441-3355, ext 2037

## Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of March 18-25, 1983.

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 the name, mailing address, and phone number of the person making the request, and 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 30 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 contacting the Texas Water Commission, P. O. Box 13087, Austin, Texas 78711, (512) 475-2678.

Listed are the name(s) of the applicants and the city in which the facilities are located, type of facility, location of the facility; permit number, and type of application—new permit, amendment, or renewal.

### Period of March 18-25, 1983

Adobe Refining Company—Division of Crystal Oil Company, Hidalgo, oil refinery; east of FM 493 approximately 0.25 mile north of its intersection with State Highway 107 and about eight miles east of the City of Edinburg in Hidalgo County; 01487; renewal  
Anheuser-Busch, Inc., Baytown; rainfall runoff disposal site, spent grain liquor land application; on the south side of Wallisville Road, east of its intersection with Garth Road and west of its intersection with

North Main Street, north of the City of Baytown in Harris County; 02167, renewal

Armco, Inc., (Houston Works), Houston; integrated steel mill and a steel pipe fabrication plant; on a tract of land bounded on the north and east by Industrial Road and on the south by the Houston Ship Channel in east Harris County; 00509; renewal

Coastal States Petroleum Company, Corpus Christi; industrial wastewater, east of Navigation Boulevard, and approximately 0.5 mile north of IH-37 near the City of Corpus Christi in Nueces County; 00465; renewal

Crystal Oil Company, Longview Refining Division, Longview; petroleum refinery; 600 Premier Road in the City of Longview in Gregg County; 00572, renewal

Fertilizer Company of Texas, Inc., Pasadena; fertilizer plant; 1000 Jefferson Street and adjacent to the Houston Ship Channel in the City of Pasadena in Harris County; 01194, renewal

City of Friendswood Gull Waste Disposal Authority; treated domestic wastewater; 3902 West Bay Area Boulevard on the northeast bank of Clear Creek approximately three miles southeast of the City of Friendswood and approximately three miles southwest of IH-45 at the NASA One Road exit in Harris County; 11571-01; amendment

Lumberton Municipal Utility District, Lumberton; treated wastewater, on the northeast bank of Boggy Creek approximately 1/4 mile southwest from the intersection of FM Road 421 and U.S. Highway 69 in Hardin County; 11709-02, new permit

Mobil Chemical Company, Beaumont, plant manufacturing low density polyethylene, north of U.S. Highway 90 south of Old Sour Lake Road and east of the LNVA Canal approximately 0.5 mile west of the Beaumont Municipal Airport and seven miles west of the City of Beaumont in Jefferson County; 02029; amendment

Mobil Oil Corporation, Duval County; waste disposal wells; WDW-150—approximately 3,400 feet from the northwest line and 1,300 feet from the southwest line; WDW-151—approximately 2,250 feet from the northwest line and 12,700 feet from the southwest line of the Santa Maria de Los Angeles de Abajo Trinidad Vela Survey, A-612, Duval County; WDW-150 and WDW-151; amendments

Mobil Oil Corporation, Duval County; waste disposal wells; WDW-177—approximately 2,100 feet from the north line and 200 feet from the east line; WDW-178—approximately 2,100 feet from the north line and 800 feet from the east line of the Charles Adams Survey, Section 106, Duval County; WDW-177 and WDW-178; amendments

Mobil Oil Corporation, Live Oak County; waste disposal well; approximately 8,500 feet from the west line and 3,200 feet from the north line of Section 121 of the W. T. Hatton Survey, A-222, Live Oak County; WDW-181; amendment

Mobil Oil Corporation, Live Oak County; waste disposal well; approximately 7,400 feet from the west

line and 2,300 feet from the north line of Section 121 of the W. T. Hatton Survey, A-222, Live Oak County; WDW-182; amendment

Mobil Oil Corporation, Duval County; waste disposal well; approximately 2,700 feet from the northwest line and 13,000 feet from the southwest line of the Santa Maria de Los Angeles de Abajo Trinidad Vela Survey, A-614, Duval County; WDW-197; amendment

Mobil Oil Corporation, Duval County; waste disposal well; approximately 14,400 feet from the northeast line and 3,900 feet from the southeast line of the Santa Maria de Los Angeles de Arriba Mariano Arispe Survey, A-612, Duval County; WDW-198; amendment

Mobil Oil Corporation, Duval County; waste disposal well; approximately 900 feet from the northwest line and 17,000 feet from the southwest line of the Santa Maria de Los Angeles de Abajo Trinidad Vela Survey, A-612, Duval County; WDW-199; amendment

Mobil Oil Corporation, Duval County; waste disposal well; approximately 7,700 feet from the northwest line and 11,200 feet from the southwest line of the Santa Maria de Los Angeles de Abajo Trinidad Vela Survey, A-612, Duval County; WDW-200; amendment

MSH, Inc., Beaumont; waste disposal well; approximately 25 feet from the west line and 2,585 feet from the north line of the Eastham Survey, A-564, in Jefferson County, approximately five miles southwest of the City of Beaumont; WDW-216; new permit

MSH, Inc., Beaumont; waste disposal well; approximately 485 feet from the west line and 2,585 feet from the north line of the Eastham Survey, A-564, approximately five miles southwest of the City of Beaumont in Jefferson County; WDW-217; new permit

MSH, Inc., Beaumont; waste disposal well; approximately 490 feet from the west line and 3,045 feet from the north line of the Eastham Survey, A-564, approximately five miles southwest of the City of Beaumont in Jefferson County; WDW-218, new permit

City of San Antonio, (Leon Creek Plant); Leon Creek Wastewater Treatment Plant; approximately one mile west of the intersection of Mauerman Road and Pleasanton Road in Bexar County; 10137-03; amendment

Santa Rosa International, Inc., Houston; wastewater treatment plant; approximately 2,000 feet southwest of Stuebner-Airline Road approximately 8,500 feet southeast of FM Road 1,960 and approximately 1 1/2 miles north of Greens Bayou in Harris County; 12717-01; new permit

A. W. Theis, Jr. and Associates, Inc., Tomball; treated domestic wastewater; approximately 1,000 feet west of FM Road 149 and approximately 1,600 feet north of Willow Creek in Harris County; 12720-01; new permit

Trey Trucks Division of Norton Well Service, Crane; brine solution mining; on a 40 acre site on East County Road approximately 0.2 mile south of its intersection with State Highway 329 in the City of Crane in Sec-

tion 214, Block F., CCSD & RGNG RR Company Survey, Crane County; BR50039; new permit

City of Wallis; treated wastewater; approximately 5,000 feet northwest of the intersection of FM Road 1093 and State Highway 36 just north of State Highway 36 in Austin County; 10765-01; amendment

Texas Department of Corrections, Huntsville; Beto Unit 1 sewage treatment plant; on the south side of FM Road 645 at a point approximately six miles north of the intersection of U.S. Highway 79 and FM Road 645 in Anderson County; 11915-01; renewal;

City of Center; East Bank sewage treatment plant; approximately 3,000 feet southwest of the intersection of Ice Plant Road and State Highway 7 in Shelby County; 10063-03; renewal

The City of Goodrich; treated domestic sewage; on the west side of the Southern Pacific Railroad approximately 1,200 feet southeast of the intersection of FM Road 393 and U.S. Highway 59 northwest of Goodrich in Polk County; 12711-01; new permit

Charles L. Harris and Judy Harris, Pasadena; treated domestic wastewater; approximately 800 feet north of County Road 128 and approximately 2,000 feet east of County Road 143 in Brazoria County; 12697-01; new permit

Issued in Austin, Texas, on March 25, 1983.

TRD-832228

Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

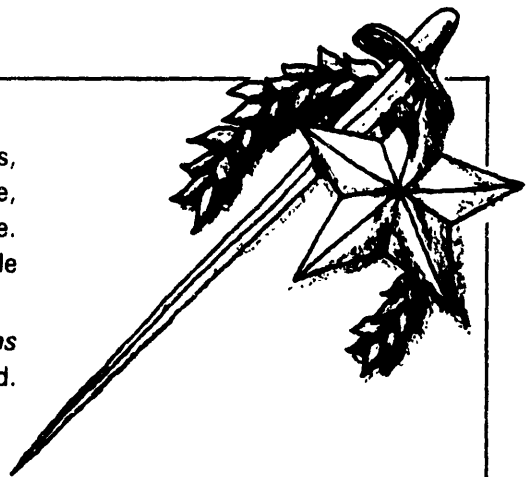
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