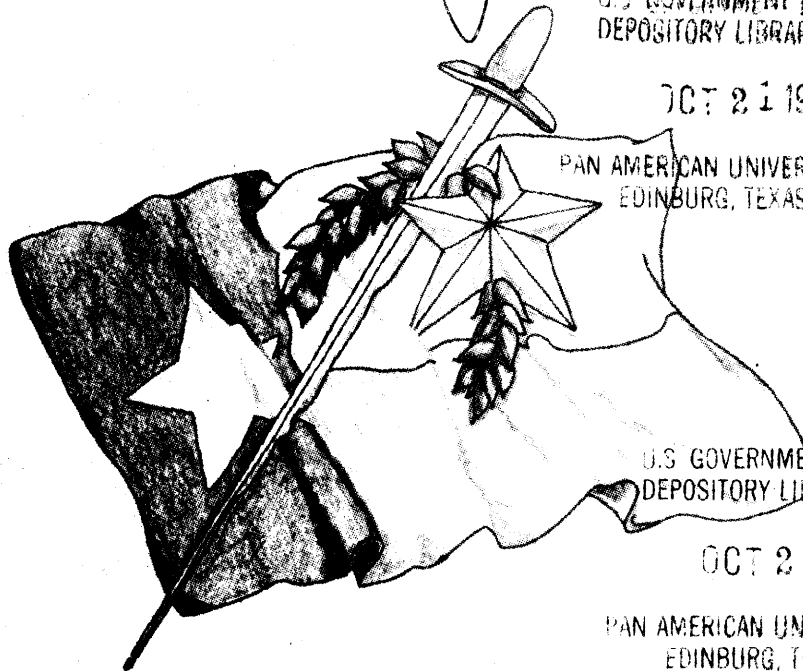


-TXD S 500.6 R 263

Texas Register



U.S. GOVERNMENT DOCUMENT
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OCT 21 1982

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Highlights

- ★ The Banking Department of Texas proposes new rules that will update the state standards for bank record retention and will include federal requirements for retention of bank records; proposed date of adoption - November 22 page 3754
- ★ The Texas Education Agency adopts amendments concerning an achievement test for students in grades two through 12 who have a home language other than English effective November 5 page 3780
- ★ The Texas Water Development Board adopts a repeal of a rule which will eliminate duplication of board rules, make the state rules more streamlined and easier to follow, and eliminate existing conflict in law; effective date - November 4 page 3785

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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.

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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



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Contents

The Governor

Appointments Made October 7

3749 Matagorda Bay Ship Channel and Bar

3749 Texas Commission for the Deaf

3749 Coordinating Council on Long-Term Care for the Elderly

Appointment Made October 12

3749 Trinity River Authority

Appointments Made October 14

3749 State Seed and Plant Board

The Attorney General

Requests for Opinions

3750 RQ-938

3750 RQ-932A

Emergency Rules

Texas Savings and Loan Department

3751 Change of Office Location

Texas Parks and Wildlife Department

3752 Wildlife

Proposed Rules

Banking Department of Texas

3753 Miscellaneous

Texas Savings and Loan Department

3764 Change of Office Location

State Securities Board

3764 Transactions Exempt from Registration

3765 Securities Exempt from Registration

3765 Dealers and Salesmen

3766 Open-End Investment Companies

Railroad Commission of Texas

3766 Liquefied Petroleum Gas Division

Comptroller of Public Accounts

3771 Tax Administration

Texas Department of Human Resources

3773 HEAP

3775 Legal Services

Adopted Rules

State Securities Board

3777 Public Solicitation or Advertisement

Texas Education Agency

3780 Comprehensive Instruction

3780 Adaptations for Special Populations

3781 Instructional Development

3781 Planning and Accreditation

3782 Teacher Certification

Texas State Board of Pharmacy

3785 Notice of Serialization

Texas Water Development Board

3785 Consolidated Permits

Comptroller of Public Accounts

3790 Tax Administration

Texas Department of Human Resources

3791 Food Stamps

Open Meetings

3793 Texas Department of Agriculture

3793 State Board of Barber Examiners

3793 Texas Employment Commission

3793 Texas Health Facilities Commission

3794 State Department of Highways and Public Transportation

3794 Texas Housing Agency

3794 University of Houston System

3794 Texas Department of Human Resources

3794 State Board of Insurance

3795 Texas Board of Irrigators

3795 Lamar University

3795 Midwestern State University

3795 Texas Mohair Producers Board

3795 North Texas State University

3796 Board of Pardons and Paroles

3796 State Pension Review Board

3796 Public Utility Commission of Texas

3797 Railroad Commission of Texas

3798 State Rural Medical Education Board

3798 Structural Pest Control Board

3798 Texas Water Commission

3798 Texas Wheat Producers Board

3798 Regional Agencies

In Addition

Banking Department of Texas

3801 Application to Acquire Control of a State Bank

Office of Consumer Credit Commissioner

3801 Rate Ceilings

Coordinating Board, Texas College and University System

3801 Correction of Error

Texas Department of Community Affairs

3802 Consultant Proposal Requests

Texas Health Facilities Commission

3804 Applications Accepted for Amendment, Declaratory Ruling, and Notices of Intent

State Department of Highways and
Public Transportation
3805 Consultant Proposal Request
Texas Department of Human Resources
3806 Public Hearing

North Central Texas Council of
Governments
3806 Consultant Proposal Request
Texas Water Commission
3807 Applications for Waste Disposal Permits



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

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

The Governor

Appointments Made October 7

Matagorda Bay Ship Channel and Bar

As branch pilot effective September 1, 1982, for a four-year term to expire August 31, 1986:

Larry William Robinson
Calhoun County Navigation District
P.O. Drawer 107
Port Lavaca, Texas 77979

Texas Commission for the Deaf

To represent the parents of deaf persons, for a term to expire January 31, 1987:

George R. Bean
P.O. Box 1717
Pasadena, Texas 77501

Mr. Bean will be filling the unexpired term of Mrs. Gayle Lindsey of Austin, who resigned.

Coordinating Council on Long-Term Care for the Elderly

Pursuant to WPC-43 as a volunteer, for a term to expire February 1, 1984:

Marilla Wood
Director
Governor's Office for Volunteer Services
104 Sam Houston Building
Austin, Texas 78711

Issued in Austin, Texas, on October 7, 1982.

TRD-827904 William P. Clements, Jr.
Governor of Texas

Appointment Made October 12

Trinity River Authority

To the Board of Directors for a six-year term to expire March 15, 1987:

Winston Boyd Viser
P.O. Box 977
Madisonville, Texas 77864

Mr. Viser is replacing Donald F. Dean of Madisonville, whose term expired.

Issued in Austin, Texas, on October 12, 1982.

TRD-827905 William P. Clements, Jr.
Governor of Texas

Appointments Made October 14

State Seed and Plant Board

For a two-year term to expire October 6, 1984:

J. Owen Gilbreath
President
R. C. Young Seed and Grain Company
624 27th Street
Lubbock, Texas 79404

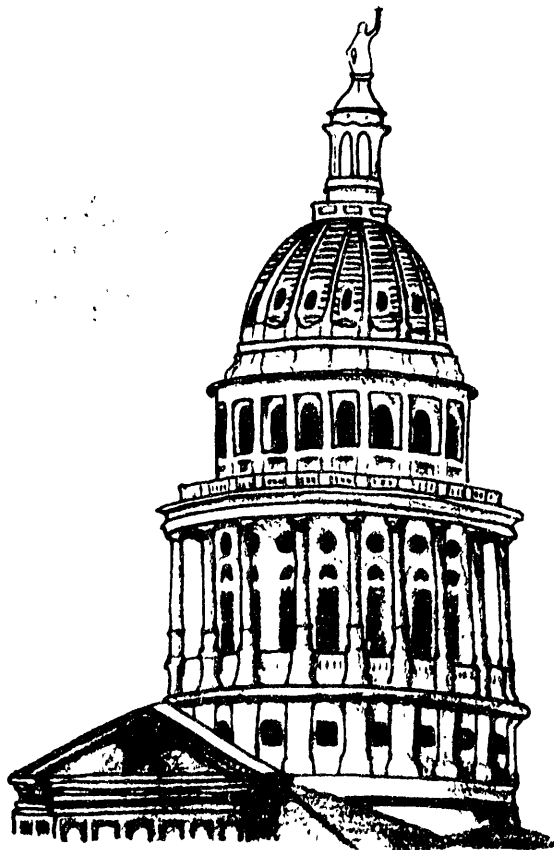
Cliff R. Todd
Director of Seed Division
Texas Department of Agriculture
P.O. Box 12847
Austin, Texas 78711

Eddie Lee Thompson
Route 7, Box 373A
Waco, Texas 76705

All of the above are being reappointed.

Issued in Austin, Texas, on October 14, 1982.

TRD-828018 William P. Clements, Jr.
Governor of Texas

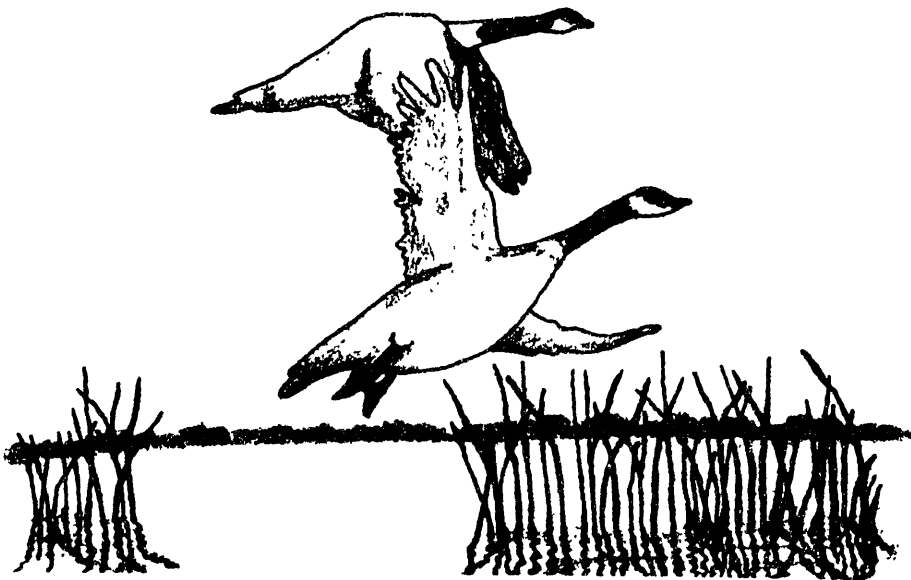


The Attorney General

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

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

Questions on particular submissions, or requests for copies of opinion requests should be addressed to Susan L. Garrison, Opinion Committee chairwoman, Office of the Attorney General, Supreme Court Building, Austin, Texas 78711, (512) 475-5445. Published opinions and open records decisions may be obtained by addressing a letter to the file room, fourth floor, P.O. Box 12548, Austin, Texas 78711-2548, or by telephoning (512) 475-3744. A single opinion is free; additional opinions are \$1.00 a copy.



Requests for Opinions

RQ-938. Request from John W. Millican, Texas State Soil and Water Conservation Board, Temple, concerning whether it is legal for soil and water conservation districts to collect orders and serve as a central distribution point for landowners to purchase fish from fish producers licensed by the State of Texas for stocking their individual farm ponds, and if so, whether the soil and water conservation districts may add a handling charge to the price of the fish purchased for landowners.

TRD-828016

RQ-932A. Request from John C. West, general counsel, Texas Department of Public Safety, Austin, concerning availability under the Open Records Act of list of possible convicted felons prepared by the Office of the Secretary of State.

TRD-828017

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 7. BANKING AND SECURITIES

Part IV. Texas Savings and Loan Department

Chapter 57. Change of Office Location

7 TAC §57.1

The Texas Savings and Loan Department adopts on an emergency basis amendments to §57.1, concerning change of office location; the department is simultaneously proposing the amendments for permanent adoption. An emergency exists because of a recent Court of Civil Appeals ruling rendering the rule in its present form invalid. These amendments are necessary to bring the rule into compliance with the court ruling.

The emergency amendments are proposed pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, and Texas Civil Statutes, Article 342-114.

§57.1. Change of Office Location Not Requiring Approval; Application for Change of Location; Findings for Approval.

(a) An association may not move any office beyond its immediate vicinity without prior approval of the commissioner. "Immediate vicinity" means the area included within a radius or distance of one mile from the present location of such office. Any relocation within the immediate vicinity as defined in this section will require the approval of the commissioner, if the office to be relocated has not been operating at its present location for more than two years. **The conditions outlined in this section**

shall be applicable to an existing office or an approved location not previously opened for business.

[(b) Before giving the approval, the commissioner shall affirmatively find that:

[(1) the operation to be relocated will not unduly harm any other association operating in the community to be served by the proposed new location;

[(2) the population within the community to be served by the proposed new location affords a reasonable promise of adequate support for the proposed relocated office.]

[(b)[(c)] Each application for such approval shall state the exact proposed new location of the office to be relocated and shall be supported with statements, exhibits, maps, and other data, properly verified under oath, which shall be sufficiently detailed and comprehensive to enable the commissioner to pass upon the [these] factors **for approval**. Such supporting data shall also include estimates of the cost of removal to and maintenance of the new location.

(c) The commissioner shall approve an application to move or relocate any office of an association, if he shall have found from the data furnished with the application, the evidence adduced at the hearing, and his official records, all of the findings necessary for approval of a branch office, as contained §53.4 of this title (relating to Findings Necessary for Approval of Branch Office).

[(d) The conditions outlined in this section shall be applicable to an existing office or an approved location not previously opened for business.]

Issued in Austin, Texas, on October 14, 1982.

TRD-827926

L. Alvis Vandygriff
Commissioner
Texas Savings and Loan
Department

Effective date: October 14, 1982

Expiration date: February 11, 1983

For further information, please call (512) 475-7991.

**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 Department is renew-
ing the effectiveness of the emergency adoption of

amendments to §§65.312-65.315 for a five-day
period, effective October 15, 1982. The text of the
amendments, as adopted on an emergency basis, was
published in the June 25, 1982, issue of the *Texas
Register* (7 TexReg 2417).

Issued in Austin, Texas, on October 13, 1982.

TRD-827889

Maurine Ray
Administrative Assistant
Texas Parks and Wildlife
Department

Effective date: October 15, 1982

Expiration date: October 20, 1982

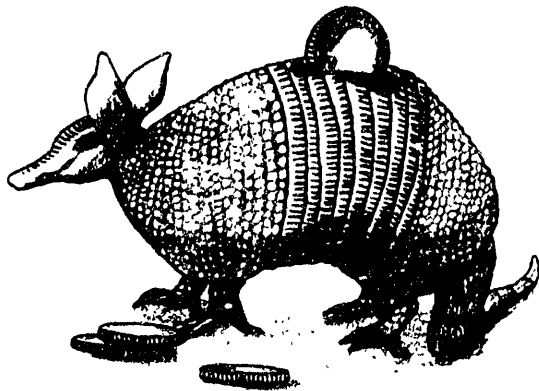
For further information, please call (512) 479-4806.

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 7. BANKING AND SECURITIES Part II. Banking Department of Texas

Chapter 11. Miscellaneous Retention of Records

7 TAC §§11.61-11.63

(Editor's note: The text of the following rules being proposed for repeal will not be published. The rules may be examined in the offices of the Banking Department of Texas, 2601 North Lamar, Austin, or in the Texas Register office, 503E Sam Houston Building, Austin.)

The Banking Department of Texas proposes the repeal of §§11.61-11.63, concerning retention of records. Archie Clayton, general counsel, finds there are no

fiscal implications to state or local government as a result of the repeal.

Mr. Clayton has also determined that the repeal of the rules will eliminate confusion with the revised record retention schedule being adopted simultaneously with this repeal. There is no anticipated economic cost to individuals as a result of the repeal, since a revised record retention schedule is being proposed for permanent adoption simultaneously.

Comments on the proposal may be submitted to Archie Clayton, General Counsel, 2601 North Lamar, Austin, Texas 78705.

The repeals are proposed under Texas Civil Statutes, Article 342-113, which authorizes the Banking Department of Texas to adopt rules to provide for the preservation of records of banks during the time the records are of value, and to permit the destruction or other disposition of the records after they are no longer of any value.

§11.61. *Commercial Banks Records.*

§11.62. *Trust Department Records.*

§11.63. *Demand Deposit and Savings Account Records.*

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

Issued in Austin, Texas, on October 13, 1982.

TRD-827893

Archie Clayton
General Counsel
Banking Department of Texas

Proposed date of adoption: November 22, 1982
For further information, please call (512) 475-4451.

7 TAC §11.64 and §11.65

The Banking Department of Texas proposes new rules §11.64 and §11.65, concerning retention of records.

Archie Clayton, general counsel, finds there will be no fiscal implications to state or local government as a result of enforcing or administering the rules as proposed.

Mr. Clayton has also determined that the new rules will benefit the public by bringing the state standards for record retention by banks up to date and including in the record retention schedule federal requirements for retention of bank records. There is no anticipated

economic cost to individuals required to comply with the rules as proposed, since they reduce the period of time a bank would otherwise have to retain records.

Comments on the proposal may be submitted to Archie Clayton, General Counsel, 2601 North Lamar, Austin, Texas 78705.

The new rules are proposed under Texas Civil Statutes, Article 342-113, which authorizes the Banking Department of Texas to adopt rules to provide for the preservation of records of banks during the time the records are of value, and to permit the destruction or other disposition of the records after they are no longer of any value.

§11.64. Commercial Bank Records. The Texas Banking Code provides that the banking section of the Finance Commission may promulgate general rules and regulations to provide for the preservation of the books and records of banks and to permit the destruction or other disposition of such books and records after the same are no longer of any value. In addition, there are numerous federal laws and regulations which govern the retention of bank records, but the record retention schedule adopted by the banking section is controlling unless federal law requires otherwise. Every effort was made to reflect the retention requirements of all federal statutes and regulations in effect when the record retention schedule was adopted. The suggested retention period adopted by the banking section for commercial bank records permits either the retention of the original document or the use of microfilm, microfiche or other photocopy processes. In Texas, two statutes which are applicable to the use of microfilm or other types of reproduction processes are Texas Civil Statutes, Article 3731b, Photographic or Photostatic Copies of Business and Official Records, Admissibility; and Article 3737e Memorandum or Record of Act, Event or Condition. The use of microfilm or other similar process should be determined by each bank on an item-by-item basis based upon the needs of the bank and the advice of bank counsel as to any federal law which may require the retention of the original document.

Type of Record	Retention Period
(1) Administrative	
(A) Attachments and/or garnishments. Note: Suggest that legal documents, copies of returns and correspondence be filed, after case is closed, with general correspondence.	4 years after close
(B) Bank examiners' reports. Note: There are the property of the supervisory authorities and their approval should be obtained prior to destruction.	Permanent
(C) Charged off asset records	7 years
(D) Charitable contribution records	7 years
(E) Court case records (foreclosed real estate, etc.)	10 years
(F) Depreciation records (after life of asset)	3 years
(G) Evidence of compliance with CRA	2 years
(H) F.D.I.C. records	5 years
(I) Federal Reserve correspondence	5 years
(J) Federal Reserve Form G-3	3 years
(K) Federal Reserve Form T-4	3 years
(L) Federal Reserve Forms U-1, U-2, U-3, U-4, U-5, U-6	3 years
(M) Federal Reserve Form X-1	6 years
(N) Incoming memos	5 years
(O) Insurance agency activities	Permanently
(P) Insurance records	
(i) Schedules of fire and other insurance, also record of payments of premiums and of amounts recovered.	3 years
(ii) Casualty liability policies, policies expired—P.L. & P.D., O.L. & T., etc.	6 years
(iii) Windstorm, fire, theft, etc., policies expired	3 years
(iv) Records of policies in force	3 years after expiration
(v) Bankers' blanket bonds	6 years

(Q) Miscellaneous files	5 years
(R) Outgoing memos	5 years
(S) Security devices	While in use
(T) Vendors	5 years
(2) Accounting and auditing	
(A) Accrual and bond amortization records	3 years
(B) Audit reports	7 years
(C) Audit work papers	3 years
(D) Bank call reports	Permanent
(E) Bills paid and invoices	7 years
(F) Budget work sheets	Optional
(G) Consolidated financial statements	7 years
(H) Daily reserve computation	2 years
(I) Determination of FDIC assessment base records	5 years
(J) Difference record (Tellers Over/Short Sheet)	3 years
(K) Escheat records	Permanent
(L) Income and dividends reports	Permanent
(M) Large currency transaction report	7 years
(N) Reconcilements of bank (due to) deposits	1 year
(O) Reconcilements register (due form)	15 months
(P) Reports to directors	6 years
(Q) Reports to executive committee	6 years
(R) Statement of condition	Permanent
(S) Securities vault "in and out" tickets	4 years
(T) Taxes—federal	
(i) Declaration of estimated tax (quarterly)	7 years
(ii) Dividend and interest return information (annual)	7 years
(iii) Corporate income tax returns	7 years
(iv) Income tax withheld—reconciliation	7 years
(v) Nonresident alien withholding tax form 1042-1042s	7 years
(vi) Refund claims, disallowed and paid	7 years
(vii) Social Security and withholding tax returns (quarterly)	7 years
(viii) Federal unemployment tax returns, from date of filing	7 years
(U) Taxes—state	
(i) Sales and use tax	7 years
(ii) Unemployment tax returns	7 years
(V) Taxpayer I.D. number of depositors	5 years after close
(3) Capital	
(A) Capital stock certificates, record of, or stubs of	Permanent
(B) Capital stock ledger	Permanent
(C) Capital stock transfer register	Permanent
(D) Dividend	
(i) Checks	6 years
(ii) Nominee's information return	Permanent
(E) Dividend register	6 years
(F) Proxy material	10 years
(G) Receipts for stock certificates	Permanent
(H) Statement of beneficial ownership	Permanent
(I) Statement of changes in beneficial ownership	Permanent
(J) Stockholder list	Permanent
(4) Certificates of deposit	
(A) Cashiers check log	1 year
(B) Certificates	7 years after paid
(C) Copy of certificate	Long as CD is active
(D) Early redemption notice—microfilm (daily)	7 years
(E) General correspondence	Optional
(F) Microfilm of interest checks, interest deposited capitalized	7 years
(daily)	
(G) Reconcile daily	
(i) CD's	3 years
(ii) Accrued interest	3 years

(H) Safe keeping receipts (keep CD's in department log)	3 years
(I) Signature cards	5 years after close
(J) Taxpayer identification number	5 years after close
(5) Collections	
(A) Cash item files	1 year
(B) Collection letters—incoming	2 years
(C) Collection letters—outgoing	2 years
(D) Collection receipts, carbons of	2 years
(E) Collection register	3 years
(F) Coupon cash letters, outgoing	6 months
(G) Coupon envelopes	3 years
(H) Customers' file copies	1 year
(I) Departmental blotters	2 years
(J) Installment contract or note records	2 years after close
(K) Obsolete and uncalled collections after escheat	6 years
(L) Registered mail records	3 years
(M) Return item files	1 year
(N) Series E and EE bonds	Optional
(O) Wire copies	1 year
(6) Commercial loans	
(A) Annual reports and customer statements	6 years
(B) Collateral cards	6 years
(C) Collateral receipts	6 years after repayment
(D) Collateral register	6 years
(E) Credit files (closed)	6 years
(F) Daily reports	Optional
(G) Debit and credit tickets	1 year
(H) Disclosure records	3 years
(I) Evidence of compliance with Regulation U	3 years
(J) Extensions of credit over \$5,000, records including name, address, amount, purpose and date of credit, and not secured by real estate	5 years
(K) Hypothecation agreements after repayment	6 years
(L) Journal	
(i) If the journal is a by-product of posting the liability ledger	2 years
(ii) If the journal is used as a book of original entry, with descriptions	6 years
(M) Liability ledger—original entry	6 years
(N) Loan applications after repayment	3 years
(O) Loan committee minutes	6 years
(P) Loan, disbursement vouchers	6 years
(Q) Loan records—stock as collateral	3 years after paid
(R) Loans over \$5,000, records including name, address, amount, purpose and date of credit, and not secured by real estate	5 years
(S) Margin cards	3 years
(T) Note or discount register	
(i) If the register is a by-product of posting the liability ledger	2 years
(ii) If the register is used as a book of original entry, with descriptions	6 years
(U) Note and discount tickler	
(i) If the register is a by-product of posting the liability ledger	2 years
(ii) If the register is used as a book of original entry, with descriptions.	6 years
(V) Notice of adverse action	25 months
(W) Overdraft loan agreement	6 years
(X) Receipts for coupons removed from collateral	10 years
(Y) Receipts for coupons removed from collateral after return	6 years
(Z) Receipt for return of paid loan documents	6 years
(AA) Records of extension of credit exceeding \$5,000	5 years
(BB) Repossession log	6 years
(CC) Resolutions, after repayment of loan	6 years
(DD) Teller sheets	3 years

(EE) Transaction journal	
(i) If a by-product of posting the general ledger	2 years
(ii) If used as book of original entry	6 years
(FF) Trial balance	6 years
(7) Consumer credit	
(A) Applications—approved	6 years
(B) Applications—rejected	3 years
(C) Borrowers' statements	3 years after close
(D) Canceled notes	Optional
(E) Charged off notes	6 years
(F) Collateral records	6 years
(G) Consumer credit drafts	6 years
(H) Correspondence—general	3 years
(I) Coupons—loan deposits	6 years
(J) Coupons—loan payments	6 years
(K) Credit folders containing applications, etc.	6 years after close
(L) Disbursement vouchers—cash receipts	2 years after close
(M) Evidence of compliance with Regulation U	3 years
(N) Loan deposit ledger cards	2 years after close
(O) Loan deposit and loan payment posting journals	2 years
(P) Loan ledger cards	2 years after close
(Q) Loans made journal	2 years
(R) Loans paid journal	2 years
(S) New loan journal	2 years
(T) Note of discount tickler	Optional
(U) Note register	2 years
(V) Notice of adverse action	25 months
(W) Overdraft loan agreement	6 years
(X) Proof sheet	1 year
(Y) Rebate receipts	2 years after close
(Z) Records of credit extensions over \$5,000, records including name, address, amount, purpose and date of credit, and not secured by real estate	5 years
(AA) Resolutions	6 years after close
(BB) Student loan records	3 years
(CC) Transaction journal	
(i) If a by-product of posting the general ledger	2 years
(ii) If used as book of original entry	6 years
(DD) Trial balances	Optional
(EE) Truth-in-lending (Regulation Z) compliance papers	2 years after disclosure
(FF) Work sheets and tapes	1 year
(8) Corporate	
(A) Attachments and/or garnishments	4 years after close
(B) Annual reports	Permanent
(C) Corporate by-laws	Permanent
(D) Incorporation papers	Permanent
(E) Minute books of meetings (stockholders, directors, committees, etc.)	Permanent
(F) Record of bank's executive officers and principal shareholders' indebtedness to correspondent banks (Form FFIEC 004)	3 years
(G) Record of loans to executive officers, directors, and principal shareholders (Form FFIEC 003)	3 years
(H) Record of outside business interests of directors, executive officers, and principal stockholders, after length of service	3 years
(I) Registration statements	10 years after S.E.C. reporting requirements close
(J) Reports under 1934 Exchange Act (annual, quarterly, current, and proxy material)	10 years after S.E.C. reporting requirements close
(K) Restricted securities resale notice	
(i) S.E.C. Form 144	6 years
(ii) S.E.C. Form 237	6 years

(9) Demand Deposit accounts/NOW accounts	
(A) Account analysis	
(i) Analysis work sheets or cards	Optional
(ii) Average balance cards	Optional
(iii) Interest computation records	Optional
(B) Corporate resolutions	5 years after close
(C) Daily report of overdrafts	Optional
(D) Deposit tickets or microfilm thereof	5 years
(E) Individual ledgers	10 years after last entry
(F) Individual ledger journals	Optional
(G) Paid checks and other debits or microfilm thereof	5 years
(H) Reports of accounts, opened and closed	Optional
(I) Service charge records	Optional
(J) Signature cards	5 years after close
(K) Statement receipt cards	2 years
(L) Stop payment orders	6 months after expiration
(M) Taxpayer identification number	5 years after close
(N) Trial balances—nonautomated	Optional
(O) Trial balances—automated	
(i) If statement or account history retained	7 years
(ii) If no alternate record	7 years
(P) Undelivered statements and canceled checks	5 years
(10) Due from banks	
(A) Advices	1 year
(B) Bank statements	1 year
(C) Drafts	1 year after paid
(D) Draft register on outstanding drafts	1 year
Note: affidavits, bonds of indemnity, and all pertinent information pertaining to issuance of duplicate checks	5 years after paid
(E) Reconcilements register	3 years
(11) Due to banks	
(A) Copies of advices	Optional
(B) Correspondent bank ledger	5 years
(C) Debit and credit entries	5 years
(D) Incoming cash letter memos for credit	6 months
(E) Incoming cash letters for remittance	6 months
(F) Reconcilement verification	2 years
(G) Reconcilement register	2 years
(H) Reports of accounts, opened and closed	Optional
(I) Resolutions	5 years after close
(J) Signature cards	5 years
(K) Statements	5 years
(L) Trial balances	1 year
(M) Undelivered statements and canceled checks	5 years
(12) Electronic funds transfers—evidence of compliance of Regulation E	2 years
(13) General	
(A) Change-of-address orders	1 year
(B) Code books (not returned)	Destroy
(C) Correspondence—general	Optional
(D) Incoming mail envelopes	Optional
(E) Paid bills, statements and invoices	7 years
(F) Receipts for checkbooks	Optional
(G) Requisition for supplies	Optional
(H) Stenographers' notebooks and mechanical device records: extra copies of letters if other copies are retained	Optional
(I) Taxpayer I.D. number of depositor	5 years after close of account
(J) Telegram, cable, and radiogram copies	Optional
(K) Travelers checks applications	1 year
(L) Vault records, opening and closing of	1 year
(M) Wire transfer debit and credit entries	1 year

	(14) General ledger	
	(A) Daily statement of condition	5 years
	(B) General journal	
ledger	(i) If the journal is a by-product of posting the general	2 years
	(ii) If the journal is used as book of original entry, with	5 years
descriptions	(C) General ledger sheets	
	(i) If a by-product of posting general ledger	2 years
	(ii) If used as original entry	5 years
	(D) General ledger tickets (debit and credits)	5 years
	(15) International department	
	(A) Advices over \$10,000 transferring outside U.S.	5 years
	(B) Cable copies	6 years
	(C) Cable requisitions	6 years
	(D) Checks over \$10,000	
	(i) Sent outside U.S.	5 years
	(ii) Drawn on foreign bank	5 years
	(iii) Received from outside U.S.	5 years
	(E) Foreign collection register	6 years
	(F) Foreign draft applications	6 years
	(G) Foreign draft carbons	6 years
	(H) Foreign exchange remittance sheets or books	6 years after issue
	(I) Foreign mail transfer applications	6 years
	(J) Foreign mail transfer carbons	6 years
	(K) Letter of credit applications	6 years
	(L) Letter of credit ledger sheets	6 years
	(M) Travelers check applications	2 years
	(N) Travelers check register	2 years
	(16) Investments	
	(A) Bond amortization records	2 years
	(B) Bond appraisals	2 years
	(C) Bond ledger and portfolio	5 years
	(D) Brokers' confirmations	2 years
	(E) Brokers' invoices	2 years
	(F) Brokers' statements	3 years
	(G) Correspondence	3 years
	(H) Credit information used to evaluate public and investment	Life of securities
securities	(I) Descriptive literature on securities	While current
	(J) Liquidity reports	3 years
	(K) Lost or stolen securities (Form X-17-1A)	3 years
	(L) Municipal securities dealer arrangement (F.D.I.C. Form	3 years after employment
MSD-4 and MSD-5)	(M) Public fund contract	termination
	(N) Safe-keeping records and receipts	Permanent
	(O) Securities transactions	6 years
	(17) Official checks and drafts	
	(A) All official checks—copy	Until paid
	(B) Cashiers checks paid	5 years after paid
	(C) Cashiers checks register	5 years
	(D) Certified checks or receipts therefor. Note: If not delivered or	5 years after paid
returned to depositor, photograph and destroy checks and then retain film		
for records	(E) Certified check register	5 years
	(F) Drafts paid	5 years after paid
	(G) Drafts, register	5 years
	(H) Expense checks paid	5 years
	(I) Expense checks register	5 years
	(J) Expense vouchers debit invoices	5 years
	(K) Interest and dividend checks	5 years after paid
	(L) Money orders, bank or personal	5 years after paid

**Texas
Register**

(M) Money order registers	5 years
(N) Receipts for certified checks	5 years after paid
(O) Requisitions of official checks and drafts	
(i) If all information including name of purchaser is recorded on register. Note: Consider retaining requisition for checks unpaid, at time of destruction	Optional
(ii) If no detail is transcribed upon register	5 years
(P) Stop payment correspondence	5 years
(Q) Travelers checks (paid)	6 years
(18) Personnel	
(A) Annual welfare and pension plan	5 years
(B) Applications and resumes	
(i) Approved	3 years after termination
(ii) Rejected	Optional, suggested 25 months
(C) Attendance records	3 years
(D) Group insurance	1 year after termination
(E) Payroll records/time records	3 years
(F) Personnel file	6 years after termination
(G) Salary ledger	3 years
(H) Salary receipts. Note: Retain final receipt in personnel folder	3 years
(I) Tax reports	5 years
(J) Wage and tax records, W-2, W-3, and W-4	5 years
(19) Proof, clearings, and transit	
(A) Clearing house settlements sheets	3 months
(B) Copies of advices or corrections	6 months
(C) Departmental or tellers' proof sheets	6 months
(D) Deposit proof sheets or tapes	2 years
(E) Inclearings envelopes, proof sheets or tapes	2 years
(F) Microfilm, front and back of item if anything on back	2 years
(G) Outclearings proof sheets or tapes	2 years
(H) Outgoing cash letters—transit	2 years
(I) Proof sheet—transit	2 years
(20) Real estate construction/land development	
(A) Credit files	5 years after pay-off
(B) Collateral files, recorded documents, or copies	10 years after pay-off
(C) Notice of adverse action	25 months
(21) Real estate/mortgage loans	
(A) Annual customer statements	6 years after pay-off
(B) Collateral files, deeds of trust or copies, etc.	20 years after pay-off
(C) Compliance acts	
(i) Community reinvestment	2 years
(ii) Fair credit reporting	25 months
(iii) Home loan data	25 months
(iv) Home mortgage disclosure	5 years
(v) Real Estate Settlement Procedures Act statements	2 years
(vi) Regulation Z, truth-in-lending	2 years after disclosure
(D) FHA bank statements	5 years
(E) Flood certificate/insurance	Until paid
(F) General correspondence	1 year after paid
(G) Insurance policies	1 year after expiration
(H) Journal (debits and credits)	10 years
(I) Loan credit files	5 years after pay-off
(J) Notice of adverse action/rejected applications	25 months
(K) Paid out ledger sheets	20 years after pay-off
(L) Payment coupons	13 months
(22) Registered mail	
(A) Marine insurance books	3 years
(B) Registered mail (incoming) record	3 years
(C) Registered mail (outgoing) record	3 years
(D) Return receipt cards	3 years

(23) Safe deposit vault	
(A) Access tickets	4 years
(B) Canceled signature cards	4 years after close
(C) Copies of rent receipts	2 years
(D) Correspondence	2 years after close
(E) Leases or contracts, closed accounts	4 years after close
(F) Ledger record of account	Optional
(G) Safe keeping buy and sell orders	6 years
(24) Savings accounts	
(A) Corporate resolutions	5 years after close
(B) Deposits	5 years
(C) Individual ledgers	10 years after last entry
(D) Interest credit	5 years
(E) Journal	6 months
(F) Passbooks	Destroy
(G) Reports of accounts, opened and closed	Optional
(H) Signature cards	5 years after close
(I) Statements	5 years
(J) Taxpayer I.D. number of depositors	5 years after close
(K) Trial balances—nonautomated	Optional
(L) Trial balances—automated	
(i) If statement or account history record retained	7 years
(ii) If no alternate record	7 years
(M) Withdrawals	5 years
(25) Tellers	
(A) Cash item records	1 year
(B) Large currency transaction report	7 years
(C) Night depository agreements	1 year after close
(D) Night depository receipts	1 year after close
(E) Return item register	1 year
(F) Tellers' cash books	Optional
(G) Tellers' cash tickets, original and carbon copies	6 months
(H) Tellers' cash reconciliation	6 months
(I) Tellers' machine tapes	6 months
(J) Tellers' blotter, journal, or proof	2 years
(K) Tellers' exchange tickets	6 months
(L) Tellers' sheets	2 years

§11.65. Trust Department Records.

Type of Record	Retention Period	
	Hard Copy	Microfilm (after retention period for hard copy)
(1) Agreements		
(A) Trust	Permanent	
(B) Agency	7 years	Yes
(C) Court	7 years	Yes
(2) Authorizations		
(A) Trust	7 years	Yes
(B) Others	7 years, then destroy	
(C) Check lists	Destroy at closing	
(3) Corporate trusts		
(A) Agreement	Destroy 7 years after account closing	
(B) Amortization	Destroy at maturity	
schedules		
(C) Canceled bonds and coupons	Return to issuing corporation or destroy retaining receipt or destruction certification until account closing	
certificates		
(D) Canceled stock	7 years; then return to company	
(E) Change-of-address	1 year	
(F) Correspondence	3 years	

Texas Register

	(G) Coupon envelopes	2 years	
	(H) Coupon ledgers	Destroy at closing	
	(I) Dividend check tapes	4 months	
	(J) Dividend ledgers	7 years	
	(K) Dividend record	7 years after closing	
cards			
	(L) Dividend and interest	1 year	
listing			
	(M) Dividend and	7 years	
registered bond interest checks			
	(N) Forms 1099, 1096	3 years after filing	
	(O) Journals	3 years	Yes
	(P) Signature files	Until termination	
	(Q) Stockholder ledgers	3 years after closing of stockholder's account	Yes
	(R) Stockholders' listing	3 years	
	(S) Stock transfer	7 years	
instructions			
	(T) Stock transfer	3 years	
receipts			
	(U) Stop payment orders	1 year	
	(V) Stop transfer	Send to corporation at closing	
instructions			
	(W) Supporting papers	7 years	
to transfers			
	(X) Surety bonds	7 years; then deliver to company to be retained permanently	
	(Y) Transfer sheets	10 years	Yes
(4) Correspondence			
	(A) Trust	7 years	Yes
	(B) Others	7 years	
	(C) Broker confirmations	7 years	
	(D) Decedent's personal	Deliver or distribute where appropriate, obtain receipt, otherwise destroy one year after account closing	
records			
	(E) Fees	7 years	
	(5) Files	Files retention period begins with account determination date—nonessential material destroyed at account closing	
	(6) General departmental records		
	(A) Accountings of prior	7 years after closing	Yes
fiduciaries			
	(B) Account synopsis	7 years after closing; then destroy	
	(C) Audit reports	3 years	
	(D) Buy and sell orders	3 years	
	(E) General corres-	3 years	
pondence			
	(F) Inventory of and safe	5 years	
deposit box release			
	(G) Minute books, trust	25 years	Yes
committee, and trust investment			
committee			
	(H) Notes, mortgages,	Return to customer when paid in full	
contracts			
	(I) Oil run statements	1 year	
	(J) Original trust entries	3 years	
(daily debits and credits and			
multiple forms)			
	(K) Registered mail	3 years	
report			
	(L) Safe keeping receipts	7 years	
(canceled)			
	(M) Tickler cards	Destroy at account closing or 1 year after retiring from active files	

	(N) Vault withdrawal and deposit tickets	3 years	
	(O) <i>Wall Street Journal</i>	2 years	
	(7) Miscellaneous		
	(A) Trust	7 years	Yes
	(B) Others	7 years	
	(C) Paid bills	3 years	
	(D) Pending	Destroy at closing	
	(8) Personal trust accounting records		
	(A) Accounting ledgers	Permanent	
	(B) Asset card records	Destroy 7 years after sale or delivery	
(cost and inf. information)	(C) Asset listings	3 years	
(computer)	(D) Asset pricing lists	2 years	
	(E) Cash listing	2 years	
	(F) Check registers	1 year	
	(G) Check requisition	1 year	
	(H) Checks	7 years	Yes
	(I) Check vouchers	1 year after account closing	
(probate accounts)	(J) Common trust	Permanent	
fund valuations	(K) Daily blotter of transactions	1 year	
department	(L) Daily statement of	1 year	
	(M) Fee ledgers	Destroy at account closing	
	(N) Income receipt list-ings (dividends, interest, rentals, mineral income)	3 years	
	(O) Journals (edit runs, cash and asset journals)	3 years	
	(P) Nominee records	3 years	
	(Q) Overdraft list	1 year	
	(R) Posting tickets	3 years	
	(9) Purchase and sale		
	(A) Trust	7 years	Yes
	(B) Others	7 years; then destroy	
	(C) Real estate	7 years; then destroy	
	(D) Security and trust	7 years; then destroy	
analysis	(10) Special files		
	(A) Trust	7 years	Yes
	(B) Others	7 years; then destroy	
	(C) Statements	Destroy at account closing	
	(D) Tax files		
	(i) Ad valorem tax	2 years after filing	
returns	(ii) Estate tax return	15 years after filing	
	(iii) Federal and state	5 years after filing	
tax returns	(iv) Intangible tax	2 years after filing	
returns	(v) Social Security	5 years after filing	
returns			

Issued in Austin, Texas, on October 13, 1982.

TRD-827894 Archie Clayton
General Counsel
Banking Department of Texas

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

Proposed date of adoption: November 22, 1982
For further information, please call (512) 475-4451.



**Part IV. Texas Savings and Loan
Department
Chapter 57. Change of Office
Location**

7 TAC §57.1

(Editor's note: The Texas Savings and Loan Department proposes for permanent adoption the amendments it adopts on an emergency basis in this issue. The text of the amendments is published in the Emergency Rules section.)

The Texas Savings and Loan Department proposes an amendment to §57.1, concerning change of office location. The Court of Civil Appeals has recently found this rule in its present form invalid; this proposed amendment will bring the rule into compliance with the court ruling. Emergency action has been simultaneously taken on this amendment.

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

Mr. Vandygriff 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 will be a uniform and valid rule. There is no anticipated economic cost to persons who are required to comply with the rule as proposed.

Comments on the proposed amendment may be submitted to L. Alvis Vandygriff, Commissioner, Texas Savings and Loan Department, P.O. Box 1089, Austin, Texas 78767, or hand delivered to 1004 Lavaca,

Austin, Texas 78701. Comments must be received by 5 p.m., Friday, November 5, 1982, and must be in writing.

This amendment is proposed under Texas Civil Statutes, Article 342-114, which provides the Texas Savings and Loan Department with the authority to promulgate general rules not inconsistent with the constitution and statutes of this state, and from time to time amend the same.

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 14, 1982.

TRD-827927 L. Alvis Vandygriff
Commissioner
Texas Savings and Loan
Department

Proposed date of adoption: November 22, 1982
For further information, please call (512) 475-7991.

**Part VII. State Securities Board
Chapter 109. Transactions Exempt
from Registration**

7 TAC §109.9

The State Securities Board proposes amendments to §109.9, concerning oil and gas interests.

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

Mr. Latham has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be increased uniformity of state exemptive provisions with federal securities exemptions.

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

Comments on the proposal may be submitted to Russell R. Oliver, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

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

§109.9. Oil and Gas Interests.

(a) (No change.)

(b) **Sales to accredited investors.** [Investments of \$100,000 or more.] In addition to sales made under §5.Q of the Securities Act, the State Securities Board, pursuant to §5.T of the Securities Act, exempts from the registration requirements of §7 of the Securities Act the sale of interests in and under oil, gas, and mining leases, fees or titles, or contracts relating thereto (hereinafter called "securities"), by the owner itself or by a registered dealer acting as agent for the owner provided all of the conditions outlined in §109.41(11)(A)(ii), (B), (C), (E), and (G) [§109.4 (11)(A)-(E)] of this title are satisfied in sales to investors. Sales to purchasers under this exemption do not need to be counted in the total number of sales allowed under §5.Q.

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 15, 1982.

TRD-827999 Richard D. Latham
Securities Commissioner

Proposed date of adoption: November 22, 1982
For further information, please call (512) 474-2233

Russell R. Oliver, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

The amendments are proposed under Texas Civil Statutes, Article 581-5.T, which provides that the board may prescribe exempt transactions by rule or regulation.

§111.2. Listed Securities.

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

(c) **Warrants for listed securities.** In addition to sales made under §6.F of the Securities Act, the State Securities Board, pursuant to §5.T of the Act, exempts from the registration requirements of §7 of the Act the offer and sale by the issuer itself, or by a registered dealer acting as agent for the issuer, or warrants to purchase securities which at the time of sale are fully listed on the New York Stock Exchange or the American Stock Exchange.

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 15, 1982.

TRD-827800 Richard D. Latham
Securities Commissioner

Proposed date of adoption: November 22, 1982
For further information, please call (512) 474-2233.

Chapter 111. Securities Exempt from Registration

7 TAC §111.2

The State Securities Board proposes amendments to §111.2, concerning securities exempt from registration.

Richard D. Latham, securities commissioner, 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 effect on state government will be an estimated loss in revenue of \$21,200 in fiscal year 1983; \$27,300 in fiscal year 1984; \$33,200 in fiscal year 1985; \$40,400 in fiscal year 1986; and \$49,300 in fiscal year 1987. There will also be an estimated reduction in cost for state government of \$2,700 in 1983; \$3,500 in 1984; \$4,200 in 1985; \$5,200 in 1986; and \$6,300 in 1987. There is no anticipated effect on local government.

Mr. Latham has also determined that for each year of the first five years the rule as proposed is in effect, the public benefit anticipated as a result of enforcing the rule as proposed will be increased availability to Texas investors of warrants to purchase securities listed on certain exchanges. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed, as the rule exempts the securities from the registration requirements of the Securities Act.

Comments on the proposal may be submitted to

Chapter 115. Dealers and Salesmen

7 TAC §115.1

The State Securities Board proposes amendments to §115.1, concerning persons who may provide information to offerees as required by Regulation D of the Securities and Exchange Commission without being registered dealers, agents, or salesmen.

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

Mr. Latham has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be increased uniformity of state provisions with federal securities exemptions. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed, as persons structuring securities offerings to comply with federal exemptions will be allowed to perform services required by the federal exemptions without dealer registration in this state.

Comments on the proposal may be submitted to Russell R. Oliver, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

The amendments are proposed under Texas Civil Statutes, Article 581-4.C, 4.D, 5.T, and 28-1, which provide, respectively, the definition of "dealer" and

"salesman," that the board may prescribe transactions by rule or regulation, and that the board may adopt such rules and regulations as may be necessary to carry out the provisions of the Securities Act, including rules defining any terms.

§115.1. General.

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

(f) Issuers in Regulation D [Rule 146] offerings. When an offering is made in compliance with Regulation D [Rule 146] of the SEC, which is also to be registered under the Securities Act, §7, and the offering will be made by or through a registered securities dealer, the issuer and its directors, officers, agents, and employees may make themselves available to answer questions from offerees as required by Rule 502(b)(2)(v) of Regulation D [paragraph (e)(2) of Rule 146] without being required to register as securities dealers, agents, or salesmen under the Securities Act, §12.

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 15, 1982.

TRD-828001 Richard D. Latham
Securities Commissioner

Proposed date of adoption: November 22, 1982
For further information, please call (512) 474-2233.

Chapter 123. Open-End Investment Companies

7 TAC §123.3

The State Securities Board proposes amendments to §123.3, concerning the definition of "money market fund."

Richard D. Latham, securities commissioner, 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. Estimated loss in revenue for state government will be \$5,000 each fiscal year from 1983-1987. There is no anticipated effect on local government.

Mr. Latham has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be reduced registration fees for open-end investment companies which invest in variable rate securities which are subject to adjustment of return periodically, thereby allowing greater investment of funds by such companies and higher return to public investors in Texas.

There is no anticipated economic cost to individuals who are required to comply with the rule as proposed, as the rule reduces the fees to be paid by persons who comply with the rule.

Comments on the proposal may be submitted to

Russell R. Oliver, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

The amendments are proposed under Texas Civil Statutes, Article 581-5.T, which provides that the board may prescribe exempt transactions by rule or regulation.

§123.3. Conditional Exemption from Money Market Funds.

(a) (No change.)

(b) Definition. In this rule, a "money market fund" or "fund" is an open-end investment company which engages in a continuous offering of its securities, which charges no sales commissions or redemption fees, and whose only objectives are preservation of capital, liquidity, and generation of current income derived from a portfolio consisting exclusively of evidences of indebtedness that generally may be described as money market investments such as certificates of deposit, U. S. Government securities, commercial paper, or similar obligations, 80% of whose principal amount must mature (may be redeemed or paid on demand) within one year from the date of issuance or settlement whichever is later; all of whose principal amount must mature (may be redeemed or paid on demand) within three years from the date of settlement. For these purposes, an indebtedness is deemed to "mature" on the date noted on the face of the instrument as the date on which the principal amount must be paid, or in the case of variable or floating rate instruments with longer stated dates for principal payments, such instruments are deemed to "mature" on the next stated interest rate adjustment date.

(c)-(j) (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 15, 1982.

TRD-828002 Richard D. Latham
Securities Commissioner

Proposed date of adoption: November 22, 1982
For further information, please call (512) 474-2233.

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 9. Liquefied Petroleum Gas Division

Subchapter B. Basic Rules

16 TAC §9.42

The Railroad Commission of Texas proposes amendments to §9.42, concerning safety relief valves installed on LP-gas containers.

Hugh F. Keepers, LP-Gas Division director, has determined that for the first five-year period the rule will

be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Keepers 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 clarification of the requirements for LP-gas safety relief valves. 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 Hugh F. Keepers, Director, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711.

The amendments are proposed under the Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules relating to all aspects of the LP-gas industry that will protect or tend to protect the health, welfare, and safety of the general public.

§9.42. *Safety Relief Valves.*

(a) (No change.)

(b) The **discharge** capacity of safety relief valves [,] **installed on** [attached to] A.S.M.E. Code containers **for use with LP-gas** [,] shall be in accordance with the provisions of §9.321, of this title (relating to Appendix A), which is incorporated herein and made a part hereof for any and all purposes. Safety relief valves **installed on** [attached to I.C.C. or] D.O.T. containers for use with LP-gas shall have a **discharge** capacity in accordance with the requirements of the Department of Transportation.

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

Issued in Austin, Texas, on October 12, 1982.

TRD-827975 Walter Earl Lile
 Special Counsel
 Railroad Commission of Texas

Proposed date of adoption: November 22, 1982
For further information, please call (512) 445-1186.

16 TAC §9.43

The Railroad Commission of Texas proposes amendments to §9.43, concerning setting of relief valves.

Hugh F. Keepers, LP-Gas Division director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Keepers has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be increased safety through upgrading standards for relief valve settings. 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 Hugh F. Keepers, Director, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711.

The amendments are proposed under the Natural Resources Code, Chapter 113, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules relating to all aspects of the LP-gas industry that will protect or tend to protect the health, welfare, and safety of the general public.

§9.43. *Setting of Relief Valves.*

(a) All safety relief valves [,] **installed on** [attached to] A.S.M.E. Code containers [,] **for use with LP-gas** shall **have a marked set pressure equal to** [be set by the manufacturer to start a discharge at not less than] the design working pressure of the container [to which they are attached and not more than 125% of such design working pressure], **except as noted in §9.51(b). This does not apply to relief valves installed prior to the effective date of this rule, but does apply to replacements of relief valves made after the effective date.**

(b) Safety relief valves **installed on** [attached to I.C.C. or] D.O.T. containers for use with LP-gas shall be set to start a discharge in accordance with the provisions of the Department of Transportation specifications under which such vessels are constructed.

(c) Safety relief valves **installed on** [attached to] A.S.M.E. Code containers **for use with LP-gas** shall **have a discharge capacity rating** [be so constructed as to discharge at] not less than the rates shown in §9.321 of this title (relating to Appendix A), which is incorporated herein and made a part hereof for any or all purposes [before the pressure is in excess of 120% of the maximum permitted setting of the device].

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

Issued in Austin, Texas, on October 12, 1982.

TRD-827976 Walter Earl Lile
 Special Counsel
 Railroad Commission of Texas

Proposed date of adoption: November 22, 1982
For further information, please call (512) 445-1186.

16 TAC §9.44

The Railroad Commission of Texas proposes amendments to §9.44, concerning construction and marking of safety relief valves.

Hugh F. Keepers, LP-Gas Division director, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Keepers 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 establish uniform standards for manufacturers of relief valves.

There is no anticipated economic cost to individuals who are required to comply with the rule as proposed, in that manufacturers are currently complying with the national standard which is adopted by reference in this section.

Comments on the proposal may be submitted to Hugh F. Keepers, Director, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711.

The amendments are proposed under the Natural Resources Code, Chapter 113, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules regarding all aspects of the LP-gas industry that will protect or tend to protect the health, welfare, and safety of the general public.

§9.44. Construction and Marking of Safety Relief Valves. [(a) Safety relief valves [Every safety relief valve] shall be constructed and [plainly and permanently] marked in accordance with applicable requirements of U.L. Standard 132, "Standards on safety relief valves for anhydrous ammonia and LP-gas" (adopted by reference by this section), or other equivalent applicable standards [with the manufacturer's name, the manufacturer's model number, the pressure at which valve is set to start to discharge, and the actual discharge capacity of the valve in cubic feet per minute of air at 60° F. and atmospheric pressure.] Relief valves on A.S.M.E. code containers shall be marked to include the set pressure (start-to-discharge) and the flow capacity rating in SCFM air at 120% of the marked set pressure. Relief valves on D.O.T. containers shall be marked in accordance with D.O.T. requirements. Original markings on safety relief valves shall not be changed [Under no circumstances shall anyone, other than the manufacturer or his authorized representative, change the markings on the safety relief valve.] This does not apply to relief valves installed prior to the effective date of this rule, but does apply to replacements of relief valves made after the effective date.

[(b) Valves not marked "air" are flow rated in LP-gas and can be converted to their air capacity ratings by applying the air conversion factors given in the table following §9.321 of this title (relating to Appendix A), which is incorporated herein and made a part hereof for any and all purposes.]

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

Issued in Austin, Texas, on October 12, 1982.

TRD-827977 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Proposed date of adoption: November 22, 1982
For further information, please call (512) 445-1186.

16 TAC §9.45

The Railroad Commission of Texas proposes amendments to §9.45, concerning adjustment and repair of safety relief valves.

Hugh F. Keepers, LP-Gas Division director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Keepers 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 insure that adjustments and repairs to safety relief valves are made only by the manufacturer of such valves. 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 Hugh F. Keepers, Director, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711.

The amendments are proposed under the Natural Resources Code, Chapter 113, §113.051, which provides the Railroad Commission of Texas with the authority to aspects of the LP-gas industry that will protect or tend to protect the health, welfare, and safety of the general public.

§9.45. Adjustment and Repair of Safety Relief Valves.

(a) No person [,] other than the manufacturer [or his authorized representative,] shall make repairs or adjustments on safety relief valves used with liquefied petroleum gas.

(b) The manufacturer shall design or seal safety relief valves in such manner as to minimize the possibility of unauthorized tampering.

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

Issued in Austin, Texas, on October 12, 1982.

TRD-827978 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Proposed date of adoption: November 22, 1982
For further information, please call (512) 445-1186.

16 TAC §9.50

(Editor's note: The text of the following rule being proposed for repeal will not be published. The rule may be examined in the offices of the Railroad Commission of Texas, 1124 IH 35 South, Austin, or in the Texas Register office, 503E Sam Houston Building, Austin.)

The Railroad Commission of Texas proposes the repeal of §9.50, concerning unauthorized filling of LP-gas containers.

Hugh F. Keepers, LP-Gas Division director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Keepers 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 remove the Railroad Commission from involvement in private contractual matters between LP-gas dealers and their customers. 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 Hugh F. Keepers, Director, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711.

The repeal is proposed under the Natural Resources Code, Chapter 113, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules relating to all aspects of the LP-gas industry that will protect or tend to protect the health, welfare, and safety of the general public.

§9.50. *Unauthorized Filling Prohibited.*

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

Issued in Austin, Texas, on October 12, 1982.

TRD-827979 Walter Earl Lile
 Special Counsel
 Railroad Commission of Texas

Proposed date of adoption: November 22, 1982
For further information, please call (512) 445-1186.

Subchapter C. Division I

16 TAC §9.75

(Editor's note: The text of the following rule being proposed for repeal will not be published. The rule may be examined in the offices of the Railroad Commission of Texas, 1124 IH 35 South, Austin, or in the Texas Register office, 503E Sam Houston Building, Austin.)

The Railroad Commission of Texas proposes the repeal of §9.75, concerning safety devices.

Hugh F. Keepers, LP-Gas Division director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Keepers 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 clarification of the safety rules by eliminating rules in a particular division which

are covered in the basic rules. 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 Hugh F. Keepers, Director, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711.

The repeal is proposed under the Natural Resources Code, Chapter 113, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules relating to all aspects of the LP-gas industry that will protect or tend to protect the health, welfare, and safety of the general public.

§9.75. *Safety Devices.*

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

Issued in Austin, Texas, on October 12, 1982.

TRD-827980 Walter Earl Lile
 Special Counsel
 Railroad Commission of Texas

Proposed date of adoption: November 22, 1982
For further information, please call (512) 445-1186.

Subchapter D. Division II

16 TAC §9.92

(Editor's note: The text of the following rule being proposed for repeal will not be published. The rule may be examined in the offices of the Railroad Commission of Texas, 1124 IH 35 South, Austin, or in the Texas Register office, 503E Sam Houston Building, Austin.)

The Railroad Commission of Texas proposes the repeal of §9.92, concerning relief valves on aboveground containers.

Hugh F. Keepers, director, LP-Gas 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. Keepers 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 clarification of the safety rules by eliminating rules in a particular division which are covered in the basic rules. 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 Hugh F. Keepers, Director, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711.

The repeal is proposed under the Natural Resources Code, Chapter 113, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules relating to all aspects of the LP-gas industry that will protect or tend to protect the health, welfare, and safety of the general public.

§9.92. Relief Valves on Aboveground Containers.

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

Issued in Austin, Texas, on October 12, 1982.

TRD-827981 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Proposed date of adoption: November 22, 1982
For further information, please call (512) 445-1186.

Subchapter F. Division IV

16 TAC §9.141

The Railroad Commission of Texas proposes amendments to §9.141, concerning protection of safety relief valves.

Hugh F. Keepers, LP-Gas Division director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Keepers has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be increased safety due to better protection of safety relief valves from mechanical damage which might occur in the event of an accident. 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 Hugh F. Keepers, Director, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711.

The amendment is proposed under the Natural Resources Code, Chapter 113, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules relating to all aspects of the LP-gas industry that will protect or tend to protect the health, welfare, and safety of the general public.

§9.141. Protection of Safety Relief Valves [Safety Devices]. [Every container used for transporting shall be provided with one or more safety relief valves of the spring-loaded type. These valves shall be arranged to communicate directly with the vapor space of the tank and to afford free vent to the atmosphere.] Safety relief [these] valves installed after January 1, 1983, on containers used

for transporting LP-gas shall be of the full internal type [protected by recessing] so as to provide maximum protection against breaking off or dislocation in case of an accident.

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

Issued in Austin, Texas, on October 12, 1982.

TRD-827982 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Proposed date of adoption: November 22, 1982
For further information, please call (512) 445-1186.

16 TAC §9.142

The Railroad Commission of Texas proposes an amendment to §9.142, concerning protection of valves and accessories on LP-gas transport trucks.

Hugh F. Keepers, LP-Gas Division director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Keepers has also determined that for each year of the first five years the rule as proposed is in effect there is no public benefit anticipated as a result of enforcing the rule as proposed. 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 Hugh F. Keepers, Director, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711.

The amendment is proposed under the Natural Resources Code, Chapter 113, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules relating to all aspects of the LP-gas industry that will protect or tend to protect the health, welfare, and safety of the general public.

§9.142. Protection of Valves and Accessories. All valves [,] (other than safety relief valves), pumps, and piping which are a part of truck and trailer tanks used in the transportation of liquefied petroleum gases shall be located and/or protected by recessing or by heavy guard rails so as to provide maximum protection against breaking off or dislocation in case of an accident.

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

Issued in Austin, Texas, on October 12, 1982.

TRD-827983 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Proposed date of adoption: November 22, 1982
For further information, please call (512) 445-1186.

Subchapter L. Division X

16 TAC §9.281

(Editor's note: The text of the following rule being proposed for repeal will not be published. The rule may be examined in the offices of the Railroad Commission of Texas, 1124 IH 35 South, Austin, or in the Texas Register office, 503E Sam Houston Building, Austin.)

The Railroad Commission of Texas proposes the repeal of §9.281, concerning safety devices.

Hugh F. Keepers, LP-Gas Division director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Keepers 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 clarification of the safety rules by eliminating rules in a particular division which are covered in the basic rules. 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 Hugh F. Keepers, Director, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711.

The repeal is proposed under the Natural Resources Code, Chapter 113, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules relating to all aspects of the LP-gas industry that will protect or tend to protect the health, welfare, and safety of the general public.

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

Issued in Austin, Texas, on October 12, 1982.

TRD-827984 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Proposed date of adoption: November 22, 1982
For further information, please call (512) 445-1186.

TITLE 34. PUBLIC FINANCE
Part I. Comptroller of Public
Accounts

Chapter 3. Tax Administration
Subchapter Q. Business Tax Division—
Franchise Tax

34 TAC §3.399

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be ex-

amined in the offices of the Comptroller of Public Accounts, 111 East 17th Street, Austin, or in the Texas Register office, 503E Sam Houston Building, Austin.)

The comptroller of public accounts proposes the repeal of §3.399, concerning franchise tax exemptions. This rule is being repealed in order that a substantially revised rule dealing with the same subject matter may be adopted.

Public comment on the amendment should be submitted in writing to Carolyn Busch, P.O. Box 13528, Austin, Texas 78711.

This repeal is proposed under the authority of Texas Tax Code, §111.002, which provides that the comptroller may adopt and enforce rules relating to the enforcement and administration of the tax code.

§3.399. Franchise Tax Exemptions.

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 18, 1982.

TRD-828011 Bob Bullock
Comptroller of Public Accounts

Proposed date of adoption: November 22, 1982
For further information, please call (512) 475-7000.

34 TAC §3.399

The comptroller of public accounts proposes new §3.399, concerning franchise tax exemptions, to replace the existing §3.399, which is simultaneously repealed. The proposed rule notifies taxpayers of the procedures for contesting the denial or revocation of franchise tax exemptions. The proposed rule also revises the definitions of religious worship and educational purpose corporations to conform with those used in the administration of the state sales tax. The rule expressly sets out the franchise tax exemption for national and state banks. Finally, the proposed rule establishes the requirements of a "dissolution clause" for all eleemosynary, religious, and educational corporations.

Bill Allaway, director of revenue estimating, 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. Allaway also has determined there is no anticipated economic cost or benefit to persons who are required to comply with the rule.

Public comment should be submitted in writing to Carolyn Busch, P.O. Box 13528, Austin, Texas 78711.

This rule is proposed under the authority of Texas Tax Code, §111.002, which provides that the comptroller may adopt and enforce rules relating to the enforcement and administration of the tax code.

§3.399. Franchise Tax Exemptions.

(a) Application for exemption.

(1) It is the responsibility of each corporation that believes that it is exempt from payment of franchise tax to furnish to the comptroller sufficient evidence to establish its exempt status. The evidence must be submitted within 15 months from the date of its charter or certificate of authority to avoid payment of franchise tax for the period after the charter or certificate of authority date and before an exempt status is established.

(2) Except as indicated in paragraph (e)(3) of this section, each corporation must submit to the comptroller an application for exemption in writing, indicating the particular provision of Subchapter B, Chapter 171, Texas Tax Code under which it claims exemption. It is the duty of the taxpayer to place itself clearly within the exempt status desired. Doubts regarding exempt status are interpreted against the granting of the exemption.

(3) The application must contain, or have attached to it, a detailed statement of the corporation's past activities, if any, and its future plan of activities, both in relation to the manner in which the corporation proposes to implement the purposes' clause in its articles of incorporation or certification of authority. Except as provided in paragraph (e)(3) of this section, a copy of the articles of incorporation must be submitted with the application, and, for a foreign corporation, a copy of the application for a certificate of authority also must be submitted. The comptroller may require any additional information necessary to make a determination whether the corporation is eligible for a franchise tax exemption.

(4) Upon receipt of an application for exemption, the comptroller's representative will review the application and send the taxpayer a notification either granting the exemption, denying the exemption, or requesting additional information. If a corporation's application for exemption is denied, it may contest the denial by one of the three following procedures:

(A) Claim for refund. The corporation may pay any amount of franchise tax, penalty, and interest then due to the comptroller, accompany the payment with a claim for refund, and request a hearing under the requirements of Texas Tax Code, §§111.104 and §111.105 (formerly Texas Taxation-General, Article 1.11A).

(B) Filing suit. The corporation may pay any amounts of franchise tax, penalty, and interest then due to the comptroller, accompany the payment with a written protest, and file suit for the recovery of the amounts under the requirements of Texas Tax Code, §§112.051-112.060 (formerly Texas Taxation-General, Article 1.05).

(C) Petition for redetermination. If a corporation owes an amount of tax required under Texas Tax Code, §§171.001-171.401, as a result of the denial of exempt status, the comptroller may issue a deficiency determination. The corporation may then petition for a redetermination under the requirements of Texas Tax Code, §111.009 (formerly Texas Taxation-General, Article 1.032). This determination becomes final if a petition for redetermination is not filed within 30 days after the deficiency determination is issued.

(b) Qualification for exemption.

(1) All insurance, surety, guaranty, or fidelity companies that are subject to the annual gross premium tax levied by Texas Civil Statutes, Article 7064 or Article 7064a, or the additional taxes on gross premiums levied under the Texas Insurance Code, and that have not been exempted from the gross premiums taxes, are exempt from payment of the franchise tax regardless of whether any gross premiums taxes are actually paid in any given year. No other franchise tax exemption is allowed for any insurance company or surety, guaranty, or fidelity company.

(2) A transportation company or sleeping, palace car, or dining car company is exempt from franchise tax if the company can show that it is subject, under the laws of this state, to an annual tax measured by gross receipts.

(3) Those corporations organized for the exclusive purpose of promoting the public interest of any county, city, town, or other area within the state, must show that promotion of the public interest is the exclusive purpose of the corporation and not merely an incidental result. A corporation will not be considered to be promoting the public interest if it engages in activities to promote or protect the private, business, or professional interests of its members or patronage.

(4) A nonprofit corporation organized for the purpose of religious worship is an incorporated group of people associating for the primary purpose of holding, conducting, and sponsoring, according to the rites of the sect, religious worship. A corporation supporting and encouraging religion as an incidental purpose or an organization with the general purpose of furthering religious work or instilling its membership with a religious understanding does not qualify for a franchise tax exemption under Texas Tax Code, §171.058, unless all its other purposes and activities are exempt under other provisions of Subchapter B of the Texas Tax Code or this section.

(5) Corporations seeking a franchise tax exemption as organized for purely public charity will be required to supply evidence that the substantial portion of the corporation's activities are devoted to supplying aid and assistance to indigent or similarly deserving members of society. If a corporation engages in any substantial activity other than public charity, it will not be considered as having been organized for purely public charity. A corporation also will not be considered as having been organized for purely public charity if the public derives only an indirect benefit from the corporation's activities. A corporation is presumed to satisfy this definition if it devotes substantially all of its activity to the alleviation of poverty, disease, pain, and suffering by providing foods, drugs, treatments, shelter, clothing, or counseling to needy persons with funds derived at least in part from sources other than fees or charges for its services.

(6) A corporation seeking a franchise tax exemption on the basis of having been organized for strictly educational purposes must show that it is devoted solely to systematic instruction with a regularly scheduled curriculum, a regular faculty, and regularly enrolled student body or students in attendance at a place where the educational activities are regularly carried on; or has activities consisting solely of presenting public discussion groups,

forums, panels, lectures, or other similar programs. A corporation will not be considered as having been organized for strictly educational purposes if education is incidental to some other facet of the corporation's activities.

(c) Additional exemption. National banks, state banks, and Edge Act corporations are exempt from payment of the franchise tax. For purposes of this section, a national bank is any banking corporation organized under the provisions of United States Code, Title 12, §21, and the amendments to it. A state bank is any corporation organized under, and meeting the requirements of the Texas Banking Code of 1943 as amended. An Edge Act corporation is any corporation created pursuant to the Edge Act, 12 United States Code, §611, *et seq.* The exemption provided by this rule does not apply to bank holding companies or loan production offices which are not banks within the meaning of the federal or state banking statutes, but which may engage in bank-related activities.

(d) Revocation of exemptions.

(1) If at any time the comptroller has reason to believe that an exempt corporation no longer qualifies for exemption, the comptroller's representation will notify the taxpayer that its exempt status is under review. The comptroller's representative may request additional information necessary to ascertain the continued validity of the corporation's exempt status. If the comptroller determines that a corporation is no longer entitled to its exemption, notification to that effect will be sent to the corporation. The effective date of revocation is the April 30 following the date of notification of revocation.

(2) The corporation may contest a revocation by one of the three following procedures:

(A) Claim for refund. The corporation may pay any amounts of franchise tax, penalty, and interest then due to the comptroller, accompany the payment with a claim for refund, and request a hearing under the requirements of Texas Tax Code, §111.104 and §111.105 (formerly Texas Taxation-General, Article 1.11A).

(B) Filing suit. The corporation may pay any amounts of franchise tax, penalty, and interest then due to the comptroller, accompany the payment with a written protest, and file suit for the recovery of the amounts under the requirements of Texas Tax Code, §§112.051-112.060 (formerly Texas Taxation-General, Article 1.05).

(C) Petition for redetermination. If a corporation owes an amount of tax required under Texas Tax Code, §§171.001-171.401, as a result of the denial of exempt status, the comptroller may issue a deficiency determination. The corporation may then petition for a redetermination under the requirements of Texas Tax Code, §111.009 (formerly Texas Taxation-General, Article 1.032). This determination becomes final if a petition for redetermination is not filed within 30 days after the deficiency determination is issued.

(3) For corporations granted an exemption under Texas Tax Code, §171.063, the revocation of the federal income tax exemption will automatically terminate the franchise tax exemption as of the April 30 following the effective date of the revocation of the federal tax exemption.

(c) Miscellaneous.

(1) For purposes of Texas Tax Code, §171.056, the term "solar energy device" includes, but is not limited to:

(A) devices used in the conversion of solar thermal energy into electrical or mechanical power;

(B) devices used in the photovoltaic (solar cell) generation of electricity;

(C) systems used in the heating of water and the heating and cooling of structures by use of solar collectors to gather the sun's energy; and

(D) heat pumps used as an integral part of a system designed to make the best combined use of solar energy and conventional heating.

(2) Any nonprofit religious, charitable, or educational corporation applying for a franchise tax exemption after January 1, 1982, may not be granted an exemption unless its articles of incorporation expressly provide that upon dissolution of the corporation all assets of the corporation will be distributed for one or more exempt purposes.

(3) If a corporation has been exempted from the federal income tax under the provisions of §501(c)(3), (4), (5), (6), or (7) of the Internal Revenue Code as it existed on January 1, 1975, the corporation may establish its exempt status merely by furnishing to the comptroller a copy of the exemption letter which it received from the Internal Revenue Service. If a copy of the I.R.S. exemption letter is furnished within the period specified in paragraph (a)(1) of this section, the franchise tax exemption will be recognized as of the date of the corporation's charter or certificate of authority. If the copy of the I.R.S. exemption letter is not furnished within the time period specified in paragraph (a)(1) of this section, the franchise tax exemption will be recognized as of the April 30 following the date the I.R.S. exemption was effective for federal tax purposes or September 1, 1975, whichever is later.

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 18, 1982.

TRD-828010 Bob Bullock
Comptroller of Public Accounts

Proposed date of adoption: November 22, 1982
For further information, please call (512) 475-7000.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 8. HEAP Program Administration

40 TAC §§8.907-8.909, 8.911

The Texas Department of Human Resources proposes amendments to §§8.907-8.909, and 8.911, concern-

ing heating assistance in the Home Energy Assistance Program (HEAP). The program, funded under the Low Income Home Energy Assistance Program block grant, is designed to assist low-income households in paying for the cost of heating and cooling their homes. Rules about the HEAP cooling program were adopted earlier this year.

An application/questionnaire will be sent in January to active Aid to Families with Dependent Children (AFDC), Supplemental Security Income (SSI), and food stamp clients whose income meets the program's requirements. The department will use the questionnaire in reviewing eligibility factors such as household composition and vulnerability to energy costs. The eligibility requirements and household responsibilities are included in the rules. In most cases, benefits will be paid directly to eligible households. In response to public concerns that benefits are not always spent for energy costs, the department will consider developing a direct vendor payment system in certain areas depending on the willingness of utility vendors to participate and the department's ability to develop a cost-effective method of operation.

Only recipients of AFDC, SSI, food stamps, or VA needs-tested clients may be considered for HEAP assistance. The Energy Crisis Intervention (ECI) Program, however, is intended to assist eligible low-income persons who experience imminent termination or lack of energy for heating and cooling.

The proposed amendments add the word "heating" to make the rules specific to the winter phase of the program. Specific dates (years) are deleted from the existing rules so that the department will not have to amend the rules unless there is a policy change. Current income caps by household size are also deleted since they change from year to year. The income requirement, however, remains the same. Household income cannot exceed 75% of the Bureau of Labor Statistics current lower living standard.

In addition to editorial changes, the proposed amendments allow households 90 days to request a fair hearing. Currently the rule (§8.911) states the hearing must be requested within 60 days.

David Hawes, Programs Budget and Statistics director, has determined that for the first five-year period the amendments are in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rules.

Mr. Hawes also has determined that for each year of the first five years the amendments are in effect, the public benefit will be assistance to low-income households, intended to help them meet winter utility costs. There is no anticipated economic cost to individuals required to comply with the amendments.

The department will hold a hearing to accept public comment on the proposed amendments at 9 a.m. on Friday, November 5, 1982, in the DHR board room, 706 Banister Lane, Austin. Written comments may be

sent to Susan L. Johnson, Administrator, Policy Development Support Division-- 369, Texas 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 amendments are proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

§8.907. Eligibility Requirements.

(a) **Categorical designation.** To qualify for HEAP heating assistance, the household must **apply and be eligible for January** [an active] AFDC, food stamp [Food Stamp], or SSI **benefits effective the previous** [client on] December 31, [1981] or be a Veterans Administration needs-tested client in January [1982]. Household means any individual or group of individuals who live together as an economic unit and who pay for home energy costs. Residents of nursing homes, state institutions, or government-subsidized institutions are not eligible for HEAP assistance.

(b) [To qualify for HEAP assistance, the household also must meet the income and vulnerability requirements.

[(c)] **Income.** For HEAP heating assistance, the household's income is its gross income (without any deductions) as determined by the household's AFDC, food stamp, [or] SSI, or Veterans Administration worker. To meet the income requirement, a household's income cannot exceed 75% of the Bureau of Labor Statistics lower living standard **in effect at the time of eligibility determination.**[:]

[Household Size	Income
1	\$ 305.49
2	499.49
3	684.49
4	845.49
5	998.49
6	1,166.49]

(c)[(d)] **Vulnerability.** To qualify for HEAP heating assistance, the household must be vulnerable to home energy cost increases. Households meet the vulnerability requirement if they live in privately owned or rented housing, even if they include the cost of utilities in the rent payment, or pay only a portion of their home energy costs. Residents of certain types of public and subsidized housing are not vulnerable because they are protected from energy cost increases. To comply with the vulnerability requirement, a person who lives in public housing must receive a utility bill from a utility company **or pay his total utility cost to the landlord.**

§8.908. Household [Client] Responsibility. Households [Clients] applying for and receiving HEAP heating assistance have the following responsibilities:

(1) to complete an application/questionnaire and return it to the department within **the time limit specified on the application** [12 days].

(2) to return all overpayments received **upon request by DHR staff.**

§8.909. *Benefit Amount.* Households receive a benefit amount that is based on the average cost of natural gas in each Texas county **determined** [weighed] by population. The department uses the household's gross income to decide the benefit level.

§8.911. *Appeals.* **Households** [Any person] may request a hearing if their claim for HEAP assistance is denied or not acted on promptly **Households** [The client] must request the hearing within **90** [60] days from the effective date of the action or **alleged** inaction. The department's appeals procedures are in the rule chapter on legal services.

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 15, 1982.

TRD-827963 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Proposed date of adoption: November 22, 1982
For further information, please call (512) 441-3355,
ext. 2037.

Chapter 79. Legal Services Subchapter U. Fraud Involving Recipients

40 TAC §79.2019

(Editor's note: The text of the following rule being proposed for repeal will not be published. The rule may be examined in the offices of the Texas Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register office, 503L Sam Houston Building, Austin.)

The Texas Department of Human Resources proposes the repeal of §79.2019 and simultaneously proposes a new §79.2019, concerning administrative fraud hearings and collection procedures in the Food Stamp Program. The department is adding a new procedure for clients who do not want to attend a fraud hearing, but agree to pay back food stamp overissuances. Clients may waive attendance at a fraud hearing by signing a repayment agreement and stating their intention not to attend the fraud hearing.

David Hawes, Programs, Budget and Statistics director, has determined that for the first five years the repeal and new rule are in effect there will be fiscal implications to state government as a result of enforcing or administering the rule. The effect on state government will be an estimated reduction in cost of \$3,000 in 1983, \$4,500 in 1984, \$4,800 in 1985, \$5,175 in 1986, and \$5,425 in 1987. There is no anticipated effect on local government.

Mr. Hawes 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 the repeal and new rule will be savings in travel costs and time now used by investigators in attending fraud hearings. The time and travel saved could be used in investigating additional cases. There are no anticipated economic costs to persons required to comply with the proposed repeal and new rule.

Written comments may be sent to Susan L. Johnson, Administrator, Policy Development Support Division—126, Texas 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 repeal of §79.2019 is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

§79.2019. *Fraud Involving Recipients.*

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 18, 1982.

TRD-828014 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Proposed date of adoption: November 22, 1982
For further information, please call (512) 441-3355,
ext. 2037.

The new rule is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

§79.2019. *Collection Action on Food Stamp Fraud Claims.*

(a) The investigator must send the individual determined to have committed fraud a repayment agreement. The investigator must conduct a personal visit with the individual, if possible. The investigator must send a repayment agreement even if the household already received a nonfraud demand letter.

(b) DHR must begin collection action on fraud claims, unless:

(1) the household has repaid the overissuance because of a non fraud claim, or

(2) the investigator documents that the household cannot be located.

(c) The individual, or remaining household members, may begin making cash repayments before or during any period of disqualification imposed on the guilty person. Benefits the household lost because of disqualification do not constitute repayment. DHR suspends collection action only on a documented determination that the person who committed fraud cannot be located. These claims are determined uncollectible after three years. DHR must use suspended fraud claims to offset restored benefits.

(d) If the investigator interviews the individual suspected of committing fraud, and the suspect expresses that he does not want to attend a fraud hearing and is willing to repay the overissuance, the investigator obtains his signature on a repayment agreement—fraud hearing attendance waived, and an acknowledgment of fraud hearing notice/waiver of attendance.

(e) The administrative fraud hearing officer will not send a notice of administrative fraud hearing to the suspect since the fraud hearing is already scheduled on the waiver of attendance.

(f) The hearing officer will conduct the administrative fraud hearing without the suspect being present. The hearing officer will notify the suspect of the determination. The 10-day waiting period usually allowed to give the suspect an opportunity to explain his failure to appear at the hearing does not apply if the waiver of attendance has been signed.

(g) If the person who committed fraud fails to respond to the repayment agreement, the investigator must send him a notice one month before the end of the disqualification period. The investigator makes a personal visit, if possible. The disqualified person cannot participate until he makes a repayment agreement. DHR may initiate civil court action to collect the claim.

(h) The investigator must take collection action against the household the guilty person lives with. Therefore, if the guilty person moves, the investigator must begin collection action against the guilty person's new household. Any adverse action against the household is subject to DHR's fair hearings process.

(i) Fraud claims are collected in one of the following ways:

(1) Cash repayment—The investigator must attempt to collect the entire amount due in one lump sum payment. DHR may not require the household to liquidate all of its resources to make a lump sum payment.

(2) Installment payments—If the household is unable to pay the claim in one payment, the investigator

must establish a schedule of regular monthly payments. Payments should be set at a level which will result in repayment as soon as possible but not to exceed three years.

(3) Reduction of food stamp allotment—Before recoupment, the investigator must discuss with the household the amount of food stamps to be recouped. The recoupment amount is:

(A) 25% of the household's monthly allotment, or

(B) the guilty person's pro rata share of the allotment, whichever is smaller.

(j) If the guilty person fails to make an agreed cash payment, or pays less than the agreed amount, the investigator must send him a notice. If, within 15 days, the person fails to respond to this notice, the investigator must initiate recoupment from current food stamp benefits. If the guilty person responds to the noncompliance notice, the investigator may permit him to resume the agreed-upon repayment schedule, or renegotiate the agreement and complete a new repayment agreement. If the person requests renegotiation but the investigator can document that the household's circumstances have not changed enough to warrant renegotiation, the investigator may, with his supervisor's concurrence, refuse the requested settlement or initiate recoupment.

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 18, 1982.

TRD-828015

Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Proposed date of adoption November 22, 1982
For further information, please call (512) 441-3365,
ext. 2037.

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

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

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

Adopted Rules

TITLE 7. BANKING AND SECURITIES Part VII. State Securities Board Chapter 109. Public Solicitation or Advertisement

7 TAC § 109.4

The State Securities Board adopts amendments to § 109.4, with changes to the proposed texts published in the May 28, 1982, issue of the *Texas Register* (7 TexReg 2023) and in the June 1, 1982, issue of the *Texas Register* (7 TexReg 2099)

The rule will operate to increase uniformity of state exemptive provisions with federal securities exemptions contained in Regulation D which was recently adopted by the U S Securities and Exchange Commission

The rule will allow private offerings of securities to be made on an exempt basis to up to 35 persons who are not "accredited investors," so long as the offering meets certain requirements, and additional sales may be made in such offerings to other persons who are "accredited investors" as defined in the rule

Written comments were received from John E. Gangstad, of the law firm of Brown, Maroney, Rose, Baker & Barber, 1300 American Bank Tower, 221 West Sixth Street, Austin, Texas 78701, and from Alan P. Baden, of Vinson & Elkins, Attorneys at Law, First City Tower, Houston, Texas 77002 Mr Baden's written comments reflected the comments of himself, of Charles H. Still, Linda A. Wertheimer, and Frederick J. Fowler. Mr. Gangstad supported adoption of the rule, but he and Mr. Baden disagreed with the method

for determining an investor's net worth for purposes of determining whether or not the investor is a sophisticated investor. Mr. Gangstad and Mr. Baden disagreed with the exclusion from net worth of a person's principal residence, furnishings, or automobiles in determining whether or not a proposed investment is material to the investor's total net worth. The exclusion to which the commentators objected has been removed from the rule. Mr. Gangstad further suggested that the community income of an investor's spouse be considered in determining whether a proposed investor satisfies the income test for determining whether a person is an accredited investor, and the rule has been revised to include such spousal income. Mr. Gangstad also suggested clarifying the provision of the rule dealing with when certain investors must be counted toward the numerical total of investors allowed under 45.(a) or 45.(c) of the Securities Act, and the rule has been redrafted in an attempt to clarify this provision

Mr. Baden also supported adoption of the rule but suggested certain technical spelling and cross reference changes which have been incorporated into the rule. Mr. Baden further suggested that investor sophistication tests set out in the rule be modified to allow such tests to be satisfied by a purchaser representative, and the rule has been redrafted to allow a purchaser representative to satisfy investor sophistication criteria. Mr. Baden further suggested clarification of the counting provisions of the rule, and the rule has been redrafted in an attempt to clarify these provisions. Mr. Baden objected to the definition of "issuer" and "registered dealer" in the rule as over-broad, and the rule has been redrafted in an attempt to clarify and refine such definitions. Additionally, Mr. Baden recom-

mended combining the three original rule proposals into one rule for the sake of clarity, and this has been done in the rule as adopted.

Finally, Mr. Baden objected to inclusion in the rule of certain disqualifying factors which would make the exemption provided by the rule unavailable to an issuer or registered dealer who had certain administrative, injunctive, or criminal sanctions imposed upon it.

Mr. Baden suggested inclusion of a standard which would give both an issuer and a registered dealer a "reasonable cause" defense, so that the exemption would be available to an issuer or registered dealer who made reasonable inquiry into the past conduct of the company, its officers, directors, partners, and principal shareholders. The agency disagrees with this comment, as inclusion of a "reasonable cause" test would create a subjective fact determination which would have to be made in order to determine the availability of the exemption, which would impose an unreasonable burden on the agency and upon private litigants in the event a question arose as to the availability of the exemption.

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

§109.4. Public Solicitation or Advertisements. This section is intended to reflect the support of the Securities Board for the proposition that potential investors in transactions exempt under §5.1 of the Act have a legitimate interest in receiving reasonable information concerning the plan of business and the financial condition of the issuer of the securities.

(1) The offer for sale or sale of the securities of the issuer would not involve the use of "public solicitation" under §5.1 of the Act if the offer for sale or sale is made to sophisticated, well-informed investors or to well-informed investors who have a relationship with the issuer or its principals, executive officers, or directors evincing trust between the parties (namely close business association, close friendship, or close family ties), and who acquire the securities as ultimate purchasers and not as underwriters or conduits to other beneficial owners or subsequent purchasers. The use of a registered dealer in a sale otherwise meeting the requirements of §5.1 does not necessarily mean that the transaction involves the use of "public solicitation."

(A) (No change.)

(B) In determining who is a "sophisticated investor" at least the following factors should be considered:

(i) The financial capacity of the investor, to be of such proportion that the total cost of that investor's commitment in the proposed investment would not be material when compared with his total financial capacity. It may be presumed that if the investment does not

exceed 20% of the investor's net worth (or joint net worth with the investor's spouse) at the time of sale that the amount invested is not material.

(ii) Knowledge of finance, securities, and investments, generally. This criteria may be met by the investor's purchaser representative if such purchaser representative has such knowledge, so long as such purchaser representative has no business relationship with the issuer, represents only the investor and not the issuer, and is compensated only by the investor.

(iii) Experience and skill in investments based on actual participation. This criteria may be met by the investor's purchaser representative if such purchaser representative has such experience and skill, so long as such personal representative has no business relationship with the issuer, represents only the investor and not the issuer, and is compensated only by the investor.

(2) (No change.)

(3) Number of "persons" or "security holders."

In computing the number of purchasers or security holders for §5.1, the following criteria shall be used:

(A) There shall be counted as one purchaser or security holder any purchaser or security holder together with:

(i) (No change.)

(ii) any trust or estate in which such purchaser or security holder or any of the persons related to him as specified in clauses (i) or (iii) of this subparagraph collectively have more than 50% of the beneficial interest (excluding contingent interests); and

(iii) any corporation or other organization of which such purchaser or security holder or any of the persons related to him as specified in clauses (i) or (ii) of this subparagraph collectively are the beneficial owners of more than 50% of the equity securities (excluding directors' qualified shares) or equity interest.

(B)-(C) (No change.)

(D) Accredited investors who purchase in transactions exempt under paragraph (11) of this section shall not be counted as security holders for purposes of §5.1(a) of the Securities Act nor as purchasers for purposes of §5.1(c) of the Securities Act.

(4)-(10) (No change.)

(11) Exempt limited offerings. In addition to sales made under §5.1 of the Securities Act, the State Securities Board, pursuant to §5.1 of the Securities Act, exempts from the registration requirements of §7 of the Securities Act the sale of any securities by the issuer itself or by a registered dealer acting as agent for the issuer provided all the following conditions are satisfied:

(A) The sale is made, without the use of any public solicitation or advertisements, to:

(i) not more than 35 new security holders of the issuer who meet the criteria stated in paragraph (1) of this section and who became security holders during the period of 12 months ending with the date of the sale in question (subject to subparagraph (D) of this paragraph); and

(ii) other well-informed investors who are "accredited investors" as defined in subparagraph (F) of this paragraph. (For purposes of this subparagraph, the term "well-informed" shall have the same meaning as

set out in paragraph (1) of this section, and the term "5.1" in such section shall include sales made pursuant to this section.)

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

(i) is currently subject to any administrative order issued by state or federal authorities within five years of the expected offer and sale of securities in reliance upon this exemption, which order

(I) is based upon a finding that such person has engaged in fraudulent conduct; or

(II) has the effect of enjoining such person from activities subject to federal or state statutes designed to protect investors or consumers against unlawful or deceptive practices involving securities, insurance, commodities or commodity futures, real estate, franchises, business opportunities, consumer goods, or other goods and services;

(ii) has been convicted within five years prior to commencement of the offering of any felony or misdemeanor of which fraud is an essential element, or which is a violation of the securities law or regulations of this state, or of any other state of the United States, or of the United States, or any foreign jurisdiction; or which is a crime involving moral turpitude; or which is a criminal violation of statutes designed to protect consumers against unlawful practices involving insurance, securities, commodities or commodity futures, real estate, franchises, business opportunities, consumer goods, or other goods and services;

(iii) is subject to any order, judgment or decree entered within five years prior to commencement of the offering by any court of competent jurisdiction which temporarily or permanently restrains or enjoins such person from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or involving any false filing with any state; or which restrains or enjoins such person from activities subject to federal or state statutes designed to protect consumers against unlawful or deceptive practices involving insurance, commodities or commodity futures, real estate, franchises, business opportunities, consumer goods, or other goods and services;

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

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

executive officers, or beneficial owner of 10% or more of any class of the equity securities of the registered dealer (beneficial ownership meaning the power to vote or direct the vote and/or the power to dispose or direct the disposition of such securities)

(vi) Upon application, and for good cause shown, the commissioner may waive a disqualification contained in this subsection (B).

(C) The offering complies with paragraphs (1)-(4) and (10) of this section. However, persons who are "accredited investors" as defined in subparagraph (F) of this paragraph are deemed to be "sophisticated" as defined in paragraph (1) of this section.

(D) Except for accredited investors who became security holders pursuant to this section, security holders who purchase in sales made in compliance with this section are included in the count of security holders under §5.1(a) or purchasers under §5.1(c), but this section may be used to exceed the numbers of security holders or purchasers allowed by such sections.

(E) Issuers who are not registered securities dealers and who do not sell securities under this subsection by or through registered securities dealers, (except where the sales are made exclusively to accredited investors listed in subparagraphs (A), (B), (C), and (D) of the definition of "accredited investor" contained in subparagraph (G) or to entities in which all of the equity owners are accredited investors listed in subparagraphs (A), (B), (C), and (D) of such definition) shall file a sworn notice on Form 133-29 or on a reproduction thereof not less than 10 business days before any sale claimed to be exempt under this paragraph may be consummated, setting forth at least:

(i) (v) (No change)

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

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

(i) any bank as defined in §3(a)(2) of the Securities Act of 1933, whether acting in its individual or fiduciary capacity; insurance company as defined in §2(13) of the Securities Act of 1933; investment company registered under the Investment Company Act of 1940 or a business development company as defined in §2(a)(48) of that Act, small business investment company licensed by the U. S. Small Business Administration under §301(c) or (d) of the Small Business Investment Act of 1958; employee benefit plan within the meaning of Title I of the Employee Retirement Income Security Act of

1974, if the investment decision is made by a plan fiduciary, as defined in §3(21) of such act, which is either a bank, insurance company, or investment adviser registered under the Investment Advisers Act of 1940, or if the employee benefit plan has total assets in excess of \$5 million;

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

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

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

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

(I) cash,

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

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

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

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

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

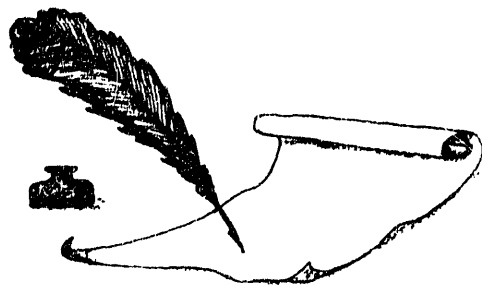
(viii) any entity in which all of the equity owners are accredited investors under subparagraphs (A)-(D), (E), or (G) of this paragraph

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 15, 1982

TRD 828003 Richard D. Latham
Security Commissioner

Effective date: November 5, 1982
Proposal publication date: May 28, 1982
For further information, please call (512) 474-2233.



TITLE 19. EDUCATION

Part II. Texas Education Agency

Chapter 77. Comprehensive Instruction

Subchapter R. Bilingual Education and Other Special Language Programs

19 TAC §77.356

The Texas Education Agency adopts amendments to §77.356, without changes to the proposed text published in the July 20, 1982, issue of the *Texas Register* (7 TexReg 2692).

Schools will have an additional alternative test which they may select for the assessment of students of limited English-speaking ability. Districts shall administer the English reading and English language arts section of a standardized achievement test to each student in grades two through 12 who has a home language other than English as identified on the home language survey. Districts shall use one or more of the tests adopted by the State Board of Education. The 3 R's Test, Achievement Edition, 1982, has been added to the list of approved tests to be used

No comments were received regarding adoption of these amendments

The amendments are adopted under the authority of the Texas Education Code, §21.455, which directs the State Board of Education to adopt rules setting out standardized criteria for the identification, assessment, and classification of students of limited English proficiency for entry into or exit from bilingual education and other special language programs.

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

Issued in Austin, Texas, on October 15, 1982

TRD 827984 Raymon L. Bynum
Commissioner of Education

Effective date: November 5, 1982
Proposal publication date: July 20, 1982
For further information, please call (512) 475-7077.

Chapter 89. Adaptations for Special Populations

Subchapter H. Adoptions by Reference

19 TAC §89.292

The Texas Education Agency adopts the repeal of §89.292 (226.35.93.070), without changes to the proposed text published in the July 20, 1982, issue of the *Texas Register* (7 TexReg 2693). However, in the published proposed preamble, the statutory authority cited was Texas Education Code, §11.24(c). The authority should be Texas Education Code, §11.24(b).

This rule concerned the adoption by reference of the bulletin titled "Guide for Comprehensive Employment and Training Act, Title I, Section 112, Supplemental Vocational Education." The guide is no longer used by the agency or by school districts. Use of Comprehensive Employment and Training Act funds is governed by federal regulations, and the agency finds no need for additional state requirements. This repeal deletes obsolete and unnecessary regulations.

No comments were received regarding adoption of this repeal.

This repeal is adopted under the authority of Texas Education Code, §11.34, which designates the State Board of Education as the State Board for Vocational Education, Texas Education Code §11.02(c), which authorizes the Central Education Agency to enter into agreements with respect to educational undertakings with an agency of the federal government; and Texas Education Code, §11.24(b), which authorizes the State Board of Education to make rules to carry out the duties placed on it or on the Central Education Agency by the legislature

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 15, 1982

TRD-827966 Raymon L. Bynum
 Commissioner of Education

Effective date: November 5, 1982
Proposal publication date: June 20, 1982
For further information, please call (512) 475-7077.

Chapter 93. Instructional Development

Subchapter H. Program Guidelines for Administration of Title IV of the Elementary and Secondary Education Act as Amended by Public Law 95-561

19 TAC §593.141 93.228

The Texas Education Agency adopts the repeal of §593.141 93.228 (226 36 95.112 415), without changes to the proposed text published in the July 20, 1982, issue of the *Texas Register* (7 TexReg 2693).

These rules concerned the program guidelines for administration of programs under Title IV of the Elementary and Secondary Education Act (ESFA), as amended by Public Law 95-561. These rules contained guidelines for programs funded under Title IV, Parts B, C, and D of the Elementary and Secondary Education Act. Part B funds were used for instructional materials and school library resources. Part C funds were used for projects to improve local educational practices. Part D funds were for guidance, counseling, and testing programs.

The old Title IV, ESEA, was one of the program authorizations included in Chapter 2 of the new Education Consolidation Improvement Act enacted by the 97th Congress. Under the new Education Consolidation Improvement Act, local districts will have greater discretion to use funds to address local needs and the burden of federal and state regulation should be reduced.

No comments were received regarding adoption of this repeal.

This repeal is adopted under the authority of Texas Education Code, §11.02(c), which authorizes the Central Education Agency to enter into agreements with respect to educational undertakings with an agency of the federal government; and Texas Education Code, §11.24(b), which authorizes the State Board of Education to make rules to carry out the duties placed on it or on the Central Education Agency by the legislature

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 15, 1982

TRD 827966 Raymon L. Bynum
 Commissioner of Education

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Proposal publication date: July 20, 1982
For further information, please call (512) 475-7077.

Chapter 97. Planning and Accreditation

Subchapter D. Principles, Standards, and Procedures for the Accreditation of School Districts

Conditions and Procedures for Accreditation

19 TAC §97.74

The Texas Education Agency adopts an amendment to §97.74 (226 37 15 140), with changes to the proposed text published in the July 20, 1982, issue of the *Texas Register* (7 TexReg 2695). In paragraphs (f)(2), (3), and (4), the word "board" was added to clarify that acceptance or refusal of a monitor is an action to be taken by a school district board. A sentence was added to paragraph (f)(4) clarifying that failure to respond within 14 days will be considered to be a rejection of the offer of a monitor. These changes are for clarification and do not represent substantive changes from the text as proposed.

This rule concerns the establishment and modification of a district's accreditation status. Subsection (e) gives the commissioner of education authority to modify a school district's accreditation status on a temporary basis if he or she finds that the district is

in violation of Court Order 5281, if the district has conditions which are a danger to the health, safety, or basic welfare of students and staff; or if the district is in serious violation of accreditation standards. The new subsection (f) gives the commissioner of education authority to appoint a monitor for such districts in lieu of modifying their accreditation status. A state-appointed monitor can work constructively with the local school district to which the monitor has been appointed to help ensure that serious deficiencies are corrected. The option to appoint a monitor provides an alternative to removal of a district's accreditation and withholding of state funds.

Whenever the commissioner of education is authorized to modify a school district's accreditation status pursuant to paragraphs (e)(2) or (e)(3), the commissioner may, in lieu of ordering such a modification, appoint a monitor to advise the governing body of a school district and to approve its actions.

No comments were received regarding adoption of this amendment.

The amendment is adopted under the authority of Texas Education Code, § 11.26(a)(5), which gives the State Board of Education authority to establish regulations for the accreditation of school districts; and Texas Education Code, § 11.52(b), which directs the commissioner of education to promote efficiency and improvement in the public school system of the state with the power necessary to carry out the duties and responsibilities placed upon him or her by the legislature and by the State Board of Education.

§97.74 (226.37.15-140) Establishment and Modification of a District's Accreditation Status.

(a)-(d) (No change)

(e) The commissioner of education is authorized to modify a school district's accreditation status on a temporary basis until procedures for modifying a district's status can be applied. The commissioner may take such action when, in the commissioner's judgment, one or more of the following conditions exist:

(1) an unaccredited district is in compliance with accreditation standards and would be penalized financially by remaining unaccredited;

(2) an accredited school district;

(A) is found to be in violation of Civil Action 5281; or

(B) has permitted conditions to exist which constitute an evident danger to the health, safety, or basic welfare of students or school personnel; or

(3) in an accredited school district, emergency conditions exist which constitute serious violations of accreditation standards. Such action taken by the commissioner shall be reported to the State Board of Education at its earliest subsequent meeting.

(f) Whenever the commissioner is authorized to modify a school district's accreditation status pursuant to subsection (e)(2) or (e)(3) of this section, the commissioner may, in lieu of ordering such a modification, appoint a monitor to advise the governing body of a school district and to approve its actions.

(1) The monitor shall be appointed to function in specified areas where the conduct of the school district meets the conditions specified in subsections (e)(2) or (e)(3) of this section

(2) If the school district board accepts the services of the monitor, no actions may be taken in the areas subject to monitoring without the monitor's advice and approval.

(3) If the school district board refuses to accept the monitor or, having accepted the monitor, violates the provisions of paragraph (2) of this subsection, the commissioner shall proceed with the modification of the school district's accreditation status.

(4) The school district board shall notify the commissioner within 14 days of its receipt of an offer of monitoring whether it chooses to accept the monitor's services. Failure to respond within 14 days shall be considered to be a rejection of the offer of the monitor, and the commissioner shall be empowered to proceed under paragraph (f)(3) accordingly.

(5) The monitor shall serve until the commissioner determines that the purpose of the monitoring has been satisfied and that the monitor's services are no longer necessary

(6) This subsection applies only to school districts which are on accredited, warned status or accredited, advised status

(7) The commissioner shall report actions taken under this subsection to the State Board of Education at its earliest subsequent meeting.

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 15, 1982.

TRD 827967 Raymon L. Bynum
Commissioner of Education

Effective date November 5, 1982
Proposal publication date July 20, 1982
For further information, please call (512) 476-7077.

Chapter 141. Teacher Certification
Subchapter A. Certification of Teachers
in General

19 TAC §141.4

The Texas Education Agency adopts the repeal of § 141.4, without changes to the proposed text published in the July 20, 1982, issue of the Texas Register (7 TexReg 2695).

Section 141.4, regarding testing requirements for teachers, has been moved to new Subchapter S, concerning the testing program, with no change in text. Its new number will be § 141.421. New Subchapter S contains all the rules pertaining to the testing of teachers.

No comments were received regarding adoption of this repeal.

This repeal is adopted under the authority of Texas Education Code, §13.032(a), which authorizes the State Board of Education to make rules concerning the issuance of teacher certificates; and §13.032(e) which requires the State Board of Education to require satisfactory performance on competency examinations of basic skills as a condition for admission to an approved teacher education program.

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

Issued in Austin, Texas, on October 15, 1982

TRD-827968 Raymon L. Bynum
Commissioner of Education

Effective date: November 5, 1982

Proposal publication date: July 20, 1982

For further information, please call (512) 475-7077.

Subchapter S. Testing Program

19 TAC §§141.421-141.425

The Texas Education Agency adopts new Subchapter S, §§141.421-141.425, with changes to the proposed text published in the July 20, 1982, issue of the *Texas Register* (7 TexReg 2696)

A portion of the text for §141.422(b)(7) was omitted when published. Section 141.422(b)(7) should read: "The application shall include a plan which addresses all security measures including names of persons having access to test materials, security during administration of the tests, and security during day-to-day operation of the center. Additional requirements for the security plan may be included in the application."

Senate Bill 50, 67th Legislature, directed the State Board of Education to require satisfactory performance on a competency examination of basic skills prescribed by the board as a condition for admission into an approved teacher education program.

New Subchapter S, concerning the testing program, contains information on testing requirements, operation of testing centers, eligibility to be tested, fees for testing, and the designation of the pre-professional skills test by Educational Testing Service as the test of basic skills required. The standards for testing centers and testing procedures will be consistent across the state.

Comments received are included below. All of the people who commented were basically in favor of the rules concerning the test of basic skills for entry into a teacher education program, but expressed concern about particular elements in the rules as proposed. Therefore, it would be inaccurate to characterize the people commenting as either simply for or simply against a rule.

Dr. Thomas E. Baker, director, Teacher Education Program, Austin College, Sherman: Dr. Baker supports efforts to ensure that only competent, well-educated persons are certified as Texas teachers but is not convinced that a state-administered test should be required for admission into a teacher education program and is concerned that the test requirement "impugns the integrity of teacher education programs." *Response:* Texas Education Code, §13.032(e), requires the State Board of Education to prescribe a test of basic skills as a condition for admission into an approved teacher education program. In implementing this legislative mandate, it is certainly not the intent of the State Board of Education to cast any doubt upon the integrity of teacher education programs in Texas.

Dr. Baker said the suggested fee of \$25 to \$40 is very high and would place an undue financial burden on many students. *Response:* The board has not yet established a firm schedule of fees. Texas Education Code, §13.032(f), requires that the fee be both reasonable and designed to cover the costs of test administration. The agency will try to keep the fee as low as possible within this legislative directive.

Dr. Baker also requested information about the design of the test, test scope, and test validation. *Response:* The test of basic skills designated in the rules in the Pre-Professional Skills Test by Educational Testing Services. Dr. Baker was sent background information on the test. In the August 17, 1982, issue of the *Texas Register*, the agency published a request for proposals (RFP) for a study to validate the selected test in relation to the basic skills taught in Texas schools. The RFP indicates an expected completion date for the study of August 1983.

Dr. G. Pritchey Smith, chairman, Division of Teacher Education, Jarvis Christian College, Hawkins: Dr. Smith expressed general support for the proposed rules but was concerned at the implication that there might be no reciprocity with other states, even those which have similar testing requirements prior to teacher certification. *Response:* Since the rules are concerned primarily with testing for entry into a teacher education program, the issue of reciprocity will be made to the State Board of Education by the Commission on Standards for the Teaching Profession at a later date. Until the nature of the tests to be given prior to teacher certification has been determined in much greater detail, it is difficult to say whether there are any states with which reciprocity of the sort Dr. Smith recommends would be feasible and fair.

Dr. Smith said fees charged should be based only on the cost of the test. *Response:* As the board said in its response to Dr. Baker, a firm schedule of fees has not yet been established.

Dr. Smith said fees should not be collected by the testing center or paid to the center but should be paid to the agency or to an entity such as the Educational Testing Service. *Response:* The suggestion that fees be submitted to the agency or to the Educational

Testing Service (for tests developed by Educational Testing Service) would be another possible arrangement for fee collection. However, usually when fees are collected directly by Educational Testing Service, the responsibility for monitoring and administering the examination also rests with Educational Testing Service. Under the rules in question here, these responsibilities and expenses rest with the testing center. Payment of fees to another party would require some form of refund or retransmittal to the testing center.

This new subchapter is adopted under the authority of the Texas Education Code, §13.032(a), which authorizes the State Board of Education to make rules concerning the issuance of teacher certificates; and §13.032(e), which requires the State Board of Education to require satisfactory performance on competency examinations of basic skills as a condition for admission to an approved teacher education program.

§141.421. Testing Requirements.

(a) To be admitted to an approved teacher education program, students must achieve a satisfactory level of performance on a competency examination of basic skills. The content to be tested and the criteria for satisfactory performance shall be established by the State Board of Education after recommendations have been made by the Commission on Standards for the Teaching Profession through the commissioner of education. This requirement shall apply to all persons admitted into an approved teacher education program after May 1, 1984.

(b) Beginning May 1, 1986, in order to be approved for the provisional or professional teacher's certificate, additional teaching fields or areas of specialization, or endorsements, persons, including those holding a valid out-of-state certificate, shall be required to achieve a satisfactory level of performance on one or more examinations prescribed by the State Board of Education. Content to be tested and the criteria for mastery shall be prescribed for each area by the State Board of Education after recommendations have been made by the Commission on Standards for the Teaching Profession through the commissioner of education. This requirement shall apply to certificates based on an approved college degree teacher education program.

(c) Beginning May 1, 1986, in order to be approved for certification as a superintendent or other administrator, persons, including those holding a valid out-of-state certificate, shall be required to achieve a satisfactory level of performance on an examination prescribed by the State Board of Education. Content to be tested and the criteria for mastery shall be prescribed by the State Board of Education after recommendations have been made by the Commission on Standards for the Teaching Profession through the commissioner of education.

§141.422. Operation of Testing Centers.

(a) Colleges and universities operating approved teacher education programs shall establish and maintain a plan for the administration of the state-adopted basic skills tests which shall be used as a criterion for admission into a teacher education program. Existing testing centers may be used provided they are approved by the

Texas Education Agency. Institutions with small enrollments in education may arrange with another institution for joint use of a testing center. Institutions which are close geographically may operate a joint testing center with approval of the Texas Education Agency.

(b) An application must be submitted to obtain approval to operate a testing center. Only institutions that have approved teacher education programs may apply to operate a testing center. The Texas Education Agency will approve testing centers based upon the review of an application that satisfies guidelines and criteria established by the commissioner of education with recommendations from the Commission on Standards for the Teaching Profession. The approval criteria shall include the following:

(1) The name of the center director who meets professional qualifications in testing must be provided. The center director shall be responsible for the operation of the center including accurate handling of tests, answer sheets, and other related materials.

(2) Proctors shall be assigned during testing sessions at a ratio of at least one to every 30 students.

(3) Facilities must be adequate with respect to space, furniture (desks), lighting, heat, and ventilation.

(4) Testing rooms must not contain maps, charts, posters, dictionaries, textbooks, or any other materials that might be related to the tests.

(5) An assurance must be given that no other test will be administered on the same date at the same time in the same room as the state basic skills tests.

(6) Facilities must include a limited-access secure storage area for restricted testing materials.

(7) The application shall include a plan which addresses all security measures including names of persons having access to test materials, security during administration of the tests, and security during day-to-day operation of the center. Additional requirements for the security plan may be included in the application.

(c) The approval to operate a testing center shall remain valid with no renewal required provided that the center complies with all legal requirements and that the center's operation conforms with the approved application. The Texas Education Agency will monitor and inspect testing centers regularly as part of the established team visits to teacher education programs. The commissioner of education may order corrective action, including suspension of the administration of the state basic skills test, for failure to comply with the approved application.

(d) The testing center shall post an annual testing schedule approved by the Texas Education Agency. This schedule shall be widely disseminated through the school's registration materials. Testing must be scheduled at least twice a year, once in the fall and once in the spring. Additional testing dates may be approved if the need is justified. Procedures for registration in advance shall be established by the center.

(e) All test scores shall be sent to the Texas Education Agency, to the institution of the individual's choice, and to the individual.

§141.423. Eligibility To Be Tested.

(a) Any individual shall be eligible to take the basic skills tests.

(b) A person who has failed a test may retake the test after four months. An individual who fails any one test three times must apply to the commissioner of education for permission to be retested.

§141.424. *Fees for Testing.*

(a) A uniform schedule of fees for the basic skills tests will be established by the State Board of Education. The schedule will include fees for testing and for retesting. In establishing fees, the board will consider the following costs:

- (1) operation of the testing center during the time of administration;
- (2) purchase of test materials by the center;
- (3) scoring of the tests; and
- (4) reporting of test results.

(b) The current fee structure must be prominently posted annually by each testing center.

(c) All fees shall be paid to the testing center. Each center's application shall include procedures for handling of fees. These procedures must be approved by the Texas Education Agency.

(d) Fees shall be paid in advance and there shall be no refunds to persons who cancel or fail to appear. The center director may review the reasons for a person's failure to appear and declare the fee valid for the next scheduled testing date at that center. Procedures for this process must be established by the testing center director.

§141.425. *Test of Basic Skills.* The Pre-Professional Skills Test by Educational Testing Service shall be the test of basic skills required as a criterion for admission into an approved teacher education program.

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

Issued in Austin, Texas, on October 15, 1982.

TRD-827969 Raymon L. Bynum
 Commissioner of Education

Effective date: November 5, 1982
Proposal publication date: July 20, 1982
For further information, please call (512) 475-7077.

TITLE 22. EXAMINING BOARDS

Part XV. Texas State Board of Pharmacy

The following adoptions submitted by the Texas State Board of Pharmacy will be serialized beginning in the October 26, 1982, issue of the *Texas Register*. The effective date of the adoptions will be November 5, 1982.

Chapter 283. Licensing Requirements for Pharmacists

- §283.9 (amendments)
- §283.10 (new rule)
- §283.12, §283.13 (amendments)
- §283.14 (amendments)

Chapter 291. Pharmacies

- §291.2, 291.3, 291.9, 291.12, 291.13 (repeals)

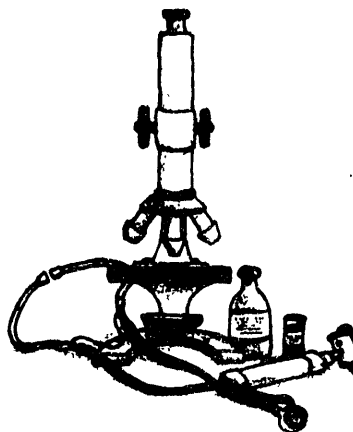
- §291.5, 291.6, 291.10 (amendments)
- §291.9 (new rule)
- §291.31-291.35 (new rules)
- §291.53 (amendments)
- §291.74 (amendments)
- §291.93 (amendments)

Chapter 295. Pharmacists

- §295.5 (amendments)

Chapter 301. Fraud, Deceit, and Misrepresentation in the Practice of Pharmacy

- §301.1, §301.2 (repeals)
- §301.1 (new rule)



TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part X. Texas Water Development Board

Chapter 341. Consolidated Permits General Provisions

31 TAC §§341.1-341.6

The Texas Water Development Board adopts the repeal of §§341.1-341.6, concerning general provisions, without changes to the proposed text published in the June 1, 1982, issue of the *Texas Register* (7 TexReg 2103).

These rules have been replaced by §341.121 and §341.122. The repeal of §341.1-341.6 will eliminate duplication of board rules, will make the state rules more streamlined and easier to follow, and will eliminate existing conflict in the law.

Allen B. Cluck, attorney (4444 Richmond Avenue, Suite 200, Houston, Texas 77027), was against the repeal of these rules. He recommends retaining §341.3 and §341.4 as necessary policy statements providing overall guidance and direction in administering waste discharge permits.

The department feels that its policy is stated clearly under the Texas Water Code, §26.003 and §27.003, and the Texas Solid Waste Disposal Act, §1, Texas Civil Statutes, Article 4477-7. It is unnecessary for the department to repeat or elaborate upon this statutory statement of policy.

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

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 14, 1982.

TRD-827924 M. Reginald Arnold II
General Counsel
Texas Department of Water
Resources

Effective date: November 4, 1982
Proposal publication date: May 28, 1982
For further information, please call (512) 475-7845.

Procedure for Obtaining Waste Discharge Permits

31 TAC §§341.21-341.37

The Texas Water Development Board adopts the repeal of §§341.21-341.37, concerning procedures for obtaining waste discharge permits, without changes to the proposed text published in the June 1, 1982, issue of the *Texas Register* (7 TexReg 2103).

These rules have been replaced by §§341.131-341.139, §§341.151-341.185, and §§341.261-341.290. The repeal of §§341.21-341.37 will eliminate duplication of a conflict within board rules.

The repeal will make the state rules more streamlined, easier to follow, and eliminate existing conflict in the law.

No comments were received regarding the proposed repeal.

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

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 14, 1982.

TRD-827925 M. Reginald Arnold II
General Counsel
Texas Department of Water
Resources

Effective date: November 4, 1982
Proposal publication date: May 28, 1982
For further information, please call (512) 475-7841.

Revocation, Suspension and Amendments of Waste Discharge Permits

31 TAC §§341.51-341.56

The Texas Water Development Board adopts the repeal of §§341.51-341.56 concerning revocation, suspension, and amendment of waste discharge permits, without changes to the proposed text published in the June 1, 1982, issue of the *Texas Register* (7 TexReg 2104).

These rules have been replaced by §§341.225, 341.268, 341.269, and 341.240. The repeal of §§341.51-341.56 will eliminate duplication of board rules, will make the state rules more streamlined and easier to follow, and eliminate existing conflict in the law.

No comments were received concerning adoption of the repeal.

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

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 14, 1982.

TRD-827928 M. Reginald Arnold II
General Counsel
Texas Department of Water
Resources

Effective date: November 4, 1982
Proposal publication date: May 28, 1982
For further information, please call (512) 475-7841.

Corrections of Permits

31 TAC §341.71

The Texas Water Development Board adopts amendments to §341.71, without changes to the proposed text published in the June 1, 1982, issue of the *Texas Register* (7 TexReg 2104).

The amendment to §341.71 corrects the rule by eliminating words and phrases which limit the applicability of §341.71 to only permits issued under Chapters 26 and 27 of the Texas Water Code. The amendment allows §341.71 to be uniformly applicable to all permits issued by the Texas Water Commission pursuant to Chapters 26 and 27 of the Texas Water Code as well as permits issued pursuant to the Texas Solid Waste Disposal Act.

This rule is being amended to make the state rules more streamlined and easier to follow and to eliminate existing conflict in the law.

No comments were received concerning adoption of the amendment.

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

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 14, 1982.

TRD-827929 M. Reginald Arnold II
General Counsel
Texas Department of Water
Resources

Effective date: November 4, 1982
Proposal publication date: May 28, 1982
For further information, please call (512) 475-7845.

Corrections and Transfers of Waste Discharge Permits

31 TAC §341.72

The Texas Water Development Board adopts the repeal of §341.72, concerning transfers of waste discharge permits, without changes to the proposed text published in the June 1, 1982, issue of the *Texas Register* (7 TexReg 2104).

These rules have been replaced by §341.235 and §341.270. The repeal of §341.72 will eliminate duplication and conflict within board rules, make the state rules more streamlined and easier to follow, and eliminate existing conflict in the law.

No comments were received concerning adoption of the repeal.

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

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 14, 1982.

TRD-827930 M. Reginald Arnold II
General Counsel
Texas Department of Water
Resources

Effective date: November 4, 1982
Proposal publication date: May 28, 1982
For further information, please call (512) 475-7841.

Renewals

31 TAC §§341.81-341.84

The Texas Water Development Board adopts the repeal of §§341.81-341.84, concerning renewals, without changes to the proposed text published in the June 1, 1982, issue of the *Texas Register* (7 TexReg 2104).

These rules have been replaced by §341.230 and §341.267. The repeal of §§341.81-341.84 will eliminate duplication of board rules, make the state rules more streamlined and easier to follow, and will eliminate existing conflict in the law.

J. Samuel Listiak, attorney for Texaco, Inc. (P.O. Box 52332, Houston, Texas 77052), made comments that were neither for nor against the repeal, but were a matter of asking whether the repeal effects any changes in the renewal process, specifically, whether the department will be precluded from modifying the requirements on conditions of the permit without the consent of the permittee; whether the department will be limited to those reasons specified in §341.240 for denial of an application for renewal; and whether a modification of requirements or conditions must be processed under the rules governing amendments.

The department is not precluded from modifying the conditions or requirements of the permit absent the permittee's consent. The department can initiate amendments, through its executive director, with or without the permittee's consent under the provision of §341.228(d).

The department is limited to those reasons specified in §341.240 for denial of an application for renewal under the provision of §341.230(5). However, §341.240(a)(9) provides that "such other cause to warrant termination of the authorization" is an adequate basis for denial of an application for renewal.

Under §341.230(3), an application for renewal which requests a modification of requirements and conditions cannot be acted upon until an application for amendment is filed pursuant to §341.225.

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

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 14, 1982.

TRD-827931 M. Reginald Arnold II
General Counsel
Texas Department of Water
Resources

Effective date: November 4, 1982
Proposal publication date: May 28, 1982
For further information, please call (512) 475-7845.

Emergency Orders

31 TAC §§341.91, 341.92, 341.94

The Texas Water Development Board adopts amendments to §§341.91, 341.92, and 341.94, without changes to the proposed text published in the June 1, 1982, issue of the *Texas Register* (7 TexReg 2105).

These rules are being amended to make the state rules more streamlined, easier to follow, and will eliminate existing conflict in the law.

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

No comments were received on the proposed amendments.

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

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 14, 1982.

TRD-827932 M. Reginald Arnold II
General Counsel
Texas Department of Water
Resources

Effective date: November 4, 1982
Proposal publication date: May 28, 1982
For further information, please call (512) 475-7845.

General Provisions

31 TAC §341.122

The Texas Water Development Board adopts amendments to §341.122, without changes to the proposed text published in the June 4, 1982, issue of the *Texas Register* (7 TexReg 2141).

The amendment adds the terms "outfall" and "radioactive materials" to the list of definitions. An additional amendment to §341.122 establishes subsection (b) which provides that the definitions of the Texas Water Code, Chapters 26 and 27, and the Texas Solid Waste Disposal Act, §2, shall apply to the consolidated permit rules. The addition of proposed subsection (b) acts as a "catch all" provision.

This amendment will streamline state rules, eliminate existing conflict in the law, and will codify existing departmental policies.

No comments were received regarding adoption of the amendments.

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

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 14, 1982.

TRD-827933 M. Reginald Arnold II
General Counsel
Texas Department of Water
Resources

Effective date: November 4, 1982
Proposal publication date: June 4, 1982
For further information, please call (512) 475-7845.

Applications and Review

31 TAC §341.133, §341.134

The Texas Water Development Board adopts amendments to §341.133 and §341.134, without changes to the proposed text published in the June 1, 1982, issue of the *Texas Register* (7 TexReg 2106).

Amendments to §341.133 and §341.134 are for clarification of the existing rules. The amendment of §341.133, concerning signatories to applications, states that a person submitting an application cannot be the permittee until his application has been approved. Amendment to §341.134 would provide that application data would be required to be retained for at least three years from the date the permit is granted instead of from the date the application is granted.

No comments were received on the proposed amendments.

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

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 14, 1982.

TRD-827934 M. Reginald Arnold II
General Counsel
Texas Department of Water
Resources

Effective date: November 4, 1982
Proposal publication date: May 28, 1982
For further information, please call (512) 475-7845.

Application for Permit

31 TAC §§341.153, 341.185, 341.186

The Texas Water Development Board adopts amendments to §341.153 and §341.185, and adopts new §341.186 without changes to the proposed text published in the June 1, 1982, issue of the *Texas Register* (7 TexReg 2106).

The proposed amendatory language to §341.153 and §341.185 sets forth current departmental policy and makes a grammatical change. New §341.186 is to insure that all applications which involve disposal of wastes containing radioactive materials have a license from the Texas Department of Health or a letter stating that a license is not needed.

The amendment of §341.153 adds paragraph (11) which states that only one application needs to be filed for each geographical location in which waste is or will be disposed of even if there is more than one outfall, place of deposit, or place of disposal covered in the application. The amendment of §341.185 inserts the word "of" between "operators" and "hazardous" on the first line of subsection (a). New §341.186 will set forth the current requirement that an application which involves the disposal of wastes containing radioactive materials must be accompanied by a letter from the Department of Health stating that the applicant or other specified person has a license from the Department of Health governing the disposal of radioactive materials or that such license is not needed.

No comments were received on the proposed amendments and new rule.

The amendments to §341.153 and §341.185, and new §341.186 are adopted under the Texas Water Code, §5.131 and §5.132, which provide the Texas Water Development Board with the authority to make any rules necessary to carry out the powers and duties under the provisions of the Water Code and other laws of this state and to establish and approve all general policy of the department.

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 14, 1982.

TRD-827935 M. Reginald Arnold II
General Counsel
Texas Department of Water
Resources

Effective date: November 4, 1982
Proposal publication date: May 28, 1982
For further information, please call (512) 475-7845.

Amendments, Renewals, Transfers, Revocation, or Suspension

31 TAC §§341.225, 341.240, 341.241

The Texas Water Development Board adopts amend-

ments to §341.225 and §341.240 and adopts new §341.241, without changes to the proposed text published in the June 1, 1982, issue of the *Texas Register* (7 TexReg 2106).

The amendment to §341.225, concerning amendments, adds language to clarify that changes in permits under §341.71 do not require that an amendment application be filed. The amendment to §341.240, concerning revocation and suspension, eliminates the word "defined" from subsection (a)(4). Both amendments are for the purpose of clarifying the rules.

New §341.241 allows for voluntary revocations and suspensions of permits. This procedure is currently employed by the department and the new rule simply codifies existing departmental policy.

No comments were received regarding adoption of the amendments.

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

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 14, 1982.

TRD-827936 M. Reginald Arnold II
General Counsel
Texas Department of Water
Resources

Effective date: November 4, 1982
Proposal publication date: June 1, 1982
For further information, please call (512) 475-7845.

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

31 TAC §341.341

The Texas Water Development Board adopts amendments to §341.341, without changes to the proposed text published in the June 1, 1982, issue of the *Texas Register* (7 TexReg 2107).

This rule is being amended to make the state rules more streamlined and easier to follow and to eliminate existing conflicts in the law. This amendment clarifies that the provisions of §341.240, concerning suspension and revocation of permits, are applicable to solid waste permits. The repeal of §§341.51-341.56, concerning suspension, revocation, and amendment of waste discharge permits, makes the amendment necessary.

No comments were received regarding adoption of these amendments.

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

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 14, 1982.

TRD-827937 M. Reginald Arnold II
General Counsel
Texas Department of Water
Resources

Effective date: November 4, 1982
Proposal publication date: June 1, 1982
For further information, please call (512) 475-7845.

**TITLE 34. PUBLIC FINANCE
Part I. Comptroller of Public
Accounts
Chapter 3. Tax Administration
Subchapter E. Tax Division—
Miscellaneous Taxes Based on Gross
Receipts**

34 TAC §3.55

The Comptroller of Public Accounts adopts new §3.55, concerning interest on refunds, without changes to the proposed text published in the August 20, 1982, issue of the *Texas Register* (7 TexReg 3056).

The purpose of the new rule is to implement Texas Tax Code, §111.106, which authorizes the comptroller to pay interest at 10% per year on tax found to have been erroneously paid to the comptroller for reporting periods after January 1, 1982. Interest will automatically be added to amounts refunded and need not be specifically requested. The reporting period must begin on or after January 1, 1982, before interest will be paid.

No comments were received on the rule as proposed.

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

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

Issued in Austin, Texas, on October 18, 1982.

TRD-828005 Bob Bullock
Comptroller of Public Accounts

Effective date: November 8, 1982
Proposal publication date: August 20, 1982
For further information, please call (512) 475-1932.

**Subchapter G. Miscellaneous Tax
Division—Cigarette Tax**

34 TAC §3.113

The Comptroller of Public Accounts adopts new §3.113, concerning interest on refunds, without changes to the proposed text published in the August 20, 1982, issue of the *Texas Register* (7 TexReg 3056). The purpose of the new rule is to implement Texas Tax Code, §111.106, which authorizes the comptroller to pay interest at 10% per year on tax found to have been erroneously paid to the comptroller for reporting periods after January 1, 1982. Interest will automatically be added to amounts refunded and need not be specifically requested. The reporting period must begin on or after January 1, 1982, before interest will be paid.

No comments were received on the rule as proposed.

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

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

Issued in Austin, Texas, on October 18, 1982.

TRD-828006 Bob Bullock
Comptroller of Public Accounts

Effective date: November 8, 1982
Proposal publication date: August 20, 1982
For further information, please call (512) 475-1932.

**Subchapter H. Miscellaneous Tax
Division—Cigar and Tobacco Tax**

34 TAC §3.128

The Comptroller of Public Accounts adopts new §3.128, concerning interest on refunds, without changes to the proposed text published in the August 20, 1982, issue of the *Texas Register* (7 TexReg 3057).

The purpose of the new rule is to implement Texas Tax Code, §111.106, which authorizes the comptroller to pay interest at 10% per year on tax found to have been erroneously paid to the comptroller for reporting periods after January 1, 1982. Interest will automatically be added to amounts refunded and need not be specifically requested. The reporting period must begin on or after January 1, 1982, before interest will be paid.

No comments were received on the rule as proposed.

This amendment is adopted under the authority of Texas Tax Code, §111.002, which provides that the

comptroller may adopt and enforce rules relating to the enforcement and administration of the tax code.

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

Issued in Austin, Texas, on October 18, 1982.

TRD-828007 Bob Bullock
Comptroller of Public Accounts

Effective date: November 8, 1982
Proposal publication date: August 20, 1982
For further information, please call (512) 475-1932.

Subchapter K. Miscellaneous Tax Division—Hotel Occupancy Tax

34 TAC §3.166

The Comptroller of Public Accounts adopts new §3.166, concerning interest on refunds, without changes to the proposed text published in the August 20, 1982, issue of the *Texas Register* (7 TexReg 3057).

The purpose of the new rule is to implement Texas Tax Code, §111.106, which authorizes the comptroller to pay interest at 10% per year on tax found to have been erroneously paid to the comptroller for reporting periods after January 1, 1982. Interest will automatically be added to amounts refunded and need not be specifically requested. The reporting period must begin on or after January 1, 1982, before interest will be paid.

No comments were received on the rule as proposed.

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

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

Issued in Austin, Texas, on October 18, 1982.

TRD-828008 Bob Bullock
Comptroller of Public Accounts

Effective date: November 8, 1982
Proposal publication date: August 20, 1982
For further information, please call (512) 475-1932.

Subchapter Q. Business Tax Division— Franchise Tax

34 TAC §3.398

The Comptroller of Public Accounts adopts amendments to §3.398, concerning release of liens, without changes to the proposed text published in the July 6, 1982, issue of the *Texas Register* (7 TexReg 2544).

The amendments add a provision to inform taxpayers that while a lien in the amount of the minimum tax is routinely filed against corporations failing to file returns, the lien will be released only upon payment of all tax, penalty, and interest due. The amendments also change several statutory references to reflect the comprehensive recodification of the franchise tax statutes enacted in Texas Tax Code, Title 2.

No comments were received concerning adoption of the amendment.

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

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

Issued in Austin, Texas, on October 18, 1982.

TRD-828009 Bob Bullock
Comptroller of Public Accounts

Effective date: November 8, 1982
Proposal publication date: July 6, 1982
For further information, please call (512) 475-1933.



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources Chapter 9. Food Stamps Subchapter QQQ. Food Stamp Assistance in Disasters

40 TAC §9.7521

The Texas Department of Human Resources adopts new §9.7521, without changes to the proposed text published in the July 27, 1982, issue of the *Texas Register*. On April 8, 1982, the department adopted this rule on an emergency basis, so that the department could use the interim regulations, issued by the United States Department of Agriculture (USDA), to provide assistance during the disaster in Paris, Texas. The department plans to adopt this rule on a perma-

ment basis until USDA issues final regulations for providing food stamps during a disaster. These regulations will cause denial of benefits to families who have alternate income or resources for federal aid.

No comments were received concerning adoption of the new rule.

This rule is adopted under the Human Resources Code, Title 2, Chapters 22 and 33, which authorize the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted

has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on October 18, 1982.

TRD-828013

Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: November 8, 1982

Proposal publication date: July 27, 1982

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

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

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

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

Open Meetings

Texas Department of Agriculture

Monday, November 8, 1982, 10 a.m. The Agricultural and Environmental Sciences Division of the Texas Department of Agriculture will meet in Room 1036, Stephen F. Austin Building, 17th and Congress Avenue, Austin. Items on the agenda include consideration for adoption the repeal of 4 TAC §5.211 concerning the Mediterranean Fruit Fly Quarantine.

Contact: David Ivie, P.O. Box 12847, Austin, Texas 78711, (512) 475-4457.

Filed: October 15, 1982, 9:53 a.m.
TRD-827943

State Board of Barber Examiners

Tuesday, November 2, 1982, 8 a.m. The State Board of Barber Examiners will meet in Room C-275, 1300 East Anderson Lane, Austin. Items on the agenda include minutes of the previous meeting; sign teacher certificates and school permits; interview out-of-state applicants; reports to the board by the executive director; and letters to the board. The board will also meet in executive session.

Contact: Mary Jo McCrorey, 1300 East Anderson Lane, C-275, Austin, Texas 78752, (512) 835-2040.

Filed: October 15, 1982, 2:04 p.m.
TRD-827970

Texas Employment Commission

Tuesday, October 26, 1982, 9 a.m. The Texas Employment Commission will meet in Room 644, Texas Employment Commission Building, 15th and Congress Avenue, Austin. According to the agenda summary, the commission will consider prior meeting notes; reports of administrative staff on federal legislation, fiscal year 1983 funding, E.S. and U.I. program activities, public information and media update; ADP bid analysis; information request from James Porter; Texas 2000; adoption of Rule 327.10.00.020(a)(7)(A); and date of and agenda items for next commission meeting. The commission will also meet in executive session to consider premises leases and contracts, personnel matters, status of litigation relating to outstanding suits, and attorney general opinion requests.

Contact: Pat Joiner, Texas Employment Commission Building, 15th and Congress Streets, Room 656, Austin, Texas, (512) 397-4514.

Filed: October 18, 1982, 2:22 p.m.
TRD-828042

Texas Health Facilities Commission

Friday, October 29, 1982, 9:30 a.m. The Texas Health Facilities Commission will

meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications.

Certificate of Need

Memorial Hospital, Houston
AH82-0701-086

Leisure Lodge Tyler, Tyler
AN82-0630-070

Hill Country Imaging/McKenna
Memorial Hospital, New Braunfels
AH82-0705-001

Lubbock Psychiatric Hospital, Lubbock
AH81-1030-021

Charter Ridge Hospital, Lubbock
AH82-0226-007

Saint Mary's Hospital, Galveston
AH82-0412-020

South Texas Women's Surgical Center,
Corpus Christi
AS82-0512-062

Application for Declaratory Ruling
Women's Clinic, Eagle Pass
AS82-0730-024

Nunc Pro Tunc Order
Medical Center Hospital, San Antonio
AH82-0428-003

Motion for Rehearing/Petitions for
Reconsideration

Texas Register

Gulf Coast Center, Rosenberg
AH81-1002-030

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

Filed: October 18, 1982, 9:38 a.m.
TRD-828019

State Department of Highways and Public Transportation

Friday and Saturday, October 22 and 23, 1982, 9 a.m. daily. The State Highway and Public Transportation Commission will meet in the auditorium, Room 101, first floor, and Room 207, second floor, Dewitt C. Greer State Highway Building, 11th and Brazos Streets, Austin. According to the agenda summary, the commission will meet in the auditorium to hear presentations by the public for various highway, bridge, and FM road requests including the East Texas Gulf Highway ("Green Carpet Route") from the Oklahoma state line to the Gulf Coast area, and Falls, Coryell, El Paso, and Waller Counties. The docket is available in the second floor commission office in the Dewitt C. Greer State Highway Building. Following the public presentations, the commission will meet in Room 207, second floor, to execute contract awards and routine minute orders; consider decisions on presentations from public hearing dockets; and review staff reports relative to planning and construction programs and projects. The agenda is available in the second floor office of the minute clerk in the Dewitt C. Greer Building.

Contact: Lois Jean Turner, Room 203,
Dewitt C. Greer Building, 11th and Brazos
Streets, Austin, Texas, (512) 475-3525.

Filed: October 14, 1982, 11:32 a.m.
TRD-827913

Texas Housing Agency

Friday, October 15, 1982, 10 a.m. The Board of Directors of the Texas Housing Agency met in emergency session in conference room E, John H. Reagan Building, 15th and Congress, Austin. According to the agenda summary, the board considered approval of minutes; a proposal for the sale of tax-exempt Residential Development Revenue Bonds in the amount of \$70 million; an investment contract for the Debt Service Reserve Fund, Lender Loan Fund, and Mortgage Reserve Fund; allocation of funds to lenders and notification to those

lenders of funds availability; a resolution to enter into an agreement with the trustee regarding services of the collateral compliance agent, Ryan Mortgage; a resolution to ratify all prior actions taken with regard to the 1982 Series A Residential Development Revenue Bond issue including approval of all documents; a proposal from the bond counsel for a contract renewal to include multifamily fees; and a status report on 1982 Series A Single Family Program. The emergency status was necessary because of the shortage of safe and sanitary housing.

Contact: Earline Jewett, P.O. Box 13941,
Austin, Texas 78711, (512) 475-0812.

Filed: October 14, 1982, 1:46 p.m.
TRD-827914

University of Houston System

Monday, October 18, 1982. Committees of the University of Houston System Board of Regents met in Room 510, Enterprise Bank Building, 4600 Gulf Freeway, Houston. The times, committees, and agendas follow.

8:30 a.m. The Investment Committee met to discuss and/or approve resolution, guidelines, and operating procedures for endowment fund investments; and resolution with investment manager.

9:30 a.m. The Budget and Finance Committee met to discuss and/or approve banking resolutions; banking relationships; gifts; and a quarterly investment report.

11 a.m. The Campus, Faculty, and Academic Affairs Committee met to discuss and/or approve a resolution to establish criteria and process for chancellor search; deletion of geography degree programs and suspension of Department of Geography—central campus; professional education specialization in computer science and information systems—Clear Lake campus; admissions policies—central campus; faculty workload and small class reports—fall 1982; personnel recommendations; commissioning of peace officer; dual employment; security clearance; grants and contracts; and a discussion of policies relating to the academic community, faculty, and student body.

Contact: Patricia A. Bailey, 4600 Gulf
Freeway, Suite 500, Houston, Texas 77023,
(713) 749-7545.

Filed: October 15, 1982, 9:23 a.m.
TRD-827940-827942

Texas Department of Human Resources

Committees and Councils of the Texas Department of Human Resources will meet in the Savannah West Room, Howard Johnson's Motor Hotel, 7800 IH 35 North, Austin. The days, times, committees, councils, and agendas follow.

Monday and Tuesday, October 25 and 26, 1982, 1 p.m. The Advisory Committee on Child Care Facilities will meet in emergency session concerning a report on standards development and revisions—drop-in day care centers, foster family homes, foster group homes, and agency homes serving as emergency shelters; general standards revisions in day care; fire inspection standards; report on handbook revisions and training; and director's report. The emergency status is necessary because the committee must review these standards before rule filings can be made.

Contact: Doug Sanders, P.O. Box 2960,
Austin, Texas 78769, (512) 441-3355, ext.
6039.

Filed: October 18, 1982, 10:48 a.m.
TRD-828037

Wednesday and Thursday, October 27 and 28, 1982, 1 p.m. The Social Work Certification Advisory Council will meet to discuss approval of minutes, code of ethics, budget for the program; Sunset Commission recommendation; status of the program (update); and summary.

Contact: Michael O. Doughty, P.O. Box
2960, Austin, Texas 78769, (512) 441-3355,
ext. 6039.

Filed: October 18, 1982, 10:48 a.m.
TRD-828038

Friday, October 29, 1982, 10 a.m. The Advisory Council for Child-Care Administrator's Licensing will meet to consider approval of minutes; discussion of the appeal process and possible changes in the rules/law; status of the examination revision; and summary.

Contact: Michael O. Doughty, P.O. Box
2960, Austin, Texas 78769, (512) 441-3355,
ext. 6039.

Filed: October 18, 1982, 10:49 a.m.
TRD-828039

State Board of Insurance

Monday, October 25, 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. According to the agenda summary, the board will conduct a public hearing in Docket 6985—application of Maxicare Texas, Inc., for a certificate of authority to operate a health maintenance organization in the State of Texas.

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

Filed: October 14, 1982, 11 a.m.
TRD-827911

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

Monday, November 1, 1982, 2 p.m. In Room 414, the board will consider the commissioner's and fire marshal's report; and personnel matters. The board will also meet in executive session.

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

Filed: October 18, 1982, 9:53 a.m.
TRD-828020

Thursday, November 4, 1982, 2 p.m. In Room 342, the board will hold a public hearing to consider the plea to the jurisdiction filed by Texas Catastrophe Property Insurance Association in the appeal of Lora E. Brown from action of the Texas Catastrophe Property Insurance Association.

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

Filed: October 18, 1982, 9:56 a.m.
TRD-828021

Tuesday, November 9, 16, 23, and 30, 1982, 2 p.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will consider the commissioner's and fire marshal's report; and personnel matters. The board will also meet in executive session.

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

Filed: October 18, 1982, 9:53 a.m.
TRD-828022, 828023,
828025, 828026

Texas Board of Irrigators

Wednesday, October 27, 1982, 9:30 a.m. The Texas Board of Irrigators will meet in Room 513, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Ac-

ording to the agenda summary, the board will consider approval of minutes and certification of licensed irrigator and licensed installer examination results; it will set the dates for the next regular licensed irrigator and licensed installer examinations; discuss the offering of a licensed installer examination in Lubbock on November 22, 1982, and the revision of the examination evaluation form; hear a report by the chairman of the board; and consider whether to refer a complaint to the Texas Water Commission.

Contact: Joyce Watson, 1700 North Congress Avenue, Stephen F. Austin Building, Room 431, Austin, Texas, (512) 475-8161.

Filed: October 18, 1982, 3:24 p.m.
TRD-828044

Lamar University

Wednesday, October 27, 1982. Committees of the Lamar University Board of Regents will meet in the board room, Plummer Administration Building, Lamar University, Beaumont. The committees, times, and agendas follow.

9 a.m. The Branch Campuses and Off-Campus Programs Committee and the Personnel Committee rescheduled a meeting to be held in executive session. The meeting was originally scheduled for October 26, 1982.

9:45 a.m. The Building and Grounds Committee will review revisions of the University Master Plan, and will also meet in executive session.

Contact: Andrew J. Johnson, P.O. Box 10014, Beaumont, Texas 77710, (713) 838-8404.

Filed: October 19, 1982, 9:19 a.m.
TRD-828061-828063

Midwestern State University

Wednesday, October 20, 1982, 10 a.m. The Board of Regents of Midwestern State University met in the board room, Hardin Building, 3400 Taft Boulevard, Midwestern State University, Wichita Falls. According to the agenda summary, the board considered a building revenue bond sale resolution; an addition to Pierce Hall; the heating and cooling system; Dillard Building renovations; the baseball practice field; the arena theatre razing and improvement; the physical plant storage building; the Fowler

Building renovation and addition; health insurance coverage; maintenance of parking facilities; NAIA national soccer tournament; general services; auxiliary enterprise food purchases; admission services; travel reserve; public information; optional retirement and tax deferred annuity programs carriers; the Committee of Governing Boards subcommittee proposal; statements on construction financing legislation and proposed legislative program by the Council of President; and the president's report.

Contact: Dr. Louis J. Rodriguez, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6611, ext. 4211.

Filed: October 14, 1982, 2:31 p.m.
TRD-827916

Texas Mohair Producers Board

Wednesday, October 27, 1982, 10 a.m. The Texas Mohair Producers Board of the Texas Department of Agriculture will meet at the River Club, 800 West Avenue D, San Angelo. Items on the agenda include a replacement for the deceased director; a report on progress of the United States Department of Agriculture mohair referendum; a report on transition of funds; and a market development report.

Contact: Fred Campbell, P.O. Box 5337, San Angelo, Texas 76902, (915) 655-3161.

Filed: October 18, 1982, 10:12 a.m.
TRD-828024

North Texas State University

Friday, October 22, 1982. Committees of the Texas College of Osteopathic Medicine of North Texas State University will meet in the board room, North Texas State University, Denton. The times, committees, and agendas follow.

8:30 a.m. The Role and Scope Committee will discuss the following NTSU items: professor emeritus recommendation; professional development institute articles of incorporation and bylaws; and TCOM items: personnel transactions and a presentation by the office of medical education.

9:30 a.m. The Budget and Finance Committee will discuss the following NTSU item: 1983 summer teaching budget; and TCOM item: approval of MJD plan budget.

9:45 a.m. The Facilities Committee will discuss the following NTSU items: energy conservation program; acceptance of

federal grant; project authorization and architect selection for energy retrofit—Information Science Building; emergency lighting and alarm systems; removal of architectural barriers for handicapped; and authorization for the University Services Building.

10:15 a.m. The Board of Regents will discuss the following NTSU and TCOM items: approval of minutes; approval of committee recommendations; other business; and revision of Board of Regents bylaws. The board will also meet in executive session.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203.

Filed: October 15, 1982, 10:01 a.m.
TRD-827947-827950

Board of Pardons and Paroles

Monday-Friday, November 1-5, 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 19, 1982, 9:12 a.m.
TRD-828060

State Pension Review Board

Tuesday, October 26, 1982, 10 a.m. The State Pension Review Board will meet in Conference Room 100B, John H. Reagan Building, Austin. According to the agenda summary, the board will discuss a biennial report and future actuarial projects.

Contact: Benette Meadows, John H. Reagan Building, Room 200B, Austin, Texas, (512) 475-8332.

Filed: October 15, 1982, 2:33 p.m.
TRD-827973



Public Utility Commission of Texas

Friday, October 22, 1982, 9 a.m. The Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the commission will consider final orders in the following Dockets: 4630, 4401, 4510, 4498, 4297, 4541, 4564, 4608, 4511, 4526, 3340, 3957, 4437, 4469, 4516, 4622, 4704, 4647, 4293, 4542, 4483, 4656, 4717, 4471 and 4472, 4574, 4596, 4649, 4651, 4571, 4618, 4633, 4636, 4637, 4669, 4687, 4690, 4709, 4515, 4699, 4711, 4723, 4732, 4733, 3910, 4449, 4489, and 4551.

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

Filed: October 14, 1982, 10:01 a.m.
TRD-827909

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.

Monday, October 25, 1982, 9 a.m. A hearing conference in Docket 4744—inquiry by the Public Utility Commission into the rates of Twin Oaks Water Company (water).

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

Filed: October 14, 1982, 2:33 p.m.
TRD-827917

Monday, October 25, 1982, 10 a.m. A prehearing conference in Docket 4764—application of Consumers Water, Inc., a corporation, for authority to increase rates within Harris and Montgomery Counties.

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

Filed: October 18, 1982, 9:54 a.m.
TRD-828029

Tuesday, October 26, 1982, 1:30 p.m. A hearing in Docket 4703—inquiry of the

Public Utility Commission of Texas into the rates of Yacht Club Estates.

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

Filed: October 18, 1982, 9:55 a.m.
TRD-828030

Wednesday, October 27, 1982, 10 a.m. A hearing in Docket 4758—inquiry into the rates of Trailer City Water Company.

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

Filed: October 18, 1982, 9:55 a.m.
TRD-828031

Thursday, October 28, 1982, 10:30 a.m. A hearing in Docket 4729—inquiry by the Public Utility Commission into the rates of Indian Hill Harbor Sewer, Inc.

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

Filed: October 15, 1982, 10:02 a.m.
TRD-827944

Thursday, October 28, 1982, 1:30 p.m. A prehearing conference in Docket 4731—application of Joyce Ray Meyer to purchase Cassie and Willows Water System within Burnet County and to transfer appurtenant certificates of convenience and necessity.

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

Filed: October 14, 1982, 2:31 p.m.
TRD-827918

Friday, October 29, 1982, 10 a.m. A hearing in Docket 4730—inquiry into the rates of Playcation, Inc.

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

Filed: October 18, 1982, 9:55 a.m.
TRD-828032

Monday, November 1, 1982, 10:30 a.m. A hearing in Docket 4745—inquiry into the rates of Washington County Railroad Water Company.

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

Filed: October 18, 1982, 2:42 p.m.
TRD-828045

Monday, November 15, 1982, 10 a.m. A rescheduled hearing on the merits in Docket 4710—application of Jackson Electric Cooperative, Inc., for authority to change rates. The hearing was originally scheduled for November 16, 1982.

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

Filed: October 18, 1982, 2:43 p.m.
TRD-828046

Tuesday, November 16, 1982, 10 a.m. A hearing conference in Dockets 4726, 2727, and 4728—applications of Dallas Power and Light Company, Texas Power and Light Company, and Texas Electric Service Company for approval of estimated costs for affiliate fuel and fuel related services (electric).

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

Filed: October 18, 1982, 2:42 p.m.
TRD-828047

Wednesday, November 17, 1982, 10 a.m. A hearing conference in Docket 4713—application of Dallas Power and Light Company, Texas Electric Service Company, and Texas Power and Light Company for approval of corporate reorganization (electric).

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

Filed: October 14, 1982, 2:34 p.m.
TRD-827919

Monday, November 21, 1982, 10:30 a.m. A hearing in Docket 4745—inquiry into the rates of Washington County Railroad Water Company.

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

Filed: October 15, 1982, 10:03 a.m.
TRD-827945

Friday, December 3, 1982, 10 a.m. A hearing on the merits in Docket 4702—application of Covington Water Works for a rate increase and appeal of Covington Water Works from the action of the City of Covington denying a rate increase.

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

Filed: October 14, 1982, 2:30 p.m.
TRD-827920

Wednesday, December 15, 1982, 10 a.m. A hearing on the merits in Docket 4659—complaint of Miller Grove Water Corp., against Cash Water Supply Corporation.

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

Filed: October 15, 1982, 10:02 a.m.
TRD-827946

Thursday, December 16, 1982, 10 a.m. A hearing on the merits in Docket 4750—application of Hunt-Collin Electric Cooperative, Inc., for authority to change rates.

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

Filed: October 18, 1982, 2:43 p.m.
TRD-828048

Monday, January 24, 1983, 10 a.m. A rescheduled hearing on the merits in Dockets 2782 and 4061—petition of the Woodlands Development Corp., and Mading Fixture Company, Inc., doing business as Jack Eckerd Drug Company, for amendments to the certificates of Conroe Telephone and Southwestern Bell Telephone Company, for measured service, and for other relief. The hearing was originally scheduled for May 17, 1982.

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

Filed: October 14, 1982, 2:33 p.m.
TRD-827921

Railroad Commission of Texas

Monday, October 25, 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 Automatic Data Processing Division will meet in the first floor auditorium to consider and act on the division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

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

Filed: October 15, 1982, 10:55 a.m.
TRD-827951

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

budget, procedures, and personnel matters.

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

Filed: October 15, 1982, 10:54 a.m.
TRD-827952

The Gas Utilities Division will meet in Room 107, to consider gas utilities Dockets 3717-3720, and 3732, a motion regarding voluntary allocation, and the director's report.

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

Filed: October 15, 1982, 10:56 a.m.
TRD-827953

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 15, 1982, 10:57 a.m.
TRD-827954

The LP-Gas 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; consider Division V, Motor Fuel and Mobile Fuel Safety Rules proposed for publication in the *Texas Register* for public comments; and consider for repeal §§9.181-9.192, proposed for publication in the *Texas Register* for public comments.

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

Filed: October 15, 1982, 10:55 a.m.
TRD-827955

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 15, 1982, 10:55 a.m.
TRD-827956

Additions to the above agenda:

Consideration of category determinations of the Natural Gas Policy Act of 1978, under §§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 15, 1982, 10:56 a.m.
TRD-827957

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 15, 1982, 10:55 a.m.
TRD-827958

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 Lillie, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

Filed: October 15, 1982, 10:54 a.m.
TRD-827959

The Surface Mining and Reclamation Division will meet in Room 107 to consider an order releasing from performance bond liability Site No. 4 (Fort Worth National Bank Mine) of Permit No. 008 (Conoco Inc., Conquista Project). 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 15, 1982, 10:56 a.m.
TRD-827960

The Transportation Division will meet in the first floor auditorium 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 15, 1982, 10:54 a.m.
TRD-827961

State Rural

Medical Education Board

Saturday, October 30, 1982, 1:30 p.m. The State Rural Medical Education Board will meet on the fourth floor, Southwest Tower

Building, 211 East Seventh Street, Austin. Items on the agenda include review of financial and statistical reports, budget for next biennium, review of status of participants in program, interview of new applicants for loans, review of insurance committee, and other business.

Contact: J. C. Randolph, 211 East Seventh Street, Austin, Texas, (512) 475-0801.

Filed: October 18, 1982, 1:56 p.m.
TRD-828041

Structural Pest Control Board

The Structural Pest Control Board will meet in Suite 250, Building C, 1300 East Anderson Lane, Austin. The days, times, and agendas follow.

Thursday, November 4, 1982, 1 p.m. According to the agenda summary, the board will consider approval of minutes of September 16, 1982, and September 17, 1982, board meetings; individuals to appear at the board's request for failure to file the required insurance certificate or policy with the board: William R. Ryan, doing business as All-Tex Exterminating Company, Dan Lewis, James Wagers, Kenneth Smith, doing business as Waco Exterminating and Pest Control; and other miscellaneous items.

Friday, November 5, 1982, 8:30 a.m. Items on the agenda include Paul R. Johnson, doing business as City Pest Control, a motion for rehearing of Barbara Baird, doing business as AA Exterminators, Inc., Clyde Gordon, doing business as All-State Pestway, Inc., E. G. Lockard, doing business as Terminex International, Inc., in Waco; and other miscellaneous items.

Contact: Charlie Chapman, 1300 East Anderson Lane, Building C, Suite 250, Austin, Texas 78752.

Filed: October 18, 1982, 9:55 a.m.
TRD-828033, 828034

Texas Water Commission

The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The days, times, and agendas follow.

Monday, October 25, 1982, 10 a.m. According to the agenda summary, the commission will consider water district bond issues; bond amendment; use of

surplus funds; setting hearing for district creation; water quality renewals; permits and amendments; permit dismissal; final decisions; certification of water rights; and dismissal of application.

Tuesday, November 16, 1982, 10 a.m. Items on the agenda include application by Baseline Corp., for a permit to authorize a discharge of 350,000 gallons per day of treated domestic sewage. The applicant proposes a new sewage treatment plant to dispose of the wastewater from the proposed Comanche Peak Subdivision in Travis County. The effluent will be discharged into Lake Travis in Segment Number 1404 in the Colorado River Basin.

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

Filed: October 14, 1982, 11:15 a.m.
October 18, 1982, 11:33 a.m.
TRD-827912, 828040

Texas Wheat Producers Board

Wednesday, November 3, 1982, 8 a.m. The Texas Wheat Producers Board of the Texas Department of Agriculture will meet in the executive meeting room, Hilton Inn, Amarillo. According to the agenda, the board will discuss a financial and a marketing program report; N.A.W.G. contract agreement; and various meeting reports.

Contact: Bill Nelson, Texas Commerce Bank, Suite 600, Amarillo, Texas 79109, (806) 352-2191.

Filed: October 15, 1982, 3 p.m.
TRD-827974

Regional Agencies Meetings Filed October 14

The Central Appraisal District of Johnson County, Board of Directors, will meet at 109 North Main Street, Cleburne, on October 27, 1982, at 7:30 p.m. Information may be obtained from Don Gilmore, 109 North Main Street, Cleburne, Texas 76031, (817) 645-3986.

The Comal County Appraisal District, Board of Directors, met at 130 East Mill Street, New Braunfels, on October 18, 1982, at 7 p.m. Information may be obtained from Glenn L. Brucks, P.O. Box 1222, New Braunfels, Texas 78130, (512) 625-8597.

The East Texas Council of Governments, Board of Directors, met at 3800 Stone

Road, Kilgore, on October 19, 1982, at 2 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

The Education Service Center, Region XX, Board of Directors, will meet at the Conference Center, 1314 Hines Avenue, San Antonio, on October 27, 1982, at 3 p.m. Information may be obtained from Dr. Dwain Estes, 1550 Northeast Loop 410, San Antonio, Texas 78209, (512) 271-7611.

The Edwards County Appraiser District, Appraisal Review Board, met at the New County Office Building, Rocksprings, on October 20, 1982, at 9 a.m. Information may be obtained from Jack Weldon, Box 348, Rocksprings, Texas 78880, (512) 683-2337.

The Grayson County Appraisal District, Board of Directors, met in the commissioner's courtroom, Grayson County Courthouse, Sherman, on October 20, 1982, at noon. Information may be obtained from Rita Neill, 124 South Crockett, Sherman, Texas 75090, (214) 893-9673.

The Lower Colorado River Authority met at the old Schoolhouse Building at the Festival Institute, Round Top, on October 20, 1982. Committees and times are as follows.

Parks and Lands Committee—8:30 a.m.

Water and Flood Control

Committee—9:30 a.m.

Audit Committee—10 a.m.

Environmental, Safety, and Security
Committee—11 a.m.

Finance and Administration
Committee—1 p.m.

Personnel, Compensation, Pension

Trust, and Benefit Committee—2 p.m.

Power and Energy Committee—3 p.m.

The Board of Directors also met at the same location on October 21, 1982, at 9 a.m. Information may be obtained from Elof H. Soderberg, P.O. Box 220, Austin, Texas 78767, (512) 473-3200.

The Parmer County Tax Appraisal District, Board of Directors, will meet at 305 Third Street, Bovina, on November 1, 1982, at 8:30 p.m. Information may be obtained from Ronald E. Procter, P.O. Box 56, Bovina, Texas 79009, (806) 238-1405.

The Sabine Valley Regional Mental Health and Mental Retardation Center, Board of Trustees, met at 1602 West Grand, Mar-

shall, on October 21, 1982, at 7:30 p.m. Information may be obtained from Frances H. Willis, P.O. Box 6800, Longview, Texas 75608, (214) 297-2191.

The Trinity River Authority of Texas, Utility Services Committee, met at 5300 South Collins, Arlington, on October 19, 1982, at 10 a.m. Information may be obtained from Geri Elliott, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

The Wood County Appraisal District, Board of Directors, met in the conference room, 217 North Main, Quitman, on October 21, 1982, at 1:30 p.m. Information may be obtained from W. Carson Wages, P.O. Box 951, Quitman, Texas 75773, (214) 763-4946.

TRD-827910

Meetings Filed October 15

The Atascosa County Appraisal District, Board of Directors, will meet at 1010 Zanderson, Jourdanton, on October 28, 1982, at 1:30 p.m. Information may be obtained from Ernest Dunnagan, 1010 Zanderson, Jourdanton, Texas 78026, (512) 769-2730.

The Austin-Travis County Mental Health and Mental Retardation Center, Operations and Planning Committee, met in emergency session in the board room, 1430 Collier Street, Austin, on October 18, 1982, at noon. Information may be obtained from Debbie Sandoval, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141.

The Coryell County Appraisal Review Board met at the county tax office, Gatesville, on October 20, 1982, at 9 a.m. Information may be obtained from Joan Blanchard, P.O. Box 6, Gatesville, Texas 76528, (817) 865-5412, or 865-6593.

The Region VI Education Service Center, Board of Directors, met at 3332 Montgomery Road, Huntsville, on October 21, 1982, at 5 p.m. Information may be obtained from M. W. Schlotter, 3332 Montgomery Road, Huntsville, Texas, (713) 295-9161.

The Region XV Education Service Center, Board of Directors, met at 612 South Irene Street, San Angelo, on October 21, 1982, at 1:30 p.m. Information may be obtained from Clyde Warren, Box 5199, San Angelo, Texas 76902, (915) 658-6571.

The Fannin County Single Appraisal District, Board of Review, met at 401 North Main Street, Bonham, on October 18, 1982, at 3 p.m. Information may be obtained from Bettye Manning, 401 North Main Street, Bonham, Texas 76048, (214) 583-9546.

The Guadalupe-Blanco River Authority, Board of Directors, made an addition to the agenda of a meeting held at 933 East Court Street, Seguin, on October 21, 1982, at 10 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78155, (512) 379-5822.

The Interim Regional Transportation Authority, Board of Directors, met in Room 4ES, Dallas City Hall, Dallas, on October 21, 1982, at 7:30 a.m. Information may be obtained from Cinde Weatherby, Lock Box 12, Love Field Terminal Building, Dallas, Texas 75235, (214) 358-3217.

The Pecan Valley Mental Health and Mental Retardation Center, Board of Trustees, made an addition to the agenda of a meeting held at the First United Methodist Church, 204 East Pearl, Granbury, on October 20, 1982, at 8 a.m. Information may be obtained from Theresa Mulloy, P.O. Box 973, Stephenville, Texas, (817) 965-7806.

The Rusk County Appraisal District, Board of Directors, met at 107 North Van Buren, Henderson, on October 21, 1982, at 1:30 p.m. Information may be obtained from Melvin R. Cooper, P.O. Box 7, Henderson, Texas 75652, (214) 657-9697.

The Tarrant County Appraisal District, Appraisal Review Board, will meet in Suite 300, 1701 River Run, Fort Worth, on October 26-28, 1982, at 8:30 a.m. Information may be obtained from Bobby Reed, 1701 River Run, Suite 200, Fort Worth, Texas 76107, (817) 332-3151.

TRD-827938

Meetings Filed October 18

The Amarillo Mental Health and Mental Retardation Regional Center, Long Range Planning Committee, will meet in Room J-13, Psychiatric Pavilion, 7201 Evans, Amarillo, on October 22, 1982, at noon. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79106-0250, (806) 353-7235.

The Deep East Texas Regional Mental Health and Mental Retardation Services, Board of Trustees, will meet in the Ward R. Burke Community Room—Day Treatment Administration Facility, 4101 South Medford Drive, Lufkin, on October 26, 1982, at 5 p.m. Information may be obtained from Wayne Lawrence, 4101 South Medford Drive, Lufkin, Texas 75901, (713) 639-1141.

The Region XVIII Education Service Center, Joint Committee, will meet in the conference room, Midland Air Terminal, Midland, on November 3, 1982, at 10 a.m. Information may be obtained from J. W. Donaldson, P.O. Box 6020, Midland, Texas 79701, (915) 563-2380.

The Edwards County Appraisal District, Appraisal Review Board, will meet at the new county office building, Rocksprings, on October 22, 1982, at 9 a.m. Information may be obtained from Jack Weldon, Box 348, Rocksprings, Texas 78880, (512) 683-2337.

The Golden Crescent Regional Planning Commission, Board of Directors, will meet in the LaSalle Room, Victoria Bank and Trust Building, 120 South Main, Victoria, on October 27, 1982, at 5 p.m. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas, (512) 578-1587.

The Lampasas County Appraisal District, Board of Directors, will meet at 403 East Second Street, Lampasas, on October 22, 1982, at 3 p.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

The Leon County Central Appraisal District, Board of Directors, will meet in the courthouse, Centerville, on October 25,

1982, at 6:30 p.m. Information may be obtained from Mabel Watson, P.O. Box 536, Centerville, Texas 75833, (214) 536-2911.

The Middle Rio Grande Development Council, A-95 Project Review Committee, will meet in the reading room, Civic Center, 300 East Main, Uvalde, on October 27, 1982, at 2 p.m. Information may be obtained from Oralia Saldua, Del Rio National Bank Building, third floor, Room 307, Del Rio, Texas 78840, (512) 774-4949.

The Northeast Texas Municipal Water District, Board of Directors, will meet at 1003 Linda Drive, Daingerfield, on October 25, 1982, at 7 p.m. Information may be obtained from Homer Tanner, P.O. Box 680, Daingerfield, Texas 75638, (214) 645-2241.

The Nueces River Authority, Executive Committee, will meet in the Regency Room, Sheraton Marina Inn, 300 North Shoreline Boulevard, Corpus Christi, on November 4, 1982, at noon. Information may be obtained from Con Mims, P.O. Box 349, Uvalde, Texas 78801, (512) 278-6810.

The Palo Pinto Appraisal District, Board of Directors, met at 603 South Oak, Mineral Wells, on October 21, 1982, at 7 p.m. Information may be obtained from H. H. Quillen, 100 Southeast Fifth Street, Mineral Wells, Texas 76067, (817) 325-6871.

The Sabine River Authority of Texas, Board of Directors, will meet in the conference room, fourth floor, One Dallas Center, 350 North Saint Paul, Dallas, on November 4, 1982, at 3 p.m. Information may be obtained from Sam F. Collins, P.O. Box 579, Orange, Texas 77630, (713) 883-2531.

The Tarrant County Appraisal District, Board of Directors, will meet in Suite 300,

1701 River Run, Fort Worth, on October 28, 1982, at 10 a.m. Information may be obtained from Nelson F. Eichman, 1701 River Run, Suite 200, Fort Worth, Texas 76107, (817) 332-3151.

The Upper Leon River Municipal Water District, Board of Directors, will meet in the general office of the filter plant, Proctor Lake, Comanche County, on October 28, 1982, at 6:30 p.m. Information may be obtained from Zollie D. Skaggs, Box 57, Comanche, Texas, (817) 879-2258.

The Upshur County Appraisal District, Appraisal Review Board, will meet at the appraisal district office, Warren and Trinity Streets, Gilmer, on October 26 and 27, 1982, at 8:30 a.m. Information may be obtained from Louise Stracener, P.O. Box 31, Gilmer, Texas 75644, (214) 843-3736.

TRD-828004

Meetings Filed October 19

The Fannin County Appraisal District, Board of Review, met in emergency session at the appraisal district office, Bonham, on October 19, 1982, at 11 a.m. Information may be obtained from Bettye Manning, 401 North Main Street, Peeler Building, Bonham, Texas 76048.

The Trinity River Authority of Texas, Board of Directors, will meet in the board room, 5300 South Collins, Arlington, on October 27, 1982, at 10:30 a.m. Information may be obtained from Geri Elliott, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

TRD-828055

The *Register* is required by statute to publish applications to purchase control of state banks (filed by the banking commissioner); notices of rate ceilings (filed by the consumer credit commissioner); changes in interest rate and applications to install remote service units (filed by Texas Savings and Loan commissioner); and consultant proposal requests and awards (filed by state agencies, regional councils of government, and the Texas State Library and Archives Commission).

In order to aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows. This often includes applications for construction permits (filed by the Texas Air Control Board); applications for amendment, declaratory ruling, and notices of intent (filed by the Texas Health Facilities Commission); applications for waste disposal permits (filed by the Texas Water Commission); and notices of public hearing.

In Addition

Banking Department of Texas Application To Acquire Control of a State Bank

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

On October 14, 1982, the banking commissioner received an application to acquire control of Bank of Arlington, Arlington, by Thomas A. Ewers, Dallas.

Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on October 14, 1982.

TRD-827939 O. A. Cassity
Assistant General Counsel
Banking Department of Texas

Filed: October 15, 1982

For further information, please call (512) 475-4451.

Effective Period(1)	Type of Transaction	
	Commercial(3) Consumer(2)/thru \$250,000	Commercial(4) over \$250,000
Indicated Rate		
Weekly Rate Ceiling		
10/25/82-10/31/82	18%	18%
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 18, 1982.

TRD-828035 Sam Kelly
Consumer Credit Commissioner

Filed: October 18, 1982

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

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.

Coordinating Board, Texas College and University System Correction of Error

A proposed rule submitted by the Coordinating Board, Texas College and University System, and published in the October 15, 1982, issue of the *Texas Register* (7 TexReg 3686) inadvertently contained errors as published. The proposed rule should read as follows.

§25.46. Annual Accounting by Carrier.

(a) (No change.)

(b) Any excess of the total of subsection (a)(1) of this section over the corresponding sum of subsections (a)(2) and (a)(3) of this section may be held by the carrier issuing the policy as a special reserve. Such reserve may be used at the discretion of the institution [with prior approval of the Administrative Council] for [, but not limited to,] providing additional coverage for participating employees, offsetting necessary employee premium rate increases, or to reduce participating employee premium contributions to the coverage. **Any other uses of special reserves must have prior approval of the Administrative Council.** Any reserve held by the carrier would bear interest at a rate determined each policy year by the carrier and approved by the institution as being consistent with the rate generally used by the carrier for similar funds held under other group insurance policies.

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 8, 1982.

TRD-827788 James McWhorter
Executive Secretary
Coordinating Board, Texas
College and University System

Proposed date of adoption: November 15, 1982
For further information, please call (512) 475-2033.

Texas Department of Community Affairs Consultant Proposal Requests

This consultant proposal request is filed under the provisions of Texas Civil Statutes, Article 6252-11c.

Notice of Invitation for Proposals. The Texas Department of Community Affairs (TDCA), under the authority of its enabling act (Texas Civil Statutes, Article 4413 (201)) and the Texas Controlled Substance Act (Texas Civil Statutes, Article 4476-15), announces a request for proposals (RFP) from its Drug Abuse Prevention Division. TDCA is soliciting three categories of proposals for the delivery of drug abuse prevention services. Nonprofit agencies may submit a proposal for one or more categories of service. Offerors interested in submitting a proposal may do so by providing the information required in the proposal instruction packages which are available at the address indicated herein.

Services Desired by TDCA. Category I—Comprehensive drug abuse prevention services. Comprehensive services includes the delivery of information, education, intervention, and alternative services with a primary emphasis on intervention and alternative services targeted at youth. The activities designed for each of these services should be based on the perceived needs of an identified target population or community. Offerors must pre-

sent a detailed, type-written statement of work that includes a plan for each of the four types of services offered. For further clarification, see the Definitions section included herein. Detailed instructions for completing the required information can be obtained by contacting the address provided at the end of this notice. Successful offerors may be required to participate in TDCA's research project for evaluating prevention strategies.

Offerors must submit a detailed budget reflecting the cost of the proposed programs. Programs should be proposed for the period January 1, 1983, through December 31, 1983. The amount of the 12-month award to any successful offeror(s) shall not exceed \$50,000. Contractor support (match) is required at a minimum of 20% of the total budget. Offerors currently receiving funding from TDCA must include a maintenance of effort in their proposed budgets. The contractor support share may be cash or "in kind" support.

To be eligible, an offeror must document that it is a non-profit community based organization with at least one year of previous experience in the delivery of human services, preferably in the area of drug abuse prevention.

Category II—Drug abuse prevention services are to include information, education, and intervention/referral with a primary emphasis on intervention/referral services. The activities designed for each of these services should be based on the perceived needs of an identified target population or community as defined by the offeror. Offerors must present a detailed, type-written statement of work that includes a plan for each of the three services offered. For further clarification, see the Definitions section included herein. Detailed instructions for completing the required information can be obtained by contacting the address provided at the end of this notice.

Offerors must submit a detailed budget reflecting the cost of the proposed program. Programs should be proposed for the period January 1, 1983, through December 31, 1983. The amount of the 12-month award to any successful offeror(s) shall not exceed \$35,000. Contractor support (match) is required at a minimum of 15% of the total budget. Offerors currently receiving funding from TDCA must include a maintenance of effort in their proposed budgets. The contractor support share may be cash or "in kind" support.

Category III—Specialized drug abuse prevention projects. Funds are available for innovative prevention activities other than training, workshops, and conferences. Offerors must present a typewritten statement of work that describes the proposed activities. Instructions for completing the required information can be obtained by contacting the address provided at the end of this notice.

Offerors must submit a detailed budget reflecting the cost of the proposed activities. Projects may be proposed for any period of time between January 1, 1983, through December 31, 1983. The amount of the award to any successful offeror(s) shall not exceed \$15,000. Contractor support (match) is not required.

Definitions. Intervention Services—Intervention services consist of assistance and support to individuals dur-

ing critical periods of their lives when person-to-person communication, sharing of experiences, and empathetic listening would contribute to successful adjustment. Intervention services are targeted to individuals prior to the manifestation of inappropriate behavior or to individuals whose behavior problems are not yet severe enough to require treatment, but are not being adequately addressed by the other social service institutions.

Referral Services—Referral services are a specialized form of intervention and are designed to interview individuals in a face-to-face or telephone contact. The main purpose is to send or direct individuals to appropriate services. However, provision of referral services may involve crisis and/or short-term counseling, information, and referral.

Alternative Services—Alternative services involve activities for young people designed to develop increased levels of confidence, independence, self-reliance, and optimistic feelings about themselves, their families, and their communities. Alternative services are designed to offer positive alternatives to drug-taking behavior through meaningful activities and to provide opportunities for constructive peer pressure.

Education Services—Education services include well-defined and structured learning processes designed to promote a greater understanding of drug abuse and its concomitant problems. The intent of these services is to assist individuals in developing affective skills and to promote the support, participation, and cooperation of organized groups in prevention efforts. It differs from public information in that it provides a progression of activities and information to groups over a period of time.

The development and selection of a specific education curriculum is determined by the perceived needs of the target group. Education strategies may promote the development of skills in decision-making, coping with stress, problem-solving, interpersonal communication, intrinsic motivation, and community intervention.

Information Services—Information services are designed to distribute accurate and objective information about all types of drugs and the effects of those drugs on the human system to a target population; and provide community members or organizations with resources and information designed to reduce drug abuse. The intent is to clearly communicate and provide appropriate drug abuse information to selected groups within the community at large. These activities are designed to reach the largest number of individuals possible within the target areas.

Qualifications Desired by TDCA. To be eligible, an offeror must document that it is a nonprofit organization. Prior to being awarded a contract, successful offerors will be required to establish legal authority to contract with TDCA. This shall be accomplished by completing and submitting the following certification of eligibility documents:

- (1) Contractor Certification of Eligibility Form
- (2) State comptroller vendor identification number
- (3) Articles of incorporation or charter
- (4) Organizational bylaws or rules
- (5) Name(s) and title(s) of person(s) authorized to sign

a contract with TDCA, and full documentation of such authority

- (6) Previous financial audit
- (7) Current approved fidelity bond
- (8) Soundness of accounting system and internal control procedures

The necessary forms can be obtained by contacting TDCA at the address or phone number provided at the conclusion of this notice.

Deadline for Submission of Proposals. Proposals submitted in response to this RFP will not be accepted after 5 p.m., Wednesday, November 24, 1982. No revisions or supplemental information, will be accepted after this date. Proposals received after November 24, 1982, will be accepted only if postmarked on or before November 22, 1982. Three copies of the proposal should be sent by certified mail to: Contracts Officer, Drug Abuse Prevention Division, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711.

General Information. TDCA reserves the right to accept or reject any or all proposals submitted under this RFP and to negotiate modifications to improve the quality or cost-efficiency of any proposal. TDCA is under no legal requirements to execute a resulting contract, if any, on the basis of this advertisement and intends the material provided herein only as a means of identifying the services desired by TDCA and announcing the availability of funding to support those services.

Selection will be based on the factors which are listed below in the order of their relative importance:

- (1) Appropriateness and accessibility of the proposed services to the target population
- (2) Past performance of offeror's service delivery
- (3) Cost-efficiency of proposed services
- (4) One year of previous experience in delivery of human services
- (5) Documented capacity to manage and deliver the desired services
- (6) Identification of the target population and justification of need for services.

Other factors which will be considered are reasonableness of costs and availability of funds.

TDCA intends to have at least one service provider in each category of drug abuse prevention services identified herein unless sufficient funds are not available, no proposals are found acceptable, or decreased departmental resources result in modification of funding priorities.

This announcement does not commit TDCA to pay for any costs incurred prior to the execution of a contract and is subject to the availability of appropriate funds. Issuance of this material in no way obligates TDCA to award a contract. TDCA specifically reserves the right to vary all provisions or terms set forth herein at any time prior to the execution of a contract where TDCA deems such variances to be in the best interest of the State of Texas, and to otherwise act as it determines in its sole discretion.

Any questions with regard to the intent of the RFP and the services requested should be directed to Denise Briggs,

Systems Development Specialist, Drug Abuse Prevention Division, (512) 475-6351. For purposes of obtaining proposal instructions packages, contact Contract Officer, Drug Abuse Prevention Division, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711, (512) 475-6351.

Issued in Austin, Texas, on October 15, 1982.

TRD-827971 Doug Brown
 General Counsel
 Texas Department of Community
 Affairs

Filed: October 15, 1982
For further information, please call (512) 475-6903.

This request for proposals is filed under the provisions of Texas Civil Statutes, Article 6252-11c.

Notice of Invitation for Proposals. The Texas Department of Community Affairs (TDCA), under the authority of its enabling act (Texas Civil Statutes, Article 4413(201)), and the Texas Controlled Substance Act, (Texas Civil Statutes, Article 4476-15), announces a Request for Proposals (RFP) from its Drug Abuse Prevention Division. TDCA is soliciting proposals for the development of facilities standards for drug abuse treatment services providers that are based on current national, state, building, and safety codes or standards and procedures for assessing compliance with such standards. Standards shall be developed for existing buildings that may serve three categories of occupancy: residential, which are dormitory type facilities where coherent and mobile clients live for an extended period of time; outpatient clinics, which provide services eight to 15 hours a day and do not house clients; and inpatient facilities that treat clients with physical and mental health problems who may be immobile or incoherent. The final product shall include at least the following provisions: definition of terms used in the standards; fire, building, and electrical safety standards; plumbing and sanitary standards; heating, ventilation and air conditioning safety standards; environmental health standards; and monitoring procedures for standards enforcement.

General Information. To be eligible an offeror must document that it is a nonprofit organization with at least four years of previous experience in the development of similar standards. Prior to being awarded a contract, successful offerors will be required to establish legal authority to contract with TDCA.

Offerors should propose to develop said standards and procedures over a period of 14 months beginning January 3, 1982. Offerors should submit all requested materials by the deadline for accepting proposals, November 17, 1982. The following materials should be submitted: a record of the offerors' credentials and documented qualifications; a brief description of offerors' experience in developing similar standards; a sample of similar standards which offeror has previously developed; a description of the process and timetable to be followed in developing the standards and procedures; and a detailed

budget reflecting the cost of developing the standards and procedures.

TDCA reserves the right to accept or reject any or all proposals submitted under this announcement and to negotiate modifications to improve the quality or cost effectiveness of any proposal. TDCA is under no legal requirement to execute a resulting contract, if any, on the basis of this announcement and intends the material provided herein only as a means of identifying the services sought by TDCA. This announcement does not commit TDCA to pay for any costs incurred prior to the execution of a contract and is subject to the availability of appropriate funds. Issuance of this material in no way obligates TDCA to award a contract.

Deadline for Submission of Proposals in Response to RFP. Proposals submitted in response to this RFP will not be accepted after 5 p.m., Wednesday, November 17, 1982. No revisions or supplemental information will be accepted after this date. Proposals received after November 17, 1982, will be accepted only if postmarked on or before November 15, 1982.

Three copies of the proposal should be sent by certified mail to Contracts Officer, Drug Abuse Prevention Division, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711, (512) 475-6351 or 443-4100.

Any question with regard to the intent of the RFP and the services requested should be directed to Denise Briggs, Systems Development Specialist, Drug Abuse Prevention Division, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711, (512) 475-6351 or 443-4100.

Issued in Austin, Texas, on October 15, 1982.

TRD-827972 Doug Brown
 General Counsel
 Texas Department of Community
 Affairs

Filed: October 15, 1982
For further information, please call (512) 475-6903.

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.

Richard Miller Brame and Walter C. Fowler,
Tioga, Louisiana
AN82-1014-103

NIEH—Request for a declaratory ruling that a certificate of need is not required for Richard Miller Brame and Walter C. Fowler to acquire by purchase Holiday Pines Lodge, an existing 112-bed ICF nursing facility located in Woodville, from L. Gayle Burton, Marion T. Knight, Raymond A. Parker, Curtis M. Garner, and John E. Kinney.

Cherokee County Health Facilities Development Corp., for Newburn Memorial Hospital, Inc.,
Jacksonville

AH81-0529-027A(081282)

CN/AMD—Request for an amendment of Certificate of Need AH81-0529-027 which authorized the construction and operation of a 68-bed general hospital as a replacement facility. The certificate holder requests an increase in the project cost from \$8,987,939 to \$11,018,867; an extension of the completion deadline from December 15, 1983, to December 15, 1984; an increase in the total square footage of the project from 58,100 square feet to 63,052 square feet in order to accommodate the current licensed capacity of 75 beds; and to change the certificate holder from Cherokee County Hospital Authority for Newburn Memorial Hospital, Inc., to Cherokee County Health Facilities Development Corp., for Newburn Memorial Hospital, Inc.

Lubbock County Hospital District for Lubbock General Hospital, Lubbock

AH82-1012-093

DR—Request for a declaratory ruling that a certificate of need is not required for the renovation of 3,373 square feet in the surgical intensive care unit to form a six-bed burn unit. Lubbock General Hospital currently operates a burn unit with a four-bed capacity in the medical intensive care unit of

the hospital. Lubbock General Hospital is a 273-bed general acute care facility located in Lubbock.

Issued in Austin, Texas, on October 18, 1982.

TRD-828036

Judith Monaco
Assistant General Counsel
Texas Health Facilities
Commission

Filed: October 18, 1982

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

State Department of Highways and Public Transportation Consultant Proposal Request

As required by Texas Civil Statutes, Article 6252-11c, the following notice for request for proposal is filed.

Notice of Invitation. The State Department of Highways and Public Transportation, traffic safety section, seeks a consultant to conduct a study of emergency medical services (EMS) training in Texas. Among the considerations to be addressed are the skill level and geographic distribution of EMS personnel, services, and training relative to the state's highway network, the quality and accessibility of EMS training in the state, the quality and effectiveness of certification programs for personnel and vehicles, the quality of hospital and physician relationships and communications. The ultimate question to be answered is the impact, if any, of EMS skill level and availability on highway fatality and injury rates.

Agency Contact. A detailed statement of work to be performed is available from Robert J. MacDonald, Traffic Safety Section, 6400 Highway 290 East, LaCosta Annex, Room 312F, Austin, Texas 78701, (512) 465-6319.

Response Date. A pre-award meeting of interested parties will be conducted at 10 a.m. on November 19, 1982, in room 305 at the LaCosta annex. The deadline for submitting proposals is the close of business on Friday, December 3, 1982.

Selection Criteria. The contract will be awarded, on or about January 1, 1983, on a competitive basis emphasizing relative cost efficiency, specifications of the work plan submitted and evidence of existing capacity and experience in the field of emergency medical services.

Issued in Austin, Texas, on October 13, 1982.

TRD-827922

Diane L. Norham
Administrative Technician
State Department of Highways
and Public Transportation

Filed: October 14, 1982

For further information, please call (512) 475-2141.

Texas Department of Human Resources Public Hearing

The Texas Department of Human Resources (TDHR) will conduct a hearing to receive comments on the selection of a new contractor to provide weatherization services. The hearing will be held November 1, 1982, at 11 a.m., at 1349 East 40th Street, Room 6, Houston. The notice of invitation for offers on the weatherization program was published in the May 25, 1982, issue of the *Texas Register* (7 TexReg 2008).

The City of Houston, Human Resources Division, was selected to provide weatherization services for Harris County. The contract will begin November 1, 1982, and end June 30, 1983. Service delivery will be in accordance with the Department of Energy regulations.

The department is interested in receiving comments on:

- (1) the agency's experience and performance in weatherization or housing renovation activities;
- (2) the agency's experience in assisting low-income persons in the area to be served; and
- (3) the agency's capacity to undertake a timely and effective weatherization program.

Issued in Austin, Texas, on October 18, 1982.

TRD-828012 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed: October 18, 1982
For further information, please call (512) 441-3355,
ext. 2037.

North Central Texas Council of Governments Consultant Proposal Request

The North Central Texas Council of Governments (NCTCOG) files this consultant proposal request under the provisions of Texas Civil Statutes, Article 6252-11c.

Background. The purpose of this study is to allow the City of Dallas and the Dallas Transit System to develop a central business district (CBD) operations plan for transit. A comprehensive and detailed analysis of each transit element of the study must be compatible with traffic and pedestrian needs in the CBD. Appropriate levels of expertise are required in transit operations and traffic analysis. Parking and pedestrian issues will also be addressed.

The work for this project is to be accomplished by a consultant. The contract to be awarded will be for a sum of no more than \$70,000. Copies of the request for proposal providing detailed information on this project are available on request from the contract person indicated below.

Contact Person. For further information on this consultant proposal request, contact David Roden, Transportation Planner, North Central Texas Council of Governments, P.O. Drawer COG, Arlington, Texas 76011.

Due Date. Consultant proposals are due by November 12, 1982, at noon, in the office of David Roden, Transportation Planner, NCTCOG, P.O. Drawer COG, Arlington, Texas 76011.

Contract Award Procedures. The recommendation for the selection of a firm or agency for the Dallas central business district transit operations plan will be accomplished by a consultant selection committee. The contract award procedures which follow are not totally inclusive or mutually exclusive of other procedures which in the opinion of the committee require inclusion in order to achieve the best results possible within the scope of services requested. If the recommendation by the committee is approved by the Executive Board of NCTCOG, the board will award a contract to the firm or agency which is considered to be best able to perform the work set forth in the contract.

Evaluation Criteria. Objective measurement of the criteria will be conducted and the methodology for measurement will be determined depending on its suitability and relationship to the scope of services requested: record of performance in related fields; staff experience; ability to meet specific time frames; demonstrated knowledge of work to be performed; project management; firm's affirmative action policy and plan; and a written proposal.

Evaluation Methodology. A written proposal and oral presentation, if requested, will be evaluated by the consultant selection committee.

Contract Award. Following review of the consultant selection committee's recommendation by NCTCOG, the Executive Board will award a contract.

The NCTCOG, in accordance with the Civil Rights Act of 1964, Title VI, 78 Statute 252, 42 United States Code 2000d-2000d-4, and the Code of Federal Regulations, Title 49, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, nondiscrimination in federally assisted programs of the Department of Transportation issued in regard to any contract entered into pursuant to this notice, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration of an award.

Respondents must be willing to abide by all the applicable regulations of the Federal Highway Administration and the Urban Mass Transportation Administration, U. S. Department of Transportation, including inspection and audit.

The ability of NCTCOG to enter into a contract for performance of the proposed program will be dependent on the timely receipt of funds from the Federal Highway Administration and the Urban Mass Transportation Administration.

The NCTCOG reserves the right to reject in total or part any and/or all proposals should it be advantageous to do so.

Since the maximum amount available for this project is approximately \$70,000, the projected cost will be an item of evaluation. An Office of Management and Budget Optional Form 60 Contract Pricing Proposal will be required for negotiation of reasonable costs. Respondents should indicate proprietary interests where applicable.

The contractor will comply with all federal and state laws and regulations applicable to subcontractors including but not limited to equal employment opportunity, Davis-Bacon Act, and records management.

Replies must be received by NCTCOG no later than noon, November 12, 1982.

Issued in Arlington, Texas, on October 12, 1982.

TRD-827923 William J. Prtstick
Executive Director
North Central Texas Council of
Governments

Filed: October 14, 1982
For further information, please call (817) 640-3300.

Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of October 12-15, 1982.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain (1) the name, mailing address, and phone number of the person making the request; and (2) a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-2678.

Listed are the names of the applicants and the cities in which the facilities are located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal.

Period of October 12-15, 1982

Cactus Feeders, Inc., Cactus; cattle feedlot; immediately north of North Palo Duro Creek and approximately one mile west of U. S. Highway 287, at a point approximately two miles west of Cactus, Moore, and Sherman Counties; 01378; amendment
Georgia-Pacific Corp., Pasadena; cumene manufacturing; on the south bank of the Houston Ship Channel approximately 5,250 feet east of Ethyl Road and approximately 7,500 feet north of State Highway 225 in Harris County; 02067; renewal

City of Mercedes; treated domestic sewage facility; adjacent and southwest of the intersection of North Mile Eight Road and One-Half Mile East Road within the City of Mercedes, Hidalgo County; 10347-01; renewal

Nor Sham Inc., doing business as Best Western Intercontinental Airport, Houston; Best Western Intercontinental Airport sewage treatment plant; southwest of the intersection of U.S. Highway 59 and Jetero Boulevard in the City of Houston, Harris County; 10980-01; renewal

The City of Sanger; wastewater treatment plant; southeast of the City of Sanger approximately 1,500 feet east of the Atchison, Topeka and Santa Fe Railroad, and 1,000 feet south of Jones Street in Denton County; 10271-01; amendment

Houston Lighting and Power Company, Houston; Greenspoint Service Center sewage treatment plant; approximately ½ mile east of the intersection of Steubner-Airline Road with Gears Road on the south side of Gears Road within Harris County; 02596; amendment

Houston Lighting and Power Company, Houston; Malakoff steam electric generating station; approximately two miles southwest of the town of Malakoff, Henderson County; 02588; new permit

City of San Antonio; W. B. Tuttle power plant; on the west side of FM Road 2252, approximately one mile north of IH Loop 410 on the north side of the City of San Antonio, Bexar County; 01516; renewal

David Hart, Bryan; multiresidential and commercial development; approximately 300 feet northwest of FM Road 60 (University Drive) approximately 1,800 feet northeast of the intersection of FM Road 2818 (West Bypass) and FM Road 60 and approximately 6,500 feet west of Kyle Field in Brazos County; 12619; new permit

Conroe Independent School District, Conroe; Ben Milam Elementary School; approximately 1,000 feet north of FM Road 3083 and approximately 2,200 feet south of FM Road 2090 in Montgomery County; 12607-01; new permit

Union Carbide Corp., Deer Park; air distillation plant; at the southeast corner of the intersection of Old Tidal Road and Port Terminal Railroad about 0.5 mile north of State Highway 225 in the City of Deer Park, Harris County; 01173; renewal

Northgate Motor Inn, Ltd., Houston; motel; in the 9900 block of North Freeway, at a point approximately

380 feet south of the intersection of Northville Road and the IH 45 West service road in Harris County; 12611-01; new permit

Bill Milburn, Inc., Austin; Milwood subdivision; adjacent to Rattan Creek approximately 3,000 feet north of McNeil Drive, about 2½ miles northeast of the intersection of McNeil Drive and U. S. Highway 183 in Williamson County; 12585-01; new permit

Issued in Austin, Texas, on October 15, 1982.

TRD-827962

Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: October 15, 1982

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

