

S 500.6

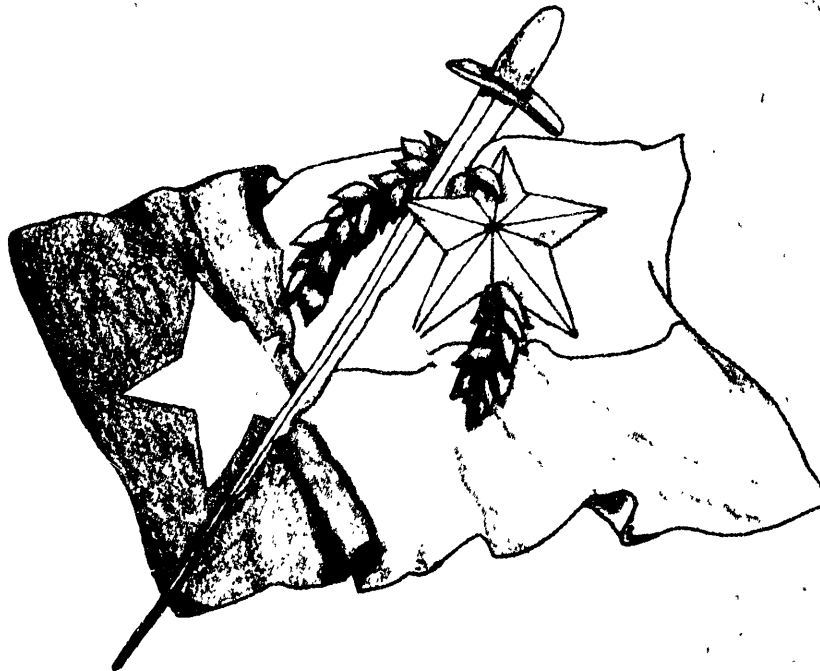
R 263

7:76

FILE COPY

Texas Register

TEXAS STATE LIBRARY
OCT 13 1982
TEXAS DOCUMENTS



Highlights

- ★ The Office of the Secretary of State adopts on an emergency basis and simultaneously proposes for permanent adoption amendments concerning campaign reporting and disclosure; effective date - October 1 pages 3611 and 3613
- ★ The State Purchasing and General Services Commission adopts on an emergency basis and simultaneously proposes for permanent adoption amendments concerning the Facilities Planning and Construction Division; effective date - September 29 pages 3611 and 3615
- ★ The Texas Air Control Board proposes a new rule concerning fees for construction permits; proposed date of adoption - December 31 page 3618

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 Office of the Secretary of State, 201 East 14th Street, P.O. Box 13824, Austin, Texas 78711-3824, (512) 475-7886.

Material in the *Texas Register* is the property of the State of Texas. However, it may be copied, reproduced, or republished by any person for any purpose whatsoever without permission of the *Texas Register* director, provided no such republication shall bear the legend *Texas Register* or "Official" without the written permission of the director. The *Register* is published under Texas Civil Statutes, Article 6252-13a. Second class postage is paid at Austin, Texas, and additional entry offices.

POSTMASTER: Please send Form 3579 changes to the *Texas Register*, 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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal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* 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. 8, February 1982

Table of TAC Titles

- TITLE 1. ADMINISTRATION
- TITLE 4. AGRICULTURE
- TITLE 7. BANKING AND SECURITIES
- TITLE 10. COMMUNITY DEVELOPMENT
- TITLE 13. CULTURAL RESOURCES
- TITLE 16. ECONOMIC REGULATION
- TITLE 19. EDUCATION
- TITLE 22. EXAMINING BOARDS
- TITLE 25. HEALTH SERVICES
- TITLE 28. INSURANCE
- TITLE 31. NATURAL RESOURCES AND CONSERVATION
- TITLE 34. PUBLIC FINANCE
- TITLE 37. PUBLIC SAFETY AND CORRECTIONS
- TITLE 40. SOCIAL SERVICES AND ASSISTANCE
- TITLE 43. TRANSPORTATION



**Secretary of State
David A. Dean**

Texas Register Staff
Charlotte Scroggins, Director

Dee Wright
Paula Pritchard
Virginia Gregory
Dave Harrell
Sue Bumpous
Donna Peacock

Catherine Turpin
Roberta Knight
Tony Black
Connie Villeg-Nemmers
Jane Hooks
Cliff Butler

Contents

The Secretary of State

Opinion Issued September 30
3610 Election Law Opinion DAD-63

Emergency Rules

Office of the Secretary of State
3611 Elections
State Purchasing and General Services
Commission
3611 Facilities Planning and Construction Division

Proposed Rules

Office of the Secretary of State
3613 Elections
State Purchasing and General Services
Commission
3614 Central Purchasing Division
3615 Facilities Planning and Construction Division
Railroad Commission of Texas
3616 Transportation Division
Texas State Board of Medical Examiners
3617 Licensure
Texas Air Control Board
3618 Permits
Employees Retirement System of Texas
3620 Benefits
Texas Department of Human Resources
3620 Medicaid Eligibility

Withdrawn Rules

Texas Air Control Board
3622 Permits

Adopted Rules

Texas Motor Vehicle Commission
3623 Advertising
Texas Parks and Wildlife Department
3624 Wildlife
Texas Department of Human Resources
3625 Pharmacy Services

Open Meetings

3627 Texas Adult Probation Commission
3627 Texas Alcoholic Beverage Commission
3627 State Banking Board
3627 Texas Coastal and Marine Council
3627 Interagency Council on Early Childhood
Intervention
3628 Texas Education Agency
3628 Office of the Governor
3628 Texas Health Facilities Commission
3628 State Board of Insurance
3629 Texas State Board of Medical Examiners
3629 Board of Pardons and Paroles
3629 State Property Tax Board
3629 Public Utility Commission of Texas
3630 Railroad Commission of Texas
3631 State Securities Board
3631 Board of Lease of State-Owned Lands
3631 Stephen F. Austin State University
3631 University of Texas System
3631 Texas Water Commission
3632 Regional Agencies

In Addition

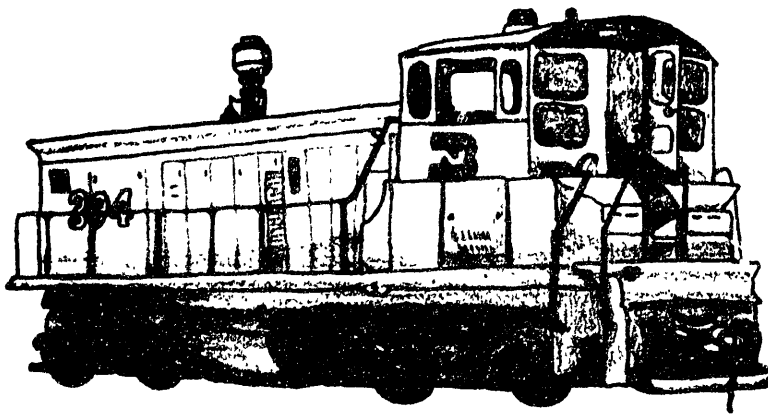
Texas Air Control Board
3634 Applications for Construction Permits
3635 Proposed Rules and Regulations and State
Implementation Plan
Comptroller of Public Accounts
3635 Consultant Contract Award
Office of Consumer Credit Commissioner
3635 Rate Ceilings
Texas Department of Health
3636 Agent Orange Meeting
Texas Health Facilities Commission
3636 Applications Accepted for Amendment,
Declaratory Ruling, and Notices of Intent
Texas Department of Human Resources
3637 Awards for Weatherization Contractors
Texas State Library and Archives
Commission
3638 Consultant Contract Reports
Texas Department of Water Resources
3639 Request for Proposals
3639 Consultant Contract Award

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.



Opinion Issued September 30

Election Law Opinion DAD-63. Request from David B. Moseley, Jr., Dallas, concerning whether an election judge appointed by the commissioners court must select at least one clerk from each list submitted by the county chairmen of the major political parties.

Summary. If a county chairman of a major political party timely submits a list of eligible nominees for election clerks to an election judge, the election judge must select at least one person from the list to serve as a clerk.

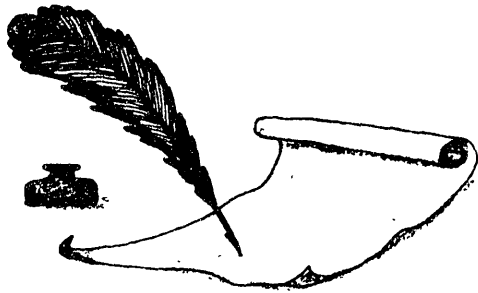
TRD-827635

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

An agency must submit written reasons, published in the *Register*, for emergency action on a rule. The submission must also include a statement of the legal authority under which the emergency action is promulgated and the text of the emergency adoption. Following each published emergency document is certification information containing the effective and expiration dates of the action and a telephone number from which further information may be obtained.

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.

Emergency Rules



TITLE 1. ADMINISTRATION Part IV. Office of the Secretary of State

Chapter 81. Elections Campaign Reporting and Disclosure

1 TAC §81.166

The Office of the Secretary of State adopts by reference, on an emergency basis, an amendment to §81.166, concerning campaign reporting and disclosure. It consists of an amendment to page 20 of the the 1982 Political Funds Reporting and Disclosure Directive No. 81.166 (Candidates). This amended directive is being adopted on an emergency basis in order to facilitate compliance with the changes in the law resulting from House Bill 1903, Acts of the 67th Legislature, and to ensure uniformity in the application, operation, and interpretation of the election laws. The amendment is simultaneously being proposed for permanent adoption.

The statutory authority for the emergency action is Texas Election Code, Texas Civil Statutes, Articles 1.03 and 14.13(G), which provides the Office of the Secretary of State with the authority to obtain and maintain uniformity in the application, operation, and

interpretation of the election laws, and to interpret and administer the provisions of the Election Code, Chapter 14.

§81.166. 1982 Political Funds Reporting and Disclosure Directive (Candidates). The secretary of state adopts by reference the 1982 Political Funds Reporting and Disclosure Directive (Candidates), as **amended October 1, 1982**, prescribed by the secretary of state. The directive is published and is available from the Office of the Secretary of State, P.O. Box 12887, Austin, Texas 78711.

Issued in Austin, Texas, on October 1, 1982.

TRD-827658

David A. Dean
Secretary of State

Effective date: October 1, 1982

Expiration date: January 29, 1983

For further information, please call (512) 475-2015.

Part V. State Purchasing and General Services Commission Chapter 123. Facilities Planning and Construction Division

1 TAC §123.17

The State Purchasing and General Services Commission adopts an amendment to §123.17 on an emergency basis. A permanent amendment with the same wording is being proposed elsewhere in this issue of the *Register*. The amendment is being proposed on an emergency basis to make it available for use in regard to pending construction projects of considerable size and importance to the state. The new authority is needed to insure that only capable contractors will bid on these projects.

The amendments are adopted on an emergency basis pursuant to Texas Civil Statutes, Article 601b,

§5.15(e), which authorizes the commission to promulgate rules for building construction administration. The necessity of securing bids from capable contractors requires this added subsection

§123.17. Qualification of Contractor to Bid Construction Projects.

(a)-(c) (No change.)

(d) **Contractor qualification requirements will be prepared for each project to be bid. Information on the contractor's qualifications form and reference checks will be used to determine if contractor meets the requirements and is qualified to obtain bidding documents and sub-**

mit a bid. The commission reserves the right to request updated file information as needed. Commission approval or disapproval of the contractor to bid will be in writing to the contractor.

Issued in Austin, Texas, on September 29, 1982.

TRD-827615

Homer A. Foerster
Executive Director
State Purchasing and General
Services Commission

Effective date: September 29, 1982

Expiration date: January 27, 1983

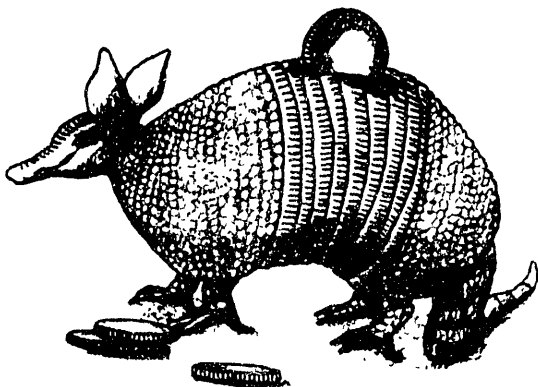
For further information, please call (512) 475-5966.

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.

Proposed Rules



TITLE 1. ADMINISTRATION

Part IV. Office of the Secretary of State

Chapter 81. Elections

Campaign Reporting and Disclosure

1 TAC §81.166

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

The Office of the Secretary of State proposes amendments to §81.166, concerning campaign reporting and disclosure. The amendment to the rule, which adopts material by reference, is simultaneously being adopted on an emergency basis.

Charles C. Bailey, special assistant to the secretary of state, 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. Bailey 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 to facilitate compliance with the changes in the law resulting from House Bill 1903, Acts of the 67th Legislature, and to ensure uniformity in the application, operation, and interpretation of the election laws. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Willis Whatley, Counsel to the Secretary of State, P.O. Box 12887, Austin, Texas 78711.

The amendment is proposed under Texas Election Code, Texas Civil Statutes, Articles 1.03 and 14.13(G), which provides the Office of the Secretary of State with the authority to interpret and issue writ-

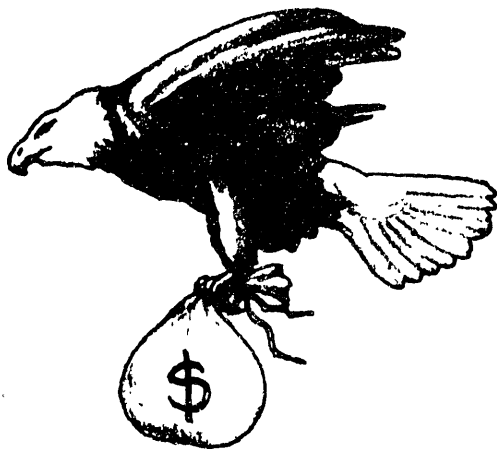
ten directives relating to and based upon the election laws.

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

Issued in Austin, Texas, on October 1, 1982.

TRD-827659 David A. Dean
Secretary of State

Proposed date of adoption: November 8, 1982
For further information, please call (512) 475-2015.



**Part V. State Purchasing and
General Services Commission
Chapter 113. Central Purchasing
Division
Purchasing**

1 TAC §113.2

The State Purchasing and General Services Commission proposes an amendment to §113.2, concerning definitions of purchasing terms, and proposes changing the definition of the term "multiple award contracting" to a definition of the term "multiple award contract procedure."

C. M. Walton, director of the central purchasing division, 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. Walton has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the ability of state agencies to select from multiple vendors rather than from a single vendor on specific contracts meeting the requirements set out in proposed §113.15. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to James H. Quick, General Counsel, P.O. Box 13047, Austin, Texas 78711, (512) 475-5966.

The amendment is proposed under Texas Civil Statutes, Article 601b, §3.10, which provides the commission with the authority to implement a multiple award contract procedure.

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

Multiple award contract procedure—A distinct procedure from the contract purchase procedure and the open market purchase procedure. The multiple award contract procedure involves the establishment of one or more levels of quality and performance with more than one award at each level. It is not possible to make purchases under this procedure based solely on an award to the lowest bid since this would result in only one award at each level.

[Multiple award contracting—A method of purchasing authorized by §3.10 of the Act, and implemented by the commission through the competitive bidding process. Such contracting involves the establishing of multiple levels of quality and performance for equivalent products to satisfy the needs of the using agencies, with an award for each level as a result of competitive bidding.]

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 September 29, 1982.

TRD-827613 Homer A. Foerster
Executive Director
State Purchasing and General
Services Commission

Proposed date of adoption: November 8, 1982
For further information, please call (512) 475-5966.

1 TAC §113.15

The State Purchasing and General Services Commission proposes new §113.15, concerning multiple award contract procedure.

C. M. Walton, director of central purchasing division, 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. Walton has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the ability of state agencies to select from multiple vendors rather than from a single vendor on specific contracts meeting the requirements set out in this rule. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to James H. Quick, General Counsel, P.O. Box 13047, Austin, Texas 78711, (512) 475-5966.

The new rule is proposed under Texas Civil Statutes,

Article 601b, §3.10, which provides the commission with the authority to implement a multiple award contract procedure.

§113.15. Bid Evaluation and Award, Etc.

(a) Determination to use.

(1) The multiple award contract procedure shall be used only after the director of purchasing has made a written determination that its use will be in the best interest of the state. In arriving at a determination, the following factors will be considered:

(A) Quality, availability, reliability, and adaptability of the supplies, materials, equipment, or contractual service to the particular use required;

(B) Ability, capacity, and skill of a bidder to perform the contract or provide the service;

(C) Sufficiency of the financial resources and ability of a bidder to perform the contract or provide the service;

(D) Ability of a bidder to provide future maintenance, repair parts, and service for the use of the service of the contract;

(E) Compatibility with existing equipment;

(F) Flexibility to evaluate new products on a large scale before becoming contractually committed for all use;

(G) Any other factors that are demonstrated to be relevant to determining how the best interest of the state will be served.

(2) When the director of purchasing finds that one or more of the above factors is important to the contract and that specifications objectively describing those factors cannot be prepared, the director of purchasing may determine that the multiple award contract procedure will serve the best interest of the state.

(b) Evaluation.

(1) The commission shall exercise its authority to accept or reject, in whole or in part, any bid submitted and to waive minor technicalities when the interest of the state will be served thereby.

(2) A bid price may not be altered or amended after bids are opened except to correct errors in extension.

(3) No increase in price will be considered after a bid is opened. A successful bidder may reduce his price after the award of the contract.

(4) Bid prices are considered firm for acceptance for 30 days from the bid opening date, unless otherwise specified by the bidder or the invitation for bids.

(5) A bid containing a self-evident error may be withdrawn prior to an award.

(6) Bid prices which are subject to unlimited escalation will not be considered. A bidder may offer a predetermined limit of escalation in his bid and his bid will be accepted and evaluated on the basis of the full amount of the escalation.

(7) If a bid is submitted in which there is a material failure to comply with the specification requirements, such bid shall be rejected.

(8) All quotations are requested F.O.B. destination.

(9) When requested in the invitation for bids, samples must be submitted or the bid will be rejected.

The commission will require samples only when it is essential for assessing the quality of a product during the evaluation of bids. Samples should be returned to vendor at vendor's expense whenever practicable; otherwise disposed of in the same manner as surplus or salvage property.

(10) Cash discounts are acceptable but are not considered in determining the awards. All cash discounts offered will be taken if they are earned by the agency.

(c) Award. The basis for determining the awards shall bear a reasonable relationship to the factors that were relevant to the determination that use of the multiple award contract procedure was in the best interest of the state. The basis for determining the awards shall be disclosed in the invitation for bids.

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 September 29, 1982.

TRD-827614

Homer A. Foerster
Executive Director
State Purchasing and General
Services Commission

Proposed date of adoption: November 8, 1982
For further information, please call (512) 475-5966.

Chapter 123. Facilities Planning and Construction Division

1 TAC §123.17

(Editor's note: The State Purchasing and General Services Commission proposes for permanent adoption the amendment it adopts on an emergency basis in this issue. The text of the amendment is published in the Emergency Rules section.)

The State Purchasing and General Services Commission proposes an amendment to §123.17, concerning prequalification of bidders for construction contracts.

David Garabade, director of the Facilities Planning and Construction Division, 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. Garabade has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be an increased assurance of capable contractors being awarded contracts for construction of state buildings. For the years 1983-1987, the anticipated economic cost to individuals who are required to comply with the rule as proposed will be strengthened requirements for qualification. Specific disqualification authority could add to the cost of submitting bids to the state, but this added cost cannot be estimated.

Comments on the proposal may be submitted to James H. Quick, General Counsel, P.O. Box 13047, Austin, Texas, 78711, (512) 475-5966.

The amendment is proposed under Texas Civil Statutes, Article 601b, §5.15(e), which provides the commission with the authority to promulgate rules to implement the powers, duties, and responsibilities of building construction administration.

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 September 29, 1982.

TRD-827616 Homer A. Foerster
Executive Director
State Purchasing and General
Services Commission

Proposed date of adoption: November 8, 1982
For further information, please call (512) 475-5966.

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 5. Transportation Division Subchapter J. Lease [Leasing] of Operating Rights and [Interchange of] Equipment

16 TAC §5.167

The Railroad Commission of Texas proposes to adopt §5.167, concerning lease-related activities of motor carriers. This rule will set forth, in relation to operations under a certificate or permit, the responsibilities of the holder and restrictions imposed on the holder's operatives.

Rory K. McGinty, assistant director, transportation division, 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.

Minimal clerical time will be required to receive filings under the rule. The rule will not result in additional enforcement proceedings; enforcement proceedings conducted under the rule may, however, involve an indeterminate reduction in cost to the state in comparison with similar hearings without the rule.

Mr. McGinty 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 greater accountability of carriers to the public and increased revenue return to providers of service as distinguished from mere holders of certificates or permits. There is an anticipated economic cost to persons who are required

to comply with the rule as proposed. Persons engaged in the illegal lease of operating rights will lose an indeterminate amount of income under the rule. Compliance with the rule will not involve substantial additional cost to carriers not involved in illegal lease of operating rights.

Written comments on the proposal may be submitted to Walter Wendlandt, Acting Director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711. Written comments will be accepted for 30 days after publication in the *Texas Register*.

The commission takes no position at this time on the merits of the rule. The rule is published for the purpose of receiving public comment.

This rule is proposed under Texas Civil Statutes, Article 911b, §4, which provides the commission with the authority to prescribe reasonable regulations for intrastate motor carriers.

§5.167. Lease-Related Activities of Motor Carriers.

(a) Supervision and control of regulated operations. The holder of a certificate or permit shall be obligated to exercise direct supervision and control of all operations performed under authority of its certificate or permit.

(b) Unauthorized conveyance of operating rights.

(1) Reservation of activities to the holder of a certificate or permit.

(A) Reserved activities. No person or entity other than the holder of a certificate or permit may, under authority of a certificate or permit:

(i) establish, operate, or supervise any facility used in the provision of regulated transportation service.

(ii) engage in billing or collecting activities,

(iii) remit compensation to the driver of a motor vehicle,

(iv) solicit traffic from the shipping or receiving public, or

(v) exercise direction or control of personnel or equipment used in operations under a certificate or permit.

(B) Prohibition against performance of reserved activities by non-carriers. A certificate or permit holder which receives consideration for the performance by any person or entity other than the certificate or permit holder of activities reserved to the holder of a certificate or permit under paragraph (1) of this subsection shall be deemed to have engaged in an unauthorized conveyance of its operating rights.

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

(A) Holder of a certificate or permit, its employees or agents—the owner of a certificate or permit, if the holder is a sole proprietor; a partner, if the holder is a partnership; an officer, if the holder is a corporation; the lessee under a lease approved by order of the commission; or any bonafide employee or agent of the holder.

(B) Certificate or permit—a common carrier certificate of public convenience and necessity, a specialized motor carrier certificate of public convenience and necessity, or a contract carrier permit issued by the Railroad Commission of Texas.

(c) Use of carrier name.

(1) Use of non-carrier name prohibited. Operations under a certificate or permit shall not be conducted under the name of any person or entity other than the holder of the certificate or permit. Except as provided in paragraph (2) of this subsection:

(A) no name other than the correct name of the certificate or permit holder, as set out in the holder's certificate or permit, shall appear on terminal or other facilities, or on power equipment or other equipment, used in connection with services under authority of the holder's certificate or permit, and

(B) no name other than the correct name of the certificate or permit holder, as set out in the holder's certificate or permit, shall appear on or be used in advertising, solicitation, shipping documents, correspondence, or other representation of carrier identity to shippers, receivers, or other members of the public, or on any document used in billing or collecting activities.

(2) Exceptions. The name of a person or entity other than the holder of a certificate or permit may appear on terminals or other facilities, or on power equipment or other equipment and may appear on or be used in written advertising or solicitation, shipping documents, correspondence, or other representation of carrier identity to shippers, receivers, or other members of the public, or on documents used in billing or collecting activities, provided that the other person whose name is used is:

(A) the manufacturer or builder of facilities or equipment on which the other name appears,

(B) the dealer from which the equipment on which the other name appears was purchased, or

(C) the authorized agent of a specialized motor carrier of household goods.

(3) Exclusivity of employees and agents.

(A.) Limitation of one holder. No person or entity shall be the employee or agent of more than one certificate or permit holder for purposes of this section at any one time, except as provided for in subparagraph (B) of this paragraph.

(B) Common carrier agents and employees. A person or entity may be the employee or agent of more than one regular route, general commodity, or common carrier.

(d) Registration and inspection of terminals and other facilities.

(1) Letters of registration. The holder of a certificate or permit shall have on file with the commission at all times a letter of registration showing the current address and telephone number of each terminal or other facility from which equipment is dispatched into service under the holder's certificate or permit, as well as each facility, other than a shipper's facility, at which bills of lading, waybills, freight bills, journals or ledgers, or other records relating to operations under the holder's certificate or permit, are regularly prepared or kept.

(2) Agency agreements. If any facility referenced in paragraph (1) of this subsection is owned by a person or entity other than the person or entity shown on the certificate or permit to be the holder thereof, a current copy of the contract whereby the holder acquired possession and use of the facility shall be kept on file and available for inspection at the principal office of the carrier. The contract shall be in writing and shall contain all material terms of the agreement. The holder shall, within 10 days of the effective date of termination of any such contract, forward to the director of transportation written notice of termination.

(e) Enforcement. The commission may, upon a determination that a certificate or permit holder has violated any provision of this section:

(1) suspend, revoke, cancel, or amend the involved certificate or permit, or

(2) order the holder to terminate and not renew business relationships of the type involved in the unauthorized lease arrangement.

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 September 27, 1982.

TRD-827639

Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Proposed date of adoption: November 8, 1982

For further information, please call (512) 445-1186.

TITLE 22. EXAMINING BOARDS

Part IX. Texas State Board of Medical Examiners

Chapter 163. Licensure

22 TAC §163.8

The Texas State Board of Medical Examiners proposes amendments to §163.8, concerning procedural rules for all licensure applicants. Section 163.8(h) is changed to allow for an increased amount of time for the physician to have been certified or recertified in a specialty in order to avoid having to be reexamined prior to licensure in Texas. This change was necessary because many specialties did not require recertification as frequently as each three years. Ten years appears more in line with the requirements of many specialties. The proposed rule change also removes wording which refers to any specific exam. Proposed amended language is in keeping with Texas Civil Statutes.

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

Ms. Allen and Jean Davis, administrative technician, have determined that for each year of the first five

years the rule as proposed is in effect the general public will be relatively unaffected by this amendment. Physicians desiring licensure in Texas will experience more expeditious licensure processing. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Jean Davis, P.O. Box 13562, Austin, Texas 78711.

The amendments are proposed under Texas Civil Statutes, Article 4495b, which provides the Texas State Board of Medical Examiners with the authority to make rules not inconsistent with the Medical Practice Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulations of the practice of medicine in this state, and the enforcement of the Act.

§163.8. Procedural Rules for all Licensure Applicants.

(a)-(g) (No change.)

(h) A reciprocal endorsement applicant who has not been examined for licensure in a 10-year period prior to the filing date of his or her application must pass an examination required by the board [is required to pass Day III of the FLEX examination with a grade of at least 75%], unless the applicant has obtained specialty certification or recertification within the preceding 10 [three] years. [If Day III is taken in Texas, the Day III examination fee is required in addition to the reciprocal endorsement fee.]

(i) (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 September 29, 1982.

TRD-827636

A. Bryan Spires, Jr., M.D.
Secretary-Treasurer
Texas State Board of Medical
Examiners

Proposed date of adoption: November 8, 1982
For further information, please call (512) 452-1078.



TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part III. Texas Air Control Board Chapter 116. Permits Permit Fees

31 TAC. §116.11

The Texas Air Control Board (TACB) proposes new

§116.11, concerning construction permit fees. The establishment of this rule is proposed to cover the reasonable costs of review and action by the board on a permit application and also to cover the reasonable costs of implementing and enforcing the terms and conditions of the permit.

This proposed new rule has been developed from recommendations made by the Board Ad Hoc Committee on Permit Fees. The committee was appointed in July 1980, to review permit fee systems and to develop recommendations to the board regarding the advisability of adopting a permit fee system in Texas. Authority to adopt and implement permit fee rules is contained in the Texas Clean Air Act, as amended by House Bill 726 in 1979.

Public hearings on this rule were held May 25, May 26, June 1, and June 2, 1982, as previously announced at 7 TexReg 1620-1622 on April 23, 1982. Due to public requests for additional hearings on the proposed rule, the board will hold a public hearing during its scheduled meeting as stated below.

Bennie Engelke, deputy director for administrative services, has determined that for the first five-year period the rule will be in effect there will be fiscal implications to state government as a result of enforcing or administering the rule. The estimated increases in revenue to the General Revenue Fund based on 1980 figures with 10% annual inflation are \$978,285 in 1983, \$1,076,118 in 1984, \$1,183,725 in 1985, \$1,302,098 in 1986, and \$1,432,308 in 1987. There are no fiscal implications to local government.

Roger Wallis, deputy director for standards and regulations, has 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 yearly increases in the state General Revenue Fund by the amounts received as fees. The possible economic cost to individuals who are required to comply with the rule as proposed will be the amount of 0.1% of the estimated capital cost of the project for which permit application is made, with a minimum fee of \$300 per project and a maximum fee of \$7,500 per project.

A public hearing on this new rule is scheduled for November 5, 1982, at 8 a.m., Texas Air Control Board auditorium, 6330 Highway 290 East, Austin. Copies of the proposed rule changes are available at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings.

Written testimony received by November 5, 1982, will be included in the hearing record. The TACB would appreciate receiving 20 copies of testimony prior to the hearing, when possible. Written comments should be sent to the Hearing Examiner, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

This new rule is proposed under the Texas Clean Air Act, Texas Civil Statutes, Article 4477-5, §3.29, which provides the Texas Air Control Board with the authority to adopt rules relating to charging and collecting fees for permits and variances, including schedules of fees to be charged.

§116.11. Permit Fees.

(a) **Applicability.** Any person who applies for a permit to construct a new or modify an existing facility pursuant to §116.1 of this title (relating to Construction Permit) shall remit, at the time of application for such permit, a fee based on the estimated capital cost of the project. The fee will be determined as set forth in subsection (b) of this section (relating to Determination of Fees).

(b) **Determination of fees.**

(1) The estimated capital cost of the project is the estimated total cost of the equipment and services that would normally be capitalized according to standard and generally accepted corporate financing and accounting procedures.

(2) The following fee schedule may be used by a permit applicant to determine the fee to be remitted with a permit application:

(A) If the estimated capital of the project is less than \$300,000, the fee is \$300.

(B) If the estimated capital of the project is \$300,000 to \$7.5 million, the fee is 0.1% of the estimated capital cost of the project.

(C) If the estimated capital cost of the project is over \$7.5 million, the fee is \$7,500.

(3) An application for a construction permit for which the fee is calculated according to the schedule included in paragraph (2) of this subsection shall include a certification that the estimated capital cost of the project as defined in the paragraph (1) of this subsection is less than or equal to the cost estimate used to determine the required fee if the estimated capital cost of the project is less than \$7.5 million. Certification of the estimated capital cost of the project may be spot checked and evaluated for reasonableness during permit processing. The reasonableness of project capital cost estimates used as a basis for permit fees shall be determined by the extent to which such estimates include fair and reasonable estimates of the capital value of the direct and indirect costs listed in subparagraphs (A) and (B) of this paragraph.

(A) **Direct Costs.**

(i) Process and control equipment not previously owned by the applicant and permitted in Texas.

(ii) Auxiliary equipment, including exhaust hoods, ducting, fans, pump, piping, conveyors, stacks, storage tanks, waste-disposal facilities, and air pollution control equipment specifically needed to meet permit and regulation requirements.

(iii) Freight charges.

(iv) Site preparation (including demolition), construction of fences, outdoor lighting, road, and parking areas.

(v) Installation (including foundations), erection of supporting structures, enclosures or weather protection, insulation and painting, utilities and connections, process integration, and process control equipment.

(vi) Auxiliary buildings, including materials storage, employee facilities, and changes to existing structures.

(vii) Ambient air monitoring network.

(B) **Indirect costs.**

(i) Final engineering design and supervision, and administrative overhead.

(ii) Construction expense (including construction liaison), securing local building permits, insurance, temporary construction facilities, and construction clean-up.

(iii) Contractor's fee and overhead.

(4) A fee of \$7,500 shall be required if no estimate of capital project cost is included with a permit application.

(c) **Payment of fees.** All permit fees will be remitted in the form of a check or money order made payable to the Texas Air Control Board and delivered with the application for construction permit to the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas, 78723. Required fees must be received before the agency will begin examination of the application.

(d) **Single fee.** The executive director may elect to charge only one fee for multiple permits issued for one project if he determines that the conditions set forth in paragraphs (1)-(4) of this subsection are met:

(1) all the component or separate processes being permitted are integral or related to the overall project; or

(2) the project is under continuous construction of the component parts; or

(3) the permitted facilities are to be located on the same or contiguous property; or

(4) applications for all permits for the project must be submitted at the same time.

(e) **Fees not required.** Fees will not be charged for operating permits, permit amendments, permit revisions, exemptions, site approvals for permitted portable facilities, changes of ownership, or changes of location of permitted facilities.

(f) **Return of fees.** Fees must be paid at the time an application for construction permit is submitted. If no permit is issued by the agency or if the applicant withdraws the application prior to issuance of the permit, 1/2 of the fee will be refunded except that the entire fee will be refunded for any such permit application for which a specific or standard exemption is issued. No fee will be refunded after a permit has been issued by the agency.

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

Issued in Austin, Texas, on October 1, 1982.

TRD-827668

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

Proposed date of adoption: December 31, 1982
For further information, please call (512) 451-5711,
ext. 354.

TITLE 34. PUBLIC FINANCE
Part IV. Employees Retirement
System of Texas
Chapter 73. Benefits

34 TAC §73.21

The Employees Retirement System of Texas proposes amendments to §73.21, concerning reserve factors. As amended, this subsection will provide for one additional year's offset in the UP-1984 Mortality Table used to compute reserve factors for service retirements and a change in the application of the 1965 RRB Disability Annuitants Mortality Table used to compute reserve factors for disability retirements. These tables, which are proposed for adoption by reference, affect only internal funding mechanisms and will have no effect whatsoever on the amount of benefits paid to present or future retirees.

Andrew Cortez, director of accounting, 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.

Everard C. Davenport, general counsel, has 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 calculations of long-term liability by the Employees Retirement System will be based on the most accurate possible estimates of variable factors. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Clayton T. Garrison, Executive Director, Employees Retirement System of Texas, 18th and Brazos Streets, P.O. Box 13207, Austin, Texas 78711.

The amendments are proposed under Texas Civil Statutes, Title 110B, §25.105, which provides the Employees Retirement System of Texas with the authority to adopt mortality, service, and other tables after considering the results of the actuary's investigation of the mortality, service, and compensation experience of the system's members and beneficiaries.

§73.21. Reduction Factor for Age and Retirement Option.

(a) Adoption of mortality tables for calculation of benefits. The percentages for optional forms of retirement annuities and for earlier than normal retirement are independent of the sex of the member and are based on the GA-51 Male Mortality Table projected with Scale C to 1970 with an age set forward of one year for retiring members and an age set back of four years for nominees. Copies of that table are available from the executive director of the Employees Retirement System at 18th and Brazos Streets, P.O. Box 13207 [Capitol Station], Austin, Texas 78711. That mortality table is adopted by reference and made a part of this section for all purposes. For members retiring at age 60 and above, the benefit

percentages are independent of the age of the retiring member. The interest assumption is 5.0%.

(b) Reduction factors for early retirement or death. The actuaries have developed reduction factors for early retirement or death in accordance with the mortality tables adopted by the board. Those tables are adopted by reference and made a part of this section for all purposes. They are available from the executive director of the Employees Retirement System at 18th and Brazos Streets, P.O. Box 13207 [Capitol Station], Austin, Texas 78711.

(c) Reduction factors for options 1 through 5. The actuaries have developed option factors for each of the retirement options in accordance with the mortality table adopted by the board. Those tables are adopted by reference and made a part of this section for all purposes. They are available from the executive director of the Employees Retirement System at 18th and Brazos Streets, P.O. Box 13207 [Capitol Station], Austin, Texas 78711.

(d) Reserve factors. The reserve factors vary by sex as well as age. For service retirement and death benefit plan Option 1, the reserve factors are based on the UP-1984 Table with an age set back of one year [no adjustment] for males and an age set back of eight [seven] years for females. For disability retirement, the mortality basis is 85% of the 1965 RRB Disabled Annuitants Mortality Table for males and 60% [70%] of the 1965 RRB Disabled Annuitants Mortality Table for females. Those tables are adopted by reference and made a part of this rule for all purposes. Copies of these [that] mortality tables [table] are available from the executive director of the Employees Retirement System of Texas at 18th and Brazos Streets, P.O. Box 13207 [Capitol Station], Austin, Texas 78711.

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 September 30, 1982.

TRD-827650

Clayton T. Garrison
Executive Director
Employees Retirement System of
Texas

Proposed date of adoption: November 8, 1982
For further information, please call (512) 476-6431,
ext. 176.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 15. Medicaid Eligibility
Subchapter DDD. Intrastate Requests for Assistance

40 TAC §15.5506

The Department of Human Resources proposes to amend §15.5506 (326.25.56.006), concerning re-determination of eligibility for medical assistance in its

Medicaid Eligibility rules. In addition to several other situations requiring eligibility redetermination, the department will review eligibility at least every six months if an individual has earned income. The individual must provide verification of the earnings.

David Hawes, director of programs budget and statistics, has determined for the first five-year period the amendment will be in effect there will be no fiscal implications as a result of enforcing or administering the rule.

Mr. Hawes has also determined that for each year of the first five years the amendment as proposed is in effect, the public benefit will be the uniform statewide determination of eligibility for medical assistance. There is no economic cost to individuals who are required to comply with the amendment as proposed.

Written comments are invited and may be sent to Susan L. Johnson, Administrator, Policy Development Support Division-090, Department of Human Resources 153-B, P. O. Box 2960, Austin, Texas 78769, within 30 days of publication in this issue of the *Texas Register*.

The following amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32,

which authorizes the department to administer public assistance programs.

§15.5506 (326.25.56.006). Redetermination of Eligibility for Medical Assistance.

(a) When an individual is [has been found to be] eligible for medical assistance, his eligibility is redetermined by department staff:

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

(4) At least every six months if the individual has earned income. The individual must provide verification of the earnings.

(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 October 1, 1982.

TRD-827706

Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Proposed date of adoption: November 8, 1982

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

Withdrawn Rules

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

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

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part III. Texas Air Control Board Chapter 116. Permits

31 TAC §116.11

The Texas Air Control Board has withdrawn from consideration for permanent adoption proposed new §116.11, concerning permits. The text of the new section as proposed appeared in the April 23, 1982, issue of the *Texas Register* (7 TexReg 1620).

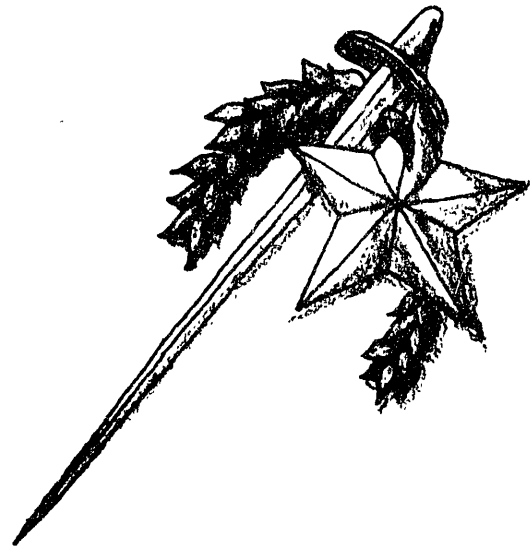
Issued in Austin, Texas, on October 4, 1982.

TRD-827667

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

Filed: October 4, 1982

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



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

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

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

Adopted Rules



TITLE 16. ECONOMIC REGULATION Part VI. Texas Motor Vehicle Commission Chapter 105. Advertising

16 TAC §105.20

The Texas Motor Vehicle Commission adopts the repeal of §105.20, concerning the finding by the commission of violations of the commission's advertising rules, without changes to the proposed text published in the April 16, 1982, issue of the *Texas Register* (7 TexReg 1536).

Section 105.20 of the commission's advertising rules is repealed solely for the purpose of renumbering the

section. In a separate action, the commission has adopted new advertising rules, one of which is identical to §105.20, without change from the original text, but which is renumbered as §105.22.

No comments were received concerning adoption of the repeal.

This repeal is adopted under Texas Civil Statutes, Article 4413(36), §3.02, which grants general rule-making authority to the commission.

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

Issued in Austin, Texas, on September 30, 1982.

TRD-827626

Russell Harding
Executive Director
Texas Motor Vehicle Commission

Effective date: October 21, 1982

Proposal publication date: April 16, 1982

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

16 TAC §§105.20-105.22

The Texas Motor Vehicle Commission adopts new §§105.20-105.22, concerning the offering and advertising of consumer rebate programs by new motor vehicle manufacturers, distributors, and dealers, without changes to the proposed text published in the April 16, 1982, issue of the *Texas Register* (7 TexReg 1536). As a result of the adoption of new §105.20 and §105.21, the current §105.20 is renumbered as §105.22.

Based upon the commission's study of the practice of motor vehicle manufacturers and distributors offering to the public rebates, refunds, discounts, and other financial incentives to promote the sale of new motor vehicles, a portion of which financial incentives is paid by dealers, it has been determined by the commission that such practice tends to deceive the public in that the consumer, the ultimate purchaser of the vehicle, may not in fact receive the total amount of the financial incentive as represented in the advertisements. Accordingly, the commission has determined that the adoption of rules requiring clear disclosure in advertising of these programs is necessary to prevent any misleading of the public. Written comments on the proposed rules were received from six parties, and all were opposed to the adoption of the rules. Coachmen Industries, Inc., Elkhart, Indiana; General Motors Corp., Detroit, Michigan; and Charles Orsinger Buick Company, San Antonio; contended the rules are unnecessary. Winburn-Zama Motors, Inc., Eagle Pass; Ralph Morgan Dodge, Wichita Falls, and Texas Automobile Dealers Association, Austin; expressed opposition to the proposed rules, saying they were not effective or sufficient to remedy the problem with which the commission is concerned. The latter three parties suggested an alternative rule prohibiting dealer participation rebate programs than the use of disclosures as is proposed by the commission.

The commission disagrees with the comments received as it believes that the problem of the misleading of the public in connection with financial incentive programs has been well documented, and that rules to remedy this problem are necessary. The commission further believes that the adoption of the proposed disclosure rules, which have been recommended by the attorney general of Texas, is the most feasible approach to the problem as it will notify consumers that the price of the vehicle may be affected by the dealer's required contribution to the program, but will not prohibit the offering of these rebate and incentive programs to consumers in Texas, which might be the result if the programs were prohibited altogether.

The new rules are proposed under Texas Civil Statutes, Article 4413(36), §3.02, and §5.02(4), which authorizes the commission to make and enforce such rules as are reasonably required to enforce the Texas Motor Vehicle Commission Code, including the prohibition of false and misleading advertising practices.

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

Issued in Austin, Texas, on September 30, 1982.

TRD-827627 Russell Harding
Executive Director
Texas Motor Vehicle Commission

Effective date: October 21, 1982
Proposal publication date: April 16, 1982
For further information, please call (512) 476-3587.

**TITLE 31. NATURAL RESOURCES
AND CONSERVATION**
**Part II. Texas Parks and Wildlife
Department**
Chapter 65. Wildlife
**Subchapter N. Early Season Migratory
Game Bird**

31 TAC §§65.312-65.315

The Texas Parks and Wildlife Commission in a regularly scheduled public hearing September 2, 1982, adopted amendments to §§65.312-65.315, with one change to the proposed text published in the August 3, 1982, issue of the *Texas Register* (7 TexReg 2820). Sections 65.311-65.316 constitute the Early Season Migratory Game Bird Proclamation. Section 65.315 (b)(2) was changed as the federally mandated migratory framework will allow no more than 107 days of regular and special seasons for each species.

Fluctuations in migratory game bird populations require the Texas Parks and Wildlife Commission to adopt regulation changes for the 1982-1983 hunting seasons. The amendments allow the taking of migratory game bird wildlife resources consistent with their populations.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the authority of the Texas Parks and Wildlife Code, Chapter 64, Subchapter C, which provides the commission with authority to regulate seasons, means, methods, and devices for taking and possessing migratory game bird wildlife resources.

§65.312. Means and Methods.

(a) (No change.)

(b) The following means and methods are unlawful in the taking of migratory birds:

(1)-(8) (No change.)

(9) by baiting, or taking on or over baited areas.

However, nothing in this subsection shall prohibit:

(A) the taking of migratory game birds, including waterfowl, on or over standing crops, flooded standing crops (including aquatics), flooded harvested croplands, grain crops properly shocked on the field where grown, or grains found scattered solely as the result of normal agricultural planting or harvesting; and

(B) the taking of migratory game birds, except waterfowl, on or over lands where shelled, shucked or unshucked corn, wheat, or other grain, salt, or other feed that has been distributed or scattered as the result of bona fide agricultural operations or procedures, or as a result of manipulation of a crop or other feed on the land where grown for wildlife management purposes; provided that manipulation for wildlife management purposes does not include the distributing or scattering of grain or other feed once it has been removed from or stored on the field where grown.

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

§65.313. Open Seasons.

(a) No person may take migratory game birds except during the open season as provided herein, or at any time except during the hours as provided herein. All dates are inclusive.

(b) The season is closed on migratory game birds on public roads and highways, or rights-of-way of public roads and highways, the state-owned riverbeds in Dimmit, Uvalde, and Zavala Counties, including but not limited to the Nueces and Frio Rivers, and state wildlife preserves and sanctuaries unless an open season is otherwise provided. The open season for the taking of migratory game birds on any federal wildlife refuge shall be in accordance with the special hunting regulations duly adopted and published by the U. S. Fish and Wildlife Service.

(1) Rails. September 1 through November 9, 1982, from ½ hour before sunrise to sunset.

(2) Mourning doves.

(A) North Zone. Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby Counties, and counties north and west thereof: September 1 through October 30, 1982, and January 1-10, 1983, from ½ hour before sunrise to sunset. In counties having days with concurrent white-winged and mourning dove hunting, the legal shooting time for those days is noon to sunset.

(B) South Zone. All counties south and east of the North zone counties enumerated in subparagraph (A) of this paragraph: September 20 through November 12, 1982, and January 1-16, 1983, ½ hour before sunrise to sunset. In counties having an open season on white-winged doves, the fall season for mourning doves ends November 8, 1982. In counties having days with concurrent white-winged and mourning dove hunting, the legal shooting time for those days is noon to sunset.

(3) White-winged doves. Brewster, Cameron, Culberson, El Paso, Hidalgo, Hudspeth, Jeff Davis, Kinney, Maverick, Presidio, Starr, Terrell, Val Verde, Webb, Willacy, and Zapata Counties: September 4-5 and September 11-12, 1982, from noon to sunset.

(4) Gallinules. September 1 through November 9, 1982, from ½ before sunrise to sunset.

(5) Teal duck. All species (blue-winged, green-winged, and cinnamon): September 11 through September 19, 1982, from sunrise to sunset.

(6)-(7) (No change.)

§65.314. Bag and Possession Limits.

(a) (No change.)

(b) The bag and possession limits for 1982-1983 seasons are as follows:

(1)-(5) (No change.)

(c)-(h) (No change.)

§65.315. Extended Falconry Season.

(a) (No change.)

(b) It is lawful to take migratory game birds by means of falconry during the following prescribed open seasons.

(1) Rails. September 1 through December 16, 1982, from ½ hour before sunrise to sunset.

(2) Mourning doves. September 1 through November 30, 1982, from ½ hour before sunrise to sunset.

(3) White-winged doves. September 1 through December 16, 1982, from ½ hour before sunrise to sunset.

(4) Gallinules. September 1 through December 16, 1982, from ½ hour before sunrise to sunset.

(c)-(e) (No change.)

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

Issued in Austin, Texas, on September 28, 1982.

TRD-827600

Maurine Ray
Administrative Assistant
Texas Parks and Wildlife
Department

Effective date: October 20, 1982

Proposal publication date: August 3, 1982

For further information, please call (512) 479-4973
or (800) 792-1112.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 35. Pharmacy Services Subchapter H. Reimbursements

40 TAC §35.701

The Texas Department of Human Resources (DHR) adopts under federal mandate amendments to §35.701 (326.40.08.001), concerning reimbursement for medication in its pharmacy services rules.

The amendments eliminate the co-payment requirements in the Vendor Drug Program, effective October 1, 1982. As of that date, the department will no longer require Medicaid recipients to pay the \$.50 per prescription charge. The change in co-payment policy results from passage of the Tax Equity and Fiscal Responsibility Act of 1982 (House Resolution 4961, 97th Congress). The law was passed by Congress on August 19, 1982, and is effective October 1, 1982.

The new law allows states to impose nominal cost-sharing charges for most Medicaid services and recipients. States are not allowed, however, to charge co-payments for family planning services and supplies, emergency services, and services related to pregnancy. Children under age 18, patients in intermediate care and skilled nursing facilities, and recipients enrolled in health maintenance organizations cannot be charged co-payments. Medicaid providers may not deny care or services to an individual because of his

inability to pay a cost-sharing charge. Because the federal co-payment restrictions for certain services and recipients are inconsistent with the department's existing rules relating to co-payment in the Vendor Drug Program, the department will eliminate the recipient co-payment requirement. Adoption of these amendments ensures that department rules are consistent with federal law.

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

Due to federal mandate, the amendments are effective October 1, 1982.

§35.701 (326.40.08.001). Legend and Non-legend Medication. For all medication, legend and non-legend, covered by the Vendor Drug Program and appearing in the Texas Drug Code Index and Supplements:

(1) reimbursement to the pharmaceutical provider is based upon acquisition cost, verifiable by invoice audit, plus the department's currently established dispensing fee per prescription, or the usual and customary price charged the general public, whichever is lower.

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

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

Issued in Austin, Texas, on October 1, 1982.

TRD-827654

Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: October 1, 1982

Proposal publication date: NA

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 Adult Probation Commission

Friday, October 8, 1982, 9 a.m. The Texas Adult Probation Commission revised the agenda of a meeting to be held in the conference room, Suite 400, 812 San Antonio, Austin. Items on the revised agenda summary include minutes; financial report; program services report; summary data sheet on the Supplemental Funding Program for fiscal year 1983; fiscal year 1983 supplemental grant requests; fiscal year 1983 supplemental funding budget adjustment; fiscal year 1982 special program funding budget adjustment; fiscal year 1983 special program funding analysis; residential services; rural services; specialized services; ISP progress report; the executive director's report; Audit Review Committee report; waiver requests; statistical information; addition to fiscal year 1984-1985 legislative budget request; transfer of funds from Per Capita Program to Supplemental/Special Program for fiscal year 1982; and the date and site of the next meeting.

Contact: Virginia Grote, 812 San Antonio, Suite 400, Austin, Texas 78701, (512) 475-1374.

Filed: September 30, 1982, 10:18 a.m.
TRD-827622

Texas Alcoholic Beverage Commission

Monday, October 18, 1982, 10:30 a.m. The Texas Alcoholic Beverage Commission will meet in Suite 210, Jefferson Building, 1600 West 38th Street, Austin. Items on the agenda include minutes of the September 1982 meeting; administrator's and staffs' report of agency activity; and an affidavit of destruction of tested alcoholic beverages.

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

Filed: October 5, 1982, 9:38 a.m.
TRD-827701

State Banking Board

Thursday, September 30, 1982, 2 p.m. The State Banking Board made emergency additions to the agenda of a meeting held at 2601 North Lamar, Austin. The additions concerned a motion for a rehearing on the proposed Bank of the Brazos in Brookshire and the Sunset report concerning the State Banking Board. The emergency status was necessary because of time limits associated with these items.

Contact: O. A. Cassity, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Filed: September 30, 1982, 10:21 a.m.
TRD-827623

Texas Coastal and Marine Council

Friday, October 15, 1982, 9 a.m. The Texas Coastal and Marine Council will meet in the learning center, south auditorium, University of Texas Medical Branch, Market at 10th Street, Galveston. Items on the agenda include presentation of a service plaque to Representative E. Douglas McLeod; an overview of marine research and education in Galveston; approval of minutes of the August 20, 1982, meeting; committee reports; past and future council projects; announcement of a December 17, 1982, meeting in Port Arthur; and public testimony.

Contact: Charles L. Branton, P.O. Box 13407, Austin, Texas 78711-3407, (512) 475-4578.

Filed: October 4, 1982, 10:28 a.m.
TRD-827671

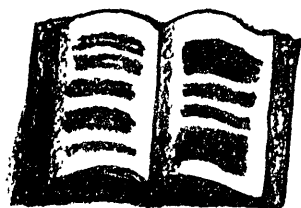
Interagency Council on Early Childhood Intervention

Wednesday, October 13, 1982, 9:30 a.m. The Interagency Council on Early Childhood Intervention will meet in the board room, Texas Department of Mental Health and Mental Retardation, 909 West

45th Street, Austin. Items on the agenda summary include public comments (no council action required); submission and review process covering grant proposals for programs of intervention services and the establishing of rules for grant proposals and review and evaluation; Early Childhood Intervention (ECI) staff report; adoption of ECI budget; monitoring of ECI funded programs; advisory committee; program evaluation and research; public awareness and training; and requests for budget revisions from grantees. The council also will meet in executive session.

Contact: James P. Rambin, 1100 West 49th Street, Austin, Texas, (512) 458-7241.

Filed: September 30, 1982, 2:15 p.m.
TRD-827628



Texas Education Agency

Thursday, October 14, 1982, 10 a.m. The Governor's Education Action Group of the Texas Education Agency will meet in Senate Finance Room 301, State Capitol. Items on the agenda include testimony from San Antonio's Communities Organized for Public Service; review of results of the Vocational Study (House Concurrent Resolution 23); review of results of the Texas Assessment of Basic Skills; review of legislative recommendations of the Select Committee on Public Education subcommittees addressing recodification of the Education Code and changing technology in instruction; review of legislative recommendations of the State Board of Education; and a discussion of a teacher survey conducted in the Fort Worth Independent School District.

Contact: Joe Neely, 201 East 11th Street, Austin, Texas 78701, (512) 475-2633.

Filed: October 4, 1982, 1:49 p.m.
TRD-827683

Office of the Governor

Wednesday, October 13, 1982, 10 a.m. The Crime Stoppers Advisory Council of the Office of the Governor will meet in the sergeant's committee room, State Capitol. According to the agenda summary, the

council will discuss and approve the minutes, a report on November Crime of the Month—DWI, a report on local crime stoppers programs, a report on current operations of Crime Stoppers Advisory Council, and a review of proposed questions and answers.

Contact: Steve Cherry, P.O. Box 12428, Austin, Texas 78711, (512) 475-2303.

Filed: October 1, 1982, 2:42 p.m.
TRD-827656

Friday, October 15, 1982, 9 a.m. The Governor's Task Force on Small Business of the Office of the Governor will meet in the Governor's Reception Room, second floor, State Capitol. The task force will present a final report to Governor Clements, then move to Senate Finance Committee Room 301, third floor, State Capitol, for a discussion of strategy for the legislative session.

Contact: Arturo Flores, P.O. Box 707, Eagle Pass, Texas 78852.

Filed: October 5, 1982, 9:12 a.m.
TRD-827700

Texas Health

Facilities Commission

Friday, October 15, 1982, 9:30 a.m. The Texas Health Facilities Commission will meet in Suite 305, 1600 West 38th Street, the Jefferson Building, Austin. According to the agenda summary, the commission will consider the following applications:

Certificate of Need

San Antonio Community Hospital, San Antonio

AH82-0621-040

Baylor University Medical Center, Dallas

AH82-0628-052

Southwest General Hospital, San Antonio

AH82-0322-015

A routine business meeting will be held immediately following the open meeting.

Contact: Judith Monaco, P.O. Box 50049, Austin, Texas 78763.

Filed: October 4, 1982, 9:34 a.m.
TRD-827672

State Board of Insurance

Tuesday, October 5, 1982, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance met in emergency session in Room 342, 1110 San Jacinto Street,

Austin. The commission conducted a public hearing in Docket 6957—prehearing motions concerning application of Winterthur Swiss Insurance Company, a Swiss insurance company, and its wholly owned subsidiary, Winterthur U. S. Holdings, Inc., New York, New York, to acquire control of Republic Financial Services, Inc., a Texas corporation. The emergency status was necessary because the setting of the case on the merits involves the appearance of witnesses from Switzerland.

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

Filed: October 4, 1982, 3:24 p.m.
TRD-827697

The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. Dates, times, and dockets are as follows:

Tuesday, October 12, 1982, 9 a.m. Docket 6946—application for admission of Triad Life Insurance Corporation, Winston-Salem, North Carolina.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78767, (512) 475-4353.

Filed: October 4, 1982, 3:07 p.m.
TRD-827689

Tuesday, October 12, 1982, 10:30 a.m. Docket 6965—cancellation or revocation of the certificate of authority to do the business of insurance in the State of Texas issued to Oxford Life Insurance Company, Phoenix, Arizona, for failure to timely file the 1981 annual statement.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78767, (512) 475-2287.

Filed: October 4, 1982, 3:07 p.m.
TRD-827690

Wednesday, October 13, 1982, 10:30 a.m. Docket 6962—application for approval of a charter amendment converting par value stock to no par value capital stock of Fidelity American Insurance Company, Dallas.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78767, (512) 475-2287.

Filed: October 4, 1982, 3:07 p.m.
TRD-827691

Wednesday, October 13, 1982, 1:30 p.m. Docket 6958—whether the insurance agent's licenses issued to Norman Finley Lane should be cancelled or revoked.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78767, (512) 475-2287.

Filed: October 4, 1982, 3:08 p.m.
TRD-827692

Thursday, October 14, 1982, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 350, 1110 San Jacinto Street, Austin. The commission will conduct a public hearing in Docket 6935—application for admission of Kansas City Life and Annuity Company, Kansas City, Missouri.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78767, (512) 475-4353.

Filed: October 4, 1982, 3:08 p.m.
TRD-827693

Thursday, October 14, 1982, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. The commission will conduct a public hearing in Docket 6953—whether the insurance agent's licenses issued to Hardy Down Iles should be cancelled or revoked.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78767, (512) 475-2287.

Filed: October 4, 1982, 3:25 p.m.
TRD-827698

The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 350, 1110 San Jacinto Street, Austin. Dates, times, and dockets are as follows:

Friday, October 15, 1982, 9 a.m. Docket 6907—whether G. I. C. Insurance Company of San Antonio has complied with commissioner's Order 82-2908, dated August 15, 1982.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78767, (512) 475-4353.

Filed: October 4, 1982, 3:08 p.m.
TRD-827694

Monday, October 18, 1982, 10:30 a.m. Docket 6961—application for certificate of authority by Consumer Protection Life Insurance Company, Dallas.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78767, (512) 475-4353.

Filed: October 4, 1982, 3:08 p.m.
TRD-827695

Monday, October 18, 1982, 1:30 p.m. Docket 6971—application for admission by Intermountain Insurance Company of Albuquerque, New Mexico.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78767, (512) 475-4353.

Filed: October 4, 1982, 3:08 p.m.
TRD-827696

Texas State Board of Medical Examiners

Monday-Saturday, October 25-30, 1982, 9 a.m. The Texas State Board of Medical Examiners will meet at the Holiday Inn, Dallas/Fort Worth Regional Airport North, Highway 114 and Esters Road, Irving. According to the agenda, the board will conduct hearings on possible Medical Practice Act violations; proposed rule amendment regarding reciprocity; discussion of rules as provided by law; committee reports; acceptance of board order; and general discussion of office matters. The board may also meet in executive session under authority of Texas Civil Statutes, Article 6252-17, as related to Texas Civil Statutes, Article 4495b, §5.06(e)(1), and Attorney General Opinion 1974, No. H-484.

Contact: Jean Davis, P.O. Box 13562, Austin, Texas 78711.

Filed: October 1, 1982, 9:55 a.m.
TRD-827637

Board of Pardons and Paroles

Monday-Friday, October 18-22, 1982, 9 a.m. daily. The Board of Pardons and Paroles will meet at 711 Stephen F. Austin Building, Austin. According to the agenda, the board will review cases of inmates for parole consideration; act on emergency reprieve requests and other acts of executive clemency; review reports regarding persons on parole; review procedures affecting the day-to-day operation of support staff; review and initiate needed rule changes relating to general operation, executive clemency, parole, and all hearings conducted by the agency; and take action upon gubernatorial directives.

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

Filed: October 5, 1982, 10 a.m.
TRD-827702



State Property Tax Board

Wednesday-Friday, October 13-15, October 20-22, October 27-29, and November 3-5, 1982, 8:30 a.m. daily. The State Property Tax Board will meet in the agency conference room, 9501 IH 35 North, Austin. Items on the agenda include hearings of protest appeals in assignment of market and

index values of school district properties pursuant to the Texas Education Code, §11.86.

Contact: Dr. Bill Carnes, 9501 IH 35 North, Austin, Texas, (512) 837-8622.

Filed: October 4, 1982, 9:20 a.m.
TRD-827673

Public Utility Commission of Texas

The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The days, times, and dockets follow.

Thursday, October 14, 1982, 1:30 p.m. A prehearing in Docket 4721—application of Central Telephone of Texas for approval of measured service rates for the Porter exchange.

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

Filed: September 30, 1982, 2:15 p.m.
TRD-827629

Monday, October 18, 1982, 9 a.m. A prehearing conference in Docket 4749—application of Cap Rock Electric Cooperative, Inc., for authority to increase rates.

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

Filed: October 4, 1982, 10:33 a.m.
TRD-827674

Tuesday, October 26, 1982, 10 a.m. A prehearing conference in Docket 4719—appeal of Hewitt Water Company from order of the city council of the City of Hewitt.

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

Filed: September 30, 1982, 2:15 p.m.
TRD-827630

Monday, November 29, 1982, 9 a.m. A prehearing in Docket 4716—application of West Texas Utilities Company for a system-wide rate increase.

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

Filed: October 1, 1982, 2:20 p.m.
TRD-827651

Tuesday, November 30, 1982, 9 a.m. A final hearing on the merits in Docket

Texas Register

4716—application of West Texas Utilities Company for a systemwide rate increase.

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

Filed: October 1, 1982, 2:21 p.m.
TRD-827652

Wednesday, February 16, 1983, 9:30 a.m.
A prehearing conference in Docket 4712—petition of Houston Lighting and Power for revision of its purchased power service (PPS) tariff schedule.

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

Filed: October 4, 1982, 10:32 a.m.
TRD-827675

Monday, February 21, 1983, 9 a.m. A hearing on the merits in Docket 4712—petition of Houston Lighting and Power for revision of its purchased power service (PPS) tariff schedule.

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

Filed: October 4, 1982, 10:33 a.m.
TRD-827676

Railroad Commission of Texas

Monday, October 12, 1982, 9 a.m. The following divisions of the Railroad Commission of Texas will meet at 1124 IH 35 South, Austin. The agendas and meeting rooms follow.

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

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1211.

Filed: October 1, 1982, 1:18 p.m.
TRD-827640

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

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

Filed: October 1, 1982, 1:18 p.m.
TRD-827641

The Flight Division will meet in Room 107 to consider and act on the division direc-

tor's report on division administration, budget, procedures, and personnel matters.

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

Filed: October 4, 1982, 8:53 a.m.
TRD-827664

The Gas Utilities Division will meet in Room 107 to consider Dockets 3258, 3528, 3694, 3695, 3696, 3697, 3698, 3699, 3700, 3701, 3702, 3707, 3708, and the director's report.

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

Filed: October 1, 1982, 1:19 p.m.
TRD-827642

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

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711.

Filed: October 1, 1982, 1:20 p.m.
TRD-827643

The Liquefied Petroleum-Gas Division will meet in the first floor auditorium to consider §9.50, concerning unauthorized filling prohibition; §9.24, concerning safety relief valves; §9.43, concerning setting of relief valves; §9.44, concerning construction and marking of safety relief valves; §9.45, concerning adjustment and repair of safety relief valves; §9.75, concerning safety devices; §9.92, concerning relief valves on aboveground containers; §9.141, concerning protection of safety relief valves; §9.142, concerning protection of valves and accessories, and §9.281, concerning safety devices, to be published in the *Texas Register* for public comments. The division will also consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Hugh F. Keepers, P.O. Drawer 12967, Austin, Texas 78711.

Filed: October 1, 1982, 1:19 p.m.
TRD-827644

The Oil and Gas Division will meet in the first floor auditorium to consider various matters falling within the Railroad Commission's oil and gas regulatory jurisdiction.

Contact: Jan Burris, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: October 1, 1982, 1:20 p.m.
TRD-827645

Additions to the above agenda:

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

Contact: Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1273.

Filed: October 1, 1982, 1:21 p.m.
TRD-827646

Consideration of the commission's jurisdiction to utilize state funds for cleanup of residue material and backfilling of an old abandoned pit on the Kelly property in the Concord Dome Field, Anderson County.

Contact: Willis Steed, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1301.

Filed: October 1, 1982, 3:45 p.m.
TRD-827657

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

Contact: Herman L. Wilkins, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120.

Filed: October 1, 1982, 1:18 p.m.
TRD-827647

The Office of Special Counsel will meet in the third floor conference room to consider and act on the division director's report relating to pending litigation, Sunset Commission review, and other budget, administrative, and personnel matters. The commission will also consider and discuss both the short-term and long-term ramifications to Texas applications pending or in hearing before the Federal Energy Regulatory Commission including proposed comments relating to off-system sales and high-cost gas produced from tight formations.

Contact: Walter Earl Lilie, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

Filed: October 4, 1982, 8:53 a.m.
TRD-827665

The Surface Mining and Reclamation Division will meet in Room 107 to consider a motion for rehearing filed by John R. Prager and the City of Bastrop regarding their petitions to declare certain nonfederal lands in Bastrop County as unsuitable for surface lignite mining. The commission will also consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: J. Randel (Jerry) Hill, 105 West

Riverside Drive, Austin, Texas, (512) 475-8751.

Filed: October 1, 1982, 1:19 p.m.
TRD-827648

The Transportation Division will meet in the first floor auditorium, Room 107, to consider various matters falling within the Railroad Commission's transportation regulatory jurisdiction.

Contact: Sandy Yates, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: October 1, 1982, 1:19 p.m.
TRD-827649

State Securities Board

Thursday, October 14, 1982, 9:30 a.m. The State Securities Board will meet at 1800 San Jacinto Street, Austin. According to the agenda summary, the board will discuss the minutes of the last board meeting; previously published proposals to repeal current guidelines for real estate programs and oil and gas programs and adopting the guidelines for both types of programs adopted by the North American Securities Administrators Association; clarifying private offering requirements for "sophisticated" investors, counting of purchasers, allowing sales to "accredited investors" to be excluded from the count of purchasers under §5.1(a) of the Act, defining "accredited investor," and allowing exempt limited offering sales on a repeated basis under certain circumstances; amending the conditions under which underwriters may receive options and the value to be placed upon such options; and amending the marketing expense limitations placed upon certain offerings. Additionally, the board will discuss new staff rule proposals to amend the tender offer guidelines to indicate their inapplicability to federally regulated tender offers; amend the definition of "money market fund" to allow the conditional exemption when the fund holds certain variable or floating rate securities in its portfolio; amend the dealer registration rules to exempt from registration certain persons associated with an issuer in a Regulation D offering who are required under Regulation D to provide information to offerees; amend the exempt securities rule to exempt from securities registration warrants to purchase securities listed on certain stock exchanges; and to amend the exempt transactions rules to provide that sales may be made to "accredited investors" in addition to sales made under §5.Q of the Act.

The board will also discuss whether the tender offer guidelines should be repealed.

Contact: Richard D. Latham, P.O. Box 13167, Austin, Texas 78711.

Filed: October 1, 1982, 10:13 a.m.
TRD-827633

Board for Lease of State-Owned Lands

Thursday, October 7, 1982, 3 p.m. The Board for Lease of Texas Commission of Indian Affairs of the Board for Lease of State-Owned Lands rescheduled a meeting that was held in Room 831, 1700 North Congress Avenue, Stephen F. Austin Building, Austin. According to the agenda, the board approved minutes of the previous board meeting and considered a pooling application. The meeting was originally scheduled for October 4, 1982, at 3 p.m.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 835, Austin, Texas, (512) 475-2071.

Filed: October 1, 1982, 2:55 p.m.
TRD-827660



Stephen F. Austin State University

The Stephen F. Austin University Board of Regents and the board's committees will meet in the Pecos Room, Lakeway Inn, 101 Lakeway Drive, Austin. The days, times, and agendas follow.

Monday, October 11, 1982, 1:30 p.m. Committees of the board will consider personnel items, fiscal year 1982 budget adjustments, allocation for contract student housing, a faculty workload report, and architectural services agreements, etc.

Tuesday, October 12, 1982, 9 a.m. The board will consider personnel items, fiscal year 1982 budget adjustments, allocation for contract student housing, a faculty

workload report, and architectural services agreements, etc.

Contact: William R. Johnson, Box 6078, Nacogdoches, Texas 75962, (713) 569-2201.

Filed: September 30, 1982, 2:16 p.m.
TRD-827631, 827632

University of Texas System

Thursday and Friday, October 7 and 8, 1982, 1 p.m. and 9 a.m., respectively. The Standing Committees of the University of Texas System Board of Regents and the full board met in the Concho Room, second floor, E. H. Hereford University Center, University of Texas at Arlington, 511 South West Street, Arlington. According to the agenda summary, the board considered buildings and grounds matters including authorization for projects and project analyses, approval of preliminary and final plans, authorization for bids and contract awards; sale of real property; land and investment matters; acceptance of gifts, bequests, and estates, establishment of endowed positions and funds; budget amendments; chancellor's docket (index submitted by system administration); cooperative academic plan in the Permian Basin; affiliation agreements; appointments to endowed positions; fees; oil and gas leases; pending litigation; land acquisition and negotiated contracts; and personnel matters.

Contact: Arthur H. Dilly, P.O. Box N, Austin, Texas 78712, (512) 471-1265.

Filed: October 1, 1982, 1:22 p.m.
TRD-827638

Texas Water Commission

Tuesday, October 12, 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 applications for district bond issues; release from escrow; use of surplus funds, approval of plans and specifications; water quality permits; amendments and renewals; production area authorization; levee project; and final decisions on applications and consideration on motions for rehearings.

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

Filed: September 30, 1982, 11:19 a.m.
TRD-827625

Regional Agencies

Meetings Filed September 30

The Houston-Galveston Area Council, Project Review Committee, met at 3701 West Alabama Street, Houston, on October 5, 1982, at 9:30 a.m. Information may be obtained from Geraldine McCray, 627-3200, ext. 315.

The Hunt County Tax Appraisal District, Board of Directors, met in the board room, 4815-B King Street, Greenville, on October 7, 1982, at 7 p.m. Information may be obtained from Henry J. Popp or Jeanne Penney, 4815-B King Street, Greenville, Texas 75401.

TRD-827624

Meetings Filed October 1

The Blanco County Appraisal District, Board of Directors, will meet at the Blanco County Courthouse Annex, Johnson City, on October 12, 1982, at 6:30 p.m. Information may be obtained from M. A. Stewart, P.O. Box 338, Johnson City, Texas 78636.

The Dallas County Appraisal District, Appraisal Review Board, met at 2601 Live Oak, Dallas, on October 4, 1982, at 10 a.m. Information may be obtained from Rick Kuehler, 2601 Live Oak, Dallas, Texas 75204, (214) 826-0030.

The Fannin County Single Appraisal District, Board of Directors, met at 401 North Main Street, Peeler Building, Bonham, on October 5, 1982, at 7 p.m. Information may be obtained from M. L. Brent, 401 North Main Street, Peeler Building, Bonham, Texas 76048.

The Fisher County Appraisal District, Board of Directors, will meet in the Hospitality Room, Fisher County Courthouse, Roby, on October 11, 1982, at 8 p.m. Information may be obtained from Billie L. Holcomb, Box 516, Roby, Texas 79543.

The Garza County Appraisal District, Board of Directors, met at the courthouse, Post, on October 5, 1982, at 1 p.m. Information may be obtained from Jean M. Westfall, P.O. Drawer F, Post, Texas 79356.

The Hickory Underground Water Conservation District met in the Director's Room, Commercial National Bank, 105 East Sec-

ond Street, Brady, on October 7, 1982, at 7 p.m. Information may be obtained from Terry R. Norman, P.O. Drawer 789, Brady, Texas 76825-0789, (915) 597-0334.

The High Plains Underground Water Conservation District No. 1, Board of Directors, met in the conference room, 2930 Avenue Q, Lubbock, on October 7, 1982, at 10 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181.

TRD-827634

Meetings Filed October 4

The Ark-Tex Council of Governments, Executive Committee, met at the Casa Blanco Restaurant, Mount Pleasant, on October 7, 1982, at 5:30 p.m. Information may be obtained from Vivienne Arvin, P.O. Box 5307, Texarkana, Texas 75501, (501) 774-3481.

The Brazos Valley Development Council, Executive Committee, will meet at 3006 East 29th Street, Bryan, on October 14, 1982, at 1:30 p.m. Information may be obtained from Glenn J. Cook, P.O. Drawer 4128, Bryan, Texas 77805-4128, (713) 822-7421.

The Canadian River Municipal Water Authority, Board of Directors, will meet at K-Bob's Restaurant, 1300-C Olton Road, Plainview, on October 13, 1982, at 10 a.m. Information may be obtained from John C. Williams, P.O. Box 99, Sanford, Texas 79078.

The Carson County Appraisal District, Board of Directors, will meet at 220 Main Street, Panhandle, on October 13, 1982, at 7:30 p.m. Information may be obtained from Dianne Lavake, Box 970, Panhandle, Texas 79068.

The Copano Bay Soil Conservation District 329 will meet at the Bay River Bottling Plant, eight miles east of Woodsboro, on October 12, 1982, at 6 p.m. Information may be obtained from Jim Wales, Drawer 340, Refugio, Texas, 78377, (512) 526-2334.

The Coryell County Appraisal District, Board of Directors, met in the Coryell County Courtroom, Gatesville, on October 7, 1982, at 7 p.m. Information may be obtained from Joan Blanchard, P.O. Box 6, Gatesville, Texas 76528, (817) 865-5412 or 865-6593.

The Dewitt County Appraisal District, Appraisal Review Board, will meet at 103 Bailey Street, Cuero, on October 11, 1982, at 9 a.m. and the Board of Directors will meet at the same location on October 14, 1982, at 7:30 p.m. Information may be obtained from Wayne K. Woolsey, P.O. Box 4, 103 Bailey Street, Cuero, Texas 77954, (512) 275-5753.

The Eastland County Appraisal District will meet in the commissioners' courtroom, Eastland County Courthouse, Eastland, on October 13, 1982, at 3 p.m. Information may be obtained from Steve Thomas, P.O. Box 914, Eastland, Texas 76448, (817) 629-8597.

The East Texas Council of Governments, Executive Committee, met in emergency session at 3800 Stone Road, Kilgore, on October 7, 1982, at 2 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

The Central Appraisal District of Erath County, Board of Directors, will meet at 354 North Belknap, Stephenville, on October 13, 1982, at 10 a.m. Information may be obtained from James Bachus, 313 North Belknap, Stephenville, Texas, (817) 965-7301.

The Hansford County Appraisal District, Board of Directors, will meet at 13 West Kenneth Avenue, Spearman, on October 13, 1982, at 3 p.m. Information may be obtained from Alice Peddy, Box 567, Spearman, Texas 79081, (806) 659-5575.

The Lamar County Appraisal District, Board of Directors, will meet at 1523 Lamar Avenue, Paris, on October 11, 1982, at 3 p.m. Information may be obtained from L. F. Ricketson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822.

The San Antonio River Authority, Board of Directors, will meet in the conference room, 100 East Guenther Street, San Antonio, on October 13, 1982, at 2 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, San Antonio, Texas 78204, (512) 227-1373.

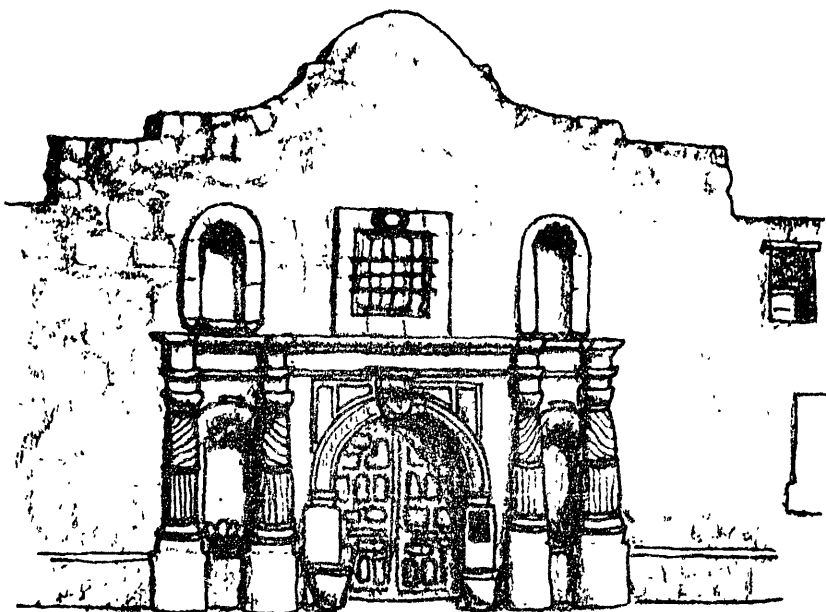
The Tarrant County Appraisal District, Appraisal Review Board, met at 1701 River Run, Suite 300, Fort Worth, on October 5 and 7, 1982, and will meet at the same location on October 8, 1982, at 8:30 a.m. daily. Information may be obtained from Bob-

by Reed, 1701 River Run, Suite 200, Fort Worth, Texas 76107, (817) 332-3151.

The Upshur County Appraisal District, Board of Directors, will meet at Warren and Trinity Streets, Gilmer, on October 11, 1982, at 7:30 p.m., and the Appraisal Review Board will meet at the same location on October 12 and 13, 1982, at 8:30 a.m. Information may be obtained from Louise Stracener, P.O. Box 31, Gilmer, Texas 75644, (214) 843-3736.

The Wise County Appraisal District, Board of Directors, met at 206 South State Street, Decatur, on October 4, 1982, at 12:15 p.m. and will meet at the same location on October 14, 1982, at 9:30 a.m. Information may be obtained from Ann Loafman, P.O. Box 509, Decatur, Texas 76234, (817) 627-3081.

TRD-827670



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 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 September 27-October 1, 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.

Ensearch Exploration, Inc., Murchison; natural gas compression; Opelika Plant; 9166 (permit number previously assigned to American Petrofina); new source

Texas Eastman Company, Longview; waste incinerator; (location not available); 9167 (permit number previously assigned to American Petrofina); new source

Westar Transmission Company, Tarzan; natural gas compressor; 3.5 miles northwest of Tarzan; 9168 (permit number previously assigned to American Petrofina); new source

American Petrofina Company of Texas, Port Arthur; gas oil HDS and associated Phase II units; Highway 366 and 32nd Street; 9193; new source

American Petrofina Company of Texas, Port Arthur; alkylation and associated Phase III units; Highway 366 and 32nd Street; 9194; new source

American Petrofina Company of Texas, Port Arthur; hydro cracker and associated Phase IV units; Highway 366 and 32nd Street; 9195; new source

American Petrofina Company of Texas, Port Arthur; Coker Phase V; Highway 366 and 32nd Street; 9196; new source

The Continental Group, Inc., Houston; plastic bottle manufacturing facility; 6831 Silsbee; 9197; new source

Keown Supply Company, Fannett; hopper car unloading facility; Highway 124 at Clubb East Road; 9198; new source

K-B Asphalt & Materials, Inc., Mercedes; production of asphalt concrete; U.S. 83; 6224D; new source

Pioneer Concrete of Texas, Inc., Baytown; ready mix concrete plant; 2027 East Wallisville Road; 6156B; new source

Petro-Tex Chemical Corporation, Houston; cogeneration units EP-6A; 8600 Park Place Boulevard; 9199; new source

Petro-Tex Chemical Corporation, Houston; cogeneration units EP-6B; 8600 Park Place Boulevard; 9200; new source

Issued in Austin, Texas, on October 4, 1982.

TRD-827669

Ramon Dasch
Director of Hearings
Texas Air Control Board

Filed: October 4, 1982

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

Proposed Rules and Regulations and State Implementation Plan

Notice is hereby given that pursuant to the requirements of the Texas Clean Air Act, Texas Civil Statutes, Article 4477-5, §3.09, 40 Code of Federal Regulations 51.4 of the Environmental Protection Agency regulations concerning state implementation plans; the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5; and Rule 103.11(4) of the procedural rules of the Texas Air Control Board (TACB); the TACB will conduct a public hearing to receive testimony concerning an addition to its rules and to the state implementation plan.

Specifically, the TACB proposes new 31 TAC §116.11 relating to the charging of a fee for construction permits.

The hearing will be held at 8 a.m. prior to the regular meeting of the board scheduled for 10:30 a.m. on November 5, 1982, in the auditorium of the TACB central office, located at 6330 Highway 290 East, Austin.

Public comments, both oral and written, on this proposed rule and state implementation plan revision are invited at the public hearing. Written comments not submitted at the hearing must nevertheless be submitted by that date. These comments as well as those received as a result of the hearings held on May 25 and 26, and June 1 and 2, will be considered by the board prior to any final decision on the proposed changes. Twenty copies of all written comments offered would be helpful to the board in making its review. In light of the extensive record already developed in this matter, oral testimony should be confined to new material regarding the particular type of permit fee system which should be adopted.

The proposed rule is being published in the Proposed Rules section of this issue of the *Texas Register* and is available at the central office of the Texas Air Control Board located at 6330 Highway 290 East, Austin, Texas 78723, and at the regional offices of this agency. For further information, call Beverly Fowler at (512) 451-5711.

Issued in Austin, Texas, on October 1, 1982

TRD-827663 Bill Stewart, P. E.
Executive Director
Texas Air Control Board

Filed: October 1, 1982

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

Comptroller of Public Accounts Consultant Contract Award

Description. This consultant contract award is filed under the provisions of Texas Civil Statutes, Article 6252-11c. The consultant proposal request was published in the June 15, 1982, issue of the *Texas Register* (7 TexReg 2338). The consultant will provide programming services for two optical character recognition systems. The

name and business address of the private consultant selected is Scan-Optics, Inc., 22 Prestige Park Circle, East Hartford, Connecticut 06108.

Cost and Dates. The total value for the programming services will be \$20,700. The contract began September 15, 1982, and will end November 19, 1982.

Due Dates of Documents. The report is due upon implementation of the systems.

No member of the proposed project team has been employed by any agency of the State of Texas within the two-year period preceding June 15, 1982.

Issued in Austin, Texas, on October 4, 1982.

TRD-827679 Bob Bullock
Comptroller of Public Accounts

Filed: October 4, 1982

For further information, please call (512) 475-1948.

Office of Consumer Credit Commissioner Rate Ceilings

Pursuant to the provisions of House Bill 1228, 67th Legislature of Texas, Regular Session, 1981, the consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Article 1.04, Title 79, as amended Texas Civil Statutes, Article 5069-1.04.

Effective Period ⁽¹⁾	Type of Transaction	
	Commercial ⁽³⁾ Consumer ⁽²⁾ /thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated Rate		
Weekly Rate Ceiling		
10/11/82-10/17/82	18.5%	18.5%
Monthly Rate Ceiling		
(Variable Commercial Only)		
10/01/82-10/31/82	19.06%	19.06%
Quarterly Rate Ceiling		
10/01/82-12/31/82	22.94%	22.94%
Annual ⁽⁵⁾ Rate Ceiling		
10/01/82-12/31/82	24%	24.96%

(1) Dates set out above are inclusive.

(2) Credit for personal, family, or household use.

(3) Credit for business, commercial, investment, or other similar purpose.

(4) Same as (3) above, except excluding credit for agricultural use.

(5) Only for open end as defined in Texas Civil Statutes, Article 5069-1.01(f).

Issued in Austin, Texas, on October 4, 1982.

TRD-827666 Sam Kelly
Consumer Credit Commissioner

Filed: October 4, 1982

For further information, please call (512) 475-2111.

Texas Department of Health Agent Orange Meeting

The Texas Department of Health will hold a meeting to provide an update on the activities of the Texas Veterans Agent Orange Assistance Program and to discuss proposed changes to Texas Civil Statutes, Article 4447w.

The date, time, and location of the meeting are as follows: Wednesday, October 13, 1982, 1 p.m., Room 409-410L (fourth floor), University of Texas Medical School Building, 7703 Floyd Curl Drive, San Antonio, Texas.

For additional information, contact George R. Anderson, M.D., Occupational Medicine and Toxicology, Texas Department of Health, 1100 West 49th Street, Austin, Texas, 78756, or call (512) 458-7251.

Issued in Austin, Texas, on September 29, 1982.

TRD-827618 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: September 30, 1982

For further information, please call (512) 458-7536.

Texas Health Facilities Commission Applications Accepted for Amendment, Declaratory Ruling, and Notices of Intent

Notice is hereby given by the Texas Health Facilities Commission of applications accepted as of the date of this publication. In the following list, the applicant is listed first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling; AMD indicates amendment of previously issued commission order; CN indicates certificate of need; PFR indicates petition for reissuance; NIE indicates notice of intent to acquire major medical equipment; NIEH indicates notice of intent to acquire existing health care facilities; NIR indicates notice of intent regarding a research project; NIE/HMO indicates notice of intent for exemption of HMO-related project; and EC indicates exemption certificate.

Should any person wish to become a party to any of the above-stated applications, that person must file a proper request to become a party to the application within 15 days after the date of this publication of notice. If the 15th day is a Saturday, Sunday, state or federal holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, state or federal holiday. A request to become a party should be mailed to the chair of the commission at P.O. Box 50049, Austin, Texas 78763, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to any of these applications must meet the criteria set out in 25 TAC §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.

Denton Dialysis Clinic/Denton Dialysis Clinic, Inc., acting as corporate agent for Denton Dialysis, Inc., a to-be-formed wholly-owned subsidiary corporation, Denton

AS82-0924-061

DR/NIEH—Request for a declaratory ruling that neither a certificate of need nor a notice of intent to acquire an existing health care facility is required for Denton Dialysis Clinic, Inc., the current owner and operator of Denton Dialysis Clinic, a freestanding 13-station dialysis facility located in Denton, to transfer 100% of the assets comprising the 13-station dialysis facility to a wholly-owned subsidiary to be known as Denton Dialysis, Inc., solely in exchange for the stock of the subsidiary corporation to be formed; or in the alternative, that a certificate of need is not required and only a notice of intent to acquire an existing health care facility is necessary.

John Knox Village of the Metroplex, Inc.,
Denton

AN79-0426-015A(092982)

CN/AMD—Request for a third extension of the completion deadline from September 30, 1982, to September 30, 1983, in Certificate of Need AN79-0426-015 which authorized John Knox Village of the Metroplex, Inc., to construct a 60-bed skilled nursing facility as part of a life care retirement community being developed in Denton.

Austin Diagnostic Clinic Association
and The West 34th Street Corporation
Austin

AS81-0506-032A(093082)

CN/AMD—Request to extend the completion deadline from October 1, 1982, to July 1, 1983, in Certificate of Need AS81-0506-032 which authorized the Austin Diagnostic Clinic Association and the West 34th Street Corporation to increase the number of maintenance dialysis stations from 21 to 33 stations. The project involves the renovation of 2,900 square feet of an expanded lease area and the purchase of 13 dialysis machines.

Hospital Corporation of America for Tideland
General Hospital, Channelview

AH82-0924-059

DR—Request for a declaratory ruling that a certificate of need is not required for the addition of eight medical/surgical beds to the 88-bed replacement facility currently under construction and originally authorized under Certificate of Need AH80-0303-035 and amended by AH80-0303-035A (052082). Two thousand, three hundred fifteen additional square feet will be constructed on the second floor and 2,315 additional square feet will be constructed on the third floor, for a total of 4,630

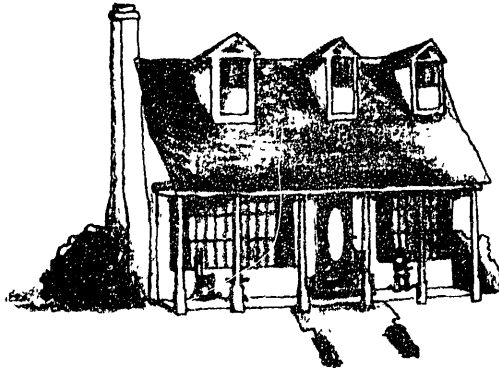
square feet, to accommodate the addition of the eight medical/surgical beds. The total project cost of the eight-bed addition is \$487,338.

Issued in Austin, Texas, on October 4, 1982.

TRD-827680 Judith Monaco
Assistant General Counsel
Texas Health Facilities
Commission

Filed: October 4, 1982

For further information, please call (512) 475-6940.



Texas Department of Human Resources Awards for Weatherization Contractors

On February 4, 1982, the Texas Department of Human Resources (TDHR) assumed administrative responsibility for implementing the Weatherization Assistance for Low-income Persons Program. The program is intended to improve the health and economic conditions of the recipients by reducing the hardship caused by rising energy costs. The program assists low-income persons, especially the elderly and/or handicapped, to reduce energy consumption by improving insulation and reducing air infiltration in their homes.

Funding for weatherization is provided by the Department of Energy and the Department of Health and Human Services. In Texas, about 6,000 homes will receive services from July 1, 1982, through June 30, 1983. The department will indirectly administer the Weatherization Program through Community Action Agencies, local government services, community-based organizations, or other agencies that contract to operate the program locally. Request for proposals were published in the *Texas Register* (7 TexReg 2008) on May 25, 1982.

To qualify for weatherization services, applicants must meet citizenship and income requirements, and their dwelling must need weatherization services. Applicants must be U. S. citizens or legally admitted aliens who are granted permanent residence. To meet income requirements, the household's gross income for the year of application may not exceed 125% of the poverty level established by the Office of Management and Budget.

TDHR has evaluated the weatherization proposals and the following contractors have been selected to operate the Weatherization Assistance Program:

1. Alamo Area Council of Governments	Bandera, Bexar, Gillespie, Kendall, Kerr, Medina	\$279,505
2. Bee Community Action Agency	Bee, Live Oak, Refugio	33,745
3. Big Bend Community Action Committee	Brewster, Culberson, Hudspeth, Jeff Davis, Presidio	30,222
4. Brazos Valley Community Action Program	Brazos, Burleson, Grimes, Leon, Madison, Robertson, Waller, Washington, Walker	182,561
5. Cameron-Willacy Counties Community Projects	Cameron, Willacy	87,642
6. CAPROCK Community Action Association, Inc.	Crosby, Dickens, Floyd, King, Motley	24,928
7. Central Texas Opportunities, Inc.	Brown, Callahan, Coleman, Comanche, Eastland, McCullough, Runners	104,744
8. City of Fort Worth Housing and Community Development Department	Tarrant	134,649
9. City of Lubbock, Community Services Department	Lubbock	58,629
10. Colonias Del Valle, Inc.	Hidalgo	110,776
11. Community Action Committee of Victoria	Calhoun, DeWitt, Goliad, Gonzales, Jackson, Lavaca, Victoria	118,896
12. Community Action Corp. of South Texas	Brooks, Jim Wells, Kenedy, Kleberg	42,352
13. Community Action Corp. of Wichita Falls & North Texas Area	Archer, Baylor, Clay, Jack, Montague, Wichita, Young	95,849
14. Community Action Council of South Texas	Duval, Jim Hogg, Starr, Zapata	33,254
15. Community Action, Inc., of Hays, Caldwell, & Blanco Counties	Blanco, Caldwell, Hays	41,611
16. Community Action Nacogdoches Inc.	Angelina, Houston, Nacogdoches, Polk, San Jacinto, Trinity	145,287
17. Community Action Program, Inc.	Haskell, Jones, Kent, Knox, Shackelford, Stephens, Stonewall, Taylor, Throckmorton	88,954
18. Community Council of Cass, Marion, Morris Counties, Inc.	Camp, Cass, Marion, Morris	149,624
19. Community Council of Red River	Lamar, Red River	95,185
20. Community Council of Reeves County	Reeves	13,396
21. Community Council of Southwest Texas, Inc.	Edwards, Kinney, Maverick, Real, Uvalde, Val Verde, Zavala	57,915
22. Community Services Agency of LaSalle & Dimmit County	Dimmit, LaSalle	30,639
23. Community Services Inc.	Collin, Denton, Ellis, Hunt, Kaufman, Navarro, Rockwall, Anderson, Smith, Van Zandt, Henderson	411,921
24. CAUSE, Inc.	Bosque, Freestone, Hill, Limestone	98,291
25. Dallas County Community Action Committee, Inc.	Dallas	214,803
26. East Texas Human Development Corporation	Gregg, Harrison, Panola, Upshur, Wood	248,459

27. Economic Opportunities Advancement Corp. of Cottle, Foard, Hardeman, and Wilbarger Counties	Cottle, Foard, Hardeman, Wilbarger	34,052
28. Economic Opportunities Advancement Corp. of Planning Region XI	Falls, McLennan	54,737
29. El Paso Action Program Project BRAVO, Inc.	El Paso	133,727
30. Hill Country Community Action Association	Mason, San Saba, Bell, Coryell, Hamilton, Llano, Lampasas, Milam, Mills	119,365
31. Laredo-Webb County Community Action Agency	Webb	61,484
32. Montgomery County Emergency Assistance	Montgomery	31,142
33. Northeast Texas Opportunities	Delta, Franklin, Hopkins, Rains, Titus	73,604
34. Nueces County Community Action Agency	Nueces	70,357
35. Palo Pinto Community Services Corp.	Erath, Hood, Johnson, Palo Pinto, Parker, Somervell, Wise	80,532
36. People for Progress, Inc.	Fisher, Mitchell, Nolan, Scurry	38,420
37. Program for Human Services, Inc.	Chambers, Hardin, Jefferson, Liberty, Orange	104,912
38. Red River Community Advancement Corp.	Bowie	78,391
39. Rusk-Cherokee Community Action Program	Cherokee, Rusk	100,324
40. San Patricio County Committee on Youth Education and Job Opportunities	Aransas, McMullen, San Patricio	55,131
41. South Plains Community Action Association	Bailey, Cochran, Garza, Hockley, Lamb, Lynn, Terry, Yoakum	56,499
42. Texas Panhandle Community Action Corp.	Armstrong, Briscoe, Carson, Castro, Childress, Collingsworth, DeWitt, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Moore, Hutchinson, Lipscomb, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler	127,881
43. Texoma Regional Planning Commission	Cooke, Fannin, Grayson	111,350
44. Travis County Human Service Department	Travis	45,429
45. Tri-County Community Action, Inc.	Jasper, Newton, Sabine, San Augustine, Shelby, Tyler	112,931
46. West Texas Opportunities, Inc.	Andrews, Borden, Dawson, Ector, Gaines, Glasscock, Howard, Martin, Upton, Midland	77,480
47. Williamson-Burnet County Opportunities	Burnet, Williamson	45,781
48. Actions, Inc.	Brazoria	30,637
49. Combined Community Action, Inc.	Bastrop, Fayette, Lee, Colorado	113,378
50. Concho Valley Council of Government	Sterling, Coke, Reagan, Irion, Tom Green, Concho, Menard, Kimble, Sutton	56,592
51. Wharton County Junior College	Wharton	37,328

For additional information, please contact Charles L. Smith, Director of Special Programs, 519-A, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769.

Issued in Austin, Texas, on October 1, 1982.

TRD-827655 Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Filed: October 1, 1982

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

Texas State Library and Archives Commission Consultant Contract Reports

Texas Civil Statutes, Article 6252-11c, requires state agencies and regional councils of government to file with the Office of the Secretary of State invitations to bid and details on bidding on private consultant contracts expected to exceed \$10,000. Within 10 days of the award of the contract, the agency is required to file with the secretary of state a description of the study to be conducted, the name of the consultant, the amount of the contract, and the due dates of the reports. The statute also directs the contracting agencies to file copies of the resulting reports with the Texas State Library. The library is required to compile a list of the reports received and submit the list quarterly for publication in the *Texas Register*.

Below is the list of reports received for the third quarter of 1982. The reports may be examined in Room 300, State Library and Archives Building, 12th and Brazos Streets, Austin.

Agency: Alcoholic Beverage Commission
Consultant: Arthur Andersen and Company.
Title: *Texas Alcoholic Beverage Commission Information Systems Plan*.

Agency: Texas Commission for the Deaf.
Consultant: Lone Star Ranch.
Title: *Report for the Texas State Library on the Texas Commission for the Deaf's Outdoor Training Program for Deaf Students*.

Agency: Employees Retirement System of Texas
Consultant: Rudd and Wisdom, Inc.
Title: *Report of the Actuarial Investigation for Fiscal Years 1977-1981 and Recommendation of Actuarial Assumptions*.

Agency: Employees Retirement System of Texas.
Consultant: Buck Consultants.
Title: *Report on the Results of a Dental Insurance Questionnaire for the Employees Retirement System of Texas*.

Agency: Texas Department of Human Resources.
Consultant: Deloitte, Haskins, and Sells.
Title: *Auditor's Report on Examination of Long-Term Facility 1980 Cost Reports*.

Title: *Commentary Report to Management for Cost Reports of the 16 ICF-MR Facilities of Mental Health and Mental Retardation—Fiscal Year 1980.*

Agency: State Property Tax Board.

Consultant: Richard Parks; Valuation Consultants, Inc.; and 37 individuals.

Title: *Market Value Study Report, 1981.*

Agency: The Prosecutor Council.

Consultant: Texas District and County Attorneys Association.

Title: *Basic Prosecution Techniques—Handouts.*

Title: *Regional Professional Development Seminar—Handouts.*

Agency: Texas Tourist Development Agency.

Consultant: U. S. Travel Data Center.

Title: *Impact of Travel on Texas Counties, 1981; Ranking of Counties By Expenditure Levels (Table 2).*

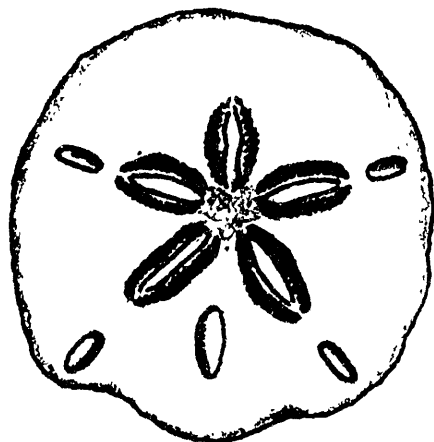
Title: *Impact of Travel on Texas Counties, 1981; Percent of Change Over 1980 (Table 4).*

Issued in Austin, Texas, on September 30, 1982.

TRD-827653 William D. Gooch
Assistant State Librarian
Texas State Library

Filed: October 1, 1982

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



Texas Department of Water Resources Request for Proposals

The State of Texas Water Quality Management Planning Work Plan, fiscal year 1980, prepared by the Texas Department of Water Resources pursuant to the Federal Clean Water Act (Public Law 95-217), §208, contains a special study in the Canadian basin state planning area which is to be conducted by the Panhandle Regional Planning Commission under contract with the Texas Department of Water Resources (TDWR). This study is a continuation of a limited sampling and analysis program concerning the sources of chloride loadings in portions of Segment 0101 of the Canadian River basin. It has been determined by the Panhandle Regional Planning Commission that certain of the work elements in the study can best be accomplished by a consultant.

On behalf of the Panhandle Regional Planning Commission, the TDWR is requesting proposals from interested consultants. The proposals are required by November 5, 1982, and selection of a contractor will take place after that date. Inquiries concerning this request for proposals should be directed to, and copies of the request for proposals obtained from, Jerry McGuire, Executive Director, Panhandle Regional Planning Commission, P.O. Box 9257, Amarillo, Texas 79105.

Payment for services pursuant to the proposed contract(s) will be funded in part by a planning grant from the U. S. Environmental Protection Agency to the TDWR. Execution of the contract between the selected contractor and the Panhandle Regional Planning Commission is dependent upon the execution of a presently proposed contract between the TDWR and the Panhandle Regional Planning Commission, and TDWR approval of the terms of the proposed contractor/Panhandle Regional Planning Commission contract.

Issued in Austin, Texas, on October 1, 1982.

TRD-827661 M. Reginald Arnold II
General Counsel
Texas Department of Water
Resources

Filed: October 1, 1982

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

Consultant Contract Award

Description. This consultant contract award report is filed in accordance with provisions of Texas Civil Statutes, Article 6252-11c. The request for consultant's proposals was published in the June 29, 1982, issue of the *Texas Register* (7 TexReg 2496).

The contract is for technical services to inspect, collect data, and evaluate industrial nonhazardous solid waste disposal facilities as part of the open dump inventory program to determine compliance with regulatory requirements (31 TAC §§335.421-335.428). The name and business address of the private consultant selected is Engineering-Science, Inc., 3109 North Interregional, Austin, Texas 78722.

Cost and Dates. The total amount of the contract is \$165,000. The beginning date of the contract is September 23, 1982; the ending date is August 31, 1983.

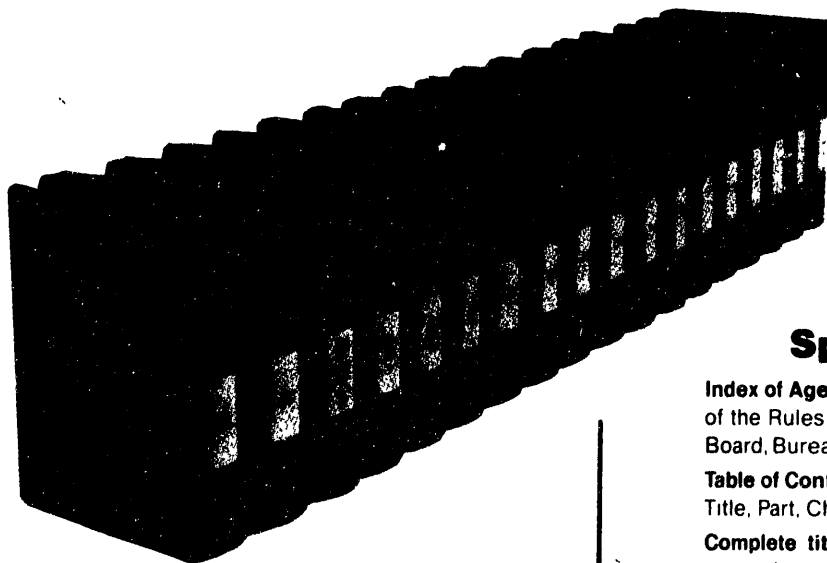
Due Date of Document. The final report is due on August 31, 1983.

Issued in Austin, Texas, on September 29, 1982.

TRD-827621 M. Reginald Arnold II
General Counsel
Texas Department of Water
Resources

Filed: September 30, 1982

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



The Texas Administrative Code

Special Features

Index of Agencies, listing the location in the Code of the Rules issued by each Agency, Department, Board, Bureau or Commission of the State of Texas.

Table of Contents for the entire Code and for each Title, Part, Chapter, and Subchapter of the Code

Complete title contents for each title, listing all currently active pages contained in that title by page number, so as to insure completeness and accuracy Detailed index for each title

Parallel Reference Table for each title, showing the section number used in the Code to designate a Rule and, where applicable, the ten-digit identification number assigned to it by the Texas Register Division

Tables of Authorities, listing every statute and constitutional authority contained in the Code, and the various components of the Code issued under each.

Authority Notes, containing a reference to the statutory or constitutional authority for each Title, Part, Chapter, Subchapter, and Section contained in the Code

Source Notes, containing a reference to the date and, when applicable the citation to the *Texas Register* issue in which each Title, Part, Chapter, Subchapter, and Section of the Code was adopted and became effective

Cross References, showing every Part, Chapter, Subchapter, and Section of the Code cited in a Rule

Editor's notes, containing clarifying comments or statements as appropriate

Notes of Decisions, containing a summary of each court decision and Attorney General's opinion that construes a Rule

The **Texas Administrative Code** is published and distributed by Shepard's/McGraw-Hill in cooperation with The Texas Register Division of the Office of the Texas Secretary of State

The complete **Code** will comprise fifteen titles in twenty-six loose leaf volumes for ease in adding future supplements. Assembled in sturdy five-ring binders, the **Code** will be compiled in a uniform format, style, and numbering system Tabs will ease reference to each title, its parts, and index

Each complete set of the **Code** will include: an index to locate each agency's rules in the **Code**; a table of contents listing each title, with its parts, chapters, and subchapters, a series of tables listing the constitutional and statutory authority for each rule, the full text of the Administrative Procedure and Texas Register Act; and the full text of the Texas Administrative Code Act

Table of Titles

TITLE 1 . ADMINISTRATION
TITLE 4 . AGRICULTURE
TITLE 7 . BANKING AND
SECURITIES
TITLE 10 COMMUNITY DEVELOP-
MENT
TITLE 13. CULTURAL RESOURCES
TITLE 16. ECONOMIC REGULATION
TITLE 19 EDUCATION
TITLE 22. EXAMINING BOARDS
TITLE 25 HEALTH SERVICES
TITLE 28. INSURANCE
TITLE 31. NATURAL RESOURCES
AND CONSERVATION
TITLE 34. PUBLIC FINANCE
TITLE 37. PUBLIC SAFETY AND
CORRECTIONS
TITLE 40. SOCIAL SERVICES AND
ASSISTANCE
TITLE 43. TRANSPORTATION

**SHEPARD'S
McGRAW-HILL**

Shepard's/McGraw-Hill
P.O. Box 1235
Colorado Springs, CO 80901

For more information please contact:
In eastern Texas: Gayle Carpenter
806-797-4878
In western Texas: Marc McKonic
602-264-3384

Second Class Postage

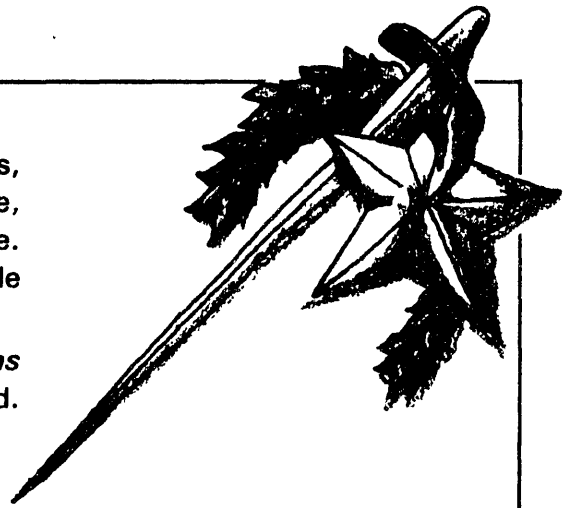
PAID

Austin, Texas
and additional entry offices

75362362 INTER-AGENCY
STATE BOARD OF LIBRARY EXAMINE
ATTN: DE WINEKEY
STATE LIBRARY BLDG
AUSTIN TX 78711
Info Sec

For a new subscription, or to indicate a change of address,
please use this form. When notifying us of an address change,
please attach the mailing label from the back of a current issue.
Questions concerning existing subscriptions should also include
the subscription number from the mailing label.

You may also use this form to request back issues of the *Texas Register*. Please specify the exact dates of the issues requested.
Each copy of a back issue is \$2.00.



**Please enter my subscription to the *Texas Register* as indicated below.
(I will look for my first issue in about two weeks.)**

☐ 1 year (100 issues) \$70

☐ 6 months (50 issues) \$50

(Please print or type.)

Mr. ☐ Miss ☐

Ms. ☐ Mrs. ☐

Name _____

Organization _____

Occupation _____ Telephone _____

Address _____

City _____ State _____ ZIP CODE _____

☐ Payment Enclosed

☐ Bill Me

☐ Change of Address
(Please attach mailing label.)

☐ Back issues requested
(Please specify dates.)

Please make checks payable to the Secretary of State.
Subscription fees are not refundable.

For office use only:

For information concerning the *Texas Register*,
please call (512) 475-7886,
or write P.O. Box 13824, Austin, Texas 78711-3824.