

Texas Register

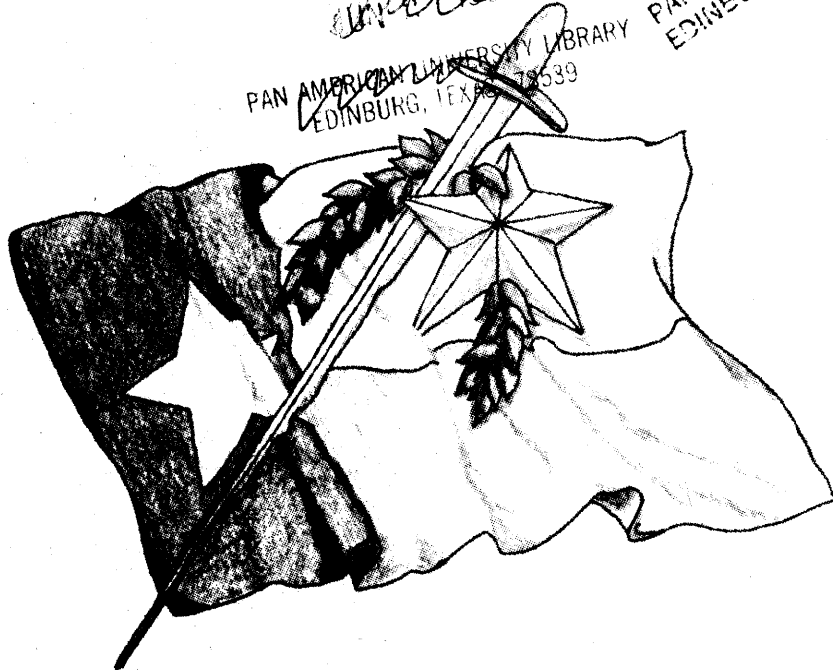


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June 2, 1982

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Highlights

- ★ State Securities Board proposes amendments to a section concerning transactions exempt from registration; proposed date of adoption - July 2 page 2099
- ★ Texas State Board of Public Accountancy proposes a new section concerning the handling of quality control reviews by licensees; proposed date of adoption - July 30 ... page 2100
- ★ Texas Water Development Board proposes new rules and amendments, and repeal of rules concerning consolidated permits; proposed date of adoption - June 28 page 2101

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 1982 with the exception of January 5, April 27, November 16, November 30, and December 28, by the Texas Register Division, 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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POSTMASTER: Please send Form 3579 changes to the Texas Register Division, P.O. Box 13824, Austin, Texas 78711-3824.

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register Division six months after proposal publication date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: "7 TexReg 2 issue date," while on the opposite page, in the lower right-hand corner, page 3 is written "issue date 7 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 Division 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).

Latest Texas Code Reporter
(Master Transmittal Sheet): No. 6, July 81

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The Secretary of State

Under provisions of the Texas Election Code (Article 1.03), the secretary of state, as chief elections officer, is responsible for maintaining uniformity in the application, operation, and interpretation of the election laws, and for advising the state's election officers in this regard. In carrying out this responsibility, the secretary of state is authorized to issue opinions based on the election laws.

These opinions are summarized for publication in the *Register*.

Questions on particular submissions should be addressed to the Office of the Secretary of State, Elections Division, P. O. Box 12887, Austin, Texas 78711, 1 (800) 252-9602 or (512) 475-3091.

Opinions Issued May 19

Election Law Opinion DAD-25. Request from Eugene J. Seaman, chairman-elect, Nueces County Republican Party, Corpus Christi, and from Don Wilson, chairman-elect, Williamson County Democratic Party, Georgetown, concerning the date on which a county chairman elected in the first primary takes office.

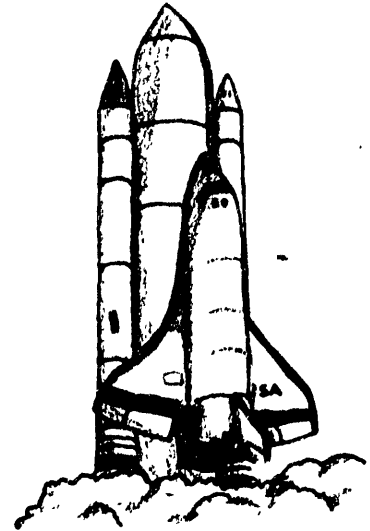
Summary. A county chairman, elected in the first primary election, without the necessity of a runoff in his race, does not assume the duties of his office for the term to which he was elected until the Saturday following the date of the runoff primary, as provided in Article 13.18, Subdivision 1, Texas Election Code.

TRD-824300

Election Law Opinion DAD-26. Request from Patsy Ramzy, Jack County clerk, Jacksboro, concerning the method of filling a vacant constable's office, and the legality of a declared write-in candidacy for an unexpired constable's term in the November 1982 general election.

Summary. Article 2355, Texas Civil Statutes, authorizes the commissioners court, in its discretion, to fill a vacant constable's office. Article 13.12a, Texas Election Code, outlines the procedure for filling an unexpired term and permits a qualified individual to legally run as a declared write-in candidate, for a constable's office (unexpired term) in the November 1982 general election.

TRD-824301



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.

The Attorney General

Opinion

MW-447A. Request from Henry Wade, Criminal District Attorney, Dallas, regarding clarification of MW-447.

Summary of Opinion. The state is not required to pay filing fees for the filing of a case, pay fees for service of citation, or give any other security for costs, including any appellate costs, although the state will ultimately be liable for costs should it be the losing party.

TRD-824342

Open Records Decision

ORD-316 (RQ-797). Request from Charles A. Easterling, Pasadena city at-

torney, Pasadena, concerning availability under the Open Records Act of employment file of police officer, including report of polygraph exam.

Summary of Decision. The City of Pasadena received a request under the Open Records Act for the personnel file of a police officer, including record of a polygraph examination given him for employment. Section 19a of Article 4413(29cc) limited disclosure of polygraph records so that this requestor did not have access to them. The officer's home address and telephone number from his personnel file were excepted from disclosure. Questionnaires from his character references

were not excepted from disclosure, because release of this information would not constitute a clearly unwarranted invasion of personal privacy. Records of psychological evaluations were exempted from disclosure by Texas Civil Statutes, Article 5561h. The medical history information in the file which was furnished to the employer by the employee was available to the public, because it was not information "generated by a physician" within Texas Civil Statutes, Article 4495b, §50.08. The remainder of the file contained information which was not highly intimate or embarrassing and therefore was not excepted from disclosure by §3(a)(1) or §3(a)(2) of the Open Records Act.

TRD-824332

Proposed Rules

Thirty days before an agency intends to permanently adopt a new or amended rule, or repeal an existing rule, it must submit a proposal detailing the action in the *Register*. 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.

Unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice, the proposal may not be adopted until 30 days after publication. The document, 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 legal authority under which the proposed rule is to be adopted (and the agency's interpretation of the legal authority); the text of the proposed action; and a certification statement. The certification information which includes 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 7. BANKING AND SECURITIES Part VII. State Securities Board Chapter 107. Terminology

7 TAC §107.2

The State Securities Board proposes to add a definition to §107.2, concerning the term "accredited investor."

Richard D. Latham, securities commissioner, 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. Latham 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 increased uniformity of definitions used in state securities regulations with those used in federal securities regulations. There is no economic cost to individuals who are required to comply with the rule as proposed as the section is designed to promote uniformity and increase the ability of securities offerings to come within exemptions from securities registration requirements if they are operating under federal securities exemptions.

Comments on the proposal may be submitted to Russell R. Oliver, State Securities Board, P.O. Box 13167, Austin, Texas 78711.

The following amendment is proposed under Texas Securities Act, Texas Civil Statutes, Article 28-1, which provides that the board may adopt rules defining terms, whether or not used in the Act.

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

Accredited investor—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:

(A) Any bank as defined in §3(a)(2) of the Securities Act of 1933, 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 §301(c) or (d) of the Small Business Investment Act of 1958; 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 planned beneficiary, as defined in §3(21) of such Act, which is either a bank, insurance company, or registered investment advisor, or if the employee benefit plan has total assets in excess of \$5 million;

(B) Any private business development company as defined in §202(a)(22) of the Investment Advisors Act of 1940;

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

(D) 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;

(E) 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 the securities to the purchaser, or
- (iv) the cancellation of any indebtedness owned by the issuer to the purchaser;

(F) 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;

(G) Any natural person who had an individual income 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

(H) Any entity in which all of the equity owners are accredited investors under paragraphs (A) through (G) of this definition.

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 May 21, 1982.

TRD-824282 Richard D. Latham
Securities Commissioner

Proposed date of adoption: July 2, 1982
For further information, please call (512) 474-2233.

Chapter 109. Public Solicitation or Advertisements

7 TAC §109.4

The State Securities Board proposes amendments to §109.4, concerning transactions exempt from registration, by adding a new paragraph concerning exempt limited offerings.

Richard D. Latham, securities commissioner, 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. Latham 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 increased uniformity of

state exemptive provisions with federal securities exemptions.

There is no possible cost to individuals who are required to comply with the rule as proposed, as persons structuring securities offerings to comply with federal exemptions will be allowed to use the state exemptions provided in the rule as amended, and there is no filing or other fee which must be paid to the State Securities Board in connection with utilizing the exemption.

Comments on the proposal may be submitted to Russell R. Oliver, State Securities Board, P.O. Box 13167, Austin, Texas 78711.

The amendments are proposed under Texas Civil Statutes, Articles 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)-(11) (No change.)

(12) *Exempt limited offerings.* The State Securities Board, pursuant to §5.T of the Securities Act, exempts from the registration requirements of §7 of the Securities Act 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) The sale is made without any public solicitation or advertisements.

(B) The total number of security holders of the issuer acquired during the period of 12 months ending with the date of the sale in question does not exceed 35, except those new security holders who are "accredited investors" acquired pursuant to paragraph (11) of this section and §107.2 of this title (relating to Definitions);

(C) The offering complies with paragraphs (1)-(4), (10), (11)(C), and (D) of this section;

(D) Security holders who purchase in sales made under this section are not excluded from the count of security holders under §5.1(a) of the Securities Act or purchasers under §5.1(c) of the Securities Act, but this section may be used to exceed the numbers of security holders or purchasers allowed by such sections if the requirements of this section are met.

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 May 25, 1982.

TRD-824341 Lee Polson
Deputy Securities Commissioner
State Securities Board

Proposed date of adoption: July 2, 1982
For further information, please call (512) 474-2233.

TITLE 22. EXAMINING BOARDS
Part XXII. Texas State Board of
Public Accountancy
Chapter 501. Professional Conduct
Quality Control Reviews

22 TAC §501.50

The Texas State Board of Public Accountancy proposes new §501.50 (401.33.00.501), concerning the handling of quality control reviews by licensees. The rule would require that licensees, prior to a quality control review, enter into a written agreement to require the reviewer to maintain the confidentiality of all confidential client information obtained during the review, subject to the disclosure requirements as outlined in §501.31.

Bob E. Bradley, executive 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. Bradley 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 that individuals and firms may conduct quality reviews of other individuals and firms and conform to §26 of the Public Accountancy Act of 1979, as amended by Texas Civil Statutes, Article 41a-1.

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

Comments on the proposal may be submitted to Gary McNeill, Texas State Board of Public Accountancy, 3301 Northland Drive, Suite 500, Austin, Texas 78731-4990.

The new section is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provides the Texas State Board of Public Accountancy with the authority to promulgate rules deemed necessary to effectuate the purposes of the Public Accountancy Act of 1979, as amended.

§501.50 (401.33.00.501). Contract.

(a) In order to protect the confidentiality of privileged information held by a licensee during the course of a quality control review or peer review of the licensee's practice, each such quality control review shall be preceded by a written agreement which provides, at a minimum:

(1) that the quality control review will be conducted only by individuals, groups, or firms who are licensees under this Act or who hold a temporary permit issued by the board;

(2) that the individual, group, or firm conducting the review (the reviewer) is obligated to the licensee being reviewed and to the clients of the licensee being reviewed to maintain the confidentiality of all confidential client information;

(3) that all information which identifies or could lead to the identification of a client of the licensee being reviewed shall not be transmitted to any person without

having been reviewed and approved for release by the licensee being reviewed;

(4) that all questions as to the transmission of particular client information which cannot be agreed upon by the reviewer and the licensee being reviewed shall be resolved by the client or clients involved.

(b) Confidential client information acquired by any licensee or temporary permit holder in the course of conducting a quality control review shall be protected by that licensee or temporary permit holder just as if it were confidential information of his own client; and shall be subject to the same rules of disclosure. A disclosure of information to the board for the purposes of a disciplinary complaint or disciplinary investigation shall not constitute an impermissible disclosure of confidential information.

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 May 25, 1982.

TRD-824343

Bob E. Bradley
Executive Director
Texas State Board of Public
Accountancy

Proposed date of adoption: July 30, 1982
For further information, please call (512) 451-0241.



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 Division numbers. However, the rules will appear under the agency's correct TAC title and part.)

Certification by Industrial Accident
Board to the State Board of Insurance
of Insurer's Failure to Pay Workers'
Compensation

059.05.62

The State Board of Insurance proposes amendments to Rules 059.05.62.001 and .002, concerning certifications by the Texas Industrial Accident Board to

the commissioner of insurance for disciplinary action against any Texas licensed insurer pursuant to Texas Civil Statutes, Article 8306, §18, and Texas Civil Statutes, Article 8307, §5. These statutes require the Industrial Accident Board to certify to the commissioner of insurance a refusal by a workers' compensation insurance carrier to pay claims or comply with a final ruling respecting a dispute over a workers' compensation claim. This amendment deletes surplus language only and restates the rule to comply with the notice requirements of Texas Civil Statutes, Article 6252-13a. No substantive changes are contemplated by the amendment other than to conform the rules to present statutory law.

The State Board of Insurance expects no fiscal implications to the state or local government as a result of the proposed amendments since the amendment causes nonsubstantive changes and merely conforms the rule to existing statutory requirements. The State Board of Insurance relies on James W. Norman, chief clerk, for the foregoing fiscal determinations.

The public benefit anticipated as a result of this rule change as proposed will be a clearer, more understandable rule. No additional cost to persons required to comply with the rule is anticipated because there are no substantive rule changes, except for changes which conform the rule to existing statutory law. The State Board of Insurance again relies on Mr. Norman in making this determination.

Comments on the proposal may be submitted to James W. Norman, chief clerk, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The amendments are proposed under the following: Texas Insurance Code, Article 1.02(b) and 1.09(a), which gives the State Board of Insurance supervisory authority over the commissioner of insurance; Texas Civil Statutes, Article 6252-13a, §4, and elsewhere pursuant to which the board may adopt rules necessary for it to perform its statutory function; and Texas Civil Statutes, Article 6252-13a, §§13-18, which govern contested case hearings before the board.

.001. Notice. [Certifications by Industrial Accident Board. On this day came on for consideration by the State Board of Insurance the matter of certifications made by the Texas Industrial Accident Board to the commissioner of insurance for disciplinary action against any Texas licensed insurer pursuant to the provisions of Article 8306, §18, and Article 8307, §5 of Texas Civil Statutes. Such statutes require the Industrial Accident Board to notify the commissioner of insurance of the failure of a workmen's compensation insurance carrier to comply with the workmen's compensation law as directed by the Industrial Accident Board. It is the purpose of this order that, upon the Industrial Accident Board's certifying an insurer to the commissioner of insurance pursuant to such statutes, the commissioner shall prepare and issue appropriate notice to such insurer of a public hearing to be held before the commissioner for the purpose of considering appropriate action against such

insurer. It is the purpose of this order that such public hearing shall be set and held regardless of any corrective action taken by the insurer to comply with the directive from the Industrial Accident Board subsequent to giving of notice thereof to the commissioner of insurance. Therefore:] Upon receipt of certification [notice by the commissioner] from the Industrial Accident Board of an insurer's failure to comply with Article 8306, §18, or Article 8307, §5, Texas Civil Statutes, the commissioner of insurance shall prepare and transmit to such insurer notice [of] in accordance with the requirements of Texas Civil Statutes, Article 6252-13a [setting of a hearing to consider disciplinary action against such insurer].

.002. Compliance Subsequent to Certification by the Industrial Accident Board to the Commissioner. No action by the insurer to comply as directed by the Industrial Accident Board shall effect the cancellation or dismissal of a hearing set by the commissioner of insurance. [Such hearing shall be held and an order issued by the commissioner. And it is so ordered. Board Order 27885.]

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 May 27, 1982.

TRD-824331 James W. Norman
Chief Clerk
State Board of Insurance

Proposed date of adoption: July 2, 1982
For further information, please call (512) 475-2950.

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

Chapter 341. Consolidated Permits

A notice appeared in the May 28, 1982, issue of the *Texas Register* indicating that the following proposals submitted by the Texas Department of Water Resources would be serialized beginning in this issue. With the exception of 31 TAC §341.122, which will be published at a later time, the proposals appear in this issue. Proposed date of adoption for the documents is June 28, 1982.

Chapter 341. Consolidated Permits

General Provisions

§§341.1-341.6

Procedure for Obtaining Waste Discharge Permits

§§341.21-341.37

Revocation, Suspension, and Amendments of Waste Discharge Permits

§§341.51-341.56

Corrections of Permits

§341.71

§341.72

Renewals

§§341.81-341.84

Emergency Orders

§§341.91, 341.92, 341.94

General Provisions

§341.123

Applications and Review

§341.133, §341.134

**Amendments, Renewals, Transfers, Revocation, or
Suspension**

§§341.225, 341.240, 341.241

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

§341.341

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Water Resources, Stephen F. Austin Building, 1700 North Congress, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The Texas Water Development Board proposes the following new rules and amendments and repeals of existing rules in Chapter 341, concerning consolidated permits.

- Repeal of § 341.1-341.6, concerning general provisions. These rules have been replaced by §§341.121-341.122. The repeal of §§341.1-341.6 will eliminate rule duplication.
- Repeal of §§341.21-341.37, concerning procedures for obtaining waste discharge permits. These rules have been incorporated into §§341.131-341.139, §§341.151-341.185, and §341.261-341.290. The repeal of §§341.21-341.37 will eliminate rule duplication and conflicting rule content.
- Repeal of § 341.51-341.56, concerning revocation, suspension, and amendment of waste discharge permits. These rules have been replaced by §§341.225, 341.268, 341.269, and 341.240. The repeal of § 341.51-341.56 will eliminate rule duplication.
- Amendment of §341.71, concerning corrections. The amendment eliminates words and phrases which limit the applicability of §341.71 to only permits issued under Chapters 26 and 27 of the Texas Water Code. The proposed amendment allows §341.71 to be uniformly applicable to all permits issued by the Texas Water Commission pursuant to Chapters 26 and 27 of the Texas Water Code as well as permits issued pursuant to the Texas Solid Waste Disposal Act.
- Repeal of §341.72, concerning transfers of waste discharge permits. This rule has been replaced by §§341.235 and §341.270. The repeal of §341.72 will eliminate rule duplication.
- Repeal of §§341.81-341.84, concerning renewals. These rules have been replaced by §§341.230 and §341.267. The repeal of §§341.81-341.84 will eliminate rule duplication.

- Amendment of §§341.91, 341.92, and 341.94, concerning emergency and temporary orders. The amendments delete the word "defined" throughout each rule. The purpose of the amendment is to clarify that §§341.91, 341.92, and 341.94 apply uniformly to discharges made under Chapters 26 and 27 of the Water Code and the Texas Solid Waste Disposal Act.

- Amendment of §341.133, concerning signatories to applications. The amendment will help clarify the rule. Currently the rule provides that all applications for a permit must be signed by the operator or the permittee. A person submitting an application cannot be the permittee until his application has been approved. Many times the operator of the proposed facility has not been determined at the time the application is filed.

- Amendment of §341.134, concerning the retention of application data by permittees. The amendment would provide that application data would be required to be retained for at least three years from the date the permit is granted instead of from the date the application is granted. This amendment is also for clarification purposes.

- Amendment of §341.153, concerning contents of an application for a permit. The amendment adds paragraph (11) which provides that only one application need be filed for each geographical location in which waste is or will be disposed of even though there may be more than one outfall, place of deposit, or other place of disposal covered in the application. The proposed amendatory language sets forth current departmental policy.

- Amendment of §341.185, concerning the revision of applications for hazardous waste permits. The proposed amendment is grammatical in nature only.

- Proposed new §341.186, concerning waste containing radioactive materials. The rule will set forth the current requirement that an application which involves the disposal of wastes containing radioactive materials shall be accompanied by a letter from the Texas Department of Health stating that the applicant or other specified persons has a license from the Texas Department of Health governing the disposal of radioactive materials or that such license is not needed.

- Amendment of §341.225, concerning amendments. The amendment adds language to clarify that changes to permits as specified in the §341.71 do not require that an amendment application be filed by the permittee or an affected person.

- Amendment of §341.240, concerning revocation and suspension. The amendment eliminates the word "defined" from subsection (a)(4). The proposed amendment is merely technical in nature and is for the purpose of clarification.

- Proposed new §341.241. The rule allows for voluntary revocations and suspensions of permits. This procedure is currently employed by the department and the proposed new rule will simply codify accepted departmental policy.

● Amendment of §341.341, concerning additional conditions for solid waste storage, processing, or disposal permits. The proposed amendment would clarify that the provisions §341.240, concerning suspension and revocation of permits, are applicable to solid waste permits. The amendment is needed because §§341.51-341.56, concerning suspension, revocation, and amendment of waste discharge permits, is proposed for repeal since essentially the rules duplicate §341.240.

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

Mr. Hodges has also 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 streamlined state rules, which are easier to follow and elimination of existing conflicts in the law. There will be no economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposals may be submitted to Bruce Wasinger, staff attorney, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711.

General Provisions

31 TAC §341.1-341.6

The repeal of §§341.1-341.6 is proposed under Texas Water Code, §§5.131 and 5.132, which provides the Texas Water Development Board with the authority to make any rules necessary to carry out the powers and duties under the provisions of the Texas Water Code and other laws of this state and to establish and approve all general policy of the department.

- §341.1. *Definitions.*
- §341.2. *Statutory Definitions.*
- §341.3. *Policies for the Administration of Waste Discharges.*
- §341.4. *Prohibition against Unauthorized Waste Disposal.*
- §341.5. *Waste Discharge Permit.*
- §341.6. *Reservation in Granting Waste Discharge Permit.*

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 May 21, 1982.

TRD-824270

M. Reginald Arnold II
General Counsel
Texas Department of Water
Resources

Proposed date of adoption: June 28, 1982
For further information, please call (512) 475-7856.

Procedure for Obtaining Waste Discharge Permits

31 TAC §§341.21-341.37

The repeal of §§341.21-341.37 is proposed under Texas Water Code, §§5.131 and 5.132, which provides the Texas Water Development Board with the authority to make any rules necessary to carry out the powers and duties under the provisions of the Texas Water Code and other laws of this state and to establish and approve all general policy of the department.

- §341.21. *General Application Procedures.*
- §341.22. *Application for Disposal Well Permit.*
- §341.23. *Map Required.*
- §341.24. *Supplementary Technical Report.*
- §341.25. *Waste Containing Radioactive Materials.*
- §341.26. *Approval of Plans and Specifications.*
- §341.27. *Review by Executive Director.*
- §341.28. *Review of Application for Disposal Well Permit.*
- §341.29. *Notice of Application for Disposal Well.*
- §341.30. *Action on Application.*
- §341.31. *Application Forwarded to Commission.*
- §341.32. *Notice Requirements.*
- §341.33. *Contents of Waste Discharge Permit.*
- §341.34. *Measurements of Quantity.*
- §341.35. *Measurements of Quality.*
- §341.36. *Acceptance of Waste Discharge Permit, Effect.*
- §341.37. *Requests for Public Hearing.*

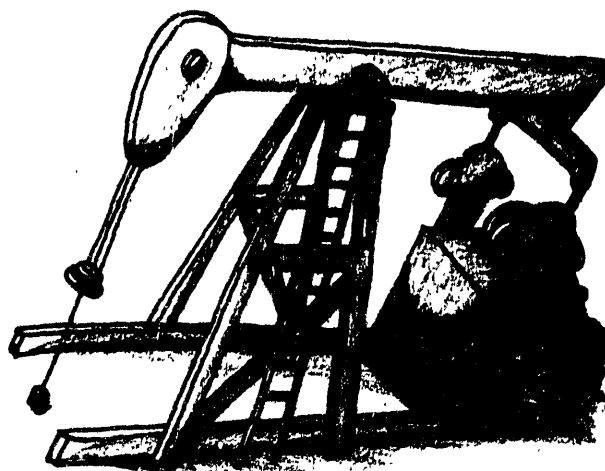
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on May 21, 1982.

TRD-824271

M. Reginald Arnold II
General Counsel
Texas Department of Water
Resources

Proposed date of adoption: June 28, 1982
For further information, please call (512) 475-7856.



Revocation, Suspension, and Amendments of Waste Discharge Permits

31 TAC §5341.51-341.56

The repeal of §5341.51-341.56 is proposed under Texas Water Code, §5.131 and §5.132, which provides the Texas Water Development Board with the authority to make any rules necessary to carry out the powers and duties under the provisions of the Texas Water Code and other laws of this state and to establish and approve all general policy of the department.

- §341.51. *Waste Disposal Authority Subject to Revocation, Suspension, and Amendment.*
- §341.52. *Revocation or Suspension with Consent.*
- §341.53. *Amendment with Consent.*
- §341.54. *Revocation or Suspension without Consent.*
- §341.55. *Amendment without Consent.*
- §341.56. *Extensions of Time To Comply with Revocation, Suspension, or New Conditions.*

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 May 21, 1982.

TRD-824272 M. Reginald Arnold II
 General Counsel
 Texas Department of Water Resources

Proposed date of adoption: June 28, 1982
For further information, please call (512) 475-7856.

Corrections [and Transfers] of [Waste Discharge] Permits

31 TAC §341.71

The amendments to §341.71 are proposed under Texas Water Code, §5.131 and §5.132, which provides the Texas Water Development Board with the authority to make any rules necessary to carry out the powers and duties under the provisions of the Water Code and other laws of this state and to establish and approve all general policy of the department.

§341.71. *Corrections.* The commission may make corrections to [waste discharge] permits, either by reissuing the permit or by issuing an endorsement to the permit, without the necessity of observing the formal amendment procedures prescribed in this chapter:

- (1) (No change.)
- (2) to describe more accurately the location of the authorized point or place of discharge, injection, deposit, or disposal of any [defined] waste, or the route which any [defined] waste follows along the watercourses in the state after being discharged;
- (3) to describe more accurately the character, quality, or quantity of any [defined] waste authorized to be disposed of;

- (4) to describe more accurately the pattern of discharge or disposal of any [defined] waste authorized to be disposed of; or
- (5) (No charge.)

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 May 21, 1982.

TRD-824273 M. Reginald Arnold II
 General Counsel
 Texas Department of Water Resources

Proposed date of adoption: June 28, 1982
For further information, please call (512) 475-7845.



31 TAC §341.72

The repeal of §341.72 is proposed under Texas Water Code, §5.131 and §5.132, which provides the Texas Water Development Board with the authority to make any rules necessary to carry out the powers and duties under the provisions of the Texas Water Code and other laws of this state and to establish and approve all general policy of the department.

§341.72. *Transfers of Waste Discharge Permits.*

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 May 21, 1982.

TRD-824274 M. Reginald Arnold II
 General Counsel
 Texas Department of Water Resources

Proposed date of adoption: June 28, 1982
For further information, please call (512) 475-7856.

Renewals

31 TAC §5341.81-341.84

The repeal of §5341.81-341.84 is proposed under Texas Water Code, §5.131 and §5.132, which provides the Texas Water Development Board with the

authority to make any rules necessary to carry out the powers and duties under the provisions of the Texas Water Code and other laws of this state and to establish and approve all general policy of the department.

- §341.81. *Duration.*
- §341.82. *Application for Renewal.*
- §341.83. *Public Hearing, Notice.*
- §341.84. *Action on Application for Renewal.*

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 May 21, 1982.

TRD-824276 M. Reginald Arnold II
General Counsel
Texas Department of Water
Resources

Proposed date of adoption: June 28, 1982
For further information, please call (512) 475-7856.

Emergency Orders

31 TAC §341.91, §341.92, §341.94

The amendments to §341.91, §341.92, and §341.94 are proposed under Texas Water Code, §5.131 and §5.132, which provides the Texas Water Development Board with the authority to make any rules necessary to carry out the powers and duties under the provisions of the Water Code and other laws of this state and to establish and approve all general policy of the department.

§341.91. *Emergency Order Terminating Discharges.* If the executive director determines there is good reason to believe that a discharge or proposed discharge of [defined] waste into or adjacent to any water in the state, whether the discharge is covered by a waste discharge permit or not, presents an immediate and serious threat to human life, health, or the environment or is creating or will cause extensive or severe property damage or economic loss to others, and that other procedures available to the department to remedy the situation or prevent the situation from occurring will result in unreasonable delay, the executive director may request the commission to issue an emergency order to the person responsible for or exercising control over the discharge or proposed discharge, directing that the discharge be discontinued, modified, or not made, or that other appropriate remedial or preventive measures be taken. The order may be issued without notice and hearing, or with such notice and hearing as the commission deems practicable under the circumstances. The emergency order shall be complied with immediately upon its receipt by the person to whom it is directed.

§341.92. *Temporary Order Approving Discharges.*
(a) Whenever there is good reason to believe that a proposed or requested discharge of [defined] waste into or adjacent to any water in the state, whether or not

the discharge is covered by a waste discharge permit, should be authorized in order to alleviate an immediate and serious threat to human life or health, or to prevent extensive or severe property damage or economic loss to the person proposing or requesting to make the discharge, and that the discharge will not endanger human life or health, and will not cause what would under the particular circumstances be unreasonable property damage or economic loss to others, the commission, on its own motion or the request of the executive director or any other party, may issue a temporary order authorizing the discharge of the defined waste into or adjacent to the water in the state without notice and hearing, or with such notice and hearing as the commission deems practicable under the circumstances.

(b) A party, other than the executive director, requesting a temporary order approving a discharge of [defined] waste, shall file a written request with the executive director setting forth the reason for the request.

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

§341.94. *Issuance of Orders.* A copy of every order entered by the commission under this subchapter shall be sent by certified mail to the person or persons to whom it is directed. However, when the time factor is critical, the order may be delivered in person, transmitted by telephone or telegraph, or delivered by any other satisfactory method, but it shall be promptly followed by the written order sent by certified mail. If the order directs that a discharge of [defined] waste into or adjacent to the water in the state be discontinued, modified, or not made, or that other appropriate remedial or preventive measures be taken as authorized under §341.91 of this title (relating to Emergency Order Terminating Discharge), the person to whom the order is directed shall immediately comply with the order according to its terms as soon as he receives it, regardless of how he initially receives it. If the order is issued pursuant to §341.92 of this title (relating to Temporary Order Approving Discharges) and authorizes a discharge, the person to whom the order is issued may not make any discharge under the order except in strict compliance with its terms and conditions.

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 May 21, 1982.

TRD-824276 M. Reginald Arnold II
General Counsel
Texas Department of Water
Resources

Proposed date of adoption: June 28, 1982
For further information, please call (512) 475-7845.

General Provisions

31 TAC §341.123

New §341.123 is proposed under Texas Water Code, §5.131 and §5.132, which provides the Texas Water Development Board with the authority to make any rules necessary to carry out the powers and duties

under the provisions of the Water Code and other laws of this state and to establish and approve all general policy of the department.

§341.123. General Policy. The provisions of this chapter are administered by the Texas Department of Water Resources to implement the policies of this state as set forth in §26.003 and §27.003 of the Texas Water Code and §1 of the Texas Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7.

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 May 21, 1982.

TRD-824277 M. Reginald Arnold II
General Counsel
Texas Department of Water
Resources

Proposed date of adoption: June 28, 1982
For further information, please call (512) 475-7845.

Applications and Review

31 TAC §341.133, §341.134

The amendments to §341.133 and §341.134 are proposed under Texas Water Code, §5.131 and §5.132, which provides the Texas Water Development Board with the authority to make any rules necessary to carry out the powers and duties under the provisions of the Water Code and other laws of this state and to establish and approve all general policy of the department.

§341.133. Signatories to Applications.

(a) All applications shall be signed [by the operator or the permittee] as follows:

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

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

§341.134. Retention of Application Data. Permittees shall keep records of all data used to complete applications and any supplemental information for a period of at least three years from the date the permit [application] is granted. This period may be extended by request of the executive director.

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 May 21, 1982.

TRD-824278 M. Reginald Arnold II
General Counsel
Texas Department of Water
Resources

Proposed date of adoption: June 28, 1982
For further information, please call (512) 475-7845.

Application for Permit

31 TAC §341.153, §341.185, §341.186

The amendments to §341.153 and §341.185, and new §341.186 are proposed under Texas Water Code, §5.131 and §5.132, which provides the Texas

Water Development Board with the authority to make any rules necessary to carry out the powers and duties under the provisions of the Water Code and other laws of this state and to establish and approve all general policy of the department.

§341.153. Contents of Application for Permit. Forms for permit applications will be made available by the department. Each application for permit shall include the following:

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

(11) Only one application needs to be filed for each geographical location in which waste is or will be disposed of, even though there may be more than one outfall, place of deposit, or other place of disposal covered in the application.

§341.185. Revision of Applications for Hazardous Waste Permits.

(a) Owners or operators of hazardous waste management facilities, who filed a Part A permit application pursuant to 40 Code of Federal Regulations §122.22 and have not yet filed a Part B application, shall file a revised Part A application with the executive director if:

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

(b) (No change.)

§341.186. Waste Containing Radioactive Materials. An application which involves the disposal of a waste containing radioactive materials shall be accompanied by a letter or other instrument in writing from the Texas Department of Health, stating either that the applicant, or the person delivering the waste containing radioactive materials who is served by the applicant, has a license from the Texas Department of Health governing the disposal of radioactive materials; or that the applicant or the person served by the applicant does not need such a 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 May 21, 1982.

TRD-824279 M. Reginald Arnold II
General Counsel
Texas Department of Water
Resources

Proposed date of adoption: June 28, 1982
For further information, please call (512) 475-7845.

Amendments, Renewals, Transfers, Revocation, or Suspension

31 TAC §341.225, §341.240, §341.241

The amendments to §341.225 and §341.240 and new §341.241 are proposed under Texas Water Code, §5.131 and §5.132, which provides the Texas Water Development Board with the authority to make any rules necessary to carry out the powers and duties under the provisions of the Water Code and other laws of this state and to establish and approve all general policy of the department.

§341.225. Amendment.

(a) Except as provided in §341.71 of this title (relating to Corrections), a change in a term, condition, or provision of a permit requires an amendment. The permittee or an affected person may request an amendment to a permit. If the executive director determines such a request is not justified, the executive director will respond stating the reasons for that determination. The requester may petition the commission for a review of the request and the executive director's recommendation.

(b)-(e) (No change.)

§341.240. Revocation and Suspension.

(a) A permit or other order of the commission issued within the scope of this chapter may be revoked or suspended for good cause at any time by order of the commission after opportunity for a public hearing is given. Good cause includes the following:

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

(4) The authority to discharge [defined] waste into or adjacent to the water in the state under a waste discharge permit is subject to cancellation or suspension under Texas Water Code, §26.084;

(5)-(9) (No change.)

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

§341.241. Revocation or Suspension with Consent.

(a) If the holder of a permit no longer desires to operate the waste disposal activity or dispose of waste under the permit, or is agreeable to a suspension of this authority to do so for a specified period of time, he should file with the executive director a written waiver of consent.

(b) If the holder of a permit consents to the revocation or suspension of the permit, the executive director may revoke or suspend the permit. A public hearing and commission action is not required. The executive director shall notify the commission of such revocations and suspensions.

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 May 21, 1982.

TRD-824280 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Proposed date of adoption: June 28, 1982
For further information, please call (512) 475-7845.

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

31 TAC §341.341

The amendment to §341 is proposed under Texas Water Code, §5.131 and §5.132, which provides the Texas Water Development Board with the authority to make any rules necessary to carry out the powers and duties under the provisions of the Water Code and other laws of this state and to establish and approve all general policy of the department.

§341.341. Applicability.

(a) Unless otherwise stated, the conditions contained in §341.342 of this title (relating to Duty to Comply), §341.343 of this title (relating to Record Keeping), §341.344 of this title (relating to Certification and Inspection); §341.345 of this title (relating to Releases or Discharges of Solid Waste), and §341.346 of this title (relating to Reporting) apply to all solid waste storage, processing, or disposal permits. These conditions are in addition to those set forth in §341.240 of this title (relating to Suspension and Revocation of Permits) [§§341.51-341.56 of this title (relating to Revocation, Suspension, and Amendment of Waste Discharge Permits)].

(b) (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 May 21, 1982.

TRD-824281 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Proposed date of adoption: June 28, 1982
For further information, please call (512) 475-7845.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE
Part X. Texas Employment Commission

(Editor's note: Because the Texas Employment Commission'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 Division numbers. However, the rules will appear under the agency's correct TAC title and part.)

Unemployment Insurance

327.10.00

The Texas Employment Commission proposes new Rules 327.10.00.001-.029, concerning the administration of the Texas Unemployment Compensation Act. These rules deal with general requirements; tax and reimbursement; appeal procedures; benefits; and group accounts and surety bonds.

James W. Jackson, unemployment insurance 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.

Mr. Jackson has also 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 a more efficient

and fairly administered state Unemployment Insurance Program provided to Texas employers, workers, and the general public.

There will be no economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Helen S. Anderson, Office of General Counsel, Texas Employment Commission, TEC Building, Room 660, Austin, Texas 78778.

The new rules are proposed under Texas Civil Statutes, Article 5221b, which provides the Texas Employment Commission with the authority to adopt, amend, or rescind such rules and regulations as it deems necessary for the effective administration of this Act.

.001. Definitions. As used in this chapter, the following words and terms, shall have the following meanings, unless the context clearly indicates otherwise.

Act—The Texas Unemployment Compensation Act (being Chapter 482, General and Special Laws, 44th Legislature, Third Called Session, 1936, codified as Texas Civil Statutes, Article 5221b), as amended.

Additional claim—A notice of new unemployment filed at the beginning of a second or subsequent series of claims within a benefit year or within a period of eligibility when a break of one week or more has occurred in the claim series with intervening employment. The employer named on an additional claim will have 12 days to reply to the notice. The additional claim reopens a claim series and is not a payable claim since it is not a claim for seven days of compensable unemployment.

Base period with respect to an individual—The first four consecutive completed calendar quarters within the last five completed calendar quarters immediately preceding the first day of such individual's benefit year.

Benefit period—The period of seven consecutive calendar days with respect to which entitlement to benefits is claimed, measured, computed, or determined.

Commission—The Texas Employment Commission.

Day—A calendar day.

Reopened claim—The first claim filed following a break in claim series during a benefit year which was caused by other than intervening employment, i.e., illness, disqualification, unavailability, or failure to report for any reason other than job attachment. The reopened claim reopens a claim series and is not a payable claim since it is not a claim for seven days of compensable unemployment.

Week—A period of seven consecutive calendar days ending at midnight on Saturday except that with respect to benefits and entitlement thereto "week" means the period of seven consecutive calendar days with respect to which entitlement to benefits is claimed, measured, computed, or determined.

.002. Mailing Dates and Use of Forms. Whenever an individual or an employing unit reports or applies to the commission in writing upon a commission form, the date upon which it is established that the writing was mailed, if properly addressed, or, if the mailing date cannot be so established, the date upon which such writing

was postmarked, if properly addressed and mailed, or, if neither the mailing date nor the postmark date can be established, the date upon which such writing was received, if delivered to the commission, shall control. If the writing was not upon a commission form but furnishes information which is sufficient to indicate clearly the purpose or intent of such writing, the controlling date shall be determined as described in this rule. However, the commission may require that such individual or employing unit furnish the necessary information to the commission in the manner and on a form or forms prescribed by the commission for the particular purpose.

.003. Addresses.

(a) Each employing unit which has or had persons in "employment" so defined in the Act shall notify the commission of its correct address and of any change in its correct address, and each employing unit shall promptly notify the commission of any change of address. Each individual who is a claimant for benefits or who is registered for work at a commission office shall promptly notify the commission of any change in his or her address.

(b) A group account, as referred to in §7-A(h) of the Act, shall be treated as a single employing unit for the purposes of this rule and the commission shall use the address of the group representative as the official address of the group. The group representative shall notify the commission of his correct address and shall promptly notify the commission of any change of address.

(c) In all transactions required by the Act or these rules, the commission shall use either such last known address as is reflected by the commission records pursuant to subsection (b), or when notice of an initial claim or a determination is mailed, the post office address of the individual or organization or the location of the establishment of the branch or division thereof where claimant last worked. An exception would be governmental employers who have designated in writing to the commission an address for mail service. When a governmental employer has so designated a mailing address, mailing of notice of claims, determinations, or other decisions to such address shall constitute due notice to the governmental employer.

.004. Remuneration Other than Cash.

(a) If an individual receives any part of his wages in any medium other than cash, the reasonable cash value of such remuneration other than cash shall be deemed for all purposes of the Act to be either:

(1) the amount which is agreed upon between the employing unit and such individual if:

(A) the terms of such agreement are reported to the commission, and

(B) the commission determines that such agreed value or amount is reasonable; or

(2) the cash value as shown to the satisfaction of the commission.

(b) If the commission determines that the amount agreed upon is unreasonable, or if the employing unit and such individual fail to agree upon an amount, or if the employing unit fails to report the terms of an agreement to the commission and if the employing unit fails to show the cash value of such noncash remuneration prior to the

due date of contributions with respect to such wages, the commission shall fix an amount or value after considering all available information and evidence; and such amount fixed by the commission shall be deemed for all purposes of the Act to be the cash value of such wages received in any medium other than cash.

.005. Expense Reimbursements. Allowances, advances of reimbursements paid to a person in employment for traveling, and other bona fide expenses incurred or reasonably expected to be incurred in the business of his employer shall not be treated as wages, provided a separate payment is made for such expenses, or specific accounting records are kept indicating the separate amounts where a single payment covers both wages and expenses combined, and provided further that the amount of payments for expenses excluded from wages shall not exceed the amount as deductible expenses by Income Tax Regulations under §62(2) and §162(a)(2) of the United States Internal Revenue Code.

.006. Records of Employing Units.

(a) Each employing unit shall keep true and accurate employment and payroll records which records shall include, with reference to the employing unit the name and correct address of such employing unit, and also the name and address of each branch or division or establishment operated, owned, or maintained by such employing unit at different locations in Texas; and with reference to each and every individual performing services for it, the following information:

(1) his name, address, and social security number;

(2) the dates on which he performed services for such employing unit and the state or states in which such services were performed;

(3) the amount of wages paid to him for each separate payroll period, date of payment of said wages, and amounts or remuneration paid to him for each separate payroll period other than "wages," as defined in the Act;

(4) whether, during any payroll period he worked less than full time, and if so, the hours and dates worked.

(b) Each employing unit shall keep, in addition to the records required by subsection (a) of this rule, such records as will establish and reflect the ownership and any changes of ownership of such employing unit; the correct address where the headquarters of the employing unit is located and also the correct mailing address of the employing unit. The records shall also show clearly the address at which such records are available for inspection or audit by representatives of the Texas Employment Commission. Such records shall show the addresses of owners of the employing unit; or in the event the employing unit is a corporation or an unincorporated organization, such records shall show the addresses of directors, officers, and any persons on whom subpoenas, legal processes, or citations may be served in Texas. In the event the employing unit is a member of a group account, such records shall show the address of the group representative.

(c) Wages paid for services excluded from the definition of "employment" under the Act shall be separately reflected in the employing unit's records so as

to show time of such service and remuneration for such service separate from taxable wages. With respect to pay periods in which an individual performs services excluded from the term "employment" as well as service which is "employment," the employing unit's record shall reflect the hours spent in such excluded service and the hours spent in "employment." If any remuneration other than money wages is paid to or is received by an individual with respect to services performed for his employer, the record shall show the total amount of cash wages and the cash value of any other remuneration.

(d) Each reimbursing employer (including the individual component members comprising a group account) shall maintain the records prescribed in this rule.

(e) Each governmental employer (including the independent component employers comprising the group account) shall maintain the records prescribed in this rule.

(f) Component members of a group account shall furnish payroll and other information necessary to the group representative for him to prepare consolidated reports for the group.

(g) All records shall be so kept and maintained as to establish clearly the correctness of all reports which the employing unit is required to file with the commission and shall be readily accessible to authorized representatives of the commission within the geographical boundaries of the State of Texas; and in the event such records are not maintained or are not available within Texas, the employing unit shall pay to the Texas Employment Commission the expenses and costs incurred when a representative of the Texas Employment Commission is required to go outside the State of Texas to inspect or audit such records.

(h) Each employing unit, upon request by the commission, shall furnish a job description of duties performed by any individual or group of individuals who are performing or have performed services for the employing unit.

(i) The records prescribed by these rules and the Act shall be preserved for four years.

.007. Reports Required and Their Due Dates.

(a) Each employing unit shall submit to the commission a status report on a commission form within 10 days from the date upon which such employing unit becomes subject to this Act as an employer thereunder, and shall furnish all facts necessary to a determination of the taxable status of such employing unit. Each employing unit shall likewise submit additional status reports at any time when called upon to do so by the commission and shall, if called upon, furnish to the commission evidence to establish the correctness of information contained in its status reports. Any employing unit which commences or enters into business or which acquires another business or substantially all the assets thereof in the State of Texas shall submit a new status report to the commission within 10 days of the date on which it made such entry or such acquisition.

(b) Each taxed employer shall submit to the commission, within the month during which contributions for any period become due, and not later than the date on which contributions are required to be paid to the commission, an employer's quarterly report showing the total

amount of remuneration paid during the preceding calendar quarter for employment (or showing that no remuneration was paid during such quarter), showing the total amount of wages (as defined in subsection 19(n) of the Act) paid during such quarter for employment, and showing the amount of wages for "benefit wage credits" (as defined in subsection 3(e) of the Act) paid to each individual during such quarter for employment and the social security account number and name of each individual to whom such wages were paid, and showing other information called for on the employer's quarterly report form printed by the commission. The employer's quarterly report shall be made on commission forms and shall contain all facts and information necessary to a determination of the amount of contributions due.

(c) Each reimbursing employer and the group representative of a group account shall submit an employer's quarterly report during the month following each calendar quarter and shall furnish information that is applicable to such reimbursing employer or such group account.

(d) Each employer which has employees whose benefits are to be financed by the federal government shall submit a separate quarterly report furnishing the names of such employees, their social security numbers, and the wages paid to each. The report shall be submitted the month following each calendar quarter.

(e) All forms for the filing of reports provided for in this rule shall be furnished by the commission to each employing unit, upon application being made therefor, and all reports shall be filed upon the forms so furnished or on forms approved by the commission in writing. Failure to receive forms for making such reports will not, however, relieve the employing unit of the responsibility of making the reports upon the date on which they are due.

(f) The commission may require the furnishing of such additional information as it deems necessary to the proper administration of the Act.

(g) Unless otherwise provided in these rules, any report or form shall be completed and filed with the commission within 10 days after such report or form is requested from, delivered to, or mailed to the individual or employing unit at the address thereof on record with the commission, or within 10 days after such forms or reports are personally delivered to him or it by a representative of the commission.

(h) Reports received by the commission through the mail shall be deemed to have been filed with the commission as of the date shown by the postmark on the envelope properly addressed to the commission's office and containing the report.

(i) For good cause shown, the commission may extend the due date for filing of any report required under this rule, provided however, that such extension shall not be effective unless such extension is authorized in writing by the commission or its duly authorized representative.

(j) If an employing unit fails to submit a timely quarterly report as required by this rule and it is necessary for the commission to search its records and notify the employing unit of its delinquency in filing such report, a service charge of \$10 may be assessed against such employing unit.

.008. Signatures on Reports and Forms.

(a) A report or form required by the commission shall, if signature is called for by the report or form or instructions relating thereto, be signed by:

(1) the individual, if the person required to submit the report or form is an individual, or

(2) the president, vice president, or other principal officer, if the employing unit required to submit the report or form is a corporation, or

(3) a partner, if the employing unit required to submit the report or form is a partnership, or

(4) a duly authorized member or officer having knowledge of its affairs if the employing unit required to submit the report or form is an unincorporated organization, or

(5) the fiduciary, if the employing unit required to submit the report or form is a trust or estate, or

(6) the head of the department (or his designee) having control of the services with respect to which contributions, reimbursements, or other payments are attributable, if the employing unit required to submit the report or form is the State of Texas or a branch, department, instrumentality, or political subdivision thereof, or

(7) the group representative, if the report or form is being submitted for a group account, or

(8) any person who is authorized in writing so to sign for such individual or employing unit.

(A) Such written authority shall be filed with the commission and shall be in terms which explicitly authorize such attorney or agent to transact such business as between the grantor of said power and the commission. (It may be filed on a form provided by the commission.)

(B) It shall be duly sworn to before a notary public or other officer authorized to administer oaths.

(C) Such power of attorney shall be in full force and effect until such time as it is revoked by an instrument of like dignity filed with the commission.

(b) Nothing contained in this rule shall in any way affect the power and right of any representative of the commission to prepare and sign any reports or forms required by the commission upon the failure or refusal of any of the persons listed in subsection (a) of this rule to do so when requested.

.009. Time for Payment of Contributions and Reimbursements.

(a) When, in any calendar year an individual or employing unit becomes an employer (other than a reimbursing employer) subject to this Act, he shall, on or before the last day of the month next following the month during which he became a subject employer, make a report and pay contributions with respect to all completed calendar quarters in such calendar year. Contributions for the quarter during which he becomes a subject employer shall be due on the first day of the month immediately following such quarter and shall be paid on or before the last day of such month. Contributions shall accrue quarterly and shall become due on the first day of the month immediately following such calendar quarter. They shall be paid to the commission on or before the last day of such month.

(b) Reimbursements shall become due on the last day of the month following the end of each quarter and

shall be paid to the commission on or before the last day of the next month.

(c) When such last day for payment of contributions or reimbursements falls on a Saturday, Sunday, or a legal holiday, such payment may be made on the first regular business day next following.

(d) Payment of contributions or reimbursements received through the mail shall be deemed to have been made as of the date shown by the United States postmark on the envelope containing such payment if such envelope is properly addressed and stamped.

(e) For good cause shown, the commission may extend the due date for the payment of contributions or reimbursements required under this rule, provided however, that such extension may not exceed 45 days and shall not be effective unless such extension is authorized in writing by the commission or its duly authorized representative. In the event the commission for good cause shown extends the due date for payment of contributions or reimbursements such payments shall be made to the commission on or before the 30th day following such due date.

.010. Appeals from Decisions on Chargebacks. Appeals from decisions on chargeback under subsection 7(c)(2) of the Act shall be to the appeal tribunals and to the commission within the time prescribed by §6 of the Act for appeals thereto in benefit cases and shall be heard in a manner similar to the manner in which appeals with respect to entitlement to benefits are heard. The provisions of Rules 327.10.00.016, .017, and .018 governing appeals involving entitlement to benefits shall be applicable to appeals involving chargebacks except to the extent that such rules are clearly inapplicable thereto.

.011. Transfer of Compensation Experience.

(a) Joint application for transfer of compensation experience shall be in writing and on forms prescribed by the commission. Information with respect to predecessor and successor employing units necessary to commission determination of the existence of all facts requisite to commission approval or disapproval of such application shall be given as prescribed by such forms or as requested by the commission or its authorized representatives.

(b) The waiver and all information furnished in accordance with the requirements of this rule and subsection 7(c)(7) of the Act shall be signed and sworn to as true and correct before a notary public, and all written information furnished and statements in writing made by a party to such application shall constitute an integral part of such application whether the application be on a single form or in several parts.

.012. Refunds to Employing Units. A claim for refund or adjustment shall be made on a form supplied by the commission. All grounds and details and all facts alleged in support of the claim must be clearly set forth. The claim shall be filed by the employing unit which paid the contributions, interest, or penalty or by a duly authorized representative thereof. In addition, the commission may require the claim to be filed under oath.

.013. Commission Hearings Involving Coverage and Contributions or Reimbursements.

(a) In all situations not specifically provided for in the Act or in the rules of the commission, a hearing may, at the discretion of the commission, be afforded an employing unit, upon its written request, in any case involving tax liability or any question relating to contributions or reimbursements.

(b) The commission may on its own motion set a hearing to secure the facts to establish the status of any individual or employing unit under any section of the Act.

(c) The commission may designate a representative to preside at and hold the hearing.

(d) Such hearings will be scheduled and held at a place designated by the commission.

(e) In all such proceedings before the commission or before the commission's representative, all parties thereto shall be given an opportunity for full, fair, and impartial hearing. When necessary, the commission may order the taking of depositions. It may also require the submission of written briefs, affidavits, and other written memoranda.

(f) Written notice of the time and place of such hearings shall be given to the parties at least 10 days before the date of the hearing; but, if a setting at an earlier date is requested by an individual or employing unit, the commission may at its own discretion grant that request, if the granting of the request will not prejudice the rights of any other party to the proceedings, including the commission itself. Such notice shall be mailed to the parties at their last-known addresses.

(g) Such hearings before the commission, or before a representative of the commission designated to hold such hearings for it, shall be conducted in the manner deemed most suitable to ascertain the facts and to determine the rights of the parties. All testimony taken shall be under oath and subject to the right of cross-examination by any adverse party, and it shall be recorded.

(h) A witness, whose attendance at a hearing is required by the commission, may be allowed a fee and mileage on the same basis and to the same extent as is provided for witnesses under Rule 327.10.00.018.

(i) The commission shall issue a decision following each hearing, which decision shall resolve the questions involving tax liability or any question relating to contributions or reimbursements which arose at the hearing. Copies of written decisions of the commission shall be furnished the parties to the hearings.

.014. Employer Elections To Cover Multistate Workers.

(a) Scope of rule. This rule shall govern the commission in its administrative cooperation with other states subscribing to the Interstate Reciprocal Coverage Arrangement, hereinafter referred to as "the arrangement."

(b) Definitions. As used in this rule, the following words and terms, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Agency—Any officer, board, commission, or other authority charged with the administration of the unemployment compensation law of a participating jurisdiction.

(2) Interested jurisdiction—Any participating jurisdiction to which an election submitted under this rule is sent for its approval; and "interested agency" means the agency of such jurisdiction.

(3) Jurisdiction—Any state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, or, with respect to the federal government, the coverage of any federal unemployment compensation law.

(4) Participating jurisdiction—A jurisdiction whose administrative agency has subscribed to the arrangement and whose adherence thereto has not terminated.

(5) Services "customarily performed" by an individual in more than one jurisdiction—Services performed in more than one jurisdiction during a reasonable period, if the nature of the services gives reasonable assurance that they will continue to be performed in more than one jurisdiction or if such services are required or expected to be performed in more than one jurisdiction under the election.

(c) Submission and approval of coverage elections under the Interstate Reciprocal Coverage Arrangement.

(1) Any employing unit may file an election, on a form provided by the commission, to cover under the law of a single participating jurisdiction all of the services performed for him by any individual who customarily works for him in more than one participating jurisdiction.

(2) Such an election may be filed, with respect to an individual, with any participating jurisdiction in which:

(A) any part of the individual's services are performed;

(B) the individual has his residence; or

(C) the employing unit maintains a place of business to which the individual's services bear a reasonable relation.

(3) The agency of the elected jurisdiction (thus selected and determined) shall initially approve or disapprove the election.

(4) If such agency approves the election, it shall forward a copy thereof to the agency of each other participating jurisdiction specified thereon, under whose unemployment compensation law the individual or individuals in question might, in the absence of such election, be covered. Each such interested agency shall approve or disapprove the election, as promptly as practicable; and shall notify the agency of the elected jurisdiction accordingly.

(5) In case its law so requires, any such interested agency may, before taking such action, require from the electing employing unit satisfactory evidence that the affected employees have been notified of, and have acquiesced in, the election.

(6) If the agency of the elected jurisdiction, or the agency of any interested jurisdiction, disapproves the election, the disapproving agency shall notify the elected jurisdiction and the electing employing unit of its action and of its reason therefor.

(7) Such an election shall take effect as to the elected jurisdiction only if approved by its agency and by one or more interested agencies.

(8) An election thus approved shall take effect,

as to any interested agency, only if it is approved by such agency.

(9) In case any such election is approved only in part, or is disapproved by some of such agencies, the electing employing unit may withdraw its election within 10 days after being notified of such action.

(d) Effective period of elections.

(1) Commencement.

(A) An election duly approved under this rule shall become effective at the beginning of the calendar quarter in which the election was submitted, unless the election, as approved, specifies the beginning of a different calendar quarter.

(B) If the electing unit requests an earlier effective date than the beginning of the calendar quarter in which the election is submitted, such earlier date may be approved solely as to those interested jurisdictions in which the employer had no liability to pay contributions for the earlier period in question.

(2) Termination.

(A) The application of an election to any individual under this rule shall terminate, if the agency of the elected jurisdiction finds that the nature of the services customarily performed by the individual for the electing unit has changed, so that they are no longer customarily performed in more than one participating jurisdiction. Such termination shall be effective as of the close of the calendar quarter in which notice of such finding is mailed to all parties affected.

(B) Except as provided in subparagraph (A) of this paragraph, each election approved hereunder shall remain in effect through the close of the calendar quarter in which it is submitted, and thereafter until the close of the calendar quarter in which the electing unit gives written notice of its termination to all affected agencies.

(C) Whenever an election hereunder ceases to apply to any individual, under subparagraphs (A) or (B) of this paragraph, the electing unit shall notify the affected individual accordingly.

(e) Reports and notices by the electing unit.

(1) The electing unit shall promptly notify each individual affected by its approved election, on a form approved by the elected jurisdiction, and shall furnish the elected agency a copy of such notice.

(2) Whenever an individual covered by an election hereunder is separated from his employment, the electing unit shall again notify him, forthwith, as to the jurisdiction under whose unemployment compensation law his services have been covered. If at the time of termination the individual is not located in the elected jurisdiction, the electing unit shall notify him as to the procedure for filing interstate benefit claims.

(3) The electing unit shall immediately report to the elected jurisdiction any change which occurs in the conditions of employment pertinent to its election, such as cases where an individual's services for the employer cease to be customarily performed in more than one participating jurisdiction or where a change in the work assigned to an individual requires him to perform services in a new participating jurisdiction.

(f) Approval of reciprocal coverage elections. The commission hereby delegates to its administrator, the assistant administrators, and the chief of tax department

authority to approve or disapprove "Reciprocal Coverage Elections" in accordance with this rule.

.015. *Contribution and Wage Reports Covering Seamen and Seamen's Wages Paid under Shipping Articles.* This rule shall govern contribution and wage reports covering seamen and seamen's wages paid under shipping articles.

(1) Pay period. For the purpose of this rule, the term "pay period" established by "Shipping Articles" means the period of the voyage or engagement of the crew under "Articles of Agreement" pursuant to United States Code, Title 46, §564.

(2) Current reports.

(A) Contribution reports and wage reports with respect to wages, including advances, allotments, and payment in kind, such as board and lodging, earned in any pay period established by "Shipping Articles" shall be submitted as of the calendar quarter in which any such wages in cash were actually paid or such wages in kind were furnished.

(B) Reports on wages falling within the purview of this rule need not be filed prior to the time reports regarding wages paid at the termination of such period must be filed. However, separate reports must in that event be filed for each calendar quarter involved during which wages in cash were paid and wages in kind furnished.

(3) Special reports. The employer shall, upon request of the commission, promptly furnish a statement of the wages of a seaman, whenever such statement is necessary in order to determine such seaman's eligibility for and rate of benefits. Such statement shall be prepared and submitted in such manner as the commission may in each case prescribe.

.016. *Appeals To Appeal Tribunals from Determinations on Entitlement to Benefits.* Appeals with respect to entitlement to benefits shall be in accordance with the terms of this rule and of Rules 327.10.00.017 and .018. As used in this rule and Rules 327.10.00.017 and .018, "party" means an individual organization entitled to receive a copy of the determination made by the examiner under the terms of subsection (b) of §6 of the Act.

(1) Presentation of appealed claims.

(A) A party appealing from a benefit determination made by an examiner under the terms of subsection (b) of §6 of the Act shall either write directly to the appeal tribunal giving notice of such appeal or sign and file with the commission at its office in Austin, or at a local office or itinerant service point of the commission, a written notice of the appeal, setting forth the basis for the appeal. Such notice of appeal shall identify the determination from which appeal is taken and shall state the date on which the appeal is filed.

(B) Upon the scheduling of a hearing on an appeal, notice of such hearing shall be mailed to the parties at least five days before the date of the hearing. Such notice shall identify the decision or determination appealed from and shall specify the time and place of the hearing, the party appealing, and the primary issue involved.

(2) Disqualification of appeal tribunal. No appeals examiner shall participate in the hearing of an ap-

peal in which he has an interest. Challenges to the interest of any appeals examiner may be heard and decided by the supervisor of appeals or, in his discretion, be referred to the Texas Employment Commission for decision.

(3) Hearing of appeal:

(A) All hearings shall be conducted informally and in such manner as to ascertain the substantial rights of the parties. All issues relevant to the appeal shall be considered and passed upon. The claimant and any other party to an appeal before an appeal tribunal may present such evidence as may be pertinent. When a party appears in person, the appeal tribunal shall examine such party and his witnesses, if any, and may allow such cross-examination as he deems proper. The appeal tribunal, with or without notice to any of the parties, may take such additional evidence as it deems necessary; provided that, a party shall be given an opportunity to rebut such evidence if it is to be used against his interest.

(B) The parties to an appeal, with the consent of the appeal tribunal, may stipulate in writing the facts involved. The appeal tribunal may decide the appeal on the basis of such stipulation or, in its discretion, may set the appeal for hearing and take such further evidence as it deems necessary to enable it to determine the appeal.

(C) In appeals in which one or more parties are out of state or in which the parties are at different intrastate locations or in which both parties are at a location infrequently served by itinerant appeals referees, the appeal tribunal may schedule the hearing to be conducted by telephone. The rules and procedures governing hearings in general shall govern telephone hearings.

(4) Adjournment, continuance, and postponement of hearing.

(A) The appeal tribunal shall use its best judgment as to when an adjournment of a hearing shall be granted in order to secure all the evidence that is necessary and to be fair to the parties.

(B) A continuance, adjournment, or postponement may be granted at any time, either prior to a hearing or during a hearing. Prior to the hearing, applications for continuance or postponement of a hearing may be made informally, either orally or in writing, at any office or itinerant service point of the commission, for transmission to the supervisor of appeals or to the appeals examiner designated to hear the appeal.

(5) Reopening of hearing before appeal tribunal.

(A) If a party to the appeal shall fail to appear at the time and place designated for the hearing, the appeal tribunal shall hear and record the evidence of the party present and the witnesses, if any, and shall proceed to decide the appeal on the basis of the record unless there appears to be good reason for continuing the hearing. A copy of the decision shall be promptly mailed to the parties, together with an explanation of the manner in which, and time within which, request for reopening may be submitted.

(B) Any party to the appeal who fails to appear at a hearing may within 10 days from the date the decision is mailed, petition for a new hearing before the appeal tribunal. Such petition shall be granted if it appears to the appeal tribunal that the petitioner has shown good cause for his failure to appear at the hearing. In the event that an appeal to the commission is filed before

the filing of the petition for rehearing by the appeal tribunal, such appeal shall be referred to the commission for review.

(6) The determination of appeals.

(A) Following the conclusion of a hearing of an appeal, the appeal tribunal shall, as early as possible, announce its findings of fact and decision with respect to the appeal. The decision shall be in writing and shall be signed by the appeals examiner who conducted the hearing. The appeals examiner shall set forth his findings of fact with respect to the matters of appeal, his decision, and the reasons therefor.

(B) Copies of all decisions and the reasons therefor shall be mailed by the appeal tribunal to the parties.

(C) At any time during the 10-day period from the date a decision on an appeal is mailed, the appeal tribunal may assume continuing jurisdiction over the appeal for the purpose of reconsidering the issues on appeal and issuing a corrected decision in regard thereto, if deemed necessary by the appeal tribunal. During the period in which the appeal tribunal so assumes jurisdiction, the appeal tribunal, with or without notice to any of the parties, may take such additional evidence or secure such additional information as it deems necessary; provided that a party shall be given an opportunity to rebut such evidence or information if it is to be used against his interests.

.017. Appeals to the Commission from Decisions on Entitlement to Benefits.

(a) The presentation of an appeal to the commission.

(1) A party appealing from a decision of an appeal tribunal shall either write directly to the commission giving notice of such appeal or sign and file with the commission at its office in Austin, or at a local office or itinerant service point of the commission, a written notice of the appeal, setting forth the basis for the appeal. Such notice of appeal shall identify the decision of the appeal tribunal from which appeal is taken, and shall state the date on which it is filed.

(2) When an appeal to the commission is filed, all evidence and all records pertaining to the appeal shall be submitted to the commission for its review.

(b) Commission action.

(1) The commission may, without further hearing, affirm, reverse, or modify any decision of an appeal tribunal on the basis of the record made before the appeal tribunal; or

(2) The commission may grant a further hearing on the matter and notify the parties to appear before it at a specified time and place for the purpose of hearing additional evidence and argument; or

(3) The commission may direct an appeal tribunal to take additional evidence necessary for the proper disposition of the appeal. Such evidence shall be taken by the appeal tribunal in the manner prescribed for the conduct of hearings on appeals before an appeal tribunal. Upon completion of the taking of such additional evidence, the complete record involved in the appeal shall be returned to the commission for its decision.

(c) Appeals to the commission on its own motion. Within 10 days following the mailing of a decision of an appeal tribunal, and in the absence of the filing of an appeal to the commission by a party, the commission may on its own motion acquire jurisdiction of the appeal and act thereon as though a party had filed an appeal.

(d) Cases removed from an appeal tribunal. The commission may remove to itself any appeal pending before an appeal tribunal. In such event, the commission may proceed to decide the case on the evidence previously submitted, may schedule a commission hearing, or may direct the appeal tribunal to take such additional evidence as it deems necessary.

(e) Hearing of appeals. All commission hearings shall be conducted in the manner prescribed by subsection (c) of Rule 327.10.00.016 for hearings before appeal tribunals.

(f) The determination of appeals.

(1) The commission shall render its decision with respect to an appeal as soon as possible after reviewing the case. The decision shall be in writing and shall be signed by the members of the commission.

(2) If a decision of the commission is not unanimous, the decision of the majority shall control, but the minority member may file a dissent from such decision.

(3) A copy of the commission's decision shall be mailed to the parties.

.018. General Rules for Both Appeal Stages. This rule shall be applicable to appeals both to the appeal tribunal and to the commission.

(1) Issuance of subpoenas.

(A) Subpoenas to compel the attendance of witnesses and the production of records for any hearing of an appeal, unless directed to be issued by a member of the commission or an appeal tribunal, shall be issued only upon a showing of a necessity therefor by the party applying for the issuance of the subpoena.

(B) A witness subpoenaed to appear before an appeal tribunal, the commission, or a court may be paid a fee and mileage for such appearance. The fee shall be \$20 per day, and for miles necessarily traveled to and returning from such hearing, the rate per mile shall be at the rate provided for state employees in the State Appropriation Act. The fee as provided in this rule and the mileage shall be paid from the unemployment compensation administration fund upon proper certification of the appeal tribunal, the commission, or the court, and upon certification of such witness that such fee and mileage are just, true, and unpaid.

(2) Orders for supplying information from the records of the commission. Orders for supplying information from the records of the commission to a party to the appeal, or his representative, to the extent necessary for the proper presentation of a claim, shall issue only upon application of a party to the appeal which specifies as nearly as possible the exact nature of the information desired.

(3) Representation before appeal tribunal and the commission.

(A) Any individual may appear for himself in any proceeding before any appeal tribunal or the com-

mission. Any partnership may be represented by any of its members, or a duly authorized representative. Any corporation or association may be represented by an officer or a duly authorized representative.

(B) Any party may appear by an attorney at law or by any other person who is qualified to represent others.

(C) The commission or an appeal tribunal may refuse to allow any person to represent others in any proceeding before it who conducts himself in an unethical manner or who intentionally and repeatedly fails to observe the provisions of the Act or the rules of the commission.

(4) Benefit appeal notice. Each benefit appeal decision which is sent to the parties to an appeal shall include or be accompanied by a notice specifying the appeal rights of the parties. The notice of appeal rights shall state clearly the place and manner for taking an appeal from the decision and the period within which an appeal may be taken.

(5) Record of decisions of appeal tribunal and the commission. Copies of decisions of the commission and of appeal tribunals shall be kept on file for a minimum of four years at the office of the commission in Austin; thereafter, the commission may destroy any of these decisions when it determined that such decisions no longer serve any legal, administrative, or other useful purpose.

.019. *Hearings Involving Forfeiture or Cancellation of Rights to Benefits.* Hearings with respect to forfeiture or cancellation of benefits and rights to benefits in situations potentially involving willful nondisclosure or misrepresentation as provided in subsection (e) of §16 of the Act shall be conducted by the appeal tribunal in a fair and impartial manner similar to the manner in which appeals with respect to entitlement to benefits are conducted. The provisions of Rules 327.10.00.016, .017, and .018 governing hearings involving entitlement to benefits shall be applicable to appeals involving forfeiture or cancellation of benefits and benefit rights, except to the extent that such rules are clearly inapplicable thereto.

.020. *Claim for Benefits.* An unemployed individual who has no current benefit year and who wishes to claim benefits shall report to an office of the Texas Employment Commission, or to a representative of the commission at an itinerant service point or such other place as the commission may approve, register for work, and file a claim for benefits.

(1) In case of a mass layoff by an employer, if a group of individuals or its representative and the last employing unit involved make an appropriate request, the commission may accept, in lieu of an initial claim or a registration for work form from each individual, a list furnished by the last employer of the individuals to be laid off and who wish to file initial claims for benefits. Such list shall reflect with respect to each individual all information normally required on the initial claim by the commission, except the reason for separation. If the commission approves the request, the listing may then be used by the commission both as an initial claim and as a registration for work with respect to each individual, and the provisions of these rules which require a personal ap-

pearance at an employment office or a signature by the claimant with respect to an initial claim or work registration, shall not be required of such individuals.

(2) After an individual files a valid initial claim which fixes his benefit year, he may, during such benefit year, file subsequent continued claims, weekly, or bi-weekly, in person or by mail, unless he must be permitted to file a claim by mail in accordance with the terms of this rule, but at intervals no less than periods of seven consecutive days. If at any time during such benefit year more than 30 days have elapsed since he filed his last previous claim, he shall again register for work and shall file a claim for benefits. An individual who exhausts his regular benefits may file continued claims for extended benefits in the same manner in which he filed claims for regular benefits, but his claims for extended benefits may be for benefit periods subsequent to the end of his benefit year.

(3) An individual who files a claim for benefits shall comply with all requirements of the public employment office in which he files an application for work that are necessary to establish a valid registration for work in that public employment office and shall do those things requested by a commission representative, either orally or in writing, that are reasonably designed to inform him of his rights and responsibilities in filing a claim for benefits. He shall also:

(A) present evidence to establish his correct social security account number;

(B) file all claims on forms provided by the commission and designated for claims purposes;

(C) supply all information within his knowledge which is necessary to determine his right to benefits under the Act;

(D) sign all claims personally;

(E) personally present all claims to a commission representative during the scheduled hours of service at an office of the commission, or at an itinerant service point or such other place as the commission may approve, unless he files them by mail in accordance with the terms of this rule; and

(F) submit all claims filed by mail as instructed by the commission.

(4) An individual must be permitted to file a claim by mail in any of the following circumstances.

(A) He is, in the opinion of the commission, located in an area requiring the expenditure of an unreasonable amount of time or money in traveling to the nearest facility established by the commission for filing claims in person.

(B) Conditions make it impracticable for a commission representative to take claims in person.

(C) He has returned to full-time work on or before the scheduled date for his filing a claim, unless provisions are made for in-person filing at a time and place that does not interfere with his employment.

(D) The commission finds that he has good cause for failing to file a claim in person.

(5) An individual other than one who must be permitted to file by mail may be permitted to file a claim by mail except that he shall file in person:

(A) his new claim with respect to a benefit year, or his continued claim for a waiting week or for

his first compensable week of unemployment in such year; and

(B) any other claim, when requested to do so by the claims personnel at the office at which he files his claim because a question about his right to benefits is raised by circumstances such as the following.

(i) the conditions or circumstances of his separation from employment;

(ii) his answer to a question on a claim filed by mail indicates that he may be unable to work or that there may be an undue restriction on his availability for work or that his search for work may be inadequate or that he may be disqualified;

(iii) his answer to a question on a claim filed by mail creates uncertainty about his credibility or indicates a lack of understanding of the applicable requirements; or

(iv) his record shows that he previously has filed a fraudulent claim.

(6) An individual who is required to file a claim in person shall continue to file claims in person each week (or biweekly) until the commission determines that the reason which caused him to be required to file a claim in person no longer exists.

(7) The following provisions shall apply to the disqualification provisions of §5 of the Act relating to disqualification for benefits.

(A) The term "employment" in §5 of the Act shall be interpreted and applied to mean covered employment as defined in the Act.

(B) The disqualification to be imposed against an individual who has left work to move with a spouse, as provided in subsection (a) of §5 of the Act, shall be construed to mean both a benefits (money payments) and a benefit period (time period) disqualification; and such disqualification shall be restricted in its application to apply only to the range from six weeks to 25 weeks.

(C) Commission employees are authorized to administer oaths to claimants in an effort to verify that the requalifying requirements of §5 of the Act, relating to employment or earnings, have been satisfied.

(D) An employer identified as the employer by whom the claimant was employed, for purposes of satisfying the requalifying requirements of §5 of the Act, shall be afforded 12 days within which to respond to notice by the commission of the filing of an additional claim by the claimant.

(E) In order to satisfy the requirement of §5 of the Act relating to returning to employment and working for six weeks, a "work week" shall be defined as a consecutive seven-day period during which the claimant has worked at least 30 hours.

(F) The fact that a disqualification was imposed on the basis of a given separation under subsection (a) or subsection (b) of §5 of the Act in a previous benefit year shall not prevent a disqualification on the basis of that separation if it is the last separation from work prior to the filing of an initial claim establishing a new benefit year. On filing an initial claim for benefits, a claimant shall not be subject to any disqualification under subsection (a), subsection (b), or subsection (c) of §5 of the Act unless such disqualification is based on that claimant's separation from his or her last work prior to

the filing of the initial claim, or in the case of subsection (c) of §5 of the Act, such disqualification is based on events during the current benefit year established by the initial claim. The provisions in the preceding sentence shall not prevent disqualifications under subsection (a), subsection (b), or subsection (c) of §5 of the Act beginning during a benefit year and based on events occurring during that benefit year. If a new initial claim is not in order at the end of a benefit year but extended benefits are available beyond the end of the benefit year, then a disqualification imposed under subsection (a), subsection (b), or subsection (c) of §5 of the Act will continue beyond the end of the benefit year until extended benefits are terminated or the claimant qualifies to file a new initial claim, or until the disqualification is terminated in accordance with the terms of the subsection under which it was imposed.

.021. *Interstate Claims.* This rule shall govern the commission in its administrative cooperation with other states adopting a similar rule or regulation for the payment of benefits to interstate claimants, any provision of any other rule to the contrary notwithstanding.

(1) *Definitions.* As used in this rule, the following words and terms shall have the following meanings unless the context clearly indicates otherwise.

(A) *Agent state*—Any state in which an individual files a claim for benefits from another state.

(B) *Benefits*—The compensation payable to an individual with respect to his unemployment, under the unemployment insurance law of any state.

(C) *Interstate benefit payment plan*—The plan approved by the Interstate Conference of Employment Security Agencies under which benefits shall be payable to unemployed individuals absent from the state (or states) in which benefit credits have been accumulated.

(D) *Interstate claimant*—An individual who claims benefits under the unemployment insurance law of one or more liable states through the facilities of an agent state. The term "interstate claimant" shall not include any individual who customarily commutes from a residence in an agent state to work in a liable state unless the commission finds that this exclusion would create undue hardship on such claimants in specified areas.

(E) *Liable state*—Any state against which an individual files, through another state, a claim for benefits.

(F) *State*—Includes the District of Columbia, Puerto Rico, and the Virgin Islands.

(G) *Week of unemployment*—Includes any week of unemployment as defined in the law of the liable state from which benefits with respect to such week are claimed.

(2) *Registration for work.*

(A) Each interstate claimant shall be registered for work, through any public employment office in the agent state when and as required by the law, regulations, and procedures of the agent state. Such registration shall be accepted as meeting the registration requirements of the liable state.

(B) Each agent state shall duly report, to the liable state in question, whether each interstate claimant meets the registration requirements of the agent state.

(3) *Benefit rights of interstate claimants.*

(A) If a claimant files a claim against any state, and it is determined by such state that the claimant has available benefit credits in such state, then claims shall be filed only against such state as long as benefit credits are available in that state. Thereafter, the claimant may file claims against any other state in which there are available benefit credits.

(B) For the purposes of this rule, benefit credits shall be deemed to be unavailable whenever benefits have been exhausted, terminated, or postponed for an indefinite period or for the entire period in which benefits would otherwise be payable, or whenever benefits are affected by the application of a seasonal restriction.

(4) Claims for benefits.

(A) Claims for benefits or waiting-period credit shall be filed by interstate claimants on uniform interstate claim forms and in accordance with uniform procedures developed pursuant to the interstate benefit payment plan. Claims shall be filed in accordance with the type of week in use in the agent state. Any adjustments required to fit the type of week used by the liable state shall be made by the liable state on the basis of consecutive claims filed.

(B) Claims shall be filed in accordance with the agent state's regulations for intrastate claims in the local employment offices or at an itinerant service point or by mail.

(i) With respect to claims for weeks of unemployment in which an individual was not working for his regular employer, the liable state shall, under circumstances which it considers good cause, accept a continued claim filed up to one week or one reporting period late. If a claimant files more than one reporting period late, an initial interstate claim must be used to begin a claim series, and no continued claim for a past period shall be accepted.

(ii) With respect to weeks of unemployment during which an individual is attached to his regular employer, the liable state shall accept any claim which is filed within the time limit applicable to such claims under the law of the agent state.

(5) Determination of claims.

(A) The agent state shall, in connection with each claim filed by an interstate claimant, ascertain and report to the liable state in question such facts relating to the claimant's availability for work and eligibility for benefits as are readily determinable in and by the agent state.

(B) The agent state's responsibility and authority in connection with the determination of interstate claims shall be limited to investigation and reporting of relevant facts. The agent state shall not refuse to take an interstate claim.

(6) Appellate procedure.

(A) The agent state shall afford all reasonable cooperation in the taking of evidence and the holding of hearings in connection with appealed interstate benefit claims.

(B) With respect to the time limits imposed by the law of a liable state other than Texas, upon the filing of an appeal in connection with a disputed claim, whether or not the appeal is timely shall be determined by the liable state by reference to that state's law, regulations, or

policies and practices. In interstate appeals in which Texas is the liable state, whether or not the appeal is timely shall be determined by reference to relevant provisions of the Texas Unemployment Compensation Act and current commission policies and precedent decisions applicable to intrastate appeals.

(7) Extension of interstate benefit payments to include claims taken in and for Canada. This rule shall apply in all its provisions to claims taken in and for Canada.

.022. *Backdated Claims.* For adequate cause shown, the commission may permit retroactive or backdated work registrations and may permit the filing of retroactive or back-dated claims in order to prevent hardship or injustice. Such work registrations and claims shall have the same effect as though prepared and filed on the earlier date. In the event a request for back-dating a claim is approved prior to the filing of such claim, a claimant must file the back-dated claim within 60 days of the date the back-dating was authorized in order for the claim to be valid.

.023. *Record of Work and Wages Required of Claimants.* An individual who has registered for work and filed a claim shall keep an accurate record of any work which he has performed during any day within a benefit period regardless of whether such work constitutes "employment" as defined in the Act. Such record shall include the names and addresses of the persons or organizations for whom he worked, the total remuneration earned, and the number of hours worked during such benefit period. He should exhibit such record at the time he files a claim.

.024. *Notice of Appeal Rights.* Each notice of benefit determination which the commission is required to furnish to the claimant shall, in addition to stating the decision and its reasons, include a notice specifying the claimant's appeal rights. The notice of appeal rights shall state clearly the place and manner for taking an appeal from the determination and the period within which an appeal may be taken.

.025. *Approval of Training.* An individual shall be in training with the approval of the commission if the commission has authorized such training for the individual and the individual is attending the training course on a full-time basis and the commission finds that:

(1) the individual can reasonably be expected to complete the training course successfully, and to find and accept work;

(2) the individual has attended the training course full time during the given training week or had good cause for his failure to do so, and is making satisfactory progress in the course; and

(3) the training facility and/or the individual agrees to, and does, furnish evidence satisfactory to the commission that the individual is regularly attending the training course and is performing satisfactorily his assignments as a trainee.

.026. *Extended Benefit Period Announcement.* When the commission receives official notice or determines that an extended benefit period will become effective in this state, or that an extended benefit period

in effect in this state will be terminated, the commission shall make an announcement of this fact through the available news media. The announcement shall contain:

(1) the beginning or ending date of the extended benefit period, whichever is appropriate;

(2) in the case of an extended benefit period that is about to begin, a statement of who may be potential beneficiaries of extended benefits during such extended benefit period; and

(3) a statement to the effect that any individual who wishes to file a claim for extended benefits shall file such claim in the same manner in which he would file a claim for regular benefits except that he may file retroactive claims for extended benefits during the first 21 days after the beginning date of such extended benefit period or during the first 21 days after the date of the announcement of the extended benefit period, whichever is later.

.027. Provisions Applicable to Extended Benefits.

(a) Except where the result would be inconsistent with the purpose of the provisions for extended benefits in the Texas Unemployment Compensation Act, the terms and conditions of this Act which apply to claims for, and payment of, regular benefits shall apply to claims for, and payment of extended benefits, including but not limited to:

(1) claim filing, claimant reporting, and registration for work;

(2) information to claimants;

(3) notices to claimants and to employers, as appropriate, including notice to claimants as to the amount and duration of extended benefits for which they qualify;

(4) determinations, redeterminations, appeals, and reviews;

(5) the week for which benefits are paid;

(6) ability to work, availability for work, and search for work; and

(7) disqualifications, except for the provisions of subsection (h) of §6-A relating to failure to accept any offer of suitable work or failure to apply for any suitable work when so directed by the commission.

(b) Provisions of the Texas Unemployment Compensation Act which are not applicable to payment of extended benefits are those relating to:

(1) the waiting period;

(2) monetary qualifying requirements; and

(3) computation of weekly and total regular benefits.

.028. Group Accounts.

(a) Two or more eligible reimbursing employers may file a joint application with the commission for establishment of a group account on forms furnished by the commission, upon application being made therefor. Such application shall be filed upon a form so furnished and shall not be valid until approved by an authorized representative of the commission in writing.

(b) The application shall identify and authorize an individual to act as the group's representative. He shall be authorized by all members of the group to maintain records, to prepare and sign reports, to secure and furnish a surety bond for the group when so directed by the

commission, to furnish information to the commission pertaining to the group and its members, to collect and to pay all reimbursements and other amounts due to the commission, to specify those members that have failed to submit payments due, and to assist the commission in securing unpaid amounts due to the commission from a member or members of the group.

(c) When such application has been approved by the commission in writing, the group account shall be established and shall remain active for not less than two years or until terminated. Application to terminate the group account after such two years shall be made by the group representative no later than December 1 to be effective at the beginning of the next calendar year.

(d) At the discretion of the commission, the group account may be terminated at the end of a calendar year for failure to file reports accurately and timely, to furnish information pertaining to the group or its members, to furnish a surety bond when requested, or to pay reimbursements, penalties, and other amounts due from the group.

(e) Each member shall be liable for reimbursement of benefits paid and other amounts which accrue after the group account has been terminated in accordance with total wages paid by each member and by the group during the last quarter that the group account was active and in which wages were paid.

(f) Addition of a new member or members to the group shall not be valid unless a joint application, approved by all members of the group, to add such member or members is filed with the commission. Such application shall be filed upon a form furnished by the commission, upon application being made therefor, and shall be valid if approved in writing by an authorized representative of the commission. The application shall be effective as of the beginning of the calendar quarter in which the commission receives the application and each new member or new members of the group shall be liable for reimbursements during that and succeeding calendar quarters to the same extent as those members previously a part of the group.

(g) Withdrawal of an active member or members shall be valid as of the end of a calendar quarter provided that a joint application for withdrawal of such member or members is filed with and approved by the commission during such quarter. The remaining member or members of the group account shall be liable for reimbursements during succeeding calendar quarters for all benefits paid which are attributable to service in the employ of withdrawn members. Such application shall be filed upon a form furnished by the commission, upon application being made therefor, and shall not be valid until approved by an authorized representative of the commission in writing. At the discretion of the commission, such application may be denied if the group account has failed to pay all reimbursements and other amounts due to the commission on the date that the withdrawal application is filed.

(h) "Total wages paid" with respect to determining liability for amounts due by members of a group means total payment of "wages" as defined in the Act, except that the \$6,000 limitation in subsection 19(n)(1) shall not be applicable.

.029. *Surety Bond.*

(a) A governmental employer or a nonprofit organization or the group representative of a group account that elects to become liable for reimbursements shall furnish a surety bond on a form furnished or approved by the commission within 30 days after a request by the commission for such bond is mailed to the governmental employer, nonprofit organization, or group representative.

(b) The amount of the surety bond shall be a percentage of the projected amount of wages which would be subject to tax if the employer was an employer liable for contributions under this Act. The percentage used in determining the amount of the bond shall be equal to the maximum tax rate that any employer who is liable for contributions during the year would have to pay under the Act. The amount of taxable wages which the employer

is expected to pay during the next 12 months shall be determined by the commission after considering all available information.

(c) The surety bond shall be executed by a licensed surety company authorized to do business in the State of Texas and such surety must be approved by the commission.

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 May 25, 1982.

TRD-824334

Helen S. Anderson
Administrative Assistant
Texas Employment Commission

Proposed date of adoption: July 2, 1982

For further information, please call (512) 397-4350.

Adopted Rules

An agency may take final action on a rule 30 days after a proposal has been published in the *Register*. The rule becomes effective 20 days after the agency files the correct document with the Texas Register Division, 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.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE Part I. Texas Department of Human Resources

(Editor's note: Because the Texas Department of Human Resources' 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 Division numbers. However, the rules will appear under the agency's correct title and part.)

Medicaid Eligibility SSI Basic Program Requirements 326.25.32.012

The Texas Department of Human Resources adopts amendments to Rule 326.25.32.012, concerning eligibility for Medicaid during the three months before the date of application, without changes to the proposed text published in the March 2, 1982, issue of the *Texas Register* (7 TexReg 866).

The department adopts new policies on computing eligibility for Medicaid. These amendments comply with the federal guidelines for the SSI Program. Applying the new computation criteria might allow more

recipients to be eligible for three months prior coverage. In some instances, individuals may be ineligible depending upon the method of computation the worker uses. If an individual applying for three months prior coverage is ineligible by the income averaging method, the worker must determine eligibility on a month-by-month basis. Determination of eligibility on a monthly basis may result in nonsequential periods of eligibility.

No comments were received on the amendments; therefore, they are adopted without changes to the proposed text.

The amendments to Rule 326.25.32.012 are adopted under Title 2, Human Resources Code, Chapters 22 and 32, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on May 24, 1982.

TRD-824324

Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: June 15, 1982

Proposal publication date: March 2, 1982

For further information, please call (512) 441-3355, ext. 2037.

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*.

Open Meetings

Texas Department on Aging

Thursday, June 3, 1982, 10 a.m. The Texas Board on Aging will meet at the Texas Department of Community Affairs Building, 210 Barton Springs Road, Austin. Items on the agenda include: approval of minutes of March 19, 1982; report of the State Advisory Council; and the agency's biennial budget for fiscal year 1984 and 1985.

Contact: Chris Kyker, P.O. Box 12786, Austin, Texas 78711, (512) 475-2717.

Filed: May 25, 1982, 4:02 p.m.
TRD-824339

Texas Animal Health Commission

Thursday, June 10, 1982, 10 a.m. The Texas Animal Health Commission will conduct a public hearing at Paris Junior College, Theater of Performing Arts, 2400 Clarksville, Paris, regarding the Texas Bovine Brucellosis Program, including discussions on "B" and "C" classifications for the State of Texas, and regulations pertaining to calfhood vaccination.

Contact: Jo Anne Conner, Sam Houston Building, 10th Floor, Austin, Texas, (512) 475-4111.

Filed: May 26, 1982, 8:58 a.m.
TRD-824346

Texas Commission on the Arts

Friday, May 28, 1982, 9 a.m. The Executive Committee of the Texas Commission on the Arts met in emergency session at 920 Colorado, E. O. Thompson Building, Fifth Floor, Austin. According to the agenda, the committee conducted an emergency meeting to develop the commission's response to the Sunset Commission staff report on the TCA. The meeting was held on an emergency basis because the commission did not receive the Sunset Commission staff report until Wednesday, May 26, 1982. The meeting date was the latest possible date to hold the meeting in order to give the staff time to prepare the response by the Sunset Commission's deadline.

Contact: Margaret L. Dahl, P.O. Box 13406, Austin, Texas 78711, (512) 475-6593.

Filed: May 25, 1982, 4:27 p.m.
TRD-824340

State Bar of Texas

Thursday, June 3, 1982, 9 a.m. The Executive-Budget Committee of the State Bar of Texas will meet in the President's Room, Texas Law Center, 1414 Colorado Street, Austin. Items on the summarized agenda include: report of president; FTC matter; consideration of Judicial Section re-

quest; determination of date for bar rules referendum; report of president-elect; committee appointments; consideration of resolution regarding Fourth Amendment Exclusionary Rule; reports of board chairman, executive director, PDP director, and general counsel; discussion of budgetary matters; and convention report.

Contact: Evelyn Avent, 1414 Colorado Street, Austin, Texas, (512) 475-4746.

Filed: May 26, 1982, 2:55 p.m.
TRD-824375



Texas Education Agency

Thursday, June 3, 1982, 2 p.m. The Select Committee on Public Education—Subcommittee on Recodification of the

Education Code will meet in Room 346, State Capitol, Austin, for consideration and adoption of recommendations of the advisory committee to the subcommittee regarding recodification of Texas Education Code, Chapters 11, 17, 19, 21, 23, 26, and 130.

Contact: Cis Myers, 201 East 11th Street, Austin, Texas 78701, (512) 475-4536.

Filed: May 26, 1982, 3:20 p.m.
TRD-824376

Monday, June 7, 1982, 8:30 a.m. The Teachers' Professional Practices Commission will meet in the State Board of Education Room, 150 East Riverside Drive, Austin. Items on the agenda include: adoption of minutes; progress reports of legislative recommendations and slide-tape orientation package; travel budget for 1982 and 1983; hearing procedures before the commission; and presentation of slide-tape orientation package.

Contact: Harry Griffith, 201 East 11th Street, Austin, Texas 78701, (512) 475-6836.

Filed: May 26, 1982, 3:20 p.m.
TRD-824377

Wednesday, June 9, 1982; 8:30 a.m. The Subcommittee on Alternative Instructional Arrangements and Advisory Committee on Alternative Instructional Arrangements of the Select Committee on Public Education of the Texas Education Agency will hold a joint meeting in the Senate Reception Room, State Capitol, Austin. Items on the agenda include presentations regarding comprehensive high school programs; discussion of draft document containing a history and discussion of alternative instructional arrangements; and discussion of draft document on alternative instructional arrangements and recommendations.

Contact: Cis Myers, 201 East 11th Street, Austin, Texas 78701, (512) 475-4536.

Filed: May 26, 1982, 3:20 p.m.
TRD-824378

Wednesday, June 9, 1982, 3:15 p.m. The Select Committee on Public Education—Subcommittee on Alternative Instructional Arrangements of the Texas Education Agency will meet in the Senate Reception Room, State Capitol, Austin, for consideration of draft document and recommendations regarding alternative instructional arrangements.

Contact: Cis Myers, 201 East 11th Street, Austin, Texas 78701, (512) 475-4536.

Filed: May 26, 1982, 3:21 p.m.
TRD-824379

Thursday and Friday, June 17 and 18, 1982, 1:30 p.m. and 8 a.m., respectively. The Apprenticeship and Training Advisory Committee of the Texas Education Agency will meet Thursday at Ramada Inn, 120 at Estes Parkway, Longview, and Friday at Texas Eastman Training Center, Longview. Items on Thursday's agenda include: meeting of ad hoc planning committee to discuss overall planning and development of activities for the upcoming year, update of a handbook, and update of the directory; meeting of ad hoc committee on finance to discuss development of a budget for apprenticeship programs for next year, establishing a contact hour rate for next year, and working on a cost study; and an open discussion period. Items on Friday's agenda include: election of officers; ratification of bylaws; coordinator's report; tour of Texas Eastman Company; and reports from the ad hoc finance committee and the ad hoc planning committee.

Contact: Dan Lowe, 201 East 11th Street, Austin, Texas 78701, (512) 475-3129.

Filed: May 26, 1982, 3:22 p.m.
TRD-824381

State Board of Registration for Professional Engineers

Thursday, May 27, 1982, 8:30 a.m. The State Board of Registration for Professional Engineers met in emergency session in the board room, 1917 IH 35 South, Austin. Items on the agenda included: review of applications requiring the board's recommendation and other business of the board. The meeting was held on an emergency basis because there is a backlog of applications requiring the board's recommendation and this was the only date available when the entire board could meet.

Contact: Woodrow W. Mize, P.E., 1917 IH 35 South, Austin, Texas 78741, (512) 475-3141.

Filed: May 25, 1982, 10:13 a.m.
TRD-824318

Office of the Governor

Friday, June 4, 1982, 9 a.m. and 1 p.m. The Governor's Task Force on Equal Opportunities for Women and Minorities will meet in the Rio Grande Room, Hyatt Regency, 123 Lasoya, San Antonio. According to the agenda, at 9 a.m. the task force will conduct a public hearing. At 1 p.m. the task force will hold a general committee meeting to hear the following subcommittee reports: Subcommittee 1: State Law Review, Iris Robinson, chairman; Subcommittee 2:

State Practices Review, Judge George Allen, chairman; Subcommittee 3: Public Employment Survey, Cindy Taylor, chairman; and Subcommittee 4: Private Sector Survey, Richard Mellado, chairman.

Contact: Adele Hedges, P.O. Box 299001, Houston, Texas 77299, (713) 757-6252.

Filed: May 25, 1982, 3:52 p.m.
TRD-824336

Thursday, June 17, 1982, 10 a.m. The Governor's Task Force on Foreign Investments will meet in Rooms 202 and 203, State Bar of Texas, Texas Law Center, 1414 Colorado Street, Austin. According to the agenda, the task force will review, discuss, and change draft recommendation.

Contact: Jack W. Lander, Jr., 4200 Westheimer, Suite 210, Houston, Texas 77027, (713) 622-8486.

Filed: May 25, 1982, 3:51 p.m.
TRD-824338

Thursday and Friday, June 10 and 11, 1982, 1:30 p.m. and 9 a.m., respectively. The Governor's Task Force on Work-Related Accidents will meet in the Board of Health Conference Room T-607, Texas Department of Health, 1100 West 49th Street, Austin. On Thursday, the task force will approve minutes and hear subcommittee reports from the Education Committee, J. U. Parker, chairman; Safety Services and Consultation, Gawain Bonner, chairman; and Accurate Statistics Committee, Roy Evans, chairman. On Friday, the task force will discuss recommendations.

Contact: Dr. Richard W. McBurney, 717 North Harwood, Suite 3218, Dallas, Texas 75201, (214) 745-2734.

Filed: May 25, 1982, 3:51 p.m.
TRD-824337

Industrial Accident Board

Friday, June 25, 1982, 9:30 a.m. The Industrial Accident Board will meet in Room 107, 200 East Riverside Drive, Austin. According to the agenda, the Policy Advisory Committee of the Texas Industrial Accident Board will advise the board on problems encountered in administration of those portions of Texas Civil Statutes, Article 8306-8309, pertaining to health care providers and other related matters.

Contact: William Treacy, 200 East Riverside Drive, Austin, Texas 78704, (512) 475-4538.

Filed: May 25, 1982, 2:33 p.m.
TRD-824323

State Board of Insurance

Thursday, June 3, 1982, 3 p.m. The State Board of Insurance has made an addition to the agenda of a meeting to be held in Room 414, 1110 San Jacinto Street, Austin. According to the revised agenda, the board will also consider: amendments to Rules 059.03.50.001, .003, .004, .008, .009, and .011, the Indeterminate Premium Reduction Policy Rules as proposed at 7 TexReg 490; adoption of new Rules 059.21.47.001-.007, respecting admission procedures for foreign insurers as proposed at 7 TexReg 1618; repeal of Rules 059.21.46.001-.004, respecting present admission procedures for foreign insurers as proposed at 7 TexReg 1618; proposing new Rules 059.05.79.001-.004 as the board's standards for accident prevention services to be maintained by workers' compensation insurers pursuant to Texas Insurance Code, Article 5.76-1, as they track in substance Board Order 30057 which specifies these standards; proposing amendments to Rule 059.05.76.102 to delete surplus language, to make nonsubstantive editorial and clarifying changes, and to renumber the rules as Rules 059.05.78.001-.004; and proposing amendments to Rule 059.05.76.101 to delete surplus language, to make nonsubstantive editorial and clarifying changes, and to renumber the rule as Rule 059.05.78.005.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas, (512) 475-2950.

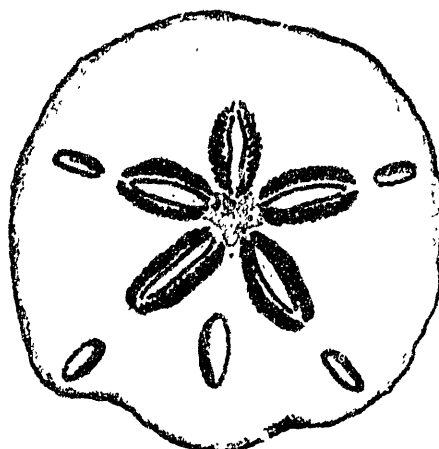
Filed: May 26, 1982, 2:12 p.m.
TRD-824361

Thursday, June 24, 1982, 9 a.m. The State Board of Insurance will meet in the Hearing Room, DeWitt Greer Building, 11th and Brazos, Austin. According to the agenda summary, the board will conduct a public hearing pursuant to Texas Insurance Code, Articles 9.07 and 9.21, to consider: proposed change of the premium for title policies in excess of \$20 million from \$4.11 to \$2.00 for each additional \$1,000 insured; proposed reduction of premium rates for title policies in excess of \$15 million and requirement that the premium be apportioned on a pro rata basis if more than one insurer is on the risk; proposal that Texas Title Insurance Advisory Association organizational rules be filed with the *Texas Register* as proposed rules; proposed amendment to Rule 059.08.48.001 which deals with expenses for Texas Title Insurance Advisory Association members; proposed amendment to Rule 059.09.07.001, the *Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas* to restate and clarify the minimum

standards of audit of trust funds required of Texas title insurance agents and title attorneys, specific instructions and audit report forms; proposed amendment to Rule 059.09.07.001, the *Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas* to adopt forms to be used by title agents and title attorneys in complying with the minimum standards of audit of trust funds required of Texas title insurance agents and title attorneys, specific instructions and audit report forms; proposed repeal of Rule 059.09.39.001, a partial duplicate rule which restates the minimum standards of audit of trust funds required of Texas title insurance agents and title attorneys, specific instructions and audit report forms presently found in Rule 059.09.56.001, a partial duplicate rule which restates the minimum standards of audit of trust funds required of Texas title insurance agents and title attorneys, specific instructions and audit report forms presently found in Rule 059.09.07.001; repeal of Rule 059.09.07.002, a duplicate rule which contains outdated versions of Procedural Rules P-10 and P-11 presently found in Rule 059.09.07.001; proposed amendment to Rule 059.09.07.001, the *Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas* by amending the form entitled "Information Re Abstract Plant" and the form used by title insurance companies to report their annual analyses of title agents' and title attorneys' audit report of trust fund accounts; and proposed repeal of Rule 059.09.39.002, a partial duplicate rule which restates the forms listed in Agenda Item 10 which are presently found in Rule 059.09.07.001.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas, (512) 475-2950.

Filed: May 26, 1982, 2:12 p.m.
TRD-824362



Texas Medical Disclosure Panel

Saturday, June 12, 1982, 9:30 a.m. The Texas Medical Disclosure Panel will meet in Room T-407, Texas Department of Health, 1100 West 49th Street, Austin. Items on the summarized agenda include: review minutes of last meeting; consideration of comments about the rules made by the Texas Medical Association, Texas Hospital Association, and Texas Medical Record Association; consideration of urologic procedures, radiologic procedures, and a coding system to be used in identifying List A (procedures requiring full disclosure) and List B (procedures requiring no disclosure).

Contact: Carroll W. Gregory, M.P.H., 1100 West 49th Street, Austin, Texas 78756, (512) 458-7528.

Filed: May 27, 1982, 8:59 a.m.
TRD-824388

Texas State Board of Medical Examiners

Friday-Saturday, June 11-19, 1982, 8 a.m., daily. The Texas State Board of Medical Examiners will meet at 1101 Camino La Costa, Austin. Items on the agenda include: licensure examinations; hearings on possible Medical Practice Act violations; public hearings on rule changes; committee meetings and reports; secretary's report; discussion of annual registration procedure; consideration of licensure applications; discussion of permits; probationary interviews; possible executive session under authority of Texas Civil Statutes, Article 6252-17, as related to Senate Bill 5, §5.06(e)(1) and Attorney General Opinion 1974, H-484; election of officers; discussion of resolution(s); other business; and office matters.

Contact: Jean Davis, P.O. Box 13562, Austin, Texas, (512) 475-0741.

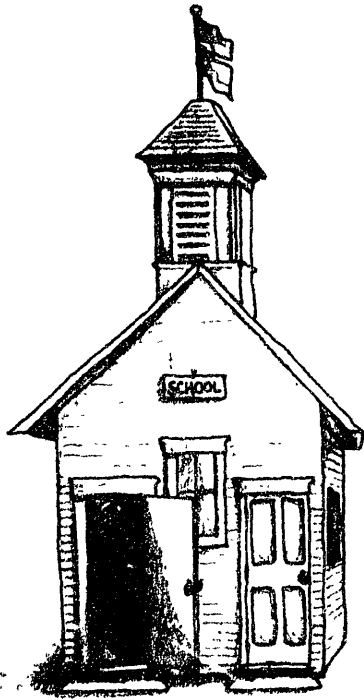
Filed: May 26, 1982, 10:12 a.m.
TRD-824350

Texas National Guard Armory Board

Saturday, June 5, 1982, 1 p.m. The Texas National Guard Armory Board will meet at Building 64, Camp Mabry, Austin. Items on the agenda include: fiscal matters-budget; renovations project; and other matters that may properly come before the board.

Contact: T. W. Meek, P.O. Box 5218, Austin, Texas 78763, (512) 475-5481.

Filed: May 25, 1982, 3:53 p.m.
TRD-824335



Pan American University

Tuesday, June 1, 1982, 9:30 a.m. The Board of Regents' Buildings and Grounds Committee has made an addition to the agenda of a meeting to be held in the conference room, Pan American University, Edinburg. According to the revised agenda, the committee will also consider construction needs.

Contact: Miguel A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2101.

Filed: May 27, 1982, 10 a.m.
TRD-824393

Tuesday, June 1, 1982, 11 a.m. The Board of Regents (Committee as a Whole) of the Pan American University will meet in the conference room, Administration Building, Edinburg. According to the revised agenda, the board will also consider construction needs.

Contact: Miguel A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2101.

Filed: May 27, 1982, 10 a.m.
TRD-824394

Public Utility Commission of Texas

Thursday, May 27, 1982, 9 a.m. The Public Utility Commission of Texas made an emergency addition to the agenda of a meeting held in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the

agenda, the commission also considered an appeal from the examiner's prehearing order in Docket 3960—petition of City Park Neighborhood Association for relief from rates set by the City of Austin for electric service outside city limits. The emergency was necessary because statutory time deadlines required the commission to rule on appeals from interim orders within 15 days.

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

Filed: May 26, 1982, 8:51 a.m.
TRD-824345

Friday, June 18, 1982, 9 a.m. The Hearings Division of the Public Utility Commission will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will conduct a prehearing in Docket 4480—application of Luella Water Supply Corporation for a cease and desist order against the City of Sherman.

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

Filed: May 26, 1982, 10:12 a.m.
TRD-824349

Wednesday, July 7, 1982, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will conduct a hearing in Docket 4351—application of Oakridge Water Company doing business as Pine Springs Utility for a systemwide rate increase.

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

Filed: May 26, 1982, 2:09 p.m.
TRD-824359

Tuesday, July 27, 1982, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the commission will conduct a final hearing on the merits in Docket 4481—application of Deaf Smith Electric Cooperative, Inc. for a rate increase.

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

Filed: May 26, 1982, 2:10 p.m.
TRD-824360

Texas Real Estate Commission

Monday, June 7, 1982, 9 a.m. The Texas Real Estate Commission will meet in the board room, Americana Hotel, 200 Main Street, Fort Worth. Items on the agenda summary include: minutes of April 26, 1982, meeting; staff reports for months of March and April 1982; appearance of real estate inspector representatives; motion for rehearing; final action on proposed amendments to 22 TAC §§537.11-537.17 and new 22 TAC §§537.18-537.27 (standard contract forms); budget matters; school matters; entry of probation order in the matter of David T. Darter; and date and place of next meeting. The commission will also meet in executive session.

Contact: Camilla S. Shannon, P.O. Box 12188, Austin, Texas 78711, (512) 459-1123.

Filed: May 25, 1982, 1:55 p.m.
TRD-824322

Teacher Retirement System of Texas

Friday, June 11, 1982, 9 a.m. The Board of Trustees of the Teacher Retirement System of Texas will meet at 1001 Trinity, Austin. Items on the summarized agenda include: open hearing on legislative proposals; approval of minutes; review of investments for quarter ending May 31, 1982; review of discussions and recommendations at IAC meeting; approval of early age, option, and reserve factors; consideration of addition to signature authorization; report of executive secretary; report of the general counsel; report of member benefits division; consideration of appointments to Investment Advisory Committee; consideration of appointment to Medical Board; appointment of committee to nominate officers of the board; approval of administrative manual; consideration of TRS operating budget for fiscal year ending August 31, 1983; and estimate of state's contribution 8.5% for 1982 and 1983 fiscal year.

Contact: Mary Godzik, 1001 Trinity, Austin, Texas, (512) 397-6400, ext. 201.

Filed: May 27, 1982, 9:31 a.m.
TRD-824389

Texas Water Commission

Wednesday, June 2, 1982, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda, the commission will consider the adjudication of all claims of water rights

in the Lower Leon River Segment of the Brazos River Basin for consideration of adoption of a proposed final determination of rights.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: May 25, 1982, 3:12 p.m.
TRD-824320

Tuesday, June 8, 1982, 10 a.m. The Texas Water Commission will meet in Room 124A, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda, the commission will consider adjudication of water rights claims in the San Jacinto River Basin.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: May 25, 1982, 3:12 p.m.
TRD-824321

Tuesday, June 22, 1982, 9:30 a.m. The Texas Water Commission will meet in Room 124A, Stephen F. Austin Building, 1700 North Congress, Austin. The commission will conduct hearings on the following:

Application TA-4347 of Johann Haltermann, Ltd. for a temporary permit to divert and use 121 acre-feet of water for a three-year period from Carpenters Bayou, tributary Buffalo Bayou, tributary San Jacinto River, San Jacinto River Basin, for industrial (makeup water for wastewater facility) purposes in Harris County;

Application TA-4346 for a temporary permit to divert and use 1,332 acre-feet of water for a one-year period from Pin Oak Creek, tributary Sandy Creek, tributary Navidad River, tributary Lavaca River, Lavaca River Basin, for irrigation purposes in Wharton County;

Application TA-4343 of Springs Ranch Company for a temporary permit to divert and use 95 acre-feet of water for a one-year period from the Tongue River (South Pease River), tributary Red River Basin, for irrigation purposes in Motley County;

Application TA-4342 of Allen Keller Company for a temporary permit to divert and use 15 acre-feet of water for a one-year period from Colorado River, Colorado River Basin, for industrial (highway construction) purposes in McCulloch County;

Application TA-4345 of McKnight Construction Company for a temporary permit to divert and use five acre-feet of water for a two-year period

from Squirrel Creek, tributary East Fork Trinity River, tributary Trinity River, Trinity River Basin, for industrial (highway construction) purposes in Grayson County;

Application TA-4344 of Reynolds-Land, Inc. for a temporary permit to divert and use 25 acre-feet of water for a two-year period from Big Cypress Creek, Cypress Basin, for industrial (highway construction) purposes in Franklin County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: May 26, 1982, 3:38 p.m.
TRD-824382-824387

Tuesday, July 13, 1982, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. The commission will conduct hearings for the petition for creation of South Shore Harbour Municipal Utility Districts one through six. The district numbers and acres of land contained are as follows:

- District One—9.308 acres;
- District Two—96.837 acres;
- District Three—497.810 acres;
- District Four—162.054 acres;
- District Five—136.635 acres;
- District Six—608.052 acres.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: May 26, 1982, 11:20 a.m.
TRD-824353-824358

Regional Agencies Meeting Filed May 25

The Houston-Galveston Area Council, Project Review Committee, will meet in the large conference room, 3701 West Alabama Street, Houston, on June 1, 1982, at 9:30 a.m. Information may be obtained from Geraldine McCray, P.O. Box 22777, Houston, Texas 77072, (713) 627-3200.

TRD-824319

Meetings Filed May 26

The Archer County Appraisal District, Board of Directors, will meet at the Archer County Courthouse, Archer City, June 9, 1982, at 5 p.m. Information may be obtained from Pat Wachsmann, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2172.

The Austin-Travis County Mental Health and Mental Retardation Center, Finance and Control Committee, met in emergency session in the board room, 1430 Collier Street, Austin, on May 27, 1982, at 11 a.m.

Information may be obtained from Anastasia Meyer, 1430 Collier, Austin, Texas, (512) 447-4141.

The Texas Municipal Power Agency, Audit and Budget Committee, will meet at 2225 East Randol Mill Road, Arlington, on June 3, 1982, at 9 a.m. Information may be obtained from Frank H. Bass, Jr., 2225 East Randol Mill Road, Suite 600, Arlington, Texas 76011, (817) 641-4400.

The Tarrant County Appraisal District, Board of Directors, met in emergency session in Suite 200, 1701 River Run, Fort Worth, on May 27, 1982, at 10 a.m. Information may be obtained from Dr. Nelson Eichman, 1701 River Run, Suite 200, Fort Worth, Texas 76107, (817) 332-3151.

The Upshur County Appraisal District, Board of Directors, will meet in the appraisal district office, Warren and Trinity, Gilmer, on June 1, 1982, at 7:30 p.m. Information may be obtained from Louise Stracener, P.O. Box 31, Gilmer, Texas 75644, (214) 843-3736.

TRD-824348

Meetings Filed May 27

The Dallas County Appraisal District, Board of Directors, will meet in the board room, 2601 Live Oak, Dallas, on June 2, 1982, at 7:30 a.m. Information may be obtained from Jerry Yeatts, 2601 Live Oak, Dallas, Texas, (214) 826-0030.

The Education Service Center Region I, Board of Directors, will meet at 1900 West Schunior, Edinburg, on June 8, 1982, at 6 p.m. Information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas 78539, (512) 383-5611.

The Education Service Center Region XX, Board of Directors, will meet in the ESC-20 Conference Center, 1314 Hines Avenue, San Antonio, on June 9, 1982, 3 p.m. Information may be obtained from Dr. Dwain M. Estes, 1314 Hines Avenue, San Antonio, Texas 78208, (512) 271-7611.

The Red River Authority of Texas, Board of Directors, met in emergency session in Room 215, Activity Center, 1001 Indiana, Wichita Falls, on May 28, 1982, at 4 p.m. Information may be obtained from Fred Parkey, 302 Hamilton Building, Wichita Falls, Texas 76301, (817) 723-8697.

The Trinity River Authority of Texas, Executive Committee, will meet by conference call at 5300 South Collins, Arlington, Tarrant County, on June 3, 1982, at 9:30 a.m. Information may be obtained from Geri Elliott, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

TRD-824390

In Addition

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.

Texas Department of Agriculture Amendment to Consultant Contract Award

The Texas Department of Agriculture is amending the terms of the consultant contract awarded to Dr. John E. Hutchison published in the January 8, 1982, issue of the *Texas Register* (7 TexReg 91).

Terms. The maximum value of the contract is not to exceed \$70,404 with a beginning date of January 1, 1982, and an ending date of August 31, 1983, (\$25,163.20 for fiscal year ending August 31, 1982, and \$45,240.80 for fiscal year ending August 31, 1983).

Issued in Austin, Texas, on May 25, 1982.

TRD 824325 Reagan V. Brown
Commissioner
Texas Department of Agriculture

Filed: May 25, 1982, 2:09 p.m.
For further information, please call (512) 475-6346.

Texas Air Control Board Applications for Construction Permits

Notice is hereby given by the Texas Air Control Board of applications for construction permits received during the period of May 17-21, 1982.

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.

Conroy Industries., Division of Conroy Inc., New Braunfels; fiberglass reinforced boat manufacturing; 3150 IH 35 West; 9096; new source

Southwest Grain Company, Inc., Edinburg; grain elevator; FM 510 and FM 1575; 2887A; new source

Brownsville Grain, Brownsville; grain storage; Turring Basin; 9097; new source

J. J. Finley Construction, Eastland; crushed limestone; one mile south-southeast of the intersection of FM 2214 and 570; 9098; new source

Quality Cabinets, Houston; cabinet manufacturing; 3620 West 11th Street; 9099; new source

Synpol, Inc., Port Neches; SBR synthetic rubber dryers; 1215 Main Street; 9100; new source

L&B Oil Company, Inc., Garden City; gas sweetening with amine; Powell Ranch; 9101; new source

Eldorado Chemical Company, Inc., Live Oak; still; 6700 Lookout Road; 9102; new source

P&S Rice Mills Company, Inc., Houston; rice flour mill; 10031 Hempstead Highway; 9103; new source

Issued in Austin, Texas, on May 24, 1982.

TRD-824333 Ramon Dasch
Director of Hearings
Texas Air Control Board

Filed: May 25, 1982, 9:02 a.m.
For further information, please call (512) 451-5711, ext. 354.

Comptroller of Public Accounts Comptroller's Decision 11,601 (Franchise Tax)

For copies of the following opinion selected and summarized by the administrative law judges, contact the administrative law judges, P. O. Box 13528, Austin, Texas 78711. Copies will be furnished without charge and edited to comply with confidentiality statutes.

Summary of Decision: A taxpayer revalued its land, building, and equipment on its general ledger upwards from the cost basis pursuant to the opinion of professional appraisers, in order to secure a business loan. While neither the franchise tax law nor generally accepted accounting principles require periodic revaluations, once one is made and entered on the corporate books, the corporation's surplus will be computed on the basis of the revaluation. *United North and South Development Company v. Heath*, 78 S.W.2d 650 (Texas Civil Appeals—Austin 1934, writ refreenced).

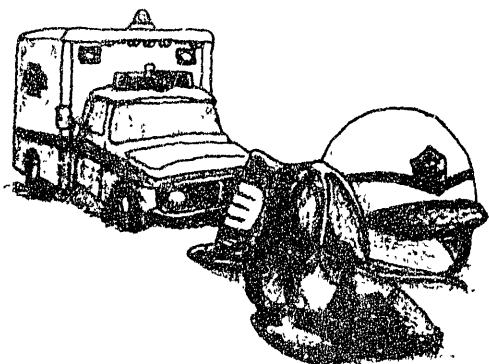
Issued in Austin, Texas, on May 21, 1982.

TRD-824303 Bob Bullock
Comptroller of Public Accounts

Filed: May 24, 1982, 10:20 a.m.
For further information, please call (512) 475-1938.

Texas Education Agency Correction of Error

Two adoptions submitted by the Texas Education Agency contained errors as published in the May 25, 1982, issue of the *Texas Register*. At 7 TexReg 1997, in the left column after "Raymon L. Bynum, Commissioner of Education" should appear the following information: "Effective date: June 4, 1982. Proposal publication date: March 26, 1982." At 7 TexReg 2000, the same information should appear after "Commissioner of Education" in the left column.



Texas Department of Health Application for Emergency Medical Service Systems Funds

The Texas Department of Health will receive letters of intent to apply for emergency medical service systems funding under preventive health and health services block grants. Monies will be available October 1, 1982.

Letters to apply for funds should be sent to Charles H. Gregory, M.D., Texas Department of Health, Bureau of Emergency Management chief, 1100 West 49th Street, Austin, Texas 78756, and received by June 15, 1982.

Eligible recipients who send letters of intent will receive application kits which will consist of materials pertinent to submitting an application. An eligible recipient is a public entity administering a compact or other regional arrangement or consortium.

For more information, contact Mary Campbell, program administrator, Bureau of Emergency Management, at (512) 458-7259.

Issued in Austin, Texas, on May 25, 1982.

TRD-824326 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: May 25, 1982, 3:23 p.m.
For further information, please call (512) 458-7236.

Application for Rape Prevention and Crisis Services Funds

The Texas Department of Health will receive letters of intent to apply for rape prevention and crisis services funding under preventive health and health services block grants. Monies will be available October 1, 1982.

Letters to apply for funds should be sent to Charles H. Gregory, M.D., Texas Department of Health, Bureau of Emergency Management chief, 1100 West 49th Street, Austin, Texas 78756, and received by June 15, 1982.

Eligible recipients who send letters of intent will receive application kits which will consist of materials pertinent to submitting an application.

For more information, contact Sherrilyn Goode, program specialist, Bureau of Emergency Management at (512) 458-7259.

Issued in Austin, Texas, on May 25, 1982.

TRD-824327 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: May 25, 1982, 3:22 p.m.
For further information, please call (512) 458-7236.

Notice of Amendments to Licenses

Notice is hereby given that the following three radioactive material licenses have been amended as follows.

Radioactive Material License 8-2485 issued to Nufuels Corporation, a Mobil company, for its Piedre Lumbrelum Project in Duval County near Freer, (mailing address: Mobil Oil Corporation, Uranium/Minerals Division, P.O. Box 5444, Denver, Colorado 80217), has been amended to:

(a) change the mailing address to Mobil Oil Corporation, Uranium/Minerals Division, P.O. Box 5444, Denver, Colorado 80217;

(b) discontinue domestic water well sampling because the Piedre Lumbre-Brelum Project is undergoing restoration and is no longer producing uranium;

(c) discontinue air particulate sampling but continue radon monitoring throughout restoration;

(d) discontinue bioassay procedures because of low uranium concentrations in the exiting fluids.

Radioactive Material License 8-2600 issued to Nufuels Corporation, a Mobil company, for its Nell Project in Bee and Live Oak Counties near Pawnee, (mailing address: Mobil Oil Corporation, Uranium/Minerals Division, P.O. Box 5444, Denver, Colorado 80217), has been amended to:

(a) change the mailing address to Mobil Oil Corporation, Uranium/Minerals Division, P.O. Box 5444, Denver, Colorado 80217;

(b) discontinue domestic water well sampling because the Nell Project is undergoing restoration and is no longer producing uranium;

(c) discontinue air particulate sampling but continue radon monitoring throughout restoration; and

(d) discontinue bioassay procedures because of low uranium concentrations in the exiting fluids.

Radioactive Material License 9-1634 issued to Conoco, Inc., for its Conquista Project in Karnes County near Falls City, (mailing address: Conoco, Inc., 555 17th Street, Denver, Colorado 80202), has been amended to designate Claude W. Olenick to perform the duties of radiation safety officer.

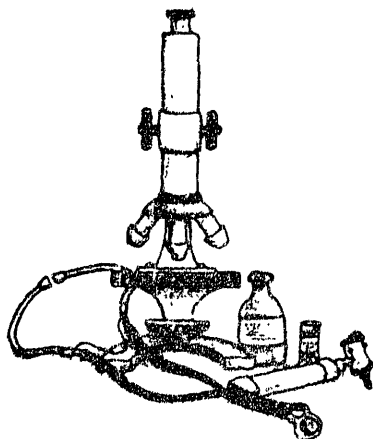
This notice affords the opportunity for a public hearing upon written request, within 30 days, by an affected person, as required by Texas Civil Statutes, Article 4590(f), §11, as amended.

Additional information may be obtained from David K. Lacker, director, Bureau of Radiation Control, 1100 West 49th Street, Austin, Texas 78756.

Issued in Austin, Texas, on May 21, 1982.

TRD-824328 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: May 25, 1982, 3:23 p.m.
For further information, please call (512) 835-7000.



Notice of License Revocation

Notice is hereby given that Radioactive Material License 11-1986, issued to Allen's X-Ray Service, Inc., P.O. Box 11643, Houston, Texas 77016, has been revoked by an order issued May 11, 1982, by David K. Lacker, Radiation Control Program director. The order is as follows.

Having examined the proposal for decision in this matter, and no exceptions having been filed by either party, it is now ordered that License 11 1986 be and it is now revoked.

Issued in Austin, Texas, on May 21, 1982.

TRD-824329 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: May 25, 1982, 3:23 p.m.
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; and 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 15023, Austin, Texas 78761, 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 §515.9. Failure of a party to supply the necessary information in the correct form may result in a defective request to become a party.

Hospital Corporation of America, doing business as Fideclands General Hospital, Channelview AH80-0303-035A (052082)

CN/AMD—Request to amend Certificate of Need AH80-0303-035 which authorized the construction of a replacement facility with 88 licensed beds to be contained in private rooms and include 83 M/S beds and five ICU/CCCU beds for no change in the bed capacity of the facility. The certificate holder requests an increase in the amount of square footage to be constructed from 64,500 gross square feet to 71,331 gross square feet; an increase in the project cost from \$8,647,000 to \$10,213,632; and an extension of the completion deadline.

Diagnostic Center Hospital Corporation of Texas, a wholly-owned subsidiary of Hospital Corporation of America, Houston
AH81-0629-021A (052182)

CN/AMD—Request to amend Certificate of Need AH81-0629-021 which authorized the expansion of the radiology department of the hospital by converting a 702 square foot radiology film storage area into a radiology special procedures room and to purchase a G.E. biplane vascular system with digital fluoroscopy and a film processor. The certificate holder requests an increase in the square footage to be renovated from 702 square feet to 1,675 square feet, and to include renovation of an area adjacent to the special procedures room for the relocation of an existing cardiac catheterization laboratory; to change the equipment to be purchased from a G.E. biplane system to a Philips biplane system; and to extend the completion deadline.

Diagnostic Center Hospital Corporation of Texas, a wholly-owned subsidiary of Hospital Corporation of America, Houston
AH78-1227-005A (052182)

CN/AMD—Request to extend, for a second time, the completion deadline in Certificate of Need AH78-1227-005 which authorized a large scale remodeling and expansion project at Diagnostic Center Hospital in Houston.

Issued in Austin, Texas, on May 26, 1982.

TRD-824347 John L. Darrouzet
Assistant General Counsel
Texas Health Facilities
Commission

Filed: May 26, 1982, 9 26 a.m.
For further information, please call (512) 475-6940.

Public Utility Commission of Texas Consultant Proposal Request

In accordance with Texas Civil Statutes, Article 6252-11c, the Public Utility Commission of Texas publishes this invitation for offers of consulting services:

Description. The Public Utility Commission of Texas desires to contract with an individual for the performance of certain tasks which include the following:

(1) complete a study and evaluation of a major telephone utility's application to increase its rates, in-

cluding an examination of the utility's records and its auditors' workpapers;

(2) prepare expert written testimony to be filed in the Public Utility Commission rate case;

(3) present and defend such testimony in hearings before the commission or its examiner;

(4) direct Public Utility Commission accountants who will assist in these tasks; and

(5) related duties, as required.

The Public Utility Commission will provide office space, clerical and administrative support, and the assistance of its accountants in the performance of these tasks.

Experience Required. The contracted person must have a thorough knowledge of telephone utility rate issues and be thoroughly familiar with the laws and rules affecting utility regulation in Texas. Preference will be given to applicants who have previously presented expert accounting testimony in telephone utility rate cases before the Public Utility Commission of Texas.

Terms. The contracted person is expected to work full time on these activities from the date of assignment to filing of testimony, then be available as required. Payment for services is not expected to exceed \$35,000.

Contact. Lewis Gray, Administration Division, Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, (512) 458-0165. Offers must be received no later than June 21, 1982.

Issued in Austin, Texas, on May 25, 1982.

TRD-824344 Carolyn E. Shellman
Secretary of the Commission
Public Utility Commission of
Texas

Filed: May 26, 1982, 8:51 a.m.
For further information, please call (512) 458-0100.

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 May 17-21, 1982.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain (1) the name, mailing address, and phone number of the person making the request; and (2) a brief description of how the requester, or person 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 writing Larry R. Soward, assistant chief hearings examiner, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-1311.

Listed are the names of the applicants and the cities 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 May 17-21, 1982

The Interwood Company, Houston; commercial development; on the west bank of Harris County Flood Control Ditch P135-00-00, approximately 1,600 feet south of Aldine Bender Road approximately 4,500 feet east of J. F. Kenedy Boulevard in Harris County; 12526-01; new permit

Texas Electric Cooperatives, Inc., Jasper; wood-preserving plant/produces creosoted power line; southeast of the City of Jasper, approximately 0.6 mile south of U.S. Highway 190 adjacent to Bevil Loop Road in Jasper County; 01766; renewal

Celanese Chemical Company, Bishop; petrochemical plant; 3,400 feet from the northeast line and 150 feet from the northwest line of the Weil Ranch-Palo Alto Grant Survey, A-116, in Nueces County, approximately two miles southwest of Bishop; WDW-212; new permit

Celanese Chemical Company, Inc., Bishop; petrochemical plant; approximately 2,575 feet from the northeast line and 150 feet from the northwest line of the Weil Ranch-Palo Alto Grant Survey, A-116, in Nueces County, approximately two miles southwest of Bishop; WDW-211; new permit

Celanese Chemical Company, Bishop; petrochemical plant; approximately 1,440 feet from the northeast line and 225 feet from the southeast line of the Weil Ranch-

Palo Alto Grant Survey, A-116, in Nueces County, approximately two miles southwest of Bishop; WDW-210; new permit

Chasewood Water Supply Corp., Houston; 45-acre site for commercial use; adjacent to and to the immediate northwest of the point where FM Road 149 crosses Cypress Creek in Harris County; 12541-01; new permit

Soltex Polymer Corp., Deer Park; polyolefin plant; 1230 Battleground Road (State Highway 134) in the City of Deer Park, Harris County; 00544; renewal

Central Power and Light Company, Laredo; Laredo steam electric station; on a 21.42-acre tract of land adjacent to the Rio Grande River and west of IH 35 on the north boundary of the City of Laredo, Webb County; 01200; renewal

Central Power and Light Company, Mission; J. L. Bates steam electric power station; southeast of the intersection of State Highway 374 and FM Road 1427 approximately 4-½ miles west of the City of Mission, Hidalgo County; 01254; renewal

Central Power and Light Company, Corpus Christi; Lon C. Hill steam electric station; on the north side of FM Road 1694 approximately one mile southwest of its intersection with State Highway 9 in the City of Corpus Christi, Nueces County; 01255; renewal

Central Power and Light Company, San Benito; La Palma steam electric station; approximately ½ mile west of Resaca de Los Fresnos and on the north side of La Palma Boulevard in the City of San Benito, Cameron County; 01256; renewal

Issued in Austin, Texas, on May 21, 1982

TRD-824302

Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: May 24, 1982, 11:14 a.m.

For further information, please call (512) 475-4514.

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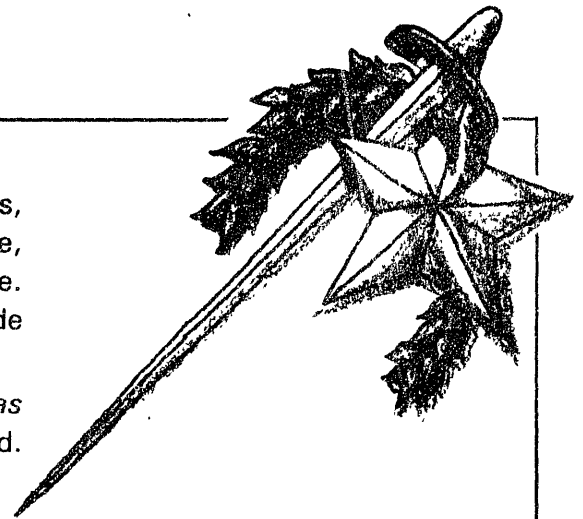
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