

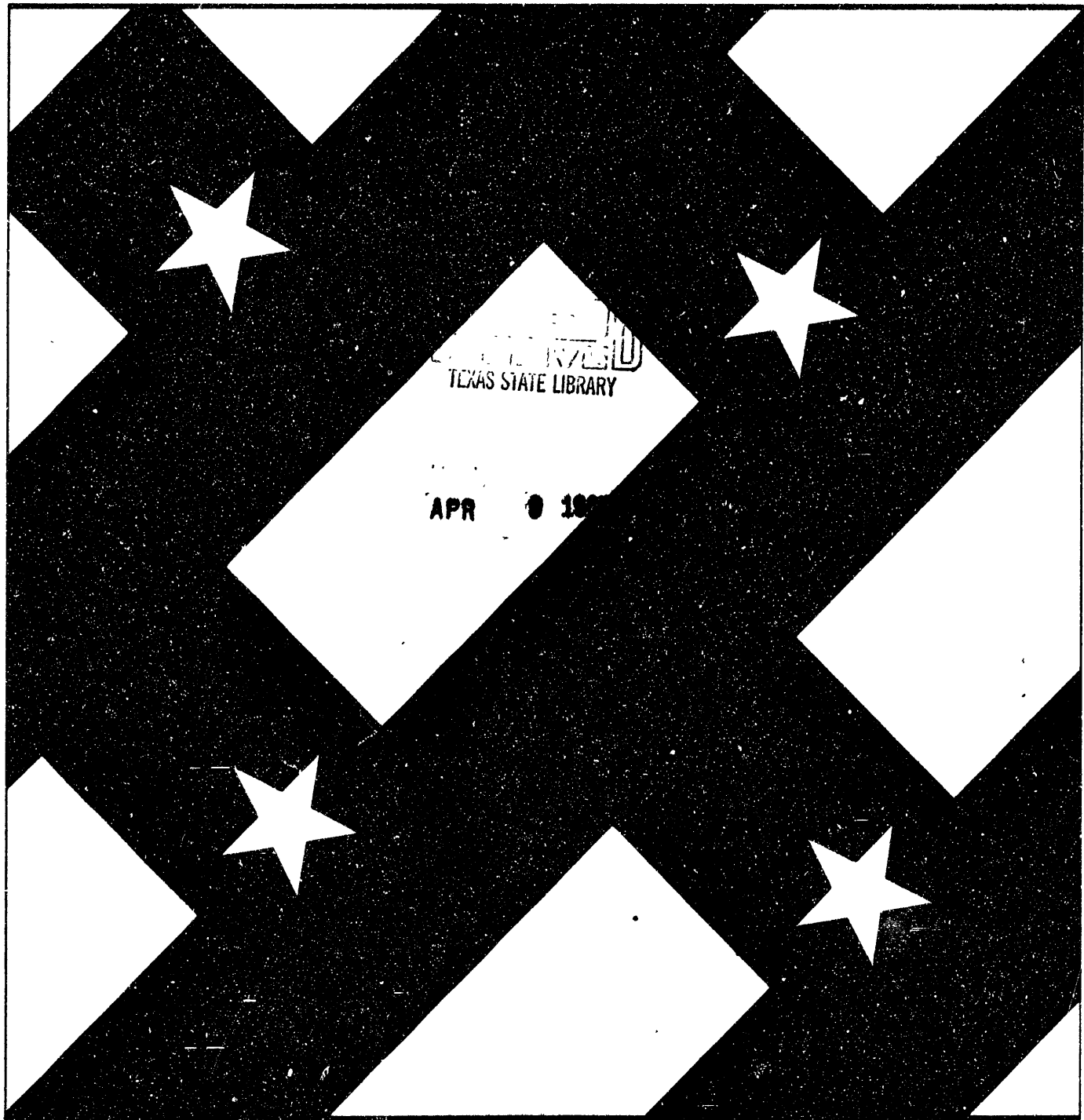
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Texas Register

Volume 10, Number 28, April 9, 1985

Pages 1169 - 1196



Highlights

The **Texas Animal Health Commission** adopts on an emergency basis amendments concerning the Texas bovine brucellosis regulations
Effective date - April 1 **page 1171**

The **Texas Department of Community Affairs**

proposes amendments concerning allocation of program funds Earliest possible date of adoption - May 10 **page 1173**

The **Comptroller of Public Accounts** proposes amendments concerning seller's responsibilities Earliest possible date of adoption - May 10 **page 1175**

Office of the Secretary of State

Texas Register

The *Texas Register* (ISN 0362-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1985 with the exception of June 25, July 9, August 30, December 3, and December 31, by the Office of the Secretary of State.

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POSTMASTER Please send Form 3579 changes to the *Texas Register*, PO Box 13824, Austin, Texas 78711-3824.

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- Governor—appointments, executive orders, and proclamations
- Secretary of State—summaries of opinions based on election laws
- State Ethics Advisory Commission—summaries of requests for opinions and opinions
- 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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written "10 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "Issue date 10 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*, rule number, or TRD number.

Texas Administrative Code

The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules.

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*.

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).



Texas Register Publications

a division of the
Office of the Secretary of State
P.O. Box 13824
Austin, Texas 78711-3824
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Subscriptions—one year (96 regular issues and four index issues), \$80; six months (48 regular issues and two index issues), \$60. Single copies of most issues of the *Texas Register* are available at \$3.00 per copy.

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Rules

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.

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

TITLE 4. AGRICULTURE Part II. Texas Animal Health Commission

Chapter 35. Brucellosis Subchapter A. Eradication of Brucellosis

★4 TAC §35.4, §35.5

The Texas Animal Health Commission adopts on an emergency basis amendments to §35.4 and §35.5, concerning the Texas bovine brucellosis regulations.

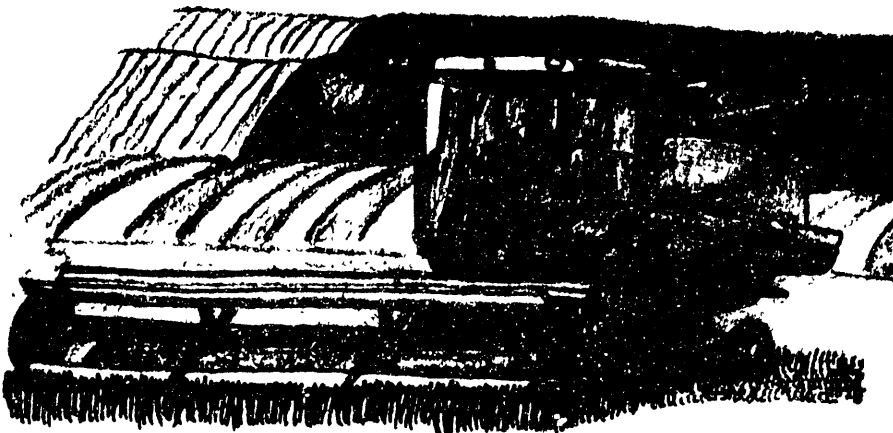
These amendments allow Medina County to transfer from the Texas Class C area to the Texas Class B area. Medina County exceeds all the necessary requirements for transfer. A previous application for transferring Medina County from the Class C to the Class B area had been scheduled for consideration by the commission at its February meeting. Cancellation of that commission meeting delayed that action which otherwise would have been finalized at the commission meeting on March 29, 1985. Following an extended drought, producers in Medina County are now restocking and buying replacement cattle because of current much improved range conditions. This emergency action provides added protection for those producers by requiring stocker cattle to meet additional testing and vaccination requirements when entering the county from outside the Class B area.

These amendments are adopted on an emergency basis under provisions of the Agriculture Code, Chapter 161 and Chapter 163, which grants rule-making authority and sets forth the duty of this agency to protect domestic animals in the state from disease.

§35.4. Class B Area.

(a) (No change.)

(b) Class B area—Area to include the following counties: Andrews, Archer, Armstrong, Bailey, Bandera, Baylor, Bell, Blanco, Borden, Bosque, Brewster, Briscoe, Brown, Burnet, Callahan, Carson, Castro, Childress, Clay, Cochran, Coke, Coleman,



Collingsworth, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Denton, Dickens, Donley, Eastland, Ector, Edwards, El Paso, Erath, Fisher, Floyd, Foard, Gaines, Garza, Gillespie, Glasscock, Gray, Grayson, Hale, Hall, Hamilton, Hansford, Hardeman, Hartley, Haskell, Hays, Hemphill, Hockley, Hood, Howard, Hudspeth, Hutchinson, Irion, Jack, Jeff Davis, Johnson, Jones, Kendall, Kent, Kerr, Kimble, Kinney, King, Knox, Lamb, Lampasas, Lipscomb, Llano, Loving, Lubbock, Lynn, McCulloch, Martin, Mason, Maverick, Medina, Menard, Midland, Mills, Mitchell, Montague, Moore, Motley, Nolan, Ochiltree, Oldham, Palo Pinto, Parker, Reagan, Pecos, Potter, Presidio, Randall, Reagan, Real, Reeves, Roberts, Rannels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Somervell, Sterling, Stephens, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Uvalde, Val Verde, Ward, Wheeler, Wichita, Wilbarger, Williamson, Winkler, Wise, Yoakum, Young, and Zavala.

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

§35.5. Class C Area.

(a) (No change.)

(b) Class C area—Area to include the following counties: Anderson, Angellina, Aransas, Atascosa, Austin, Bastrop, Bee, Bexar, Bowie, Brazoria, Brazos, Brooks,

Burleson, Caldwell, Calhoun, Cameron, Camp, Cass, Chambers, Cherokee, Collin, Colorado, Dallas, Delta, DeWitt, Dimmit, Duval, Ellis, Falls, Fannin, Fayette, Fort Bend, Franklin, Freestone, Frio, Galveston, Goliad, Gonzales, Gregg, Grimes, Guadalupe, Hardin, Harris, Harrison, Henderson, Hidalgo, Hili, Hopkins, Houston, Hunt, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kaufman, Kenedy, Kleberg, Lamar, LaSalle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, McLennan, McMullen, Madison, Marion, Matagorda, [Medina,] Milam, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nueces, Orange, Panola, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Shelby, Smith, Starr, Titus, Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Wilson, Wood, and Zapata.

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

Issued in Austin, Texas, on April 1, 1985.

TRD-852850

John W. Holcombe
Executive Director
Texas Animal Health
Commission

Effective date: April 1, 1985

Expiration date: July 30, 1985

For further information, please call
(512) 476-4111.

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TITLE 28. INSURANCE
Part I. State Board of
Insurance

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

Powers and Duties
Examination and Corporate
Custodian and Tax

★059.01.15.253

The State Board of Insurance is renewing the effectiveness of the emergency

adoption of new Rule 059.01.15.253 for a 60-day period effective April 19, 1985. The text of the new rule originally was published in the January 1, 1985, issue of the *Texas Register* (10 TexReg 12).

Issued in Austin, Texas, on April 2, 1985.

TRD-852928

James W. Norman
Chief Clerk
State Board of
Insurance

Effective date: April 19, 1985
Expiration date: June 18, 1985
For further information, please call
(512) 475-2950.

★ ★ ★



★059.01.15.263

The State Board of Insurance is renewing the effectiveness of the emergency adoption of new Rule 059.01.15.263 for a 60-day period effective April 19, 1985. The text of the new rule originally was published in the January 1, 1985, issue of the *Texas Register* (10 TexReg 13).

Issued in Austin, Texas, on April 2, 1985.

TRD-852929

James W. Norman
Chief Clerk
State Board of
Insurance

Effective date: April 19, 1985
Expiration date: June 18, 1985
For further information, please call
(512) 475-2950.

★ ★ ★

Proposed Rules

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

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

TITLE 4. AGRICULTURE Part II. Texas Animal Health Commission

Chapter 35. Brucellosis Subchapter A. Eradication of Brucellosis

★4 TAC §35.4, §35.5

The Texas Animal Health Commission proposes amendments to §35.4 and §35.5, concerning the Texas bovine brucellosis regulations.

Section 35.4 is amended because Medina County has been proposed for inclusion in the Class B area following requests from producers in that county. Medina County is contiguous to the Class B area and meets all necessary requirements for transfer.

Since Medina County is proposed for transfer in the Class B area, the proposed change in §35.5 removes this county from the list of counties in the Class C area.

The proposed amendments in §35.4 and §35.5 simultaneously are adopted on an emergency basis in this issue of the *Texas Register*.

Ken Welch, administration director, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Mr. Welch also has determined that for each year of the first five years the rules are in effect the public benefit anticipated as a result of enforcing the rules is the greatest possible freedom of movement for cattle originating in Medina County because movement requirements on cattle in a Class B area are less restrictive than for those in the Class C area. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Jo Anne Connor, Texas Animal Health Commission, P.O. Box 12986, Austin, Texas 78711.

The amendments are proposed under the Agriculture Code, Chapter 161 and Chapter 163, which provides the Texas Animal Health Commission with the authority to propose rules and sets forth the duties of the commission to protect domestic animals in the state from disease.

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 April 1, 1985.

TRD-852851

John W. Holcombe
Executive Director
Texas Animal Health
Commission

Earliest possible date of adoption:
May 10, 1985
For further information, please call
(512) 475-4111.

★ ★ ★

TITLE 10. COMMUNITY DEVELOPMENT Part I. Texas Department of Community Affairs Chapter 9. Texas Community Development Program Subchapter A. Allocation of Program Funds

★10 TAC §9.3

The Texas Department of Community Affairs (TDCA) proposes amendments to §9.3, concerning the allocation of community development block grant (CDBG) nonentitlement area funds under the Texas Community Development Program (TCDP). The amendments establish the standards and procedures by which the TDCA will allocate economic development project funds to eligible units of general local government in Texas beginning with the expenditure of federal fiscal year 1985 funds.

Douglas C. Brown, general counsel, has determined that for the first five-year

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

Kelly Myrick, Local Government Assistance Division director, has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is the equitable allocation of economic development project funds to eligible units of general local government in Texas. 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 Douglas C. Brown, General Counsel, P.O. Box 13166, Austin, Texas 78711.

The amendments are proposed under Texas Civil Statutes, Article 4413(201), §4A, which provide the Texas Department of Community Affairs with the authority to allocate community development block grant nonentitlement area funds to eligible counties and municipalities in accordance with rules and regulations adopted by the Texas Department of Community Affairs.

§9.3. Economic Development Project Fund.

(a) General provisions. This fund covers projects which will result in either an increase in new, permanent employment within a community or retention of existing permanent employment. All jobs being created or maintained must primarily benefit low and moderate income persons.

(1) No assistance will be provided for projects intended to facilitate the relocation of industrial or commercial plants or facilities from one unit of general local government within Texas to another unit of general local government within Texas unless the relocating industrial or commercial plant or facility, provides the Texas Department of Community Affairs (TDCA) with satisfactory documentation that it will move out of the State of Texas without such assistance or unless the chief elected official of the unit of general local government from which such plant or facility is relocating provides the TDCA with satisfactory

documentation that such unit of general local government has no objections to the relocation.

(2) The TDCA will not consider any application for funding which would result in the provision of assistance for an economic development project where the applicant and one or more other cities or counties are competing to provide economic development project funds to that project.

(3) The TDCA will only consider providing funding for an economic development project proposed by a city that is in the city's extraterritorial jurisdiction and will only consider a project proposed by a county that is in the unincorporated area of the county.

(b) Funding cycle. This fund will be allocated on a quarterly basis to eligible units of general local government on a statewide competitive basis. A local government may only submit one application for each quarter. An applicant may receive more than one contract during a program year, as long as the total amounts of the contracts do not exceed \$500,000 for that program year. Applications for funding for each quarter must be received by the Local Government Assistance Division of the TCDA [Texas Community Development Program] by 5 p.m. on the dates specified in the most recent application package for this fund. [following dates:]

- (1) First quarter: June 20, 1984;
- (2) Second quarter: September 17, 1984;
- (3) Third quarter: December 17, 1984;
- (4) Fourth quarter: March 15, 1985.]

(c) Selection procedures. Scoring and recommended rankings of projects will be done by a five-member technical review committee with input from the regional review committees. The technical review committee will consist of program or division directors selected by the executive director of the TDCA from within the TDCA or other appropriate state agencies (e.g., the Texas Economic Development Commission). The application and selection procedures consist of the following steps:

(1) Prior to the submission deadline, each eligible jurisdiction may submit one application for funding under the economic development project fund per quarter. Copies of the applications should be provided to both the regional review committees and the TDCA/Local Government Assistance Division. An unsuccessful application from a previous quarter will only be considered for funding if it is submitted as a new application with update attachments.

(2) (No change.)

(3) Each regional review committee may, at its option, review and comment on an economic development proposal from a jurisdiction within its state planning region. These comments will become part of the application file and will be considered

by the technical review committee provided such comments are received by the TDCA within 21 days after the application deadline.

(4) The technical review committee generates scores on factors related to project design. Each application will be scored on how the proposed project resolves the identified economic development need within the applicant. This information and comments provided by the regional review committees will be used by the technical review committee to generate the scores on project design. An applicant may attend technical review committee scoring meetings except during discussions of confidential financial information concerning a project proposed by another applicant.

(5) The TDCA generates scores on selection criteria related to economic [community] distress, benefits to low- and moderate-income persons, and minority hiring [and contracting]. Scores on the factors in these three categories are derived either from standardized data from the Census Bureau and other state and federal sources or from information provided by the applicant.

(6) (No change.)

(7) The TDCA staff conducts technical review of the highest ranked applications. The purpose of this review is to make four [three] threshold determinations of the feasibility of the application as follows:

(A) the financial feasibility of the project based on a credit analysis of the businesses to be assisted;

(B) firm commitments of all other public and/or private investments which were identified in the application; [and]

(C) the ability of the applicant to operate or maintain any public facility or service assisted with Texas Community Development Program funds; and

(D) whether economic development project funds are necessary or appropriate to carry out the project proposed in the application.

(8)-(10) (No change.)

(d) Selection criteria. The following is an outline of the selection criteria to be used by the TDCA, the technical review committee, and the State Review Committee for selection of projects under the economic development project fund. Eight hundred [One thousand two hundred] points are available.

(1) Economic [Community] distress (Total—120 [200] points). All economic [community] distress factor scores are based on the population of the applicant.

(A) Percentage of persons living in poverty—24 [50].

(B) Per capita income—24 [50].

[(C) Percentage of housing units without some or all plumbing—50.]

(C)[(D)] Unemployment rate—24 [50].

(D) Lag in job growth—24.

(E) Lag in sales tax revenue—24.

(2) Percentage of Texas Community Development Program funds that directly benefit low- and moderate-income persons (Total—200 [300] points). This factor score is based only on those residents of the applicant that are determined to be direct beneficiaries of the applicant's proposed activities, as defined by the TDCA in the [its] current [Texas Community Development Program] application package for this fund.

(3) Percentage of minorities presently employed by the applicant divided by the percentage of minority residents within the local community (Total—80 points) [Minority hiring and contracting (Total—100 points)]. In the event less than 2.0% of the applicant's population base is composed of minority residents or the applicant does not have any permanent [minority] employees, [or the applicant has not purchased any goods and services from a minority firm for a total dollar value of greater than \$1,000,] the applicant will be assigned the average score on this factor for all applicants in its state planning region. The terms used in this paragraph are defined in the current [Texas Community Development Program] application package. [The applicable period for the purchases of goods and services is either the most recent 12-month period or the most recently completed fiscal year of the local government.

[(A) Percentage of minorities presently employed by the applicant divided by percentage of minority residents within the local community—50.

[(B) Percentage dollar awards by the applicant to minority businesses for purchases of goods and services divided by percentage of minorities in the area—50.]

(4) Project design (Total—400 [600] points). The terms used in this paragraph are defined in the current [Texas Community Development Program] application package.

(A) Severity of need (Total—100 points).

[(i) Lag in job growth—50.

[(ii) Lag in sales tax revenue—50.]

(A)[(B)] Resolution of need (Total—100 [500] points).

(i) Total Texas Community Development Program funds requested divided by the total number of jobs created and/or retained—50 [100].

[(ii) Number of jobs created or retained—100.]

[(ii)[(iii)] Leveraging of other public and private investment—50 [150].

[(iv) Extent to which the project used underutilized capacity (e.g., developed land and existing buildings)—50.

[(v) Extent to which the local industrial base is diversified—25.

[(vi) Use of Job Training Partnership Act funds—75.]

(B) Technical review committee criteria (Total—300 points).

(i) Extent to which the project uses underutilized capacity (such as developed land and existing buildings)—No more than 25.

(ii) Extent to which the local industrial base is diversified—No more than 75.

(iii) Extent to which Job Training Partnership Act funds are used—No more than 75.

(iv) Special economic development projects (No more than 50 points). Special economic development projects which involve loans to for-profit businesses, interest subsidies, and loan guarantees will receive the maximum number of points available. Public facilities projects in which economic development project funds are used for infrastructure in support of economic development projects will receive less favorable consideration.

(v) Plan for the recapture and reuse of program income—No more than 75.

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 April 2, 1985.

TRD-852906 Douglas C. Brown
General Counsel
Texas Department of
Community Affairs

Earliest possible date of adoption:
May 10, 1985

For further information, please call
(512) 443-4100, ext. 210.



TITLE 34. FINANCE Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration Subchapter O. State Sales and Use Tax

★ 34 TAC §3.286

The Comptroller of Public Accounts proposes amendments to §3.286, concerning seller's responsibilities. The amendments change the amount of tax that must be collected by a seller to qualify as a yearly filer. The limit was changed from \$500 to \$1,000. This means that more persons will qualify to report yearly. This will cut paperwork for both taxpayers and the comptroller since there will be fewer reports to file and process. A reference to §3.282, concerning auditing taxpayer records, is being added to subsection (i)(6) since taxpayers being audited are subject to the 60-day requirement for transactions which occurred during the audit period.

Billy Hamilton, revenue estimating director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. This section is promulgated under the Tax Code, Title 2, and no statement of the fiscal implications for small businesses is required.

Mr. Hamilton also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is a reduction in the number of reports required to be filed. 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 D. Carolyn Busch, Director, Tax Administration, P.O. Box 13528, Austin, Texas 78711.

These amendments are proposed under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating

to the administration and enforcement of the sales tax.

§3.286. Seller's Responsibilities.

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

(f) Reporting period.

(1) (No change.)

(2) Sellers having less than \$1,000 [\$500] state tax to report during a year may file yearly returns. The yearly reporting period ends on December 31. See §3.335 of this title (relating to Filing Reports). Yearly returns are to be filed on or before the 20th day of January.

(3) (No change.)

(g)-(h) (No change.)

(i) Resale and exemption certificates.

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

(6) The seller should obtain the properly executed resale or exemption certificates at the time the sale occurs. If the certificates are not obtained at the time of the sale, the seller has 60 days from the date written notice is given by the comptroller to the seller in which to obtain them. Any certificates presented during the 60-day period will be subject to verification before any deductions will be allowed. Certificates presented after the 60-day period will not be accepted and the deduction will not be granted. See §3.285 of this title (relating to Sales for Resale; Resale Certificates), §3.287 of this title (relating to Exemption Certificates), [and] §3.288 of this title (relating to Direct Payment Procedures and Qualifications), and §3.282 of this title (relating to Auditing Taxpayer Records).

(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 April 3, 1985.

TRD-852916 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption:
May 10, 1985

For further information, please call
(512) 476-1913.

★ ★ ★

Adopted Rules

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

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. If an agency adopts the rule with changes to the proposed text, the proposal will be republished with the changes.

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration Subchapter C. Crude Oil Production Tax

★34 TAC §3.36

The Comptroller of Public Accounts adopts new §3.36, without changes to the proposed text published in the February 15, 1985, issue of the *Texas Register* (10 TexReg 566).

The legislature determined that to accelerate tax collections an estimated payment of tax must be made on or before August 15 for the month of July of each odd-numbered calendar year. This section provides guidelines for those payments.

No comments were received regarding adoption of the new section.

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

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 April 3, 1985.

TRD-852917 Bob Bullock
 Comptroller of Public
 Accounts

Effective date: April 24, 1985
Proposal publication date: February 15, 1985
For further information, please call
(512) 475-1913.

★ ★ ★

Suchapter O. State Sales and Use Tax

★34 TAC §3.291

The Comptroller of Public Accounts adopts amendments to §3.291, with changes to the proposed text published

in the February 8, 1985, issue of the *Texas Register* (10 TexReg 461).

The amendments are necessary to reflect changes made by the 68th Legislature, 2nd Called Session, 1984. Tangible personal property used or consumed in performing improvements to realty for the federal government are taxable effective October 2, 1984. Materials which are incorporated into realty belonging to the federal government may still be purchased tax free. Without an agreement transferring title to materials elsewhere, it has been the comptroller's position that transportation costs were a part of the agreed price of materials. The amendments state the comptroller's position. An amendment defines "contractor" as a person improving real estate and requiring tangible personal property belonging to him to be incorporated into the realty being improved. This amendment is within the scope of the Tax Code, since §151.056 is a nonsubstantive recodification of former Texas Taxation-General, Article 20.01(T), which itemized this requirement. Since by its own terms the recodification was not intended to make substantive changes to the law, the comptroller feels the amendment is justified.

There are two changes to the proposed section. The first change is to subsection (a)(3), where §3.347 on improvements to realty was incorporated in total. The comptroller withdrew this language, since §3.347 is being considered for revision, and some issues are unresolved.

The second change is to subsection (a)(4), where the language "invoices are a controlling part of the contract" was changed to "terms of the contract required separated invoices to be provided the customer." This change was made because of comments received.

Two comments against the amendments were received. The first comment came from the tax manager of Coastal Construction Company and stated that the proposed change goes beyond the definition of a separated contract as defined in the Texas sales tax laws, Title 2, Subtitle E, §151.056, paragraph (b). If the proposed change is merely attempting to clarify the current rule, it has not done

so, and in fact the change will cause greater confusion. If the proposed change is attempting to expand the scope of the rule, the company felt that it was overstepping the definition of a separated contract as defined in current law. In addition, the rule as proposed would make it difficult for a contractor to plan his affairs and comply with the law due to the uncertainty caused by the proposed change.

The comptroller responded by deleting the language to which the objection was made and substituting other language. If the contract itself requires separated invoices, the comptroller feels the invoices are a part of the contract and should control.

Members of the State Bar Committee on Administrative Practice and Liaison commented that it is not at all clear that a contractor is only one who incorporates tangible personal property belonging to him into real estate being improved. The Tax Code, §151.066, merely defines "contractor" as one who "makes an improvement on real estate and who, as the necessary or incidental part of the service, incorporates tangible personal property into the property repaired or improved." Accordingly, this portion of the rule is clearly outside the scope of the statute. However, there has been no change in the statute concerning the effect of invoices on the lump sum v. separated contract issue, and therefore the rule should not be changed.

The comptroller's response to the objection concerning invoices was to change the language, as previously discussed. No change has been made in the language defining a contractor as one who incorporates property belonging to him into the real estate being improved. The Texas Tax Code, §151.066, is a recodified version of former Texas Taxation-General, Article 20.01(T), which contained specific language concerning ownership of the property being incorporated into the realty. The recodification was performed under the authority of Texas Civil Statutes, Article 5429b-1, which specifically provide that "in carrying out the revision program, the sense, meaning of effect, or any legislative act shall not be altered." The comptroller believes

that the inclusion of this requirement is well within the scope of the statute.

The amendments are adopted under the Texas Tax Code §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the sales tax.

§3.291. Contractors.

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

(1) Agreed contract price of materials—The price specified in the contract for the materials, plus any additional charges directly attributable to the materials. For example, profit calculated as a percentage of the cost of materials, cost of transporting the materials, mark up, or handling charges related directly to the materials charge are includable in the agreed contract price. A charge calculated as a percentage of the total contract cost will not be considered a part of the material's selling price. The agreed contract price of materials cannot be less than the price the contractor paid for the materials.

(2) Contractor—Any person who improves real estate and who, in making the improvement, incorporates tangible personal property belonging to him into the property being improved. The term includes subcontractors but does not include material men and suppliers.

(3) Improvements to realty—See §3.347 of this title (relating to Improvements to Realty) for this definition.

(4) Lump-sum contract—A contract in which the agreed price is one lump-sum amount and in which the charges for materials are not separate from the charges for skill and labor. Separated invoices issued to the customer will not change a lump-sum contract into a separated contract unless the terms of the contract require separated invoices.

(5) (No change.)

(b) Tax responsibilities of contractors improving real property belonging to non-exempt customers.

(1) Consumable supplies and equipment. Tax must be paid by a contractor at the time of purchase of those supplies, tools, and equipment used to perform a contract but which are not physically incorporated into the property of a customer. The contractor may not collect tax from the customer on the charges for consumables.

(2) Lump-sum contracts.

(A)-(C) (No change.)

(D) Contractors performing lump-sum contracts for persons having direct payment permits may not accept a direct payment exemption certificate from those persons. When performing lump-sum contracts for a direct payment permit holder, the contractor must pay sales tax to the supplier or accrue and remit sales tax

on materials removed from a tax-free inventory for incorporation into the direct payment permit holder's realty. Direct payment permit holders cannot authorize the contractor or any other person to purchase any taxable item using their permit. See §3.288 of this title (relating to Direct Payment Procedures and Qualifications).

(3)-(6) (No change.)

(c) Tax responsibilities of contractors improving real property for exempt customers.

(1) Exempt customers are those listed in the Texas Tax Code, §151.039 and §151.310. Contractors improving realty for an organization claiming an exemption from tax under §151.309 and §151.310 should obtain a properly completed exemption certificate to substantiate the exemption. (An exemption certificate is not required for contracts with federal or state agencies.) If the validity of the exemption is not clear, a contractor cannot accept the exemption certificate in good faith and should request additional evidence of the exempt status of the organization. A sales tax letter of exemption from the comptroller addressed to the organization is evidence of its exempt status and will relieve a contractor from further inquiry, except under the circumstances set out in paragraph (2) of this subsection. If a contractor claims an exemption in lieu of paying tax on a purchase by reason of performing a contract with an exempt organization and the comptroller subsequently determines the organization is not exempt, the contractor will be liable for all taxes, penalties, and interest accruing upon such purchase unless the contractor accepted in good faith a properly completed exemption certificate.

(2) (No change.)

(3) Materials furnished by exempt customers. A contract may specify that a customer which is an organization is exempt from tax under §151.309 and §151.310 will furnish the materials and the contractor will furnish the skill and labor necessary to perform the contract. Under this type of contract, the contractor will not incur tax liability on materials. The customer may issue an exemption certificate to suppliers in lieu of tax when purchasing the materials, unless the contract for improvements is of the type outlined in paragraph (2) of this subsection or for improvements that are unrelated to the activity which qualifies the customer for exemption. In either of the last two cases, the exempt customers must pay tax to suppliers at the time the materials are purchased. See also §3.322 of this title (relating to Organizations Exempted from Sales/Use Tax).

(4) Transactions exempt from sales and use taxes include:

(A) the purchase by a contractor of all materials, supplies, equipment, and other tangible personal property incorporated into the property being improved for the exempt customer including the United

States, its agencies, and instrumentalities.

(B) the purchase, rental, or lease by a contractor of all materials, supplies, equipment, and other tangible personal property used in the performance of the contract with a customer exempt under §151.309(4) or (5) or §151.310. The purchase, rental, or lease by a contractor of all materials, supplies, equipment, and other tangible personal property used in the performance of a contract with the United States, its agencies, and instrumentalities is taxable if the item is not incorporated into the property being improved.

(5) An exemption certificate may be issued to suppliers for the purchase, rental, or lease by a contractor of those items identified in paragraph (4) of this subsection and must identify the exempt entity and the project for which the equipment, materials, and supplies are being purchased, leased, or rented. See §3.287 of this title (relating to Exemption Certificates).

(d) Uses of equipment; tax due; method of computation.

(1) Purchase of equipment. Contractors improving realty for both exempt and nonexempt entities may purchase equipment from suppliers tax free by issuing an exemption certificate in lieu of sales tax. When equipment is used on a job other than as described in subsection (c)(4) of this section, sales tax should be computed as outlined in paragraphs (5) and (6) of this subsection.

(2) Refund or credit for tax paid. If sales tax was paid to a supplier at the time of purchase and at a later date equipment is used on a job as described in subsection (c)(4) of this section, the contractor may obtain a refund or credit for sales tax directly from the state only by obtaining a written assignment of the right to the refund from the supplier to whom the tax was paid.

(3) Computation of credit. If an assignment is received and if the contractor's records are accurate and complete as required by paragraph (6) of this subsection, credit will be allowed for equipment purchased for use on a taxable job and subsequently used on an exempt job for the period of exempt use.

(A) (No change.)

(B) The total amount of credit due from the exempt use of machinery or equipment initially purchased tax paid will not exceed the total amount paid at the time of purchase.

(4) Consumable materials and supplies. If a contractor purchases, rents, or leases materials or supplies tax free for use in performing a contract with an exempt organization under §151.309(4) or (5) or §151.310 and uses the items in some manner or for some purpose other than as described in subsection (c)(4) of this section, the contractor is, at the time of the nonexempt use, liable for tax based upon the purchase price of the items. The tax should be reported and remitted to the comptroller for

the reporting period in which the taxable use occurred. For local tax responsibilities, see §3.377 of this title (relating to Divergent Use of a Direct Payment, Resale, or Exemption Certificate).

(5) Equipment used on nonexempt job.

(A) Equipment purchased for use on an exempt job and subsequently used on a nonexempt job is subject to tax for the period of nonexempt use. The amount of tax due will be based on the equipment's value, as determined by straight-line depreciation, for the period of nonexempt use.

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

(6) Records to substantiate exemption. To qualify for exemption from tax on materials, supplies, or equipment claimed to have been used in the performance of exempt contracts, a contractor must keep records which clearly substantiate such exempt use. The records must identify the item claimed to be exempt, and designate each job upon which it has been used. To qualify for a partial exemption from tax on equipment claimed to have been used on both exempt and nonexempt jobs, the records must identify the equipment, designate each job upon which it has been used, and indicate the date of use and the length of time the equipment was used on each exempt or nonexempt job. Contracts, job specifications prepared for bids, or other estimates are not acceptable records of the use of material, supplies, or equipment. Refund requests based on samples are not acceptable. Tax is due on the full purchase price of the materials, supplies, and/or equipment unless these records are maintained.

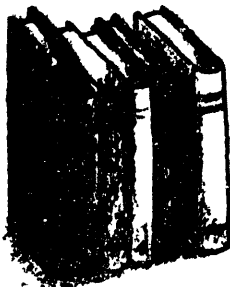
This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on April 3, 1985

TRD-852918 Bob Bullock
Comptroller of Public
Accounts

Effective date: April 24, 1985
Proposal publication date: February 8, 1985
For further information, please call
(512) 475-1913.

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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part VIII. Commission on Fire Protection Personnel Standards and Education Chapter 23i. Practice and Procedure

★ 37 TAC §§231.6, 231.22, 231.27, 231.32, 231.35, 231.41, 231.43, 231.46, 231.48-231.50

The Commission on Fire Protection Personnel Standards and Education adopts the repeal of 37 TAC §§231.6, 231.22, 231.27, 231.32, 231.35, 231.41, 231.43, 231.46, and 231.48-231.50, without changes to the proposal published in the November 6, 1984, issue of the *Texas Register* (9 TexReg 5693).

The existing sections are repealed to allow for the adoption of new sections consistent with the Administrative Procedure and Texas Register Act. The repeal deletes obsolete language.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 4413(35), §2-(1) and §14, which provide the Commission on Fire Protection Personnel Standards and Education with the authority to promulgate rules and regulations for the administration of the Act and to adopt and amend rules and regulations consistent with state law for its internal management and control.

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 April 1, 1985.

TRD-852846 Ray L. Goad
Executive Director
Commission on Fire
Protection Personnel
Standards and
Education

Effective date: April 22, 1985
Proposal publication date: November 6, 1984
For further information, please call
(512) 474-8086.

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The Commission on Fire Protection Personnel Standards and Education adopts new §§231.6, 231.22, 231.27, 231.32, 231.35, 231.41, 231.43, 231.46, and 231.48-231.50, without changes to the proposed text published in the November 6, 1984, issue of the *Texas Register* (9 TexReg 5693).

The commission adopts these new sections for more efficiency in obtaining

compliance with Texas Civil Statutes, Article 4413(35), concerning fire fighter training and certification. These new sections repeal old language and use new language that conforms with the Administrative Procedure and Texas Register Act. The new sections are needed for efficient operations during administrative hearings held by the commission.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 4413(35), §2(1) and §14, which provide the Commission on Fire Protection Personnel Standards and Education with the authority to promulgate rules and regulations for the administration of this Act and adopt and amend rules and regulations consistent with state law for its internal management and control.

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 April 1, 1985.

TRD-852847 Ray L. Goad
Executive Director
Commission on Fire
Protection Personnel
Standards and
Education

Effective date: April 22, 1985
Proposal publication date: November 6, 1984
For further information, please call
(512) 474-8086.

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Part IX. Commission on Jail Standards

Chapter 259. New Construction Rules

The Commission on Jail Standards adopts amendments to §§259.68, 259.163, and 259.247, without changes to the proposed text published in the February 5, 1985, issue of the *Texas Register* (10 TexReg 388).

The changes make the Texas county jail standards consistent with the Standard Building Code by limiting counties, when constructing new jails, to a minimum cell door width of 28 inches.

No comments were received regarding adoption of the amendments.

New Jail Design, Construction and Furnishing Requirements

★ 37 TAC §259.68

The amendment is adopted under Texas Civil Statutes, Title 18, Article 5113.1, which provide the Commission on Jail

Standards with the authority to promulgate rules affecting county jails.

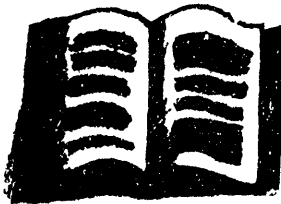
This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 27, 1985.

TRD-852831 Robert O. Viterna
 Executive Director
 Commission on Jail
 Standards

Effective date: April 22, 1985
Proposal publication date: February 5, 1985
For further information, please call
(512) 475-2716.

★ ★ ★



**Lock-up Design, Construction,
and Furnishing Requirements**

★ 37 TAC §259.163

The amendment is adopted under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

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

Issued in Austin, Texas, on March 27, 1985.

TRD-852832 Robert O. Viterna
 Executive Director
 Commission on Jail
 Standards

Effective date: April 22, 1985
Proposal publication date: February 5, 1985
For further information, please call
(512) 475-2716.

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**New Low-Risk Design,
Construction, and Furnishing
Requirements**

★ 37 TAC §259.247

The amendment is adopted under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

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

Issued in Austin, Texas, on March 27, 1985.

TRD-852833 Robert O. Viterna
 Executive Director
 Commission on Jail
 Standards

Effective date: April 22, 1985
Proposal publication date: February 5, 1985
For further information, please call
(512) 475-2716.

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Open Meetings

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. Some notices may be received too late to be published before the meeting is held, but all notices are published in the *Register*.

Emergency meetings and agendas. Any of the governmental entities named above must have notice of an emergency meeting, 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.

Posting of open meeting notices. 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, Austin. These notices may contain more detailed agendas than what is published in the *Register*.

Texas Adult Probation Commission

Friday, April 12, 1985, 9 a.m. The Program Committee of the Texas Adult Probation Commission will meet in Suite 600, Building B, 8100 Cameron Road, Austin. According to the agenda summary, the committee will discuss reports, including a fiscal year grant awards chart, a court residential treatment center progress report for February 1985, a restitution center progress report for February 1985, an intensive supervision probation progress report for 1985, and a specialized caseloads progress report; grant applications for Grayson County to contract for residential services, Taylor County for a restitution center, Travis County for a restitution center, and Terry County for supplemental funding; budget adjustments for El Paso County for a restitution center, Harris County for a restitution center and a court residential treatment center, Jefferson County for a restitution center, and Moore County for supplemental funding; waivers for Milam County, Polk County, and Scurry County; a proposed special program funding methodology for fiscal year 1986; and proposed special program funding categories for fiscal year 1986.

Contact: Virginia Grote, 8100 Cameron Road, Building B, Suite 600, Austin, Texas 78753, (512) 834-8188.

Filed: April 3, 1985, 10:44 a.m.
TRD-852935

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Texas Air Control Board

Friday, April 12, 1985, 10:30 a.m. The Texas Air Control Board will meet at 6330 U.S. Highway 290 East, Austin. Items on the agenda summary include the March 8, 1985, minutes; reports; consideration of recommendations by the Ad Hoc Committee on Permit Fee Review; a staff report on revised U.S. Environmental Protection

Agency regulations on incineration of hazardous wastes at sea; and new business.

Contact: Paul M. Shinkawa, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 354.

Filed: April 2, 1985, 1:48 p.m.
TRD-852889

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Texas Commission on the Arts

Wednesday, April 10, 1985, 9 a.m. The Assistance Review Committee of the Texas Commission on the Arts will meet in emergency session in the commission offices, fifth floor, 920 Colorado, Austin. Items on the agenda include a public hearing, approval of the November 7, 1984, minutes, and a review of grants applications. The emergency status is necessary due to the absence of the authorizing official.

Contact: Richard E. Huff, P.O. Box 13406, Austin, Texas 78711, (512) 475-6593.

Filed: April 3, 1985, 4:19 p.m.
TRD-852955

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Battleship Texas Advisory Board

Saturday, April 13, 1985, 1 p.m. The Battleship Texas Advisory Board will meet at 3527 Battleground Road, La Porte. Items on the agenda include approval of minutes, an update on an architectural report, discussion of the status of the Texas Dynamics (TDI) contract in the attorney general's office, discussion of creation of appropriate subcommittees to the board, a presentation by TDI, a slide presentation of the USS Kidd and USS Alabama, discussion of planning for the San Jacinto Day celebration, and discussion of topics of interest to

the board and the scheduling of the next meeting.

Contact: D. G. Hair, 1003 Eastlake, Houston, Texas 77073, (713) 947-8089 or (713) 230-2300, ext. 361.

Filed: April 2, 1985, 2:37 p.m.
TRD-852890

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Coordinating Board, Texas College and University System

Friday, April 12, 1985, 10:30 a.m. The Administrative Council of the Coordinating Board, Texas College and University System will meet in Conference Room 209, Bevington A. Reed Building, 200 East Riverside Drive, Austin. Items on the agenda include consideration of proposed amendments to 19 TAC §25.33, concerning basic coverage standards; proposed amendments to §25.34, concerning basic procedural and administrative practices; consideration of recommendations on cost containment provisions; receipt and discussion of a staff recommendation on Subchapter B, concerning the administration of the Texas State College and University Employees Uniform Group Insurance Program; consideration of legislative matters; institutional program review; and the executive secretary's report.

Contact: James McWhorter, P.O. Box 12788, Austin, Texas 78711, (512) 475-2033.

Filed: April 2, 1985, 1:48 p.m.
TRD-852891

Thursday, April 18, 1985. Committees of the Coordinating Board, Texas College and University System will meet in the boardroom, Bevington A. Reed Building, 200 East Riverside Drive, Austin. Days, times, committees, and agendas follow.

9:30 a.m. The Financial Planning Committee will consider ratification of investment transactions since October 26, 1984, and the

report on the issuance of additional student loan bonds.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 475-4361.

Filed: April 4, 1985, 9:28 a.m.
TRD-852959

9:40 a.m. The Student Services Committee will consider final adoption of amendments to 19 TAC §21.29, concerning determining the residence status of students enrolling in institutions of higher education; amending §21.126(b), concerning the Tuition Equalization Grants Program, regarding the method for determining the preliminary fund reserve for eligible institutions; procedures for allocation of federal funds to be received through the State Student Incentive Grants Program for use in fiscal year 1986; and discuss a U.S. Department of Education request that students attending proprietary schools be eligible to receive Hinson-Fazelwood loans.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 475-4361.

Filed: April 4, 1985, 9:28 a.m.
TRD-852960

9:50 a.m. The Community Junior College Committee will consider annual plans for lower division out-of-district and off-campus classes for the 1985-1986 academic year.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 475-4361.

Filed: April 4, 1985, 9:28 a.m.
TRD-852961

10:15 a.m. The Health Affairs Committee will consider a Family Practice Residency Advisory Committee recommendation on a Phase II planning grant to The University of Texas Health Center at Tyler Family Practice Residency Program.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 475-4361.

Filed: April 4, 1985, 9:28 a.m.
TRD-852962

10:30 a.m. The Legislative Liaison Committee will discuss legislative matters with the board.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 475-4361.

Filed: April 4, 1985, 9:28 a.m.
TRD-852963

10:45 a.m. The Campus Planning and Physical Facilities Committee will consider requests for endorsement of construction and rehabilitation projects at North Texas State University, Texas A&I University, and Texas A&M University at Galveston; and requests for endorsement of acquisition of real property at Southwest Texas State University, Tarleton State University, the Texas Agricultural Experiment Station at Pecos, and Texas Woman's University.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 475-4361.

Filed: April 4, 1985, 9:28 a.m.
TRD-852964

11:15 a.m. The Senior College and University Committee will reconsider coordinating board guidelines for offering and state funding of remedial courses; discuss testing of college level students and consideration of a committee appointment; consider final adoption of proposed 19 TAC §1.158, concerning military base education; approve the transfer curriculum in engineering technology; consider an addendum to the request for an exemption of the AHE/TAGER from the rules and regulations for televised instruction; consider an endorsement of tables of programs for the role and scope of selected institutions; final adoption of a mission for Texas Tech University; termination of inactive/unimplemented/phase-out programs; the deletion of untaught courses; the certification of adequate financing or program requests previously approved; requests for new degree programs by senior colleges and universities; and matters relating to nonexempt private degree-granting institutions operating in Texas.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 475-4361.

Filed: April 4, 1985, 9:23 a.m.
TRD-852965

April 19, 1985, 9 a.m. The Coordinating Board, Texas College and University System will meet in the boardroom, Bevington A. Reed Building, 200 East Riverside, Austin. Items on the agenda summary include matters relating to the Committee on Financial Planning and Administration, the Committee on Facilities and Campus Planning, the Committee on Community Junior Colleges, nonexempt private degree-granting institutions operating in Texas, and the Committee on Senior Colleges and Universities.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 475-4361.

Filed: April 4, 1985, 9:29 a.m.
TRD-852966

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Texas Education Agency

Committees of the State Board of Education of the Texas Education Agency (TEA) will meet at the TEA North Building, 1200 East Anderson Lane, Austin. Days, times, rooms, committees, and agenda summaries follow.

Thursday, April 11, 1985, 10 a.m. In Room 111, the Committee for Finance and Programs will review securities transactions; the

investment portfolio; the recommended investment program for April for the permanent school fund; the estimated funds available for the April program; the report of the investment officer; amendments to the Texas Administrative Code, Title 19, Chapter 78, Subchapter D, concerning secondary school vocational education, Chapter 157, concerning hearings and appeals, §77.453, concerning the state plan for federal vocational education funding for fiscal years 1986-1988, §89.291, concerning the Texas state plan for adult education, and Chapter 69, concerning proprietary schools and veterans education; new §157.67, concerning hearings held pursuant to the Texas Proprietary School Act; a request for authorization to apply for funds under the Education Consolidator and Improvement Act, Chapter 2, the Texas state plan for adult education for fiscal years 1986-1988; the state plan for federal vocational education funding for fiscal years 1986-1988; responses to recommendations in the report of the Advisory Council for Technical-Vocational Education in Texas titled "Vocational Education—The Next Step"; a request for additional funds for a Job Training Partnership Act discretionary project; a request for approval to fund vocational education special projects for 1985-1986; adult education teacher training and special projects funding; appointment of a trustee for the Fort Sam Houston Independent School District; a request for authorization to submit an application for Education of the Handicapped Act Part D funds for training personnel for the education of the handicapped; a request for authorization to contract for support services for conducting the Texas education assessment of minimum skills for 1985-1987; a request to expend funds from the special state account to complete funding of the Texas assessment of basic skills program for 1984-1985; use of Education of the Handicapped Act Part B money for discretionary projects; proposed evaluation topics addressing concerns in technical-vocational education; review of the definition, mission statement, and goals for vocational education developed by the Task Force for the Development of the Long-Range Master Plan for Vocational Education in Texas; the proposed budget for adult education for 1985-1986; funding for licensed vocational nurse programs sponsored by public secondary schools; the semiannual status report on audits performed by the Division of Audits; the federal audit of the state administered Migrant Education Program for 1982; a proposed work plan for the Accountable Cost Committee; accounting requirements with respect to instructional arrangements for the 1985-1986 school year; repeal of 19 TAC §77.47, concerning the Advisory Committee for the Fine Arts in Education; repeal of §78.41, concerning the Advisory Committee for Marketing and Distributive Education; repeal of §93.102,

concerning the Career Education Advisory Committee; repeal of §145.2, concerning the Advisory Committee on the Importance of Public Education to Society; repeal of §93.62, concerning the Advisory Committee for Energy and Environmental Education; repeal of §97.41, concerning the State Commission on School Accreditation; and repeal of §81.26, concerning the State Advisory Committee for Instructional Television Services. If time does not permit completion of the agenda, the committee will recess and reconvene at 8 a.m. on Friday, April 12, 1985, at the same location.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: April 2, 1985, 3 p.m.
TRD-852898

Addition to the previous agenda:

The Committee for Finance and Programs also will discuss the automated information system.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: April 3, 1985, 1:17 p.m.
TRD-852940

Thursday, April 11, 1985, 10 a.m. In the boardroom, the Committee for Students will conduct a public hearing on a proposed amendment to the Texas Administrative Code, Title 19, Chapter 75, Subchapter H, concerning promotion and alternatives to social promotion; an amendment to 19 TAC §77.396, concerning good neighbor scholarships and student transfers; an amendment to Chapter 77, Subchapter R, concerning bilingual education and other special language programs; new §129.62, concerning court-related students; repeal of §61.101, concerning the liaison officer for court-related pupils; repeal of §89.163, concerning state compensatory education assistance; repeal of §105.432, concerning state compensatory education assistance; new §89.191, concerning the state compensatory education allotment; an amendment to Chapter 75, Subchapter H, concerning promotion and alternatives to social promotion; an amendment to §75.162, concerning options for offering courses; new §75.174, concerning remedial instruction; an amendment to Chapter 133, Subchapter B, concerning discipline management; new Chapter 169, concerning the relationship with the University Interscholastic League (UIL); an amendment to §75.168, concerning summer school programs; nominees for the good neighbor scholarship for the summer term; a resolution concerning drug abuse; a presentation by a representative of the American Heart Association (Texas affiliate) and discussion of physical fitness testing for substituting certain activities for physical education in grades 9-12; an amendment to Chapter 89, Subchapter

C, concerning educational programs for gifted and talented students; an amendment to §89.221, concerning the Admission, Review, and Dismissal Committee; the proposed format for the 1985 report of the results of the Texas assessment of basic skills (TABS); potential approaches to State Board of Education use of data from the TABS and the Texas educational assessment of minimum skills; a request for an amendment to the UIL 1984-1985 constitution and contest rules; and presumptions for determining extracurricular activities and questions and answers relating to extracurricular activities. If time does not permit completion of the agenda, the committee will recess and reconvene at 8 a.m. on Friday, April 12, 1985, at the same location.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: April 2, 1985, 3 p.m.
TRD-852899

Addition to the previous agenda:

The Committee for Students also will consider the Texas compulsory attendance law.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: April 3, 1985, 1:17 p.m.
TRD-852941

Thursday, April 11, 1985, 1 p.m. In Room 101-E, the Committee for Personnel will consider new 19 TAC §149.81, concerning advanced academic training; an amendment to §137.69, concerning the annual performance report of institutions approved for teacher education; new Chapter 141, Subchapter U, concerning alternative teacher certification; new Chapter 149, Subchapter D, concerning the teacher career ladder; an amendment to §145.44, concerning preparation and planning time; recommendations for appointment to the 1985 State Textbook Committee; a petition for adoption of a rule concerning the teacher career ladder; approval of a contractor for development of reading and writing tests for certified and employed teachers and administrators; new §141.300, concerning noncertified instructor's permit; and paperwork reduction. If time does not permit completion of the agenda, the committee will recess and reconvene at 8 a.m. on Friday, April 12, 1985, at the same location.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: April 2, 1985, 3 p.m.
TRD-852900

Friday, April 12, 1985, 10:30 a.m. In Room 101-E, the Committee for Long-Range Planning will consider an amendment to the State Board of Education operating rules; a status report on the accreditation of school districts; agency planning and

management accountability systems; goals and objectives of the State Board of Education; a continuing discussion on long-range planning; and advisory committees. The committee also will meet in executive session in accordance with Texas Civil Statutes, Article 6252-17(g) to discuss commissioner of education finalists.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: April 2, 1985, 3 p.m.
TRD-852901

Friday, April 12, 1985, 1 p.m. In the boardroom, the Committee of the Whole will hear a briefing on the Texas Administrative Code, Title 19, Chapter 75, concerning curriculum, and House Bill 246; and conduct a legislative discussion.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: March 2, 1985, 3 p.m.
TRD-852903

Friday, April 12, 1985, 6:15 p.m. The State Board of Education of the Texas Education Agency and invited representatives from business and industry will meet in the Robertson Room, La Mansion Hotel, 6505 IH 35 North, Austin. According to the agenda, the board will have a dinner meeting and general discussion of education reforms.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: April 3, 1985, 1:17 p.m.
TRD-852942

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Saturday, April 13, 1985, 8:30 a.m. The State Board of Education of the Texas Education Agency will meet in the boardroom, TEA North Building, 1200 East Anderson Lane, Austin. According to the agenda summary, the board will consider the estimated funds available for the April program for the permanent school fund; an amendment to the Texas Administrative Code, Title 19, Chapter 78, Subchapter D, concerning secondary school vocational education; an amendment to Chapter 157, concerning hearings and appeals; an amendment to §77.453, concerning the state plan for federal vocational education funding for fiscal years 1986-1988; an amendment to §89.291, concerning the Texas state plan for adult education; an amendment to Chapter 69, concerning proprietary schools and veterans education; new §157.67, concerning hearings held pursuant to the Texas Proprietary School Act; a request for authorization to apply for funds under the Education Consolidation and Improvement Act, Chapter 2; the Texas state plan for

adult education for fiscal years 1986-1988; the state plan for federal vocational education funding for fiscal years 1986-1988; responses to recommendations in the report of the Advisory Council for Technical-Vocational Education in Texas titled "Vocational Education—The Next Step"; a request for additional funds for a Job Training Partnership Act discretionary project; a request for approval to fund vocational education special projects for 1985-1986; adult education teacher training and special projects funding; appointment of a trustee for the Fort Sam Houston Independent School District; a request for authorization to submit an application for Education of the Handicapped Act Part D funds for training personnel for the education of the handicapped; a request for authorization to contract for support services for conducting the Texas educational assessment of minimum skills (TEAMS) for 1986-1987; a request to expend funds from the special state account to complete funding of the Texas Assessment of Basic Skills Program for 1984-1985; repeal of 19 TAC §77.47, concerning the Advisory Committee for the Fine Arts in Education; repeal of §78.41, concerning the Advisory Committee for Marketing and Distributive Education; repeal of §93.102, concerning the Career Education Advisory Committee; repeal of §145.2, concerning the Advisory Committee on the Importance of Public Education to Society; repeal of §93.62, concerning the Advisory Committee for Energy and Environmental Education; repeal of §97.41, concerning the State Commission on School Accreditation; repeal of §81.26, concerning the State Advisory Committee for Instructional Television Services; an amendment to 19 TAC §77.396, concerning good neighbor scholarships and student transfers; an amendment to Chapter 77, Subchapter R, concerning bilingual education and other special language programs; new §129.62, concerning court-related students; repeal of §61.101, concerning the liaison officer for court-related pupils; repeal of §89.163, concerning state compensatory education assistance; repeal of §105.432, concerning state compensatory education assistance; new §89.191, concerning the state compensatory education allotment; an amendment to Chapter 75, Subchapter H, concerning promotion and alternatives to social promotion; an amendment to §75.162, concerning options for offering courses; new §75.174, concerning remedial instruction; an amendment to Chapter 133, Subchapter B, concerning discipline management; new Chapter 169, concerning the relationship with the University Interscholastic League (UIL); an amendment to §75.168, concerning summer school programs; nominees for the good neighbor scholarship for the summer term; a resolution concerning drug abuse; new 19 TAC §149.81, concerning advanced academic training; an amendment to §137.69, concerning the annual

performance report of institutions approved for teacher education; new Chapter 141, Subchapter U, concerning alternative teacher certification; new Chapter 149, Subchapter D, concerning the teacher career ladder; an amendment to §145.44, concerning preparation and planning time; recommendations for appointment to the 1985 State Textbook Committee, a petition for adoption of a rule concerning the teacher career ladder; approval of a contractor for development of reading and writing tests for certified and employed teachers and administrators; and a proposed amendment to State Board of Education operating rules; reports of the interim commissioner of education, chairman of the board, Committee for Finance and Programs, Committee for Personnel, Committee for Students, and Committee for Long-Range Planning; agency personnel actions; hear a status report on the accreditation of school districts; and appoint a commissioner of education. The board also will meet in executive session pursuant to Texas Civil Statutes, Article 6252-17(g), to discuss the appointment of the commissioner of education.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: April 2, 1985, 3 p.m.
TRD-852904

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Texas Employment Commission

Thursday, April 4, 1985, 11 a.m. The Texas Employment Commission (TEC) met in emergency session in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. Items on the agenda included discussion of the sale/lease of TEC property and public comment. The emergency status was necessary because of pending legislation and the legislative calendar.

Contact: C. Ed Davis, 15th Street and Congress Avenue, Room 660, Austin, Texas 78778, (512) 397-4400.

Filed: April 3, 1985, 10:12 a.m.
TRD-852934

Wednesday, April 10, 1985, 9 a.m. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission will conduct a comment period; discuss old business, including the Comprehensive Language Services Program, attorney general Opinion JM-204, the Walnut Creek sale or lease of TEC property, and automation of appeals and a legislative update; discuss new business, including rapid response team and maintenance of the Trinity building; discuss reports of the administrative staff on administration, field

operations and programs; consider prior meeting notes; and set the date of the next meeting. The commission also will meet in executive session to discuss Kinney v. TEC and Joiner Merit System appeal and consider and act on decisions resulting from the executive session.

Contact: C. Ed Davis, 15th Street and Congress Avenue, TEC Building, Room 660, Austin, Texas, (512) 397-4400.

Filed: April 2, 1985, 4:22 p.m.
TRD-852908

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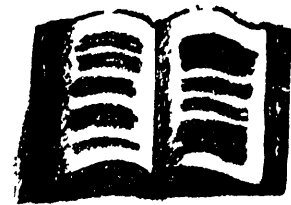
Good Neighbor Commission

Friday, April 12, 1985, 9 a.m. The Good Neighbor Commission will meet in Room 119, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will approve Minutes 120; hear committee reports, commissioner's reports, staff reports, and status reports on commission projects; consider resolutions; and select the date and place of the next meeting.

Contact: Lauro Cruz, Sam Houston Building, 201 East 14th Street, Austin, Texas 78711, (512) 475-3581.

Filed: April 2, 1985, 3:57 p.m.
TRD-852912

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Texas Health Facilities Commission

Thursday, April 11, 1985, 1:30 p.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications.

Certificates of Need

Humana Hospital Bryan-College Station,
Bryan

AH84-0104-012

Humana Hospital-San Antonio

AH84-1227-847

AH85-1227-845

Dimmit County Memorial Hospital,
Carrizo Springs

AH85-0107-007

Austin Cataract and Eye Surgery Center, Austin
AS85-0627-412
Greenville Institute, Greenville
AH85-1213-802
Westgate Hospital and Medical Center, Denton
AH85-1212-798

Petition for Reissuance
Villa Inn Nursing Center, Palestine
AN85-0223-123R(021285)
Timberwood Nursing Home, Onalaska
AN85-0102-002R(030685)
Timberland Nursing Center, Nacogdoches
AN85-0419-246R(030585)

Amendment of Certificate of Need Orders
Heritage Manor Care Center of Hondo, Hondo
AN82-1116-191A(031285)
Newburn Memorial Hospital, Inc., Jacksonville
AH81-0529-027A(012585)
Medical City Dallas Hospital and Medical City, Ltd., Dallas
AH80-0905-029A(030885)

Notices of Intent to Acquire Existing Health Care Facilities
Universal Health Services, Inc., King of Prussia, PA
AO85-0215-118
AO85-0215-119
Harold W. Nash, Arlington
AN85-0131-079
AN85-0131-080
Roby Associates, a California limited partnership, Dallas
AN85-0131-075
AN85-0131-076
L & L Equities, Inc., a Texas corporation, Arlington
AN85-0131-077
AN85-0131-078
AN85-0308-155
AN85-0308-158
Continental Home Health Services, Inc., a Nevada corporation, Arlington
AN85-0131-081
Jewell Enterprises, Inc., Arlington
AN85-0311-159
AN85-0311-160
Mill Creek Properties, Inc., Arlington
AN85-0311-162
AN85-0311-163
Kenedy Associates, a California limited partnership, Long Beach, CA
AN85-0308-156
AN85-0308-157

Motion for Rehearing/Reconsideration
Eye Surgery Center, P.A., Temple
AS85-0717-467

Notice of Intent
Nan Travis Memorial Hospital, a Texas nonprofit corporation, Jacksonville
AH84-1205-774

Consideration of Violation
Northeast Medical Center Hospital, Humble
E84-0801-017

Following the consideration of applications, the commission will consider the adoption of 25 TAC §527.33, and amendments to §§507.5, 507.9, 507.11, 509.99, and 515.11.

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

Filed: April 3, 1985, 9:11 a.m.
TRD-852919

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Texas Historical Commission

Friday, April 12, 1985, 10:30 a.m. The Main Street Committee of the Texas Historical Commission will meet at the Gethsemane Lutheran Church, 1510 North Congress Avenue, Austin. Items on the agenda include funding for next biennium, certification of self-initiated cities, and an update on progress in Main Street cities.

Contact: Anice Reed, P.O. Box 12276, Austin, Texas 78711, (512) 475-4407.

Filed: April 2, 1985, 4:18 p.m.
TRD-852907

Monday, April 15, 1985, 10:30 a.m. The Main Street Committee of the Texas Historical Commission rescheduled a meeting to be held at Gethsemane Lutheran Church, 1510 North Congress Avenue, Austin. Items on the agenda include funding for the next biennium, certification of self-initiated cities, and an update on progress in Main Street cities. The meeting originally was scheduled to be held at 10:30 a.m. on April 12, 1985.

Contact: Anice Reed, P.O. Box 12276, Austin, Texas 78711, (512) 475-4407.

Filed: April 3, 1985, 3:08 p.m.
TRD-852952

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Texas Housing Agency

Wednesday, April 10, 1985, 10 a.m. The Finance and Audit Committee of the Texas Housing Agency will meet in the conference room, Suite 700, 411 West 13th Street, Austin. Items on the agenda include consider-

ations and possible actions on a financial advisor contract, a request for proposal for financial advisory services, a revised budget, and personnel matters; and orientation of new committee members regarding committee matters.

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

Filed: April 2, 1985, 4:48 p.m.
TRD-852909

Wednesday, April 10, 1985, noon. The Requests for Proposals Committee of the Texas Housing Agency will meet in the conference room, Suite 700, 411 West 13th Street, Austin. According to the agenda, the committee will consider and possibly act on recommendations regarding requests for proposals for underwriters and other consultants to the agency.

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

Filed: April 2, 1985, 4:47 p.m.
TRD-852910

Wednesday, April 10, 1985, 2 p.m. The Programs and Legislation Committee of the Texas Housing Agency will meet in the conference room, Suite 700, 411 West 13th Street, Austin. According to the agenda summary, the committee will consider and possibly act on inducements of multifamily developments, public hearing procedures regarding multifamily developments, private placement policy guidelines for multifamily financings, additional managing underwriters in multifamily financings, a plan for recycling single family funds, and adoption of proposed 1985 single family financing structures and program guidelines.

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

Filed: April 2, 1985, 4:48 p.m.
TRD-852911

Thursday, April 11, 1985, 10 a.m. The Board of Directors of the Texas Housing Agency will meet in the conference room, Suite 700, 411 West 13th Street, Austin. According to the agenda summary, the board will consider and possibly act on proposed reorganization of committees; inducements of multifamily developments, including, but not limited to, the Coventry Apartments, Victoria; the Programs and Legislation Committee's recommendations for public hearing procedures regarding multifamily developments; and recommendations regarding the addition of Bankers Trust as comanager in a multifamily financing, and other recommendations.

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

Filed: April 3, 1985, 4:50 p.m.
TRD-852956

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Texas Board of Licensure for Nursing Home Administrators

Wednesday, April 17, 1985, 2 p.m. The Texas Board of Licensure for Nursing Home Administrators will meet at 3407 IH 35 North, Austin. Items on the agenda include approval of the January 8, 1985, minutes; a Suitability Committee report; an Education Committee report; personal appearances; the Texas Department of Health and the Texas Department of Human Resources reports; a legislative update; and the executive director's and chair's reports.

Contact: Dottie Mathieson, 3407 IH 35 North, Austin, Texas, (512) 479-0922.

Filed: April 4, 1985, 9:10 a.m.
TRD-852958

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Texas Department of Labor and Standards

Tuesday, April 30, 1985, 9 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet in Room 105, E. O. Thompson Building, 920 Colorado, Austin. According to the agenda, the division will consider license and registration revocations, suspensions, and alleged violations of rules and regulations.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 475-0155.

Filed: April 3, 1985, 9:58 a.m.
TRD-852932

Tuesday, April 30, 1985, 9 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet in Suite 109, 810 Dixie Boulevard, Odessa. According to the agenda, the division will conduct informal hearings of various consumer complaints in regard to manufactured homes, which do not comply with Texas Civil Statutes, Article 5221f.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 475-6560.

Filed: April 3, 1985, 9:59 a.m.
TRD-852933

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State Pension Review Board

Wednesday, April 10, 1985, 8:30 a.m. The Legislative Advisory Committee of the State Pension Review Board will meet in Room G-35-B, State Capitol, Austin. According to the agenda, the committee will conduct consider legislation.

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

Filed: April 2, 1985, 10:14 a.m.
TRD-852885

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Texas Public Building Authority

Thursday, April 18, 1985, 9:30 a.m. The Texas Public Building Authority will meet in Room 503-G, Sam Houston Building, 201 East 14th Street, Austin. Items on the agenda include approval of the February 19, 1985, minutes; reports on cash flow status, mandamus action, a Texas Employment Commission project, appropriations for the biennium, and new legislation; the Texas Youth Commission/Texas Rehabilitation Commission bond issue concerning a report on working group meeting, the status of initial drafts, the status of the official statement, a report from counsel and underwriters regarding the discussion with the attorney general, treasurer, and comptroller's offices, a rating presentation, and the time table for the closing on bond sale; and the setting of a date for the next meeting.

Contact: Gayle Colby, 201 East 14th Street, Austin, Texas 78701, (512) 475-0290.

Filed: April 3, 1985, 11:24 a.m.
TRD-852936

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Public Utility Commission of Texas

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

Friday, April 12, 1985, 9 a.m. A prehearing conference in Docket 6114—application of Joy Dale Hawley/Clear Creek Water Company for a rate increase within Henderson County.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 3, 1985, 3:12 p.m.
TRD-852953

Friday, April 12, 1985, 1:30 p.m. A rescheduled hearing in Docket 6055—notice of intent by Southwestern Public Service Company for a certificate of convenience and necessity application for a proposed generating station within Lubbock County. The conference originally was scheduled for

April 8, 1985, as published at 10 TexReg 243.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 2, 1985, 1:47 p.m.
TRD-852892

Monday, April 15, 1985, 10 a.m. A rescheduled hearing in Docket 6055—notice of intent by Southwestern Public Service Company for a certificate of convenience and necessity for a proposed generating station within Lubbock County. The hearing originally was scheduled for April 9, 1985, as published at 10 TexReg 423.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 2, 1985, 1:47 p.m.
TRD-852893

Tuesday, April 16, 1985, 1:30 p.m. A prehearing conference in Docket 6186—inquiry into the service rendered by and rates charged by Lake Limestone Coves Water Supply Corporation.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 2, 1985, 2:35 p.m.
TRD-852894

Wednesday, April 17, 1985, 10 a.m. A prehearing conference in Docket 6158—application of Centex Water Company, Inc., for a certificate of convenience and necessity within Hays County.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 3, 1985, 3:12 p.m.
TRD-852954

Wednesday, April 17, 1985, 1 p.m. A prehearing conference in Docket 6185—inquiry into the service rendered by and rates charged by Curtis Penden.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 3, 1985, 1:45 p.m.
TRD-852945

Thursday, April 18, 1985, 10 a.m. A prehearing conference in Docket 6184—inquiry concerning the economic viability of Unit 2 of the South Texas electric generating station.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 3, 1985, 1:44 p.m.
TRD-852946

Wednesday, May 15, 1985, 10 a.m. A hearing on the merits in Docket 6008—com-

plaint of South Grayson Water Supply Corporation against the City of Anna.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 3, 1985, 1:43 p.m.
TRD-852943

Thursday, May 16, 1985, 10 a.m. A hearing on the merits in Docket 6138—complaint of Rose Monroe against Houston Lighting and Power for disconnection of service.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 3, 1985, 1:44 p.m.
TRD-852944

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Railroad Commission of Texas

Friday, April 12, 1985, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas will meet in Room 309, 1124 IH 35 South, Austin. According to the agenda, the commission will hear an oral argument in Oil and Gas Docket 10-77,314—application of Phillips Petroleum Company to amend special field rules applicable to the Panhandle (Orborne); Panhandle, Carson County; Panhandle, Collingsworth County; Panhandle, Gray County; Panhandle, Hutchinson County; Panhandle, Moore County; Panhandle, Potter County; Panhandle, Wheeler County; Panhandle, East; Panhandle, West; and Panhandle, East (Albany Dolomite, Lower) fields.

Contact: Patrick F. Thompson, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1286.

Filed: April 2, 1985, 1:18 p.m.
TRD-852888

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Texas Real Estate Commission

Monday, April 15, 1985, 9:30 a.m. The Texas Real Estate Commission will meet in the conference room, 1101 Camino La Costa, Austin. According to the agenda summary, the commission will discuss the March 12, 1985, minutes; hear staff reports for February 1985; consider motions for rehearing and/or probation; consider final action on a proposed amendment to 22 TAC §537.11, relating to the use of standard contract forms; and discuss education, legislative, and budgetary matters. The committee also will meet in executive session to discuss

pending litigation pursuant to Texas Civil Statutes, Article 6252-17, §2(c).

Contact: Camilla S. Shannon, P.O. Box 12188, Austin, Texas 78711, (512) 465-3900.

Filed: April 4, 1985, 9:27 a.m.
TRD-852967

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University System of South Texas

Wednesday, April 10, 1985, 1:30 p.m. The Presidential Search Committee of the Board of Directors of the University System of South Texas will meet in the Lavaca Room, Hershey Hotel, 900 North Shoreline, Corpus Christi. According to the agenda, the committee will discuss possible candidates for president at Texas A&I University. The board also will meet in executive session.

Contact: William C. English, P.O. Box 1238, Kingsville, Texas 78363, (512) 595-2208.

Filed: April 4, 1985, 9:23 a.m.
TRD-852968

Thursday, April 11, 1985, 8:30 a.m. The Building Committee of the Board of Directors of the University System of South Texas will meet in Conference Room I, Student Center, Corpus Christi State University, 6300 Ocean Drive, Corpus Christi. Items on the agenda include the authorization for administrators to receive bids on the renovation of Turner-Bishop Hall at Texas A&I and discussion of construction needs within the University System of South Texas.

Contact: William C. English, P.O. Box 1238, Kingsville, Texas 78363, (512) 595-2208.

Filed: April 4, 1985, 9:22 a.m.
TRD-852969

Thursday, April 11, 1985, 9:30 a.m. The Board of Directors of the University System of South Texas will meet in Conference Room-II, Corpus Christi State University, 6300 Ocean Drive, Corpus Christi. Items on the agenda: summary include the January 10, 1985, minutes; gifts, donations, budget changes, small class reports, ratification of mail ballots, a management agreement for Laredo Junior College-Laredo State University dormitory, upgrading of the computer center at Corpus Christi State University, an increase of residence hall rates and the fee for an official transcript at Texas A&I, and personnel action; reports from standing committees, presidents and chancellor; personnel matters; and the time and place of the next meeting. The board also will meet in executive session to discuss acquisition of real estate and legal matters.

Contact: William C. English, P.O. Box 1238, Kingsville, Texas 78363, (512) 595-2208.

Filed: April 4, 1985, 9:23 a.m.
TRD-852970

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Texas Southern University

Friday, April 12, 1985. Committees of Texas Southern University will meet in Room 117, Hannah Hall, 3100 Cleburne Avenue, Houston. Times, committees, and agendas follow.

8:30 a.m. The Development Committee will receive reports from the administration on university fund raising and hear a status report on fund raising efforts to match endowment gifts.

9 a.m. The Building and Grounds Committee will consider approval of payments for construction contracts; approve or ratify building contracts; consider construction change orders, improvements to land, and the sale of improvements; hear a report on the central plant expansion and renovation, a progress report on on-going construction projects, and special reports on new construction.

10:15 a.m. The Finance Committee will consider monthly fiscal reports on university operations, approve short-term university improvements, review university budgets, and consider summer school budgets.

11 a.m. The Personnel and Academic Affairs Committee will receive enrollment information, approve candidates for graduation, and consider requests for leaves, the summer school instructional budget, the reorganization of certain academic departments, teacher certification programs, personnel changes, and recommendations for tenure.

11:30 a.m. The Student Affairs Committee will receive reports from the administration on student organizations and activities and reports on the status of student dormitories.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: April 3, 1985, 9:30 a.m.
TRD-852921-851925

Friday, April 12, 1985, 1:30 p.m. The Board of Regents of Texas Southern University will meet in Room 203, Sterling Student Life Center, 3100 Cleburne Avenue, Houston. Items on the agenda include reports from the Finance Committee, Building and Grounds Committee, Personnel and Academic Affairs Committee, and Development and Student Affairs Committee, and the president. The board also will meet in executive session.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: April 3, 1985, 9:30 a.m.
TRD-852926

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State Board of Veterinary Medical Examiners

Sunday-Wednesday, May 12-15, 1985, 2 p.m. daily. The State Board of Veterinary Medical Examiners will meet at the Ramada Inn, 410 South Texas, College Station. According to the agenda, on Sunday, May 12, the board will discuss practice complaints and conduct general board business and formal licensure hearings. The board also will conduct the licensing examination at the MSC, Texas A&M University campus, from Monday, May 13 to Wednesday, May 15, 1985.

Contact: Roger D. Shipman, 3810 Medical Parkway, Room 119, Austin, Texas 78756, (512) 458-1183.

Filed: April 3, 1985, 9:28 a.m.
TRD-852927

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Texas Water Commission

Wednesday, April 3, 1985, 3 p.m. The Texas Water Commission met in emergency session in Room 123, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission considered personnel matters. The emergency status was necessary because of a pending personnel matter that needed action as soon as possible.

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

Filed: April 2, 1985, 3:12 p.m.
TRD-852902

The Texas Water Commission will conduct hearings on applications at the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Days, times, rooms, and agendas follow.

Monday, May 6, 1985, 10 a.m. In Room 124A, the commission will consider Application 4090A of Jack C. Parker, *et al* for an amendment to Permit 3794 in Cameron County, Nueces-Rio Grande Coastal Basin.

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

Filed: April 2, 1985, 2:44 p.m.
TRD-852895

Friday, May 10, 1985, 10 a.m. In Room 618, the commission will consider Application 4547 of E. I. Du Pont De Nemours & Company, Inc., for a permit to divert and use 4,000 acre-feet of water per annum from La Quinta Channel of Corpus Christi Bay, San Antonio-Nueces Coastal Basin, for industrial purposes in San Patricio County.

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

Filed: April 2, 1985, 2:44 p.m.
TRD-852896

Addition to the previous agenda:

The commission will consider an application by Mitchell Development Corporation of the Southwest to extend the time for commencement of construction of a dam and reservoir on Fish Creek, tributary of Lake Creek, tributary of the West Fork San Jacinto River, tributary of the San Jacinto River, San Jacinto River Basin, in Montgomery County.

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

Filed: April 2, 1985, 2:44 p.m.
TRD-852897

Thursday, May 16, 1985, 9 a.m. In Room 124A, the commission will receive evidence to determine whether amended Permit 10250-01, issued to the City of Pittsburg on July 25, 1983, for the expansion of and increased effluent discharge from the Sparks Branch Wastewater Treatment Plant located on Sparks Branch between FM Road 557 and State Highway 11, approximately 1½ miles east of Pittsburg in Camp County, should be revoked in whole or in part, for cause.

Contact: Carl X. Forrester, P.O. Box 13087, Austin, Texas 78711, (512) 475-1317.

Filed: April 3, 1985, 11:17 a.m.
TRD-852937

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Regional Agencies Meetings Filed April 2

The Brazos Valley Development Council, Executive Committee, will meet at 3006 East 29th Street, Bryan, on April 11, 1985, at 1:30 p.m. Information may be obtained from R. J. Holmgreen, P.O. Drawer 4128, Bryan, Texas 77805, (409) 822-7421.

The Burnet County Appraisal District will meet at 215 South Pierce Street, Burnet, on April 11, 1985, at 6:30 p.m. Information may be obtained from Alvin C. Williams, Drawer E, Burnet, Texas 78611, (512) 756-8291.

The Region X Education Service Center, Board of Directors, will meet in the boardroom, 400 East Spring Valley, Richardson, on April 10, 1985, at 12:30 p.m. Information may be obtained from Joe Farmer, 400 East Spring Valley, Richardson, Texas 75080, (214) 231-6301.

The Hays County Central Appraisal District, Board of Directors, will meet in the courthouse annex, San Marcos, on April 10, 1985, at 4 p.m. and 4:30 p.m. The Board of Review will meet at the same location on April 18, 1985, at 9 a.m. and 10:30 a.m. Information may be obtained from the Hays County Central Appraisal District, 102 LBJ Drive, San Marcos, Texas 78666, (512) 396-4777.

The Lee County Appraisal District, Board of Review, will meet at 218 East Richmond Street, Giddings, on April 11, 1985, at 9 a.m. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

The Lower Colorado River Authority, Ad Hoc Committee on Financing, met in emergency session at 3700 Lake Austin Boulevard, Austin, on April 5, 1985, at 10 a.m. Information may be obtained from Elof H. Soderberg, P.O. Box 220, Austin, Texas 78767, (512) 473-3200.

The Nolan County Central Appraisal District, Board of Directors, will meet in Suite 317A, Nolan County Courthouse, Sweetwater, on April 10, 1985, at 1:30 p.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421.
TRD-852886

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Meetings Filed April 3

The Concho Valley Council of Governments, Executive Committee, will meet at 5002 Knockerbocker Road, San Angelo, on April 10, 1985, at 7 p.m. Information may be obtained Robert R. Weaver, P.O. Box

60050, San Angelo, Texas 76906, (915) 944-9666.

The Trinity River Authority of Texas, Administration Committee, will meet at 5300 South Collins Street, Arlington, on April 8, 1985, at 10:30 a.m. The Executive Committee will meet at the same location on April 11, 1985, at 10 a.m. Information may be obtained from Jack C. Worsham, 5300 South Collins Street, Arlington, Texas 76004-0060, (817) 467-4343.

TRD-852939

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Meetings Filed April 4

The Dallas Area Rapid Transit Authority, Service Plan/Work Program Committee, met in emergency session at 601 Pacific Avenue, Dallas, on April 5, 1985, at 3:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Deep East Texas Council of Governments-Area Agency on Aging, Regional Aging Advisory Council, will meet at the Angelina County Senior Citizens Center,

2801 Valley Avenue, Lufkin, on April 12, 1985, at 1:30 p.m. Information may be obtained from Martha Jones, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704.

The Region XVI Education Service Center, Board of Directors, will meet in the Petroleum Room, Amarillo Club, Texas American Bank Building, Seventh and Tyler, Amarillo, on April 18, 1985, at 12:45 p.m. Information may be obtained from Dr. Kenneth M. Laycock, 1601 South Cleveland, Amarillo, Texas 79120, (806) 376-5521.

The Ellis County Tax Appraisal District will meet at 406 Sycamore Street, Waxahachie, on April 11, 1985, at 7 p.m. Information may be obtained from Gray Chamberlain, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

The Central Appraisal District of Erath County, Board of Directors, will meet at 1390 Harbin Drive, Stephenville, on April 10, 1985, at 10 a.m. Information may be obtained from James Bachus, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-7301.

The Fisher County Appraisal District, Board of Directors, will meet in the commissioners courtroom, Fisher County Courthouse, Roby, on April 12, 1985, at 7:30 p.m. Information may be obtained from Clay Fowler, Rt. 1, Box D-38-B, Rotan, Texas 79543, (915) 776-2733.

The Golden Crescent Regional Planning Commission, Review Committee, met in the Town Hall Meeting Room, mezzanine level, First Victoria National Bank, 101 South Main, Victoria, on April 8, 1985, at 2 p.m. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587.

The Lampasas County Appraisal District will meet at 403 East Second Street, Lampasas, on April 10, 1985, at 3 p.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

The Lubbock Regional Mental Health and Mental Retardation Center, Board of Trustees, will meet at 3800 Avenue H, Lubbock, on April 12, 1985, at noon. Information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, (806) 763-4213.

The North Plains Water District, Board of Directors, will meet in the district office, 702 East First Street, Dumas, on April 12, 1985, at 10 a.m. Information may be obtained from Orval E. Allen, Box 795, Dumas, Texas 79029, (806) 935-6401.

TRD-852971

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The Legislature

For the purpose of public information, the *Register* publishes a listing of the bills that have been submitted to the governor during each legislative session and the status of these bills. A bill will be listed after the bill has passed both the House and the Senate and again when the Governor acts upon it.

Bills Submitted to the Governor

March 26

HB 316 Relating to notice, settlement, damages, and attorney's fees in claims of misrepresentation or unfair competition in the business of insurance.

Sponsor: Glasgow

March 27

SB 133 Relating to the composition of a city planning commission in certain cities.

Sponsor: Connelly

April 2

SB 88 Relating to the reimbursement of jurors for travel and other expenses.

Sponsor: Watson

SB 342 Relating to the issuance of and the expiration date of marriage licenses.

Sponsor: Kubiak

SB 822 Relating to toilet facilities and the provision of sanitary drinking water on railroad trains.

Sponsor: Barton, Erwin

SB 1235 Relating to the composition of the State Textbook Committee.

Sponsor: Colbert

April 3

SB 186 Relating to the sentencing of a defendant who commits an offense while an inmate in the Texas Department of Corrections.

Sponsor: Keller

SB 232 Relating to the exemption from franchise tax for certain transportation, sleeping car, and dining companies.

Sponsor: Watson

SB 237 Relating to certain taxes administered by the Comptroller of Public Accounts, time of accrual, amount of tax, due dates, periods covered, and required reports.

Sponsor: Blanton

Bills Signed by the Governor

March 29

SB 27 Relating to the repeal of certain legal provisions concerning the lease or sale of a county hospital.

Effective Date: Immediately

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Addition

The Register is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

Texas Department of Community Affairs Consultant Contract Amendment

On November 5, 1984, pursuant to the provisions of Texas Civil Statutes, Article 6252-11c, a consultant contract was awarded by the Texas Department of Community Affairs (TDCA) to National Alliance of Business to develop a statewide marketing system for Job Training Partnership Act (JTPA) programs. (See the November 23, 1984, issue of the *Texas Register*, at 9 TexReg 6029). The TDCA gives notice of its intent to modify the existing contract after 10 days from the date of this publication.

The proposed modification will require the contractor to present three additional workshops on marketing for Private Industry Council members and contractor staffs.

The complete name and business address of the consultant is National Alliance of Business, 8000 North Central Expressway, Three Northpark, Suite 205, Dallas, Texas 75231.

As proposed, this modification will increase the amount of the original award by \$12,525. The ending date of the contract will be extended through July 31, 1985, to allow for the presentation of additional workshops. The original consultant proposal request appeared in the July 3, 1984, issue of the *Texas Register* (9 TexReg 3710).

Issued in Austin, Texas, on March 29, 1985.

TRD-852870 Douglas C. Brown
 General Counsel
 Texas Department of Community
 Affairs

Filed: April 1, 1985
For further information, please call (512) 443-4100, ext. 210.

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Texas Economic Development Commission Private Activity Bond Allocation Report

Private activity bonds (PARs) which were induced on or after June 19, 1984, are subject to a cap, as stipulated

in the Federal Deficit Reduction Act of 1984. This cap is equal to \$150 per capita or approximately \$2.3 billion for the State of Texas for calendar year 1985.

Executive Order MW-27A states that the procedure for allocating this cap will be on a first-come, first-served basis, with the Texas Economic Development Commission (TEDC) being the tracking agency for the program. The information that follows is a summary report of the allocation activity for the week of March 25-29, 1985.

Total allocated principal amount of private activity bonds authorized to be allocated by MW-27B through March 29, 1985:

\$54,854,296

Comprehensive listing of bond issues which have received a reservation date as per MW-27B during the week of March 25-29, 1985:

<u>Issuer</u>	<u>User</u>	<u>Amount</u>
Guadalupe-Blanco River Authority Industrial Development Corporation	Green Valley Water Supply Corporation	\$1,995,000
Winkler County Industrial Development Corporation	James and June Brady	\$1,471,000
Mesquite Health Facilities Development Corporation	Caduceus Investment Corporation	\$600,000
Texas Small Business Industrial Development Corporation	Paul Franklin, Sani Steam Company, Inc.	\$390,000

<u>Issuer</u>	<u>User</u>	<u>Amount</u>
Hewitt Industrial Development Corporation	Little Greenhouse Nursery, Inc.	\$210,000
Longview Industrial Development Corporation	Coachmen Industries of Texas, Inc.	\$3.5 million
City of Austin c/o Director of Finance	Austin-Travis County Livestock Show	\$4.5 million
Harris County Industrial Development Corporation	Marsol Properties II & the Chair King, Inc.	\$2.1 million

Issued in Austin, Texas, on April 3, 1985.

TRD-852887 Harden H. Weidemann
 Executive Director
 Texas Economic Development
 Commission

Filed: April 2, 1985
For further information, please call (512) 472-5059.

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Texas Education Agency Consultant Proposal Request

This notice of invitation for offer of consulting services is filed pursuant to the provisions of Texas Civil Statutes, Article 6252-11c.

The Texas Education Agency (TEA) must develop Phase II of the initial certification tests for 26 provisional certificate areas and seven professional certificate areas as required by the Texas Education Code, §13.032. Services are currently being provided by National Evaluation Systems, Inc., for the development of 34 provisional certificate test areas through a contract in the amount of \$1,142,300.

The TEA is requesting that it be allowed to amend the current contract with National Evaluation Systems, Inc., in the amount of \$1,730,955. This amendment is requested because of the necessity of coordinating the development, timing, scoring, and administration of all the certification tests. Some candidates will be required to take tests which have been developed in both phases of the test development. It is the intent of the TEA to continue using the services of the consultant presently being retained by this agency, unless a better offer is received from a consulting service possessing the necessary qualifications and experience to provide the requested services. Bids will be accepted on the proposal contingent upon continuation of management prerogatives by the State Board of Education.

Contact. Specifications may be reviewed by writing or calling the Associate Commissioner for Professional Support, Texas Education Agency, 201 East 11th Street, Austin, Texas 78701, (512) 834-4089.

Closing Date for Receiving Offers. By this announcement and by direct mailing to major test development companies, the TEA is inviting a better offer. If none is received by May 3, 1985, the present contract will be amended on May 15, 1985.

Issued in Austin, Texas, on April 2, 1985.

TRD-852905 W. N. Kirby
Interim Commissioner of Education

Filed: April 2, 1985
For further information, please call (512) 475-7077.

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Texas Health Facilities Commission

Applications Accepted for Amendment, Declaratory Ruling, Notices of Intent, and Petition for Reissuance of Certificate of Need

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 indi-

cates 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 or interested person to any of the previously stated applications, that person must file a proper request to become a party or interested person to the application within 10 days after the date of this publication of notice. If the 10th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. A request to become a party or interested person 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 or interested person.

The contents and form of a request to become a party or interested person to any of these applications must meet the criteria set out in 25 TAC §515.9. Failure of a party or interested person to supply the necessary information in the correct form may result in a defective request to become a party or interested person.

Columbia West Corporation, Greeley, Colorado
AN85-0328-194

NIEH—Request for a declaratory ruling that a certificate of need is not required for Columbia West Corporation to acquire by purchase Irving Care Center, an 88-bed nursing facility with 48 ICF and 40 skilled beds located in Irving, from Three R. Trust—O. L. Pitts, a Texas partnership.

Columbia West Corporation, Greeley, Colorado
AN85-0328-195

NIEH—Request for a declaratory ruling that a certificate of need is not required for Columbia West Corporation to acquire by purchase Brownwood Care Center, an existing 130-bed ICF nursing facility located in Brownwood, from Three R. Trust—O. L. Pitts, a Texas partnership.

Austin MRI Partners, a to-be-formed Texas limited partnership, Austin
AO85-0328-196

NIE—Request for a declaratory ruling that a certificate of need is not required for Austin MRI Partners, a to-be-formed Texas limited partnership, to acquire a .5 or 1.5 Tesla MRI system. The proposed equipment will be located at Austin Imaging, 34th Street and West Avenue, Austin, and will be utilized on an outpatient basis and for inpatients pursuant to commission rules.

Fundamental Care, Inc., Arlington
AN85-0329-204

NIEH—Request for a declaratory ruling that a certificate of need is not required for Fundamental Care, Inc., to acquire by lease Canterbury Villa of Dimmitt, an existing 118-bed ICF nursing facility located in Dimmitt, from Med West Health Care Management Corporation, a South Dakota corporation.

Texas Health Enterprises, Inc., Grand Prairie
AN85-0329-202

NIEH—Request for a declaratory ruling that a certificate of need is not required for Texas Health Enterprises, Inc., to acquire by lease Canterbury Villa of Dimmitt, an existing 118-bed ICF nursing

facility located in Dimmitt, from Fundamental Care, Inc., a Texas corporation.

Fundamental Care, Inc., Arlington
AN85-0329-203

NIEH—Request for a declaratory ruling that a certificate of need is not required for Fundamental Care, Inc., to acquire by lease Medi Park Care Center, an existing 124-bed ICF nursing facility located in Amarillo, from Med West Health Care Management Corporation, a South Dakota corporation. Upon acquisition, the name of the facility will be changed to Vida Nueva Care Center.

Texas Health Enterprises, Inc., Grand Prairie
AN85-0329-201

NIEH—Request for a declaratory ruling that a certificate of need is not required for Texas Health Enterprises, Inc., to acquire by lease Medi Park Care Center, an existing 124-bed ICF nursing facility located in Amarillo, from Fundamental Care, Inc. Upon acquisition, the name of the facility will be changed to Vida Nueva Care Center.

Garrett R. Quintana, Santa Fe, New Mexico
AN85-0329-205

NIEH—Request for a declaratory ruling that a certificate of need is not required for Garrett R. Quintana to acquire by purchase Palestine Nursing Center, an existing 120-bed ICF nursing facility located in Palestine, from Palestine P & B Corporation, doing business as Palestine Nursing Center.

Continental Home Health Services, Inc., a Texas corporation, Bedford
AN85-0329-206

NIEH—Request for a declaratory ruling that a certificate of need is not required for Continental Home Health Services, Inc., to acquire by lease Palestine Nursing Center, an existing 120-bed ICF nursing facility located in Palestine, from Garrett R. Quintana.

Garrett R. Quintana, Santa Fe, New Mexico
AN85-0329-207

NIEH—Request for a declaratory ruling that a certificate of need is not required for Garrett R. Quintana to acquire by purchase Hillside Lodge Nursing Home, an existing 120-bed ICF nursing facility located in Beeville, from Sage Nursing Centers, Inc.

Continental Home Health Services, Inc., a Texas corporation, Bedford
AN85-0329-20

NIEH—Request for a declaratory ruling that a certificate of need is not required for Continental Home Health Services, Inc., a Texas corporation, to acquire by lease Hillside Lodge Nursing Home, an existing 120-bed ICF nursing facility located in Beeville, from Garrett R. Quintana.

Central Plains Comprehensive Community Mental Health Mental Retardation Center, Plainview
AN85-0329-209

NIEH—Request for a declaratory ruling that a certificate of need is not required for Central Plains Comprehensive Community Mental Health Mental Retardation Center to acquire as a gift/donation E. O. Nichols Hospital, an existing 27-bed acute care general hospital located in Plainview, from NME Hospitals, Inc., a Delaware corporation.

Beverly Enterprises—Texas, Inc., a California corporation, Pasadena, California

AN85-0329-210

NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire by purchase Cleaver Memorial Convalescent Center, an existing 100-bed ICF nursing facility located in Longview, from Kenneth C. Roberts, Cherry Roberts, and Texas Health Services, Inc., a Texas corporation.

Issued in Austin, Texas, on April 3, 1985.

TRD-852920 John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed: April 3, 1985

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

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Texas Department of Human Resources Consultant Contract Awards

In compliance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources (DHR) furnishes this notice of contract awards. The consultant proposal requests appeared in the January 29, 1985, issue of the *Texas Register* (10 TexReg 349).

Description of Service. The consultant will provide psychological/developmental testing, psychological evaluations, counseling/therapy, and court testimony.

Contractor Selected. The contractor selected to provide services in Ector County is Sam P. Hooper, Jr., Ph.D., 3303 North Midkiff, Suite 256, Midland, Texas 79705. The total contract is not to exceed \$32,000. The contractor selected to provide services in Midland, Dawson, Andrews, Howard, Gaines, Pecos, Reeves, Ward, and Winkler Counties is David A. Koch, Ph.D., 1406 West Texas, Midland, Texas 79701. The total contract is not to exceed \$56,400.

The contracts began April 1, 1985, and end March 31, 1987. Reports will be provided as needed and delivered within the time frames stated in the contract.

Issued in Austin, Texas, on April 3, 1985.

TRD-852913 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed: April 3, 1985

For further information, please call (512) 450-3766.

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Consultant Proposal Request

In compliance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources (DHR) is requesting proposals for consulting services in DHR Region 11.

Description. Specific activities to be performed are psychological/developmental testing, psychological/psychiatric assessment, counseling/therapy, and court testimony.

Limitations. The contract period will be from September 1, 1985, through August 31, 1986. The total amount of these contracts may not exceed \$1.1 million for Region 11 contingent on the regional allocation received.

Contact Person. The contact person is Elizabeth Brandt, Program Director, Children's Protective Services, Texas Department of Human Resources, P.O. Box 16017, Houston, Texas 77022, (713) 692-3236, ext. 6440.

Evaluation. Procedures to be used to evaluate offers will include evaluation of accessibility of service to clients, client flow/time frames, unique and innovative aspects of program, provider contribution, staff qualifications, examples of work, and cost.

Closing Date. The closing date for receiving proposals is 5 p.m. on June 3, 1985.

Selection. Final selection will be made by the regional director, Protective Service for Families and Children, Texas Department of Human Resources, Region 11, based on submitted qualifications and staff recommendation. The department will award contracts based on evaluation of the previously listed criteria.

Issued in Austin, Texas, on April 3, 1985.

TRD-852914 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed: April 3, 1985
For further information, please call (512) 450-3766.

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Summer Food Service Program

Applications for participation in the 1985 Summer Food Service Program for children are currently being accepted by the Texas Department of Human Resources (DHR).

To be eligible for participation this summer, the DHR must receive an application by May 15, 1985. Eligible applicants include public or private nonprofit tax exempt schools and residential summer camps and units of local, municipal, county, or state government which will directly operate all approved sites.

For an application or more information, immediately contact Rebecca Everhard, Food Services Program, 920-W, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, (512) 450-3147.

Issued in Austin, Texas, on April 3, 1985.

TRD-852915 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed: April 3, 1985
For further information, please call (512) 450-3766.

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Texas State Library and Archives Commission Consultant Contract Reports

Senate Bill 737, 65th Legislature, Texas Civil Statutes, Article 6252-11c, requires state agencies and regional councils of governments to file with the Office of the Secretary of State invitations to bid and details on bidding on private consultant contracts expected to exceed \$10,000. Within 10 days of the award of the contract, the agency is required to file with the Office of the Secretary of State a description of the study to be conducted, the name of the consultant, the amount of the contract, and the due dates of the reports. Additionally, the Act directs the contracting agencies to file copies of the resulting reports with the Texas State Library and Archives Commission. The library is required to compile a list of the reports received and submit the list quarterly for publication in the *Texas Register*.

Following is the list of reports received for the first quarter of 1985. The reports may be examined in Room 300, Texas State Library and Archives Commission, 12th and Brazos Street., Austin.

Agency: Ark-Tex Council of Governments.
Consultant: Thomas & Thomas, CPAs.
Title: *Audited Financial Report 1983 Fiscal Year.*

Agency: Credit Union Department.
Consultant: Darryl W. Grubbs.
Title: *Consultant's Report on the Sunset Commission Review of the Texas Credit Union Department.*

Agency: Texas Commission for the Deaf.
Consultant: Camp Stewart of Hunt, Texas.
Title: *Ccmp SIGN 1983: Final Report.*

Agency: Texas Education Agency.
Consultant: Gallaudet College.
Title: *Survey of Hearing Impaired Children and Youth: Final Report 1983-1984.*

Agency: State Department of Highways and Public Transportation.
Consultant: C. W. Beilfuss & Associates, Inc.
Title: *Interactive Graphics Roadway Design System.*

Agency: Texas Historical Commission.
Consultant: Statistical Service Corporation.
Title: *Summary of Activities under Consultation Contract, Fiscal Year 1984.*

Agency: Houston-Galveston Area Council.
Consultant: PRC Engineering.
Title: *Transportation Model Update Study, Final Study.*

Agency: Texas Department of Human Resources.
Consultant: Assessment Designs, Inc.
Title: *Management Assessment Center Exercises.*
Consultant: Robert Godbout.
Title: *Final Report of Contract Services Performed for the Texas Department of Human Resources.*

Agency: Texas State Library and Archives Commission.
Consultant: AMIGOS Bibliographic Council.
Title: *Abilene Library Consortium Union List of Serials 1984.*

Consultant: Association for Higher Education of North Texas.
Title: *Simple Conservation Techniques.*

Agency: Low-Level Radioactive Waste Disposal Authority.
Consultant: George Bokorney.
Title: *Low-Level Radioactive Waste Disposal in Texas.*

Agency: Texas Department of Mental Health and Mental Retardation.

Consultant: Arthur Andersen & Company.

Title: *Texas Department of Mental Health and Mental Retardation Telecommunications Study.*

Agency: North Central Texas Council of Governments.

Consultant: Tarrance & Associates.

Title: *Fort Worth Transportation Authority Market Research Program.*

Agency: Nortex Regional Planning Commission.

Consultant: Frank J. Leal & Associates.

Title: *Audited Financial Report 1984 Fiscal Year.*

Issued in Austin, Texas, on April 2, 1985.

TRD-852930 William D. Gooch
Assistant State Librarian
Texas State Library and Archives
Commission

Filed: April 3, 1985

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

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Office of Public Utility Counsel Public Meeting

The Citizens' Advisory Committee of the Office of Public Utility Counsel will meet in the Community Room, Farm and Home Savings, 7900 Shoal Creek Boulevard, Austin, on Friday, April 12, 1985, at 9:30 a.m. The agenda includes discussions on public utility issues affecting residential consumers and the selection of officers. For further information, contact Brenda Sevier, Austin, (512) 345-9900.

Issued in Austin, Texas, on April 3, 1985.

TRD-852938 Brenda Sevier
Manager
Office of Public Utility Counsel

Filed: April 3, 1985

For further information, please call (512) 345-9900.

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Texas Savings and Loan Department Application for Change of Control of an Association

Texas Civil Statutes, Article 852a, §11.20, require any person who intends to acquire control of a state-chartered savings and loan association to file an application with the savings and loan commissioner for approval of the transaction. A hearing may be held if the application is denied by the commissioner.

On April 1, 1985, the savings and loan commissioner received an application for approval of the acquisition of

control of Palo Duro Savings and Loan Association, Amarillo, by Jack D. Atkinson, Dallas.

Any inquiries may be directed to the Texas Savings and Loan Department, 1004 Lavaca Street, Austin, Texas 78701, (512) 475-7991.

Issued in Austin, Texas, on April 2, 1985.

TRD-852931 Russell R. Oliver
General Counsel
Texas Savings and Loan
Department

Filed: April 3, 1985

For further information, please call (512) 475-7981.

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Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of March 25-29, 1985.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request, and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-2678.

Listed is the name of the applicant and the city in which each facility is located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal.

Period of March 25-29, 1985

City of Temple; sewage treatment plant; on the Temple-Little Flock Road, approximately two miles east of the City of Temple Municipal Building and approximately one mile south of State Highway 53 in Bell County; 10470-02; renewal

State Department of Highways and Public Transportation, Huntsville; sewage treatment plant; on the east side of IH 45 at a point approximately seven miles north of Huntsville in Walker County; 11326-01; renewal

City of Eustace; wastewater treatment facility; approximately 800 feet east of the intersection of B Street

and Ninth Avenue, southeast of midtown Eustace in Henderson County; 11132-01; renewal

City of Goliad; wastewater treatment plant; near San Patricio Street and south of West Fanning Street in Goliad, Goliad County; 10458-01; renewal

North Texas Municipal Water District, Heath; wastewater treatment plant; south of the intersection of Yankee Creek Road and Yacht Club Road, approximately 1½ miles southwest of the City of Heath in Rockwall County; 11259-01; amendment

Rafter 3 Feedyard, Inc., Dimmitt; confined cattle feedlot operation; approximately six miles west of the City of Dimmitt via State Highway 86, and 1½ miles south of the intersection of FM Road 1055 and State Highway 86 in Castro County; 02330; amendment

McDonald's Corporation, Houston; wastewater treatment facility, in the 16,100 block of Hempstead Highway and U.S. Highway 290 in Harris County; 12183; renewal

Bethlehem Steel Corporation, Beaumont; wastewater treatment plant; east of State Highway 82, approximately 2.5 miles south of the Gulfgate Bridge in Jefferson County; 13080-01; new permit

U.S. Department of the Air Force, Reese Air Force Base, Lubbock; military base; on FM Road 2255, five miles west of the City of Lubbock in Lubbock County; 02768; new permit

Issued in Austin, Texas, on March 29, 1985.

TRD-852869

Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: April 1, 1985

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

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