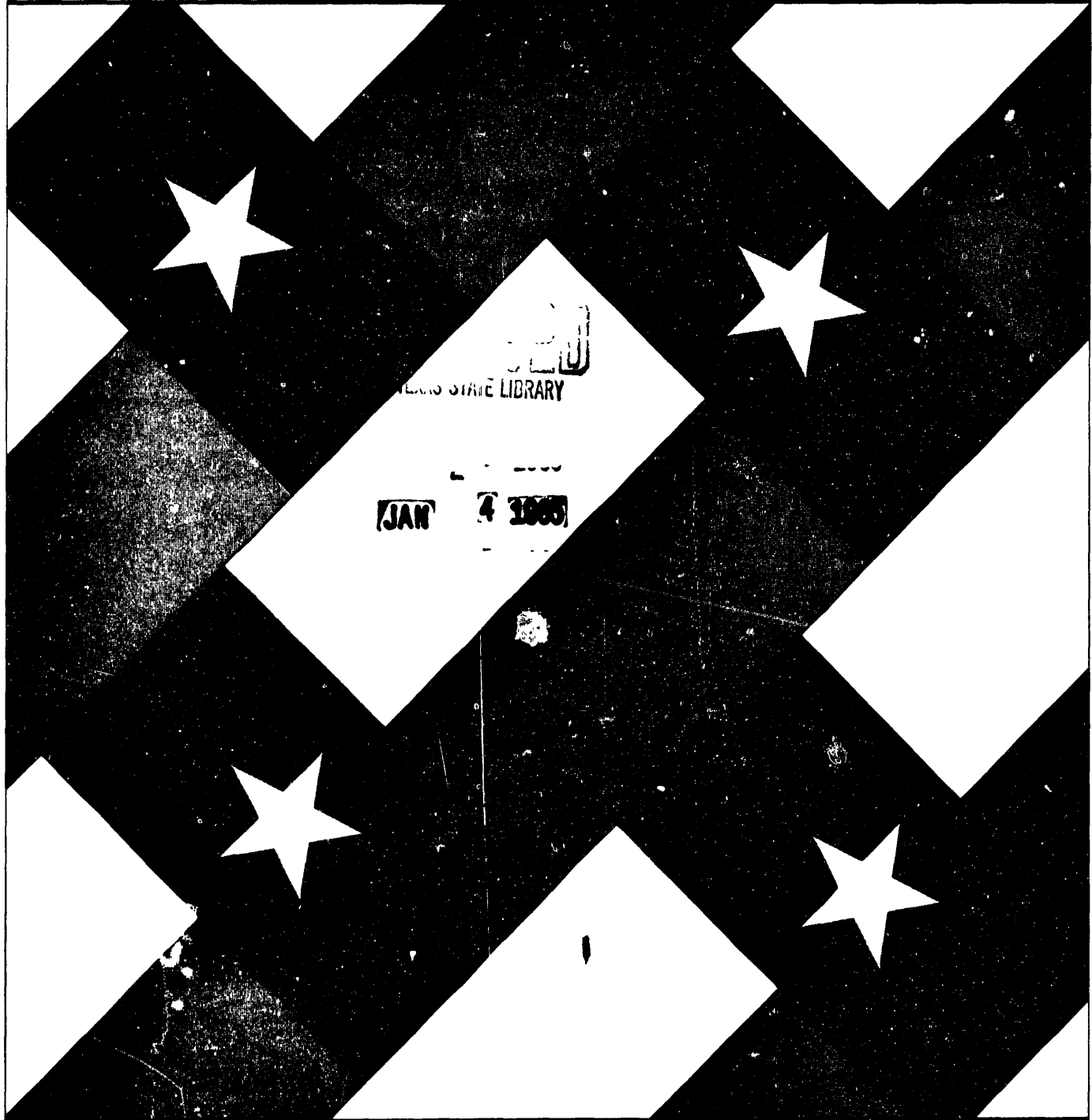


Texas Register

Volume 9, Number 95, December 21, 1984

Pages 6393 - 6448



Highlights

The Texas Education Agency adopts on an emergency basis amendments concerning procedures for the accreditation of school districts Effective date December 14 page 6400

The Texas Department of Human Resources adopts on an emergency basis amendments

concerning its Emergency Food Assistance Program Effective date January 1, 1985 page 6403

The Texas Water Development Board proposes new sections concerning the Lake Houston Watershed Earliest possible date of adoption January 21, 1985 page 6418

**Office of
the Secretary
of State**

Texas Register

The *Texas Register* (ISSN 0362-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1984 with the exception of January 28, July 10, November 27, and December 28, by the Office of the Secretary of State.

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

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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

How To Cite: Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written "9 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 9 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).



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

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

The Governor

Executive Order MW-31

Creating and Establishing the Governor's Task Force on the Advancement of Labor-Management Relations.

WHEREAS, harmonious labor-management relations are essential to the current well-being and continued improvement of the Texas business climate, and

WHEREAS, cooperation between representatives of management and labor through the process of open communication and planning in an atmosphere of mutual trust is an essential prerequisite for improving the productivity and competitiveness of Texas business; and

WHEREAS, it is appropriate for the state to encourage cooperative efforts to facilitate an efficient and equitable adjustment to new economic realities; and

WHEREAS, all Texans will be favorably affected by the advancement of more cooperative relations between management and labor which allow for the orderly development of the state's economy,

NOW, THEREFORE, I, Mark White, governor of Texas, under the authority vested in me, do hereby create and establish the Governor's Task Force on the Advancement of Labor-Management Relations, hereinafter referred to as the task force.

The task force shall consist of not more than 15 members appointed by the governor with at least five members to represent the interests of business and industry, an equal number to represent the interests of labor, and other members to be chosen from experts in the areas of labor-management relations, economic development, and employment and training. The governor shall appoint a chairman who represents the interests of neither business and industry nor labor. The chairman and members will serve at the pleasure of the governor.

The task force is charged with the following responsibilities:

(a) recommend specific private sector initiatives to be implemented jointly by labor and management to increase the productivity of business and industry in Texas;

(b) recommend specific public and private sector initiatives to be implemented jointly by labor, management, and state and local governments to mitigate against the harmful effects of unemployment on workers and communities in Texas;

(c) study and report on the effects of foreign imports on business in Texas;

(d) recommend strategies useful in the prevention and amelioration of labor disputes;

(e) review innovative models of labor-management cooperation and develop a method for disseminating appropriate models to the representatives of labor and management throughout Texas, and

(f) study and report on new alternatives for management and ownership of business in Texas.

On or before October 1 of each year, the task force shall make a complete written report of its activities and recommendations to the governor, lieutenant governor, the speaker of the house, and the citizens of Texas.

The task force shall meet at the call of the chairman with a majority of members constituting a quorum. The chairman shall, with the consultation of the governor's office, establish the agenda for task force meetings.

The Office of the Governor shall serve as coordinating staff to the task force, with technical support and expertise from the John E. Gray Institute at Lamar University and resources available from task force members.

The members of the task force shall serve without compensation and shall be responsible for their expenses.

All agencies of state and local governments are requested to cooperate with and assist the task force in the performance of its duties.

This executive order shall be effective immediately and shall remain in full force and effect until modified, amended, or rescinded by me.

Issued in Austin, Texas, on November 29, 1984.

TRD-8412527

Mark White
Governor of Texas

Appointment Made December 10

Lamar University

To the Board of Regents for a term to expire October 4, 1989:

H. D. Pate
P.O. Box 261
Bridge City, Texas 77611

Mr. Pate is replacing A. H. Montagne of Orange, who is deceased.

Issued in Austin, Texas, on December 10, 1984.

TRD-8412462 Mark White
Governor of Texas

Appointment Made December 11

Cass County District Attorney

To be district attorney, Cass County, until the next general election and until his successor shall be elected and duly qualified:

Neal Birmingham
Highway 77
Atlanta, Texas 75551

Mr. Birmingham is replacing Dennis Jones of Linden, who resigned.

Issued in Austin, Texas, on December 11, 1984.

TRD-8412462 Mark White
Governor of Texas

Appointments Made December 13

Teachers' Professional Practices Commission

For terms to expire August 31, 1986:

Dr. Andy Nutt
Box 370
Beckville, Texas 75631

Dr. Nutt is being reappointed.

Jeretta Thompson
808 University Place
Carthage, Texas 75633

Ms. Thompson is being reappointed.

State Child Support Enforcement Commission

For a term to continue at the pleasure of this governor:

Phil D. Strickland
Director
Texas Baptist Christian Life Commission
511 Akard
Dallas, Texas 75201

Issued in Austin, Texas, on December 13, 1984.

TRD-8412526 Mark White
Governor of Texas

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

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

Questions on particular submissions, or requests for copies of opinion requests should be addressed to Rick Gilpin, Opinion Committee chairman, Office of the Attorney General, Supreme Court Building, Austin, Texas 78711, (512) 475-5445. Published opinions and open records decisions may be obtained by addressing a letter to the Central File Room, Attorney General's Office, Technicenter Building, IV, 5910 Technicenter -102, Austin, Texas 78721, or by telephoning (512) 928-1323. A single opinion is free, additional opinions are \$1.00 a copy.

The Attorney General

Request for Opinion

RQ-474. Request from Garry Mauro, chairman, Veterans Land Board, Austin, concerning the constitutionality of a Texas requirement of United States citizenship for eligibility for participation in the Veterans Land and Housing Program.

TRD-8412450

Opinions

JM-238 (RQ-388). Request from Mike Discoll, Harris County attorney, Houston, concerning whether staff members of the Harris County Commissioners Court and other county officers and employees are authorized to attend executive sessions of the commissioners court.

Summary of Opinion. The commissioners court may admit its agents or representatives to executive session meetings held under the

Open Meetings Act, Texas Civil Statutes, Article 6252-17, §2(e), where the third party's interest is aligned with the court's and where his presence is necessary to the court's full communication with its attorney. Whether a particular person may be admitted must be decided by a case-by-case analysis of all relevant facts.

JM-239 (RQ-176). Request from Raymon L. Bynum, commissioner of education, Austin, concerning reconsideration of JM-219, regarding authority of peace officers commissioned by school districts.

Summary of Opinion. The Texas Commission on Law Enforcement Officer Standards and Education has no licensing responsibility concerning peace officers commissioned under the Texas Education Code, §21.483. The scope of the powers of §21.483, concerning peace officers, depends upon the nature and scope of their duties as defined

by their employing school district boards of trustees and upon whether, when they engage in particular activities, they are carrying out the provisions of the Texas Education Code, Chapter 21, Subchapter M, and are on the property under the control and jurisdiction of their employing district or are otherwise in the performance of their duties.

JM-240 (RQ-374). Request from Kenneth H. Ashworth, commissioner, Coordinating Board, Texas College and University System, Austin, concerning nonresident tuition at the Southwest Collegiate Institute for the Deaf.

Summary of Opinion. The Texas Education Code, §131.005(b), controls the nonresident tuition rate at the Southwest Collegiate Institute for the Deaf to the exclusion of the Texas Education Code, Chapter 54.

TRD-8412451

Emergency 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.

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

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

TITLE 19. EDUCATION Part II. Texas Education Agency Chapter 97. Planning and Accreditation

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

Additional Accreditation Regulations

19 TAC §97.113

The Texas Education Agency adopts on an emergency basis amendments to §97.113, concerning student absences for extracurricular or other activities.

The Committee for Students of the State Board of Education has conducted an extensive study on student absences for extracurricular or other activities. The committee held a public hearing in Austin on December 1, 1984, to allow individuals and group representatives to testify regarding their concerns and recommendations.

In subsection (a), the section provides that districts shall not schedule, nor permit students to participate in, any school-related or sanctioned activities on or off campus that would require, permit, or allow a student to be absent from class in any course more than 10 times during the 175-day school year (full-year course). Noninstructional school activities must be held outside of minimum 55-minute scheduled academic class periods in grades 9-12, 45-minute scheduled academic class periods in grades seven and eight, and six hours of academic class periods in grades four-six, or be included in one of the six allowable shortened schedules referred to in §117.1(b)(2)(G), concerning requirements for pupil attendance accounting for state funding purposes.

In subsection (b), a school district shall inform the commissioner of education of specific exceptions to

the 10 absences limitation stated in subsection (a) of this section on behalf of individual students who are competing in University Interscholastic League (UIL) sponsored activities only. This exception must be based on circumstances which are unforeseen and which result from the students' earning the right to compete at post-UIL-district levels. Exceptions shall not exceed a total of five additional absences per year. Exceptions will not be granted just to allow students who have not earned the right to compete at the post-UIL-district level to participate in more district-level activities than permitted under the 10 absences limitation.

In subsection (c), a student in grades 7-12 may participate in extracurricular activities on or off campus at the beginning of the school year only if the student has earned the cumulative number of credits in state-approved courses indicated in the subsection.

In subsection (d), to be eligible to participate in an extracurricular activity event for a six-week period following the initial six-week period of a school year, a student must not have a recorded grade average lower than 70 on a scale of 0 to 100 in any course for that preceding six-week period.

In subsection (e), a student whose recorded grade average in any course is lower than 70 at the end of a six-week period shall be suspended from participation in any extracurricular activity event during succeeding six-week periods until the end of a six-week period during which such student achieves a course grade average of 70 in each course, except the campus principal may remove this suspension if the class is identified as an honors class under the criteria stated in §75.152(d) (concerning advanced high school program), or other advanced classes specified in the subsection.

Subsection (f) provides that for the 1984-1985 school year suspensions shall begin with the second six-week period of the spring semester based on a student earn-

ing a grade lower than 70 in any course taken during the first six weeks of the spring semester. Such suspensions shall become effective seven days after the last day of the six-week period during which the grade lower than 70 was earned.

In subsection (g), a student who has been suspended from extracurricular activity events shall also be suspended from out-of-school practice in such extracurricular activities until such suspension from participation has been lifted.

In subsection (h), at the end of any six-week period in which a student has attained a course grade average of 70 or more in each course taken, any suspension from participating in extracurricular activities and/or suspension of out-of-school practice of extracurricular activities shall be removed.

In subsection (i), all UIL-sponsored activities are sanctioned as school-related activities and therefore come under the provisions of the proposed amendments.

In subsection (j), school districts shall develop a policy which implements this section, including a provision regulating the number of times a student may be absent, pursuant to subsection (a) of this section, during any one-semester course.

In subsection (k), school districts shall adopt a policy limiting the number of hours a student may practice outside the school day in any single extracurricular activity to eight hours per school week. The policy shall also limit the total number of hours any student may practice a combination of all extracurricular activities outside the school day to 20 hours per school week. Limitations on travel and performance time are also addressed.

In subsection (l), at the end of the first three weeks of a grading period, the school district shall send a progress report to the parent or guardian of a student whose grade average in any class is lower than 70. The district shall make such information available to sponsors of extracurricular activities in which the student participates. The district may require any student who falls within this subsection to attend tutorial sessions.

In subsection (m), the terms "curricular," "cocurricular," and "extracurricular" activities are defined.

The section is effective immediately. However, the times at which the section actually affects student participation vary. The following list indicates the time when each subsection of the section will actually affect student participation in extracurricular activities: effective immediately—subsections (a), (b), (i), (j), and (k); effective 1985 spring semester—subsections (d), (e), (f), and (g) at the beginning of the fifth six weeks, subsection (h) effective at the beginning of the sixth six weeks, subsection (l) effective at the end of the third week of the fourth six weeks, and subsection (m) effective at the beginning of the fourth six weeks; and effective 1985 fall semester—subsection (c).

These amendments are adopted on an emergency basis to enable school districts to implement the requirements of House Bill 72, 68th Legislature, 1984,

concerning limits on participation which are effective beginning with the spring semester of the current school year.

These amendments are adopted on an emergency basis under the Texas Education Code, §11.26(a)(5), which authorizes the State Board of Education to establish regulations for the accreditation of school districts, and §21.920, which directs the board by rule to limit participation in and practice for extracurricular activities during the school day and the school week.

§97.113. Student Absences for Extracurricular or Other Activities

(a) School districts shall not schedule, nor permit students to participate in, any school-related or sanctioned activities on or off campus that would require, permit, or allow a student to be absent from class in any course more than 10 times during the 175-day school year (full-year course). **Noninstructional school activities must be held outside of minimum 55-minute scheduled academic class periods in grades nine-12, 45-minute scheduled academic class periods in grades seven-eight, and six hours of academic class periods in grades four-six, or be included in one of the six allowable shortened schedules referred to in §117.1(b)(2)(G) of this title (relating to Requirements for Pupil Attendance Accounting for State Funding Purposes).**

(b) A school district shall inform the commissioner of education of specific exceptions to the 10 absences limitation stated in subsection (a) of this section on behalf of individual students who are competing in UIL-sponsored activities only. This exception must be based on circumstances which are unforeseen and which result from the students' earning the right to compete at post-UIL-district levels. Exceptions shall not exceed a total of five additional absences per year. Exceptions will not be granted just to allow students who have not earned the right to compete at the post-UIL-district level to participate in more district-level activities than permitted under the 10 absences limitation. [A student may participate in extracurricular or other activities on or off campus that require absence from one or more classes only if:

[(1) beginning with the 1984-85 fall semester, that student passed at least three of the courses in which the student was enrolled for the 1983-84 spring semester, and maintains a 70 average or better in at least four courses for the current semester;

[(2) beginning with the 1984-1985 spring semester, that student has and maintains a 70 average or better in at least four of the courses in which that student is enrolled for the prior and current semester;

[(3) that student does not miss any class in which the student does not have and maintain at least a 70 average; and

[(4) only courses approved for state graduation credit by the State Board of Education may be counted toward the number in which the student must have and maintain a 70 average or better. Courses in physical education or competitive athletics may not be counted.]

(c) A student in grades seven-12 may participate in extracurricular activities on or off campus at the beginning of the school year only if the student has earned the cumulative number of credits in state-approved

courses indicated in this subsection: [A school district may apply to the commissioner of education for specific exceptions on individual students based on hardship or unforeseen circumstances. The commissioner may grant or deny the request at the commissioner's discretion, and the commissioner's decision shall be final.]

(1) beginning at the seventh grade year—regularly passed from the sixth grade to the seventh;

(2) beginning at the eighth grade year—have credit for all but one of the courses required for the seventh grade year;

(3) beginning at the ninth grade year—have completed all courses required for the seventh grade year and have credit for all but one of the courses required for the eighth grade year;

(4) beginning of the 10th year—at least four credits toward graduation;

(5) beginning of the 11th year—at least nine credits toward graduation; and

(6) beginning of the 12th year—at least 15 credits toward graduation.

(d) In order to be eligible to participate in an extracurricular activity event for a six-week period following the initial six-week period of a school year, a student must not have a recorded grade average lower than 70 on a scale of 0 to 100 in any course for that preceding six-week period. [School districts shall develop a policy which implements this rule including a provision regulating the number of times (1-10) a student may be absent during any one semester course.]

(e) A student whose recorded grade average in any course is lower than 70 at the end of a six-week period shall be suspended from participation in any extracurricular activity event during succeeding six-week periods until the end of a six-week period during which such student achieves a course grade average of 70 in each course, except the campus principal may remove this suspension if the class is identified as an honors class under the criteria stated in §75.152(d) of this title (relating to Advanced High School Program), or advanced class as follows:

(1) English language arts: English IV academic (comp.), English IV academic (British literature), world literature, creative/imaginative writing, research/technical writing, debate III, public speaking III;

(2) other languages: other languages III, advanced languages I-IV;

(3) social studies: advanced social science problems;

(4) fine arts: art IV, theater arts IV, band IV, orchestra IV, choral music IV, stage band IV, and music theory I and II;

(5) mathematics: trigonometry, elementary analysis, analytic geometry, precalculus, linear algebra, calculus; and

(6) science: physics, physics II, chemistry II, biology II.

(f) For the 1984-1985 school year, suspensions shall begin with the second six-week period of the spring semester based on a student's earning a grade lower than 70 in any course taken during the first six weeks of the spring semester. Such suspension shall become effective seven days after the last day of the six-week period during which the grade lower than 70 was earned.

(g) A student who has been suspended from extracurricular activity events pursuant to subsections (e) and (f) of this section shall also be suspended from out-of-school practice in such extracurricular activities until such suspension from participation has been lifted.

(h) At the end of any six-week period in which a student has attained a course grade average of 70 or more in each course taken, any suspension from participating in extracurricular activities and/or suspension of out-of-school practice of extracurricular activities shall be removed.

(i) All UIL-sponsored activities are sanctioned as school-related activities and therefore come under the provisions of this section. The governing boards at the highest state level of any other organizations requiring student participation which cause a student to miss a class during the school day must request approval, in writing, from the commissioner of education. If approval of the organization is granted and the local board of trustees concurs, student participation in the organization's activities will be subject to all provisions of this section. If approval is not granted, any absences incurred by the student will be considered unexcused.

(j) School districts shall develop a policy which implements this section, including a provision regulating the number of times a student may be absent pursuant to subsection (a) of this section during any one semester course.

(k) School districts shall adopt a policy limiting the number of hours a student may practice outside the school day in any single extracurricular activity to eight hours per school week. The policy shall also limit the total number of hours any student may practice a combination of all extracurricular activities outside the school day to 20 hours per school week. Performance, including travel time from the close of one school week until the beginning of another school week and on school holidays, shall not be counted against permissible practice time. Performance, including travel time held after the beginning of the school week but prior to the end of the school week (excluding holidays), though held outside of the school day shall be counted against practice time, provided the total time counted against practice time for the first of such performance shall be limited to two hours.

(l) At the end of the first three weeks of a grading period, the school district shall send a progress report to the parent or guardian of a student whose grade average in any class is lower than 70. The district shall make such information available to sponsors of extracurricular activities in which the student participates. The notice should stipulate that the student will have the remainder of the six-week period to bring the grade up to 70 or above and that the student will be suspended from extracurricular activities if the grade is not brought up to 70 or above by the end of the six-week period. The district may require any student who falls within this subsection to attend tutorial sessions.

(m) Definitions of "curricular," "cocurricular," and "extracurricular" activities shall be as follows.

(1) Curricular activities occur within the regular school day and constitute the delivery of instruction as specified in Chapter 75 of this title (relating to Curriculum).

(2) Cocurricular activities are an extension of classroom instruction in which participation is by the en-

ture class or a significant portion thereof. They relate directly to and enhance student learning of essential elements through participation, demonstration, illustration, and observation. Cocurricular activities are included in the teacher's instructional plan and are conducted by or supervised by a classroom teacher or other educational professional such as a librarian, school nurse, counselor, or administrator. Subsection (e) of this section shall not prevent students from participating in after-school cocurricular activities. Absences for participation in cocurricular activities that require a student to miss a class other than the sponsoring class or course shall be counted under the 10-day rule.

(3) Extracurricular activities are school-sponsored activities which are not directly related to instruction of the essential elements, but they may have an indirect relation to some areas of the curriculum. They offer worthwhile and significant contributions to a student's personal, physical, and social development. Participation in extracurricular activities is a privilege and not a right, and students must meet specific requirements in order to participate. Activities may include, but are not limited to, performances, contests, demonstrations, displays, and club activities.

Issued in Austin, Texas, on December 14, 1984.

TRD-8412510 W. N. Kirby
Interim Commissioner of
Education

Effective date: December 14, 1984

Expiration date: April 13, 1985

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

Chapter 117. Pupil Attendance Accounting

19 TAC §117.1

The Texas Education Agency (TEA) adopts on an emergency basis amendments to §117.1, concerning requirements for pupil attendance accounting for state funding purposes.

The Committee for Students of the State Board of Education has conducted an extensive study on requirements for pupil attendance accounting for state funding purposes. The committee held a public hearing in Austin on December 1, 1984, to allow individuals and group representatives to testify regarding their concerns and recommendations.

The amendments occur in subsection (b)(2)(G). With the approval of the local board of school trustees, a school may operate on an abbreviated day (not to be confused with half-day sessions). Where it is determined by the local board of school trustees, to meet all classroom assignments, the local board may shorten each class period for the school to participate in school-sponsored activities. The change is that any class period may not be shortened to less than 45 minutes in grades nine-12. This procedure is to be used no more than six times per year and is to be so noted in the minutes of the local school board of trustees.

The amendments are adopted on an emergency basis to ensure that school districts move ahead to implement the intent of House Bill 72 that the school day be protected for academic work.

The amendments are adopted on an emergency basis under the authority of the Texas Education Code, §21.923, which requires each school district to adopt and enforce a policy limiting interruptions of classes during the school day for nonacademic activities.

§117.1. *Requirements for Pupil Attendance Accounting for State Funding Purposes.*

(a) (No change.)

(b) Procedures.

(1) (No change.)

(c) Pupil attendance accounting. The general requirements for pupil attendance accounting are as follows.

(A)-(F) (No change.)

(G) With the approval of the local board of school trustees, a school may operate on an abbreviated day (not to be confused with half-day sessions). Where it is determined by the local board of school trustees, in order to meet all classroom assignments, the local board may shorten each class period for the school to participate in school-sponsored activities. **Any class period may not be shortened to less than 45 minutes in grades nine-12.** This procedure is to be used **no more than six times per year** [sparingly] and is to be so noted in the minutes of the local school board of [school] trustees.

(H) (No change.)

(3)-(5) (No change.)

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

Issued in Austin, Texas, on December 12, 1984.

TRD-8412468 W. N. Kirby
Interim Commissioner of
Education

Effective date: December 13, 1984

Expiration date: April 13, 1985

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

TITLE 22. EXAMINING BOARDS

Part XVI. Texas State Board of Physical Therapy Examiners

Chapter 339. Fees

22 TAC §5339.1-339.3

The Texas State Board of Physical Therapy Examiners adopts on an emergency basis amendments to §5339.1-339.3, concerning fees. For the board to meet the escalated costs of examinations and data processing recently passed to the board, it passed a motion to increase the fees.

The amendments are adopted on an emergency basis under Texas Civil Statutes, Article 4512e, §3(e), which provide the Texas State Board of Physical Ther-

apy Examiners with the authority to adopt rules consistent with the Texas Physical Therapy Practice Act to carry out its duties in administering the Act.

§339.1. Examination. Beginning July 1, 1985, the following fees will be in effect.

- (1)[(a)] Physical therapist—\$75.
- (2)[(b)] Physical therapist assistant—\$70.

§339.2. Application. Beginning July 1, 1985, the following fees will be in effect.

- (1)[(a)] Physical therapist—\$40.
- (2)[(b)] Physical therapist assistant—\$40.

§339.3. License. Beginning July 1, 1985, the following fees will be in effect.

- (1)[(a)] Endorsement
 - (A)[(1)] Physical therapist—\$50.
 - (B)[(2)] Physical therapist assistant—\$45.
- (2)[(b)] Temporary license.
 - (A)[(1)] Physical therapist—\$30.
 - (B)[(2)] Physical therapist assistant—\$20.

Issued in Austin, Texas, on December 13, 1984

TRD-8412464 Lois M. Smith
Executive Director
Texas State Board of Physical
Therapy Examiners

Effective date December 30, 1984
Expiration date April 28, 1985
For further information, please call (512) 835-1846.

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration Subchapter V. Bingo Regulation and Tax 34 TAC §3.543

The Comptroller of Public Accounts is renewing the effectiveness of the emergency adoption of amended §3 543 for a 60-day period effective December 28, 1984. The text of the amended section was originally published in the September 7, 1984, issue of the *Texas Register* (9 TexReg 4761)

Issued in Austin, Texas, on December 13, 1984

TRD-8412459 Martin Cherry
Rules Coordinator
Comptroller of Public Accounts

Effective date December 28, 1984
Expiration date February 26, 1985
For further information, please call (512) 475-1913

34 TAC §3.548

The Comptroller of Public Accounts is renewing the effectiveness of the emergency adoption of amended §3 548 for a 60-day period effective December 28,

1984. The text of the amended section was originally published in the September 7, 1984, issue of the *Texas Register* (9 TexReg 4761).

Issued in Austin, Texas, on December 13, 1984

TRD-8412460 Martin Cherry
Rules Coordinator
Comptroller of Public Accounts

Effective date December 28, 1984
Expiration date February 26, 1985
For further information, please call (512) 475-1913

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 11. Commodity Program Emergency Food Assistance Program

40 TAC §§11.6002, 11.6003, 11.6007,
11.6008

The Texas Department of Human Resources (DHR) adopts on an emergency basis amendments to §§11.6002, 11 6003, 11 6007, and 11 6008 and the repeal of and new §11 6005 and §11.6006, concerning requirements of the Emergency Food Assistance Program, in the department's commodity program chapter. Through the Emergency Food Assistance Program, the department contracts to distribute surplus food donated by the United States Department of Agriculture (USDA) to indigent and unemployed people. The proposal updates emergency food distribution policies already in effect. It clarifies and adds requirements for both applicant households and contractors.

The DHR adopts the rules on an emergency basis so that eligible recipients can begin receiving services as soon as possible after the effective date of the enabling legislation, January 1, 1985. Failure to adopt the rules by January 1 would result in imminent peril to the health, safety, and welfare of needy people in Texas.

The amendments are adopted on an emergency basis under the Human Resources Code, Title 2, Chapter 22 and Chapter 33, which authorizes the department to administer public assistance programs.

§11.6002 Eligibility Requirements for Applicant Households. To qualify yearly [quarterly] for emergency food assistance, applicants must meet the following requirements.

(1) Income. The applicant's [household's] gross yearly/monthly/weekly income (before deductions)[,] in relation to household size must[, may] not exceed 130% of the [most recent] federal poverty level published by the Office of Management and Budget [or the household must be categorically eligible and receiving food stamps, supplemental security income (SSI), aid to families with

dependent children (AFDC), or noninstitutional Medicaid benefits. The eligibility of household members not included in the eligible group for receiving categorical benefits must be determined on the basis of income. If income is from farming or self-employment, eligibility is based on net income. **For applicants age 60 and over, 165% of poverty level is used. Applicants who do not meet these income requirements but who are certified eligible and receive food stamps, aid to families with dependent children (AFDC), supplemental security income (SSI), or noninstitutional Medicaid benefits are also eligible.** [The contractor determines gross or net income without deductions unless a household member(s) is 60 years old or older or is handicapped. In that case, the household may claim a deduction for actual medical expenses of the elderly or handicapped member(s) up to a maximum of 20% of the household's income.]

(2) **Residency** The applicant [household] must apply in the contracted service area for the [its] county in which he resides. Contracted service area is defined as the specific geographical area [county (counties)] served by a single contractor. **It can be a county, a zip code area, a neighborhood, or any predefined area within a county. Exceptions may be made for an applicant in a city closer to a distribution site in another county. These situations require agreement and coordination between both affected contractor. There is no durational residency requirement.**

(3) **Identity.** The applicant must provide proof of identity. **There is no citizenship requirement.**

§11.6003. Applicant Responsibilities. Applicants for emergency food assistance must:

(1)-(2) (No change.)

(3) **repay, on demand, to DHR [the department] or its contractors the value of commodities received if an error in eligibility is found because of erroneous information provided by the household. If the household is found to have received multiple issuances of commodities, the contractor may deny the household receipt of commodities for as many months as equals the extra issuances.**

(4) (No change.)

(5) **report to the contractor changes in circumstances, such as income or household size.**

§11.6007. Responsibilities of Contracted Agencies [Contractor Participation Requirements]. To qualify as a contractor for the Emergency Food Assistance Program, contractors must fulfill the following requirements. [Organizations interested in providing emergency food assistance may request an application from Food Services Division 520-A, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769. Applicants for a contract with the department must be a public or non-profit tax exempt organization and must be able to meet the following minimum requirements:]

(1) **Inform the public of the availability of commodities or the lack of commodities. Each monthly distribution must be advertised in a manner specifically targeted to the eligible population, including low income households, the elderly, and the handicapped. Suggested methods of advertisement include [This includes], but are [is] not limited to, the following [providing information to]:**

[(A) The eligible population, including the elderly and the handicapped:]

(A) [(B)] The media ([, including] TV, radio, and newspapers);

(B) [(C)] Civic and religious organizations;

(C) [(D)] City and county governments; and

(D) [(E)] Social service organizations, upon request.

(2) **Provide training and supervision of[, train, and monitor] staff and volunteers to process applications in the contracted service area. This includes helping applicants, when necessary, to complete their application.**

(3) **Determine eligibility yearly [quarterly] based on income/categorical eligibility, identity, household size, and county residency**

(4) **Inform the applicant of his right to appeal the eligibility decision within 90 days from the date of the decision. The contractor must hold an administrative review of the decision within five days after receiving [receipt of] the household's request. If the applicant is dissatisfied with the review decision, the contractor must refer the appeal immediately to DHR [the department].**

(5) (No change.)

(6) **Determine the amount of commodities the household is eligible for based on the household size [according to the department's commodity distribution guide].**

(7) **Distribute commodities to eligible households based on DHR's [the department's] commodity distribution guide. Not all foods listed in the guide are available in every area of the state.**

(8) (No change.)

(9) **Serve all applicants in the contracted service area without regard to race, religion, national origin, creed, sex, political beliefs, age, [national origin,] or handicap. [Service is provided by the contractor's representatives or through subcontracts with agencies that meet all of the criteria of this section. The contractor, however, may subcontract with an agency that serves a limited client population if:**

[(A) the contractor documents the need for limited service, and

[(B) all eligible persons wanting to participate are served by the contractor or other subcontractors.]

(10) **Maintain client, financial, and other pertinent records for a minimum of three years and 90 days after the contract terminates or until audits are resolved [termination of the contract and submit financial, client, and statistical reports as required by the department and USDA]**

(11) (No change)

(12) **Not require or accept payment from clients in money, materials, or services for[, or in connection with receiving[, the receipt of] commodities.**

(13) **Not require the applicant [for emergency food assistance] or subcontractors to belong to, attend meetings of, or pay dues to a specific organization.**

(14) **[May] Be financially [fiscally] liable for negligent or fraudulent [fault and negligence for the] administration of the program if aware of such activity.**

(15) **Report suspected fraud or misuse of commodities to DHR's regional commodity office.**

(16) (No change.)

(17) **Monitor subcontractors on an ongoing basis with at least one on-site review annually.**

§11.6008 Reimbursement [Allowable Contractor Administrative Expenditures]. The **DHR reimburses** [department allows] a maximum of 5.0% of the value of commodities distributed [received] for actual, direct costs for storage and distribution or the cumulative total of incurred allowable direct costs, whichever is less. Contractors must submit claims to DHR within 60 days of the end of the month of service.

Issued in Austin, Texas, on December 13, 1984

TRD-8412443 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: January 1, 1985
Expiration date: May 1, 1985
For further information, please call (512) 450-3766

40 TAC §11.6005, §11.6006

(Editor's note: The text of the following rules repealed on an emergency basis will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, 701 West 51st Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is adopted on an emergency basis under the Human Resources Code, Title 2, Chapter 22 and Chapter 33, which authorizes the department to administer public assistance programs.

§11.6005 Receipt of Commodities.
§11.6006 Allocation of Commodities.

Issued in Austin, Texas, on December 13, 1984.

TRD-8412444 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: January 1, 1985
Expiration date: May 1, 1985
For further information, please call (512) 450-3766

The new sections are adopted on an emergency basis under the Human Resources Code, Title 2, Chapter 22 and Chapter 33, which authorizes the department to administer public assistance programs.

§11.6005. Eligibility Guideline. First time applicants may be certified during any month that they apply and then will be certified again on the month designated for yearly certification. Once determined eligible for the year, households may receive commodities, if available, once each month for the remaining months of the year by signing the distribution record to document that their eligibility status has not changed and to acknowledge they received commodities.

§11.6006. Distributing Commodities. Commodities are distributed to eligible applicants on a first-come, first-serve basis and in the amount based on household size according to the department's commodity distribution guide.

Issued in Austin, Texas, on December 13, 1984

TRD-8412445 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: January 1, 1985
Expiration date: May 1, 1985
For further information, please call (512) 450-3766



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

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

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

Proposed Rules

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 3. Oil and Gas Division Conservation Rules and Regulations

16 TAC §3.36

The Railroad Commission of Texas proposes amendments to §3.36, concerning oil, gas, or geothermal resource operation in hydrogen sulfide areas. The proposed amendments require the use of fresh air breathing equipment and automatic hydrogen sulfide detection and alarm equipment during drilling and workover operations and at plant sites where the 100 ppm radius of exposure is 50 feet or greater, the training of supervisory personnel, the submission of training schedules and course outlines to commission personnel, and the notification to the appropriate district of any accidental release of hydrogen sulfide gas.

Kimberly L. Kiplin, staff attorney, 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.

The cost of compliance for small businesses will vary depending on the number of rigs operating in hydro-

gen sulfide areas. However, the cost per rig will be in the range of \$3,000. Based on cost per employee, the cost incurred by small businesses will be equal to the cost incurred by large businesses. The cost per employee will be \$417.

Ms. Kiplin also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is better protection from the hazards of hydrogen sulfide gas. The anticipated economic cost to individuals who are required to comply with the rule as proposed is an initial expense of \$3,000 per rig, rather than an annual expense. Also, the estimated cost may be greater than the actual cost since companies with several units could move equipment to rigs as needed.

Comments on the proposal may be submitted to Kimberly L. Kiplin, Legal Section, Oil and Gas Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711-2967.

The amendments are proposed under the Texas Natural Resources Code, §81.052 and §81.042, which provides the Railroad Commission of Texas with the authority to adopt rules governing persons and their operations which are under the jurisdiction of the commission and to adopt rules for the prevention of operations in the field which are dangerous to life or property.

§3.36. Oil, Gas, or Geothermal Resource Operation in Hydrogen Sulfide Areas

(a) Applicability Each operator who conducts operations as described in paragraph (1) and paragraph (2) of this subsection shall be subject to this section and shall provide safeguards to protect the general public from the harmful effects of hydrogen sulfide

(1) Operations including drilling, working over, producing, injecting, gathering, processing, transporting, and storage of hydrocarbon fluids that are part of, or directly related to, field production, transportation, and handling of hydrocarbon fluids that contain gas in the system which has hydrogen sulfide as a constituent of the gas, to the extent as specified in subsection (c) of this section, general provisions **Operators subject to established Railroad Commission of Texas Gas Utilities Division or federal Department of Transportation pipeline or transportation safety regulations shall additionally comply with the appropriate provisions of this section.**

(2) This rule shall not apply to

(A) **operations involving processing oil, gas, or hydrocarbon fluids which are either an industrial modification or products from industrial modification, such as refining, petrochemical plants, or chemical plants** [operations subject to established Railroad Commission Gas Utilities or federal Department of Transportation pipeline or transportation safety regulations],

(B) **operations involving gathering, storing, and transporting stabilized liquid hydrocarbons** [operations involving processing oil, gas, or hydrocarbon fluids which are either an industrial modification or products from industrial modification, such as refining, petrochemical plants, or chemical plants],

(C) **this rule shall not apply to operations where the concentration of hydrogen sulfide in the system is less than 100 ppm** [operations involving gathering, storing, and transporting stabilized liquid hydrocarbons]

(D) This rule shall not apply to operations where the concentration of hydrogen sulfide in the system is less than 100 ppm]

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

(1)-(11) (No change)

(12) Definition of referenced organizations and publications

(A)-(E) (No change)

(F) NIOSH—National Institute of Occupational Safety and Health, P O Building, Room 108, Fifth and Walnut Street, Cincinnati, Ohio 45202]

(F)(G) DOT—Department of Transportation, Office of Pipeline Safety, 400 Seventh Street, S W , Washington, D C 20590, Title 49, Code of Federal Regulations, Part 192 and 195

(G)(H) OSHA—Occupational Safety and Health Administration, United States Department of Labor, 200 Constitution Avenue, N W , Washington, D.C 20270, Title 29, Code of Federal Regulations, Part 1910 145(c)(4)(i)

(H)(I) RRC—Railroad Commission of Texas, Gas Utilities Division, P O Drawer 12967, Austin, Texas 78711, Gas Utilities Dockets 446 and 183

(c) General provisions

(1) Each operator shall determine the hydrogen sulfide concentration in the gaseous mixture in the operation or system

(A) (No change)

(B) Test of vapor accumulation in storage tanks may be made with **industry accepted** [NIOSH-approved] colorimetric tubes

(2) For all operations subject to this section, the radius of exposure shall be determined, except in the cases of storage tanks, by the following Pasquill-Gifford equations, or by other methods that have been approved by the commission

(A) For determining the location of the 100 ppm radius of exposure

$$x = [(1.589) (\text{mole fraction } H_2S) (Q)] \text{ to the power of } (.6258)$$

(B) For determining the location of the 500 ppm radius of exposure

$$x = [(0.4546) (\text{mole fraction } H_2S) (Q)] \text{ to the power of } (.6258)$$

Where x = radius of exposure of feet, Q = maximum volume determined to be available for escape in cubic feet per day; H_2S = mole fraction of hydrogen sulfide in the gaseous mixture available for escape

(3)-(5) (No change)

(6) All operators whose operations are subject to this section, and where the 100 ppm radius of exposure is in excess of 50 feet, shall be subject to the following

(A)-(B) (No change)

(C) Materials and equipment provision

(i) For new construction or modification of facilities (including materials and equipment to be used in drilling and workover operations) completed or contemplated subsequent to the effective date of this section, the metal components shall be those metals which have been selected and manufactured so as to be resistant to hydrogen sulfide stress cracking under the operating conditions for which their use is intended, provided that they satisfy the requirements described in the latest editions of NACE Standard MR-01-75 and API RP-14E, §§1 7(c), 2 1(c), 4 7 The handling and installation of materials and equipment used in hydrogen sulfide service **are** [is] to be performed in such a manner so as not to induce susceptibility to sulfide stress cracking Other materials which are nonsusceptible to sulfide stress cracking, such as fiberglass and plastics, may be used in hydrogen sulfide service provided such materials have been manufactured and inspected in a manner which will satisfy the latest published, applicable industry standard, specifications, or recommended practices

(iii)-(iv) (No change)

(7)-(10) (No change.)

(11) **In addition to any other requirements of this section, drilling and workover operations, and plant sites where the 100 ppm radius of exposure is 50 feet or greater shall be subject to the following** [Drilling provision. Drilling and workover operations where the 100 ppm radius of exposure includes a public area or is 3,000 feet or greater shall be subject to the following additional provisions].

(A) Protective fresh air breathing equipment shall be maintained in two or more locations at the [well] site.

(B) Wind direction indicators shall be installed at strategic locations at the [well] site.

(C) Automatic hydrogen sulfide detection and alarm equipment that will warn of the presence of hydrogen sulfide gas in concentrations that could be harmful shall be maintained at the site [The operator shall provide a method of igniting the gas in the event of an uncontrollable emergency].

[(D) The operator shall install and maintain automatic hydrogen sulfide detection and alarm equipment that will warn the drilling crew of the presence of hydrogen sulfide gas in concentrations that could be harmful.

[(E) The operator shall install a choke manifold, mud-gas separator, and flare line, and provide a suitable method lighting the flare.

[(F) Secondary remote control of blowout prevention and choke equipment to be located away from the rig floor at a safe distance from the wellhead.

[(G) Drill stem testing of hydrogen sulfide zones is permitted only in daylight hours.

[(H) the railroad commission district office shall be notified of the intention to conduct a drill stem test of a formation containing hydrogen sulfide in sufficient concentration to meet the requirements of this provision.

[(I) A certificate of compliance shall be required on each well subject to this provision even if well is located on certificated lease.

[(J) Full compliance with all the requirements of this provision must be satisfied before the well is drilled to a depth that is within 1,000 feet of the hydrogen sulfide zone.

[(K) API Publication RP-49 is referenced as a suggested guideline for drilling and workover of wells subject to this provision.]

(12) Drilling provision. Drilling and workover operations where the 100 ppm radius of exposure includes a public area or is 3,000 feet or greater shall be subject to the following additional provisions. [Training requirement provision.]

(A) Protective fresh air breathing equipment shall be maintained at the well site and shall be sufficient to allow for well control operations [Each operator whose operations are subject to this section shall provide training of personnel responsible for his operations].

(B) The operator shall provide a method of igniting the gas in the event of an uncontrollable emergency. [training of personnel shall including the following elements:

- [(i) hazards and characteristics of hydrogen sulfide;
- [(ii) effect on metal components of the system;
- [(iii) safety precautions;
- [(iv) operation of safety equipment and life support system;
- [(v) corrective action and shut-down procedure.]

(C) The operator shall install a choke manifold, mud-gas separator, and flare line, and provide a suitable method for lighting the flare.

(D) Secondary remote control of blowout prevention and choke equipment to be located away from the rig floor at a safe distance from the wellhead.

(E) Drill stem testing of hydrogen sulfide zones is permitted only in daylight hours.

(F) The railroad commission district office shall be notified of the intention to conduct a drill stem test of a formation containing hydrogen sulfide in sufficient concentration to meet the requirements of this provision.

(G) A certificate of compliance shall be required on each well subject to this provision even if well is located on a certificated lease.

(H) Full compliance with all the requirements of this provision must be satisfied before the well is drilled to a depth that is within 1,000 feet of the hydrogen sulfide zone.

(I) API Publication RP-49 is referenced as a suggested guideline for drilling and workover of wells subject to this provision.

(J) Blowout preventers and well control systems shall be pressure tested at or near compliance depth. The appropriate railroad commission district office must be notified at least four hours prior to the test.

(13) Training requirement provision.

(A) Each operator whose operations contain hydrogen sulfide in excess of 100 ppm shall ensure that all personnel working in the affected areas are trained in hydrogen sulfide safety.

(B) The training of all personnel working in the affected areas shall include the following elements:

- (i) hazards and characteristics of hydrogen sulfide;
- (ii) safety precautions;
- (iii) operation of safety equipment and life support system.

(C) On-site supervisory personnel shall be additionally trained in the following:

- (i) effect of hydrogen sulfide on metal components in the system;
- (ii) corrective action and shut-down procedures, and when drilling a well, blowout prevention and well control procedures;
- (iii) must have full knowledge of the requirements of the contingency plan, when such plan is required.

(D) Training schedules and course outlines shall be provided to commission personnel upon request for the purpose of witnessing training operations to ensure that the curriculum and the quality of instruction are adequate to comply with the requirements of this section.

(E) Operator is responsible for ensuring that all service company personnel working in affected areas meet the requirements of this section.

(14) Accident notification. Operators shall immediately notify the appropriate railroad commission district office of any accidental release of hydrogen sulfide gas and of any hydrogen sulfide related accident affecting personnel or the general public. Such notification shall

be followed by a written report which shall be sent to such district office within 10 days of the incident.

(d) Reports required

(1) Certificate of compliance provision. A certificate of compliance shall be submitted for operations subject to any provision of this section. The following shall apply to the certificate of compliance provision of the section:

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

(D) An approved certificate of compliance will permit an operator to perform all activities described in the certificate without additional filing of approval, provided that, consistent with subsection (c)(12)(G) [(c)(11)(I)] of this section, a certificate of compliance will be required on each well subject to the provisions of subsection (c)(12)(G) [(c)(11)(I)] of this section.

(E)-(N) (No change.)

(2) (No change.)

(e) (No change.)

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

Issued in Austin, Texas, on December 17, 1984

TRD-8412525 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Proposed date of adoption
January 30, 1985

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

Chapter 9. Liquefied Petroleum Gas Division

Subchapter A. General Applicability and Requirements

16 TAC §9.28

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Railroad Commission of Texas, 1124 IH 35 South, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Railroad Commission of Texas proposes the repeal of §9.28, concerning the exemption of master plumbers and journeyman plumbers from the licensing requirements of the railroad commission. The exemption presently in effect provides that those persons registered by the State Board of Plumbing Examiners need only register with the LP-Gas Division to perform certain LP-gas related work. The railroad commission proposes to eliminate this exemption.

Thomas D. Petru, LP-Gas Division director, has determined that for the first five-year period the repeal will be in effect there will be fiscal implications as a result of the repeal. The effect on state government in estimated increase in revenue for the first five-year period the repeal is in effect will be approximately \$40,000 in 1985, \$42,000 in 1986, \$44,100 in 1987, \$46,305 in 1988, and \$48,620 in 1989. There

is no anticipated effect on local government. The cost of compliance as a result of the repeal for small businesses will be for the Category D license fee, which would be required and which presently costs \$50 per year. The cost per individual licensed will be uniform for all sizes of businesses.

Mr. Petru also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is greater protection of public welfare afforded by the LP-Gas Division insurance and testing standards, which would be required of all persons who install or repair LP-gas systems under the Category D license. The possible economic cost to individuals as a result of the repeal would be the cost of a Category D license, which presently costs \$50 per year. This fee would be required to anyone who is not covered by the license of another. It would be required every year.

Comments on the proposal may be submitted to Dorin G. Miller, Hearings Examiner, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711-2967.

The repeal is proposed under the Texas Natural Resources Code, §113.082, which provides the Railroad Commission of Texas with the authority to exempt from compliance with the licensing requirements of Category D all master plumbers and journeyman plumbers properly registered with the Texas State Board of Plumbing Engineers. With the authority to grant exemption rides the authority to repeal such a grant. Further, §113.051 grants the commission the power to promulgate and adopt rules or standards, or both, relating to any and all aspects of the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.28 Exemption of Master or Journeyman Plumber

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 December 14, 1984

TRD-8412473 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Earliest possible date of adoption
January 21, 1985

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

TITLE 19. EDUCATION

Part II. Texas Education Agency

Chapter 75. Curriculum

Subchapter H. Promotion and Alternatives to Social Promotion

19 TAC §§75.191-75.194

The Texas Education Agency (TEA) proposes new §§75.191-75.194, concerning promotion and alterna-

tives to social promotion. These sections comprise a new Subchapter H in Chapter 75.

The Committee for Students of the State Board of Education has conducted an extensive study on promotion and alternatives to social promotion. The committee held a public hearing in Austin on December 1, 1984, to allow individuals and group representatives to testify regarding their concerns and recommendations.

The proposed new sections address promotion and course credit and encouragement for students to take advanced courses. The committee also reviewed rules concerning alternatives to social promotion but recommended that these rules be held for further study. The TEA is proposing that the subchapter title retain the reference to alternatives to social promotion since such rules will be placed in the subchapter once they have been developed.

Proposed new §75.191 concerns grading and reporting requirements. Under this section, school districts are to determine student academic achievement using a numerical score on a scale of 0-100. This does not apply to kindergarten or prekindergarten. School districts shall develop procedures for determining student progress and reporting to parents of students at the kindergarten and prekindergarten level. Grades in all subjects or courses are to be reported to parents and students at the end of each six-week period. The report shall include the number of times the student has been absent. School districts may report grades to parents as numerical scores or may convert to letter grades. If districts choose to report letter grades, the conversion chart in the section shall be used beginning no later than September 1, 1985.

Proposed new §75.192 concerns promotion and course credit. This section contains guidelines for promotions in elementary, middle school or junior high school, and grades nine-12.

Proposed §75.193 concerns grade level advancement and course credit. For the 1984-1985 school year, school districts shall use numerical scores as required by law. The determination of the numerical score shall be based on policies and procedures established by the school district board of trustees. Variations in procedures and academic achievement level expectation for awarding grades to handicapped students shall be determined by the Admission, Review, and Dismissal Committee and included in the student's individual education plan.

Proposed new §75.194 permits students to take courses beyond graduation requirements on a pass/fail basis. This section encourages students to take advanced courses in addition to the total number of units required for graduation.

Richard Bennett, associate commissioner for finance, 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.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each

year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is consistency in the implementation of House Bill 72, 68th Legislature, 1984, requirements concerning grading and promotion. 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 Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

The new sections are proposed under the Texas Education Code, §21.721, which provides that a district may not grant social promotions and that students may be promoted only on the basis of academic achievement, and directs the State Board of Education to adopt rules prescribing alternatives to social promotion for students who cannot be promoted because of poor academic achievement.

§75.191. Grading and Reporting Requirements

(a) School districts shall determine student academic achievement using a numerical score on a scale of 0-100. For grades one-six, numerical scores shall be established for the subjects of language, arts, mathematics, science, and social studies. For grades seven-12, numerical scores shall be used for courses listed in Chapter 75 of this title, Subchapters C and D (relating to Curriculum). Grades for health, fine arts, and physical education may be determined by local district policy using numerical grades, letter grades, or indications of "excellent," "satisfactory," "unsatisfactory," or "needs improvement."

(b) School districts shall develop procedures for determining student progress and reporting to parents for students at the kindergarten and prekindergarten level. The provisions of subsection (a) of this section are not applicable to kindergarten or prekindergarten. A board of trustees may, at its option, use grading designations of "excellent," "satisfactory," "improvement needed," and "unsatisfactory" for reporting purposes for students in grades one for all of such grade or any portion thereof.

(c) Grades in all subjects or courses shall be reported to parents and students at the end of each six-week period. The report shall include the number of times the student has been absent.

(d) School districts may report grades to parents as numerical scores or may convert to letter grades. If districts choose to report letter grades, the following conversion table shall be used beginning no later than September 1, 1985:

- (1) 90-100 = A,
- (2) 80-89 = B;
- (3) 75-79 = C,
- (4) 70-74 = D; and
- (5) 69-below = actual number grade earned. A

school district may, at its discretion, record a 50 for any numerical grade earned that is lower than 50.

(e) For districts that choose to report letter grades to parents, the total numerical scores shall be used in determining promotion, course credit, and maintenance of a grade of 70 for participation in extracurricular and other activities. Numerical scores shall be used on all academic achievement records (transcripts) and maintained in the permanent records.

(f) School districts that elect to report letter grades to parents may use + and with such grades. Districts may also develop procedures for assigning and using grade points at their discretion.

§75.192. Promotion and Course Credit.

(a) Elementary grades. To be promoted from one grade level to the next, a student shall attain for the year an overall average of 70 or above which is derived by averaging the final numerical grade for language arts, mathematics, social studies, and science. In addition, a student shall attain an average of 70 or above in language arts and in mathematics. Grades for health, fine arts, and physical education may be determined by local district policy using numerical grades, letter grades, or indications of "excellent," "satisfactory," "unsatisfactory," or "needs improvement."

(b) Middle school or junior high school. To be promoted from one grade level to the next, a student shall attain an overall average of 70 or above for the year in all courses taken. In addition, students shall attain an average of 70 or above in three of the following subjects: language arts (including reading improvement if it is required to be taken), mathematics, social studies, and science. Districts are encouraged not to require a student to repeat any course in which an average of 70 or above was maintained for the year. Campus assignment shall be at the discretion of the district in the event the student neither passes nor fails all courses in the eighth grade.

(c) Grades nine-12. To receive credit for a course, a student must maintain an average of 70 or above. Districts may award credit semester by semester for a full year (one unit) course.

(d) Summer programs.

(1) Each school district may offer a summer program, for whatever length of time necessary, for its students to satisfy the subject or course requirements of any subject or course not successfully completed during the preceding school year in grades one-12. Such program may be for the equivalent of a semester, or only one or more six weeks thereof, and may be only in the subject or subjects not successfully completed in grades seven-12. The summer program may be offered at any campus determined by the school district, as provided in §75.168 (a)(2) of this title (relating to Summer School Programs), §75.163 of this title (relating to Correspondence Courses), or a combination thereof. Offering of a summer program is recommended, but is left solely at the option of the district.

(2) The parent or guardian of each student who has not successfully completed a subject or course for any semester shall be notified by the school district as soon as practical of the summer program, if any, available which may permit such student to complete successfully the subjects or courses not successfully completed during the regular school term.

§75.193. Grade Level Advancement and Course Credit.

(a) For the 1984-1985 school year, school districts shall use numerical scores as required by law. The determination of the numerical score shall be based on policies and procedures established by the school district board of trustees. Those school districts that have implemented essential elements may require mastery of those elements as a basis for earning a grade.

(b) Variations in procedures and academic achievement level expectation for awarding grades to handicapped students shall be determined by the Admission, Review, and Dismissal Committee and included in the student's individual education plan.

§75.194. Encouragement of Students to Take Advanced Courses.

Students in grades nine-12 must satisfy the requirements for graduation as provided in §75.151 of this title (relating to High School Graduation Requirements). School districts may allow any student who wishes to take courses in addition to the 21 units required for graduation or the 22 units required to accomplish the advanced high school program or in addition to higher local graduation requirements to take such courses on a pass/fail basis. Students who have a grade average of 70 or above in such courses shall be awarded credit but, at the student's option, a letter or numerical grade will not be recorded on the transcript or included in the student's total average. The student must declare intent to take such a course on a pass/fail basis on the first day the course meets. These courses shall be excluded in the computation of grade point averages. The purpose of this option is to encourage students to take advanced courses in addition to the total number of units required for graduation.

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 December 13, 1984.

TRD-8412469 W. N. Kirby
Interim Commissioner of
Education

Proposed date of adoption
February 9, 1985

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

Chapter 81. Instructional Resources

Subchapter D. State Textbook Program

General Provisions

19 TAC §81.63

The Texas Education Agency proposes amendments to §81.63, concerning materials available for use with textbooks. The proposed amendments add a section which prohibits publishers from providing complimentary supplementary materials for use with textbooks unless these materials are specifically included and described in the proclamation calling for textbooks. The amendments are proposed in the hope that the problems concerning such materials during the previ-

ous textbook adoption cycle can be avoided in future textbook adoptions

Richard Bennett, associate commissioner for finance, 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.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is that problems concerning complimentary supplementary materials for use with textbooks encountered during the previous textbook adoption cycle can be avoided in future textbook adoptions. Since the cost of "free" materials must appear in the price of textbooks in some fashion, it is hoped that this section will help retard escalation in textbook prices. 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 Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

The amendments are proposed under the Texas Education Code, §12.16(b), which authorizes the State Board of Education to make rules concerning the selection of textbooks.

§81.63. Materials Available For Use With Textbooks.

[(a) Materials in any medium which a publisher intends to make available without cost for use with textbooks bid for adoption are considered to be part of the textbook. All such material shall be submitted with the textbooks and must be adopted in accordance with the rules in this subchapter. Such materials may provide additional information on subject matter presented in the textbook but shall not introduce new subject matter not presented in the textbook. Schools may procure and use unadopted materials only in accordance with §81.151 of this title (relating to Mandatory Use of Adopted Textbooks).]

(a) [(b)] Materials in any medium which a publisher intends to make available for sale to schools, whether or not designed for use with an adopted textbook, are not considered to be part of the textbook and need not be submitted or adopted in accordance with the rules in this subchapter. Such materials shall not contain any textual material or other subject matter previously deleted, rejected, or disapproved by the State Textbook Committee or the State Board of Education.

(b) Publishers shall not provide complimentary supplementary materials for use with textbooks. Supplementary materials may be submitted with textbooks only when such materials have been specifically requested and described in the proclamation calling for textbooks.

(c) Violation of this rule shall be just cause for removal of a publisher's book from a recommended list of textbooks.

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 December 12, 1984.

TRD-8412470 W. N. Kirby
Interim Commissioner of
Education

Proposed date of adoption.

February 9, 1985

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

Chapter 97. Planning and Accreditation

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

Additional Accreditation Regulations

19 TAC §97.113

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

The Texas Education Agency (TEA) proposes amendments to §97.113, concerning student absences for extracurricular or other activities.

The State Board of Education Committee for Students has conducted an extensive study on student absences for extracurricular or other activities. The committee held a public hearing in Austin on December 1, 1984, to allow individuals and group representatives to testify regarding their concerns and recommendations.

In subsection (a), the proposed amendments provide that districts shall not schedule, nor permit students to participate in, any school-related or sanctioned activities on or off campus that would require, permit, or allow a student to be absent from class in any course more than 10 times during the 175-day school year (full-year course). The TEA is proposing that noninstructional school activities must be held outside of minimum 55-minute scheduled academic class periods in grades 9-12, 45-minute scheduled academic class periods in grades seven and eight, and six hours of academic class periods in grades four-six, or be included in one of the six allowable shortened schedules referred to in §117.1(b)(2)(G), relating to requirements for pupil attendance accounting for state funding purposes.

In subsection (b), the TEA is proposing that a school district shall inform the commissioner of education of specific exceptions to the 10 absences limitation stat-

ed in subsection (a) of the section on behalf of individual students who are competing in University Interscholastic League (UIL)-sponsored activities only. This exception must be based on circumstances which are unforeseen and which result from the students' earning the right to compete at post-UIL district levels. Exceptions shall not exceed a total of five additional absences per year. Exceptions will not be granted just to allow students who have not earned the right to compete at the post-UIL district level to participate in more district level activities than permitted under the 10 absences limitation.

In subsection (c), a student in grades 7-12 may participate in extracurricular activities on or off campus at the beginning of the school year only if the student has earned the cumulative number of credits in state-approved courses indicated in the subsection.

In subsection (d), to be eligible to participate in an extracurricular activity event for a six-week period following the initial six-week period of a school year, a student must not have a recorded grade average lower than 70 on a scale of 0-100 in any course for that preceding six-week period.

In subsection (e), a student whose recorded grade average in any course is lower than 70 at the end of a six-week period shall be suspended from participation in any extracurricular activity event during succeeding six-week periods until the end of the six-week period during which such student achieves a course grade average of 70 in each course, except the campus principal may remove this suspension if the class is identified as an honors class under the criteria stated in §75.152(d), relating to advanced high school program, or other advanced classes specified in the subsection.

Subsection (f) provides that, for the 1984-1985 school year, suspensions shall begin with the second six-week period of the spring semester based on a student's earning a grade lower than 70 in any course taken during the first six weeks of the spring semester. Such suspensions shall become effective seven days after the last day of the six-week period during which the grade lower than 70 was earned

In subsection (g), a student who has been suspended from extracurricular activity events shall also be suspended from out-of-school practice in such extracurricular activities until such suspension from participation has been lifted

In subsection (h), at the end of any six-week period in which a student has attained a course grade average of 70 or more in each course taken, any suspension from participating in extracurricular activities and/or suspension of out-of-school practice of extracurricular activities shall be removed

In subsection (i), all UIL-sponsored activities are sanctioned as school-related activities and therefore come under the provisions of the proposed amendments

In subsection (j), school districts shall develop a policy which implements this section including a provision regulating the number of times a students may

be absent pursuant to subsection (a) of this section during any one-semester course

In subsection (k), school districts shall adopt a policy limiting the number of hours a student may practice outside the school day in any single extracurricular activity to eight hours per school week. The policy shall also limit the total number of hours any student may practice a combination of all extracurricular activities outside the school day to 20 hours per school week. Limitations on travel and performance time also are addressed.

In subsection (l), at the end of the first three weeks of a grading period, the school district shall send a progress report to the parent or guardian of a student whose grade average in any class is lower than 70. The district shall make such information available to sponsors of extracurricular activities in which the student participates. The district may require any student who falls within this subsection to attend tutorial sessions.

In subsection (m), the terms "curricular," "cocurricular," and "extracurricular" activities are defined

These amendments simultaneously are adopted on an emergency basis

The amendments are effective immediately. However, the times at which the amendments actually affect student participation vary. The following list indicates the time when each subsection will actually affect student participation in extracurricular activities: effective immediately—subsections (a), (b), (i), (j), and (k), effective 1985 spring semester—subsections (d)-(g), at the beginning of the fifth six weeks, subsection (h) effective at the beginning of the sixth six weeks, subsection (l) effective at the end of the third week of the fourth six weeks, and subsection (m) effective at the beginning of the fourth six weeks, and effective with the 1985 fall semester—subsection (c)

Richard Bennett, associate commissioner for finance, 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

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is greater protection of the school day for academic work. 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 Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

The amendments are proposed under the Texas Education Code, §11.26(a)(5), which authorizes the State Board of Education to establish regulations for the accreditation of school districts, and the Texas Education Code, §21.920, which directs the State Board of Education by rule to limit participation in and practice for extracurricular activities during the school day and school week.

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 December 14, 1984.

TRD-8412511 W. N. Kirby
Interim Commissioner of
Education

Proposed date of adoption:

February 9, 1985

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

Chapter 117. Pupil Attendance Accounting

19 TAC §117.1

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

The Texas Education Agency proposes amendments to §117.1, concerning requirements for pupil attendance accounting for state funding purposes. The Committee for Students of the State Board of Education has conducted an extensive study on requirements for pupil attendance accounting for state funding purposes. The committee held a public hearing in Austin on December 1, 1984, to allow individuals and group representatives to testify regarding their concerns and recommendations.

The proposed amendments occur in subsection (b)(2)(G). With the approval of the local board of school trustees, a school may operate on an abbreviated day (not to be confused with half-day sessions). Where it is determined by the local board of school trustees, to meet all classroom assignments, the local board may shorten each class period for the school to participate in school-sponsored activities. The proposed change is that any class period may not be shortened to less than 45 minutes in grades nine-12. It is also proposed that this procedure is to be used no more than six times per year and is to be so noted in the minutes of the local school board of trustees. These amendments are adopted on an emergency basis in this issue.

Richard Bennett, associate commissioner for finance, 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.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is better protection of scheduled class time to ensure that nonacademic activities do not excessively encroach on the school day. 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 Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

The amendments are proposed under the Texas Education Code, §21.923, which requires each school district to adopt and enforce a policy limiting interruptions of classes during the school day for nonacademic activities.

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 December 12, 1984.

TRD-8412471 W. N. Kirby
Interim Commissioner of Education

Proposed date of adoption:

February 9, 1985

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

Part III. Teachers' Professional Practices Commission

Chapter 181. Procedure

Subchapter A. Complaints and Hearings

19 TAC §181.5

The Teachers' Professional Practices Commission (TPPC) proposes amendments to §181.5, concerning action upon complaints which are filed. The TPPC hears complaints filed by active certified members of the teaching profession against one another pursuant to the Texas Education Code, §§13.201-13.218. The proposed change adds a new subsection (c), which provides that once the commission has accepted jurisdiction, the director will notify the respondent (person complained against) of the complaint and the pending hearing. This change allows the respondent to have more adequate time to prepare for a hearing before the commission.

Richard Bennett, associate commissioner for finance, 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.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is that the person complained against will have more adequate time to prepare for the hearing. 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 Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

The amendments are proposed under the Texas Education Code, § 13.208, which authorizes the TPPC to adopt its own rules of order and procedure in accordance with the Texas Education Code, Chapter 13.

§181.5. Action Upon Complaint

(a)-(b) (No change)

(c) Upon acceptance of jurisdiction, the director will notify the respondent of the complaint and the pending hearing. The director will forward to the respondent by registered mail the following information:

(1) a copy of the complaint;

(2) a notice that includes:

(A) legal authority and jurisdiction for the hearing;

(B) reference to particular sections of statutes and rules involved; and

(C) statement of the jurisdictional matters; and

(3) rules of procedure for hearing complaints before the Teachers' Professional Practices Commission of Texas.

(d)[(c)] The director will forward a copy of the complaint to the chairperson and advise him or her of the necessary procedures to be followed

(e)[(d)] Upon receipt of the complaint, the chairperson will make the following determinations:

(1)-(3) (No change)

(f)[(e)] The chairperson, through the director, will transmit to the respondent by registered mail at least 15 days prior to the date established for the hearing, the following information

[(1) a copy of the complaint;]

[(1)[(2)] a notice that includes.

(A)-(B) (No change)

[(C) reference to particular sections of statutes and rules involved; and

[(D) statement of the jurisdictional matters

[(3) rules of procedures for hearing complaints before the Teachers' Professional Practices Commission of Texas (Subchapter A of the chapter (relating to Complaints and Hearings)).]

(2)[(4)] names of the commission members who will hear the complaint

(g)[(f)] The director will transmit the identical information that is sent to the respondent to the complainant and to those members of the commission who will hear the complaint

(h)[(g)] Prior to the hearing, all communications between the parties affected and the commission will be through the director, and the communications are not to be directed to individual commission members

(i)[(h)] If either party intends to be represented at the hearing by legal counsel, he or she should notify the director of this at the earliest possible time

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 December 14, 1984

TRD-8412512

W N Kirby
Interim Commissioner of
Education

Earliest possible date of adoption

January 21, 1985

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

TITLE 22. EXAMINING BOARDS

Part XVI. Texas State Board of Physical Therapy Examiners

Chapter 339. Fees

22 TAC §§339.1-339.3

(Editor's note The Texas State Board of Physical Therapy Examiners proposes for permanent adoption the amendments it adopts on an emergency basis in this issue. The text of the amendments is published in the Emergency Rules section of this issue.)

The Texas State Board of Physical Therapy Examiners proposes amendments to §§339.1-339.3, concerning fees. For the board to meet the escalated costs of examinations and data processing recently passed to the board, the members of the board passed a motion to increase the fees.

Lois M. Smith, executive 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.

Ms. Smith also has determined that for each year of the first five years the rules as proposed are in effect there is no anticipated public benefit. The anticipated economic cost to individuals who are required to comply with the rules as proposed is an increase of \$35 per individual applying for a physical therapist license by examination, an increase of \$30 per individual applying for physical therapist assistant license by examination, and an increase of \$15 per person applying for a licensure by endorsement.

Comments on the proposal may be submitted to Lois M. Smith, 1300 East Anderson Lane, Building C, Suite 260, Austin, Texas 78752.

The amendments are proposed under Texas Civil Statutes, Article 4512e, §3(E) which provide the Texas State Board of Physical Therapy Examiners with the authority to adopt rules consistent with the Texas Physical Therapy Practice Act to carry out its duties in administering the Act

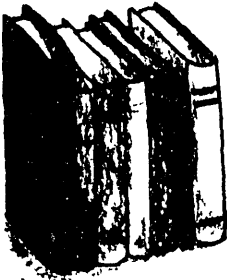
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt

Issued in Austin, Texas, on December 13, 1984.

TRD-8412465 Lois M. Smith
Executive Director
Texas State Board of Physical
Therapy Examiners

Earliest possible date of adoption
January 21, 1985

For further information, please call (512) 835-1848.



TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part VII. Texas Water Well Drillers Board

Chapter 231. Substantive Rules Licensing Procedures

31 TAC §§231.35, 231.37, 231.39

The Texas Water Well Drillers Board proposes amendments to §§231.35, 231.37, and 231.39, concerning requirements for issuance of a license, applications, and establishing Texas residency, respectively. The proposed amendments will allow qualified water well drillers licensed by other states to obtain a Texas water well drillers license without being required to establish Texas residency, provided similar requirements for Texas water well drillers are waived by the other states.

Mike Hodges, fiscal services chief, 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. Hodges also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is the establishment of a means by which qualified water well drillers licensed by other

states may obtain a Texas water well drillers license without being required to establish Texas residency. This allows for reciprocal agreements with other states by which Texas drillers may qualify for licenses in other states without establishing residency in those states, resulting in increased markets for Texas drillers and a greater selection of qualified drillers for Texas consumers. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Patrick J. Sullivan, Staff Attorney, Office of the General Counsel, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711, (512) 475-6943.

The amendments are proposed under Texas Civil Statutes, Article 7621e, §4, which provide the Texas Water Well Drillers Board with the authority to develop rules specifying grounds by which the Texas Department of Water Resources may waive any license requirements for an applicant with a valid license from another state having license requirements substantially equivalent to those of this state.

§231.35. Requirements for Issuance of a License.

(a) (No change.)

(b) Each applicant shall have been a resident of the state for not less than 90 days consecutive prior to making application for a license **unless this requirement is waived by the board in accordance with §231.39(c) of this title (relating to Establishing Texas Residency).**

(c)-(f) (No change.)

§231.37. Applications

(a) (No change.)

(b) Applications shall include:

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

(4) the applicant's sworn statement that he has been a resident of Texas for 90 consecutive days immediately prior to making his application **or a written request for waiver of this requirement in accordance with §231.39(c) of this title (relating to Establishing Texas Residency);**

(5)-(6) (No change.)

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

§231.39. Establishing Texas Residency.

(a) **Except as provided in subsection (c) of this section,** an applicant must provide a sworn statement indicating that he has been physically present in the State of Texas with the intent of making Texas his permanent home for at least 90 consecutive days prior to submitting his application for a license.

(b) (No change.)

(c) **The board may waive the residency requirement set out in subsection (a) of this section for any applicant who is not a resident of the State of Texas and who holds a valid current license or registration issued by proper authority of any other state of the United States if the licensing standard under which such license was issued is of a standard not lower than that established by the board and if that state extends similar privileges to Texas drillers licensed by the board.**

(d) **The department shall maintain a list of all other states which have licensing requirements substantially**

equivalent to those of Texas and which extend reciprocity to Texas drillers licensed by the board.

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 December 14, 1984

TRD-8412528 Susan Plettman
General Counsel
Texas Department of Water
Resources

Earliest possible date of adoption
January 21, 1985

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

Part X. Texas Water Development Board

Chapter 333. Area Water Quality Management

Lake Houston Watershed

31 TAC §§333.41-333.47

The Texas Department of Water Resources proposes new §§333.41-333.47, concerning the Lake Houston Watershed. Protection of the water quality of Lake Houston is necessitated due to its importance as a drinking water source. Lake Houston is also used for contact and noncontact recreation. The proposed sections are the result of investigations of water quality conditions and the projected impact of wastewater discharges into the Lake Houston Watershed.

Generally, the proposed sections address effluent requirements for discharge and for land application, solids management practices, required expansion of wastewater treatment facilities to prevent hydraulic overloads, and chlorination disinfection systems.

Proposed §333.41 contains the definition of "Lake Houston Watershed."

Proposed §333.42 establishes effluent treatment levels for domestic wastewater treatment facilities, and requires that all currently permitted and existing facilities achieve the specified treatment levels by January 1, 1990. The Texas Water Commission may require more stringent treatment levels or may authorize less stringent treatment levels on a case-by-case basis.

Proposed §333.43 requires that industrial wastewater treatment facilities achieve effluent treatment levels commensurate with best waste management practices. Currently permitted and existing facilities must achieve compliance by January 1, 1990. The Texas Water Commission may require more stringent treatment levels or authorize less stringent treatment levels on a case-by-case basis.

Proposed §333.44 sets out requirements for facilities which dispose of wastewater effluent by land application methods.

Proposed §333.45 requires that all persons making application for renewal or amendment of an existing permit, or for a new wastewater discharge permit, submit a solids management plan which contains certain specified information as well as the applicant's proposed methods of solids management and disposal.

Proposed §333.46 contains requirements for expansion and upgrading of existing domestic sewage treatment plants prior to the time that a given plant actually becomes hydraulically overloaded. The section provides for waiver of the requirements where the permittee demonstrates no need for the upgrading or expansion based on the projected population to be served by the facility.

Projected §333.47 requires that facilities which utilize gaseous chlorination shall have dual feed systems with automatic switch from one cylinder to another.

Mike Hodges, Fiscal Services Section chief, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state government as a result of enforcing or administering the rules. The effect on local government for the first five-year period the rules will be in effect is an estimated additional cost of \$2 million each year in 1985-1989.

The cost of compliance with the rules for small businesses is a 10%-15% increase to those that are wastewater-intensive.

Mr. Hodges also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is improved water quality in Lake Houston. 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 Dan Beckett, Texas Department of Water Resources, P O Box 13087, Austin, Texas, (512) 475-3454.

The new sections are proposed under the Texas Water Code, §5.131 and §5.132, which provides the Texas Water Development Board with the authority to regulate and promulgate the rules.

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

Lake Houston Watershed—The entire drainage area of Lake Houston, with the exception of that portion of the drainage basin of the west fork of the San Jacinto River which lies upstream of the Lake Conroe dam.

§333.42 Effluent Requirements (Domestic). All new domestic sewage treatment facilities or proposed expansions to existing domestic sewage treatment facilities which dispose of treated effluent by discharge into the waters of the state in the Lake Houston Watershed shall, at a minimum, achieve the effluent treatment level specified in Effluent Set 2-N and A in §327.4 of this title (relating to Table 1—Effluent Standards for Domestic

Wastewater Treatment Plants), except as otherwise provided in this section. All currently permitted and existing domestic sewage treatment facilities shall comply with the effluent requirements of this section on or before January 1, 1990. The Texas Water Commission may require more stringent effluent limitations where necessary to protect water quality. The Texas Water Commission may authorize less stringent effluent limitations based on considerations consistent with the provisions of the Texas Water Code.

§333.43 Effluent Requirements (Industrial) All new industrial wastewater treatment facilities or proposed expansions to existing industrial wastewater treatment facilities which dispose of treated wastewater effluent by discharge into the waters of the state in the Lake Houston Watershed shall achieve effluent treatment levels commensurate with best waste management practices. All currently permitted and existing industrial sewage treatment facilities shall comply with the effluent requirements of this section on or before January 1, 1990. The Texas Water Commission may require more stringent effluent limitations where necessary to protect water quality. The Texas Water Commission may authorize less stringent effluent limitations based on considerations consistent with the provisions of the Texas Water Code.

§333.44 Land Disposal. All sewage treatment facilities which dispose of wastewater effluent by land disposal methods in the Lake Houston Watershed shall provide secondary treatment as specified in §§327.1-327.4 of this title (relating to Domestic Wastewater Treatment Plants) prior to discharge into storage ponds for land disposal. Storage ponds and land disposal facilities shall be designed, constructed, and operated in accordance with §325.30(c) of this title (relating to Appendix B—Land Disposal of Sewage Effluent).

§333.45 Domestic Solids Treatment The permittee of a domestic sewage treatment facility discharging into the Lake Houston Watershed who requests renewal or amendment of an existing permit, or any person who submits an application for a new wastewater discharge permit, shall submit with the application for renewal, amendment, or new permit a solids management plan. The report describing such plan shall contain, at a minimum, the following information:

- (1) the type of wastewater treatment process used;
- (2) the dimensions and capacities of all solids handling and treatment units and processes;
- (3) calculations showing the amount of solids generated at design flow and at 75%, 50%, and 25% of design flow;
- (4) operating range for mixed liquor suspended solids in the treatment process based on the projected actual and design flow expected at the facility;
- (5) description of the procedure and method of solids removal from the treatment process;
- (6) quantity of solids to be removed from the process to maintain an appropriate solids inventory; and
- (7) identification of the ultimate disposal site and a system of documenting the amount of solids removed in dry weight form.

§333.46. Hydraulic Overloads. Whenever self-reported effluent values for any domestic sewage treatment facility discharging into the Lake Houston Watershed exceed the allowable daily maximum flow by 40% during any 30-day period, or whenever the self-reported average daily flows reach 80% of the permitted average daily flow for three consecutive months, the permittee must initiate engineering and financial planning for expansion and/or upgrading of the domestic wastewater treatment facilities. Whenever the self-reported average daily flows reach 95% of the permitted average daily flow for three consecutive months, the permittee shall obtain necessary authorization from the Texas Water Commission and commence construction of the necessary additional treatment facilities. In the case of a domestic treatment works which reaches 80% of the permitted average flow for three consecutive months, and the planned population to be served is not expected to exceed the design limitations of the treatment facility, the permittee will submit an engineering report supporting this claim to the executive director. If, in the judgment of the executive director, the population to be served will not cause permit noncompliance, then the requirements of this section will be waived. Any waiver of these requirements will be reviewed upon expiration of the existing permit.

§333.47. Disinfection. By January 1, 1990, the permittees of all domestic sewage and industrial wastewater treatment facilities discharging into the Lake Houston Watershed which utilize gaseous chlorination disinfection systems shall install dual-feed chlorination systems which are capable of automatically changing from one cylinder to another.

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 December 13, 1984.

TRD-8412522 Susan Plettman
General Counsel
Texas Department of Water
Resources

Earliest possible date of adoption
January 21, 1985

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

TITLE 34. PUBLIC FINANCE

Part IV. Employees Retirement System of Texas

Chapter 81. Insurance

34 TAC §81.1

The Employees Retirement System of Texas (ERS) proposes amendments to §81.1, concerning definitions. The amendments add definitions for "dependent" and "employee."

Henry Eckert, Group Insurance Division 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 or small businesses as a result of enforcing or administering the rule

Mr. Eckert also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is that the State Employees Group Insurance Program will be administered uniformly in accordance with the definitions contained in the board of trustees rules. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed

Comments on the proposal may be submitted to Henry D. Eckert, Director, Group Insurance Division, Employees Retirement System of Texas, P O Box 13207, Austin, Texas 78711

The amendments are proposed under the Insurance Code, Article 3 50-2, §4A, which provides the ERS with the authority to adopt rules consistent with this Act that provide standards for determining eligibility for participation in the program, including standards for determining disability

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

Dependent—The spouse of an employee or retired employee and an unmarried child under 25 years of age, including:

- (A) the natural child of an employee/retiree;
- (B) a legally adopted child (including a child living with the adopting parents during the period of probation);
- (C) a stepchild whose primary place of residence is the employee/retiree's household;
- (D) a child whose primary place of residence is the household of which the employee/retiree is head and to whom the employee/retiree is legal guardian of the person; and
- (E) a foster child or other child who is in a parent-child relationship to the employee/retiree, provided the child's primary place of residence is the household of the employee/retiree, the employee/retiree provides the necessary care and support for the child, and the natural parent of the child does not reside in the same household; and

(F) any such child, regardless of age, who lives with or whose care is provided by an employee or annuitant on a regular basis if such child is mentally retarded or physically incapacitated to such an extent as to be dependent upon the employee or retired employee for care or support, as the trustee shall determine;

(i) mentally retarded or physically incapacitated means any medically determinable physical or mental condition which prevents the child from engaging in self-sustaining employment; provided that the condition commences prior to such child's attainment of age 25 and that satisfactory proof of such condition and dependency is submitted by the employee/retiree within 31 days following such child's attainment of age 25,

(ii) as a condition to the continued coverage of a child as a mentally retarded or physically incapacitated dependent beyond the age of 25, the insurance carrier

or health maintenance organization shall have the right to require periodic certification of the child's physical or mental condition but not more frequently than annually after the two-year period following the child's attainment of age 25.

Employee--

(A) Any appointive or elective state officer or employee in the service of the State of Texas, except employees of any university, senior or community/junior college, or any other agency of higher education within the meaning and jurisdiction of the Texas Education Code, Title 3, Chapter 61:

(i) who is retired or retires and is an annuitant as defined in the Act;

(ii) who receives his compensation for services rendered to the State of Texas on a warrant issued pursuant to a payroll certified by a department or by an elected or duly appointed officer of this state;

(iii) who receives payment for the performance or personal services on a warrant issued pursuant to a payroll certified by a department and drawn by the comptroller of public accounts upon the state treasurer against appropriations made by the Texas Legislature from any state funds or against any trust funds held by the state treasurer or who is paid from funds of an official budget of a state department, rather than from funds of the General Appropriations Act; or

(iv) who is appointed, subject to confirmation of the senate, as a member of a board or commission with administrative responsibility over a statutory agency having statewide jurisdiction whose employees are covered by the Act.

(B) Persons performing personal services for the State of Texas as independent contractors shall never be considered employees of the state for purposes of the Act.

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 December 17, 1984

TRD-8412533 Clayton T Garrison
Executive Director
Employees Retirement System of
Texas

Earliest possible date of adoption

January 21, 1985

For further information, please call (512) 476-6431,
ext 212

34 TAC §81.15

The Employees Retirement System of Texas proposes amendments to §81.15, concerning approved health maintenance organizations (HMOs). The amendments ensure that HMOs which enroll state employees and retirees have met certain criteria established by the board of trustees

Henry Eckert, Group Insurance Division 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 or small businesses as a result of enforcing or administering the rule.

Mr. Eckert also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is that state employees and retirees will be assured that HMOs which enroll these employees have met certain criteria established by the board of trustees. 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 Henry Eckert, Director, Group Insurance Division, Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711.

The amendments are proposed under the Insurance Code, Article 3.50-2, §5, which provides the Employees Retirement System of Texas with the authority to select and contract for services performed by health maintenance organizations.

§81.15. Approved Health Maintenance Organizations.

(a) Only health maintenance organizations (HMOs) **certified** [licensed] by the State of Texas and **federally approved** will be eligible to be selected by the board to offer health benefits programs to participants in the insurance program. [A request to offer an HMO program to participants in the insurance program must be submitted to the board not later than the January 15 immediately preceding the beginning date of the next contract year.]

(b) An HMO that loses its state or federal **certification** [license] will automatically become ineligible to offer its health benefits program to participants in the insurance program.

(c) To be eligible for board approval to offer HMO services to state employees and retirees:

(1) an HMO must be **federally approved and certified** [licensed] by the State of Texas and providing HMO services in the area for which application is made for a [minimum] period of **at least 12 months prior to the date** [at the time] application is made to the Employees Retirement System. **This requirement shall also apply to an expansion of service area if the expansion results in the establishment of a service area requiring a separate rating structure or an extension of the HMO's service area into another area in which one or more HMOs are currently providing services to state employees and retirees.**

(2) (No change.)

(3) An HMO must submit an annual application with rates in the format prescribed by the Employees Retirement System of Texas to the board by January 15 of each year. An expansion of service area as described in subsection (c)(1) of this section shall require a separate application.

(4)[(3)] An HMO must agree to the provisions contained in the letter of agreement [meet the HMO evaluation criteria] as adopted by the board for the contract year for which application is made.

(d) Approval by the board may be limited to one group-type HMO and one independent practice-type HMO within a given service area.

(e)[(d)] If an HMO, previously approved by the board, fails to maintain compliance with the letter of agreement [evaluation criteria] as adopted by the board,

the board has the right to cancel the existing contract with that HMO upon proper notification.

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 December 17, 1984.

TRD-8412534

Clayton T. Garrison
Executive Director
Employees Retirement System of
Texas

Earliest possible date of adoption
January 21, 1985

For further information, please call (512) 476-6431,
ext. 212.



Part VII. State Property Tax Board Chapter 155. Tax Record Requirements

34 TAC §155.31

The State Property Tax Board proposes an amendment to §155.31, concerning deletion of the bank rendition form. This amendment was adopted on an emergency basis in the November 30, 1984, issue of the *Texas Register* (9 TexReg 6043)

The amendment concerns the bank rendition of taxable property. The amendment deletes references to the bank rendition form and the adoption by reference of the bank rendition Form V-22-05. The amendment is necessary because of the repeal of provisions of the Property Tax Code regarding the taxation of certain property of banks, effective January 1, 1984, passed as House Bill 122, 68th Legislature, 2nd Called Session, 1984. The board proposes this amendment to comply with legislation, making a special rendition form for banks unnecessary. Under the amended provisions, no specialized rendition form would be required by banks.

Jeannie Navarro, attorney, Office of 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.

Ms. Navarro also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is uniformity in the rendition of taxable personal property used for the production of income. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed, since this amendment merely deletes an obsolete rendition form no longer usable because of recent legislation.

Comments on the proposal may be submitted to John Franklin Niles, General Counsel, State Property Tax Board, P O Box 15900, Austin, Texas 78767

The amendment is proposed under the Texas Property Tax Code, §5.07(a), which provides the State Property Tax Board with the authority to prescribe the contents of all forms necessary for the administration of the property tax system, and §22.24, which empowers the board to prescribe different forms for different kinds of property

§155.31 Rendition Forms

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

(d) The following model rendition forms for various categories of property are adopted by the State Property Tax Board by reference. Copies of these forms are available free upon request from the State Property Tax Board, P O Box 15900, Austin, Texas 78761. In addition, copies of the forms are available for inspection at the offices of the *Texas Register*

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

(5) Bank Rendition of Taxable Property, State Property Tax Board Rendition Form V22.05,

(6) Industrial Real Property Rendition of Taxable Property, State Property Tax Board Rendition Form V22.06

(7) Oil and Gas Lease Rendition of Taxable Property, State Property Tax Board Rendition Form V22.07,

(8) Mine and Quarry Real Property Rendition of Taxable Property, State Property Tax Board Rendition Form V22.08,

(9) Telephone Company Rendition of Taxable Property, State Property Tax Board Rendition Form V22.09,

(10) RIA-Financed Telephone Company Rendition of Taxable Property, State Property Tax Board Rendition Form V22.10,

(11) Electric Company and Electric Cooperative Rendition of Taxable Property, State Property Tax Board Rendition Form V22.11,

(12) Gas Distribution Utility Rendition of Taxable Property, State Property Tax Board Rendition Form V22.12,

(13) Railroad Rendition of Taxable Property, State Property Tax Board Rendition Form V22.13,

(14) Pipeline and Right-of-Way Rendition of Taxable Property, State Property Tax Board Rendition Form V22.14,

(15) Business Personal Property Rendition of Taxable Property, State Property Tax Board Rendition Form V22.15,

(16) Watercraft Rendition of Taxable Property, State Property Tax Board Rendition Form V22.16,

(17) Aircraft Rendition of Taxable Property, State Property Tax Board Rendition Form V22.17,

(18) Mobile Homes Rendition of Taxable Property, State Property Tax Board Rendition Form V22.18,

(19) Statement of the Valuation of Rolling Stock (Railroad), Comptroller of Public Accounts Form 30-103,

(20) Statement of Leased Rolling Stock (Railroad), Comptroller of Public Accounts Form 30-104,

(20) Statement of the Valuation of Rolling Stock (Leasing Company), Comptroller of Public Accounts Form 30-105

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 December 13, 1984

TRD-8412467 Ron Patterson
Executive Director
State Property Tax Board

Earliest possible date of adoption

January 21, 1985

For further information, please call (512) 834-4802

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part III. Texas Youth Commission Chapter 81. General Provisions Control of Youth

37 TAC §81.196

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Youth Commission, 8900 Shoal Creek Boulevard, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Youth Commission proposes the repeal of §81.196, concerning security and solitary confinement. The section has been superseded by §81.39, adopted December 23, 1983 (8 Tex Reg 5425), and by §89.540-89.610, adopted March 16, 1984 (9 Tex Reg 1581).

Byron Griffin, assistant executive director for child care, has determined that for the first five-year period the repeal is in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Mr. Griffin and Martha K. McCann, manuals system coordinator, have determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is consistency in the agency rules governing security units. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Martha K. McCann, Manuals System Coordinator, Texas Youth Commission, P O Box 9999, Austin, Texas 78766.

The repeal is proposed under the Human Resources Code, §61.075, which provides the Texas Youth Commission with the authority to order the confinement of a delinquent child under the conditions it believes best designed for the child's welfare and the interests of the public.

§81.196 *Security and Solitary Confinement.*

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 December 13, 1984

TRD-8412463 Ron Jackson
Executive Director
Texas Youth Commission

Earliest possible date of adoption
January 21, 1985

For further information, please call (512) 452-8111,
ext. 390

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 December 14, 1984

TRD-8412487 Ron Jackson
Executive Director
Texas Youth Commission

Earliest possible date of adoption
January 21, 1985

For further information, please call (512) 452-8111,
ext. 390

Chapter 93. Volunteer Services Volunteer Management

37 TAC §§93.21, 93.23, 93.25, 93.45
94.49

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Youth Commission, 8900 Shoal Creek Boulevard, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Youth Commission proposes the repeal of §§93.21, 93.23, 93.25, 93.45, and 93.49, concerning age, identification, meals, employees, former employees, and students' relatives as volunteers, selecting, training, assigning, and evaluating, volunteer hours, and separation. Volunteer services is revising and reorganizing its rule to improve program management and operation. These rules are being replaced by rules simultaneously proposed in this issue of the *Texas Register*.

Joan Timmons, volunteer services chief, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications to state or local government or small businesses as a result of the repeal.

Ms. Timmons also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is better provision of volunteer services to TYC students. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Martha K. McCann, Manuals System Coordinator, P.O. Box 9999, Austin, Texas 78766.

The repeal is proposed under the Human Resources Code, §61.34, which provides the Texas Youth Commission with the authority to adopt all policies and make rule appropriate to the proper accomplishment of its functions.

§93.21 *Age, Identification, Meals*

§93.23 *Employees, Former Employees, and Students' Relatives as Volunteers*

§93.25 *Selecting, Training, Assigning, and Evaluating*

§93.45 *Volunteer Hours*

§93.49 *Separation*

37 TAC §§93.21, 93.25, 93.29, 93.33, 93.37,
93.41, 93.43, 93.45, 93.49, 93.53

The Texas Youth Commission proposes new §§93.21, 93.25, 93.29, 93.33, 93.37, 93.41, 93.43, 93.45, 93.49, and 93.53. The proposed new sections replace §§93.21, 93.23, 93.25, 93.45, and 93.49 simultaneously proposed for repeal. Volunteer services is revising and reorganizing its rules to improve program management and operation.

Joan Timmons, volunteer services chief, 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.

Ms. Timmons also has determined that for each of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is better provision of volunteer services to TYC students. There is no anticipated economic cost to individuals as a result of enforcing or administering the rules.

Comments on the proposal may be submitted to Martha K. McCann, Manuals System Coordinator, P.O. Box 9999, Austin, Texas 78766.

The new sections are proposed under Human Resources Code, §61.34, which provides the Texas Youth Commission with the authority to adopt all policies and make rules appropriate to the proper accomplishment of its functions.

§93.21 *Recruiting and Selecting*

(a) Policy. Volunteer services recruits potential volunteers from diverse cultural, socio-economic, and age groups of the community.

(b) Procedure

(1) Recruiting

(A) Survey staff to determine individual needs for volunteers. (Person responsible: volunteer coordinator)

(B) Survey students periodically to determine their interests and needs for volunteers. (Person responsible: volunteer coordinator)

(C) Survey the community to determine volunteer interests and resources. (Person responsible: volunteer coordinator)

(D) Provide volunteer applications, Form 74.93.021a, to potential volunteers. (Person responsible: volunteer coordinator)

(2) Selecting

(A) Qualify for interviewing those applicants who meet the minimum requirements: (Person responsible: volunteer coordinator)

(i) are at least 16 years old (may be waived by volunteer coordinator if the applicant would be a member of a volunteer group which is supervised by an adult);

(ii) have a signed parental permission, Form 71.93.021b, if age 17 or younger.

(B) Interview applicants using the last page of the application Form 71 93 021a (Person responsible: volunteer coordinator)

(i) assess the applicant's abilities, interests and motivations to be a volunteer,

(ii) inform the applicant that criminal record and personal references will be checked,

(iii) explain the training requirements and the kinds of assignments which might be made for a volunteer.

(C) Check applicant's records and references (Person responsible: volunteer coordinator)

(i) Complete volunteer criminal record check, Form 71 93 021c. Send form to central office personnel office for processing, if the volunteer program is one for halfway houses, parole, or group homes. If a volunteer program of an institution, send form to the personnel office of that institution.

(ii) Mail the volunteer personal reference, Form 71.93 021d, to the applicant's listed references.

(D) Evaluate the applicant (Person responsible: volunteer coordinator)

(i) Examine the criminal record report. If the person has a record of conviction within the last 10 years for one of the prohibited offenses listed in the Personnel Manual 91 02 030. For offenses requiring investigation, report the facts to the director of institutions or the director of community/special services and ask the director to determine whether the person has been rehabilitated. If the director says yes, proceed, if not, notify the applicant in writing that a volunteer position will not be offered at this time.

(ii) Evaluate character references. If the total score in Item 3 is less than 32 or the score in any part of Item 3 is a 1 or a 2 or the answer to any other item seems alarming, contact the reference and inquire further. After receiving further information, assess whether the applicant seems to be trustworthy and able to make a contribution to the volunteer program. If yes, proceed, if not, notify the applicant in writing that volunteer position will not be offered at this time.

(E) Select those applicants who seem best suited to work with the TYC students and the program (Person responsible: volunteer coordinator)

(F) Notify each applicant in writing of the decision (Person responsible: volunteer coordinator)

(G) Start a file on each selected volunteer. Include: (Person responsible: volunteer coordinator)

(i) Form 93 021a, volunteer application,

(ii) Form 93.021b, parental permission,

(iii) Form 93 021c, volunteer criminal records check,

(iv) Form 93 021d, volunteer personal reference;

(v) Form 93 021e, volunteer record

(H) Make a volunteer identification card and give it to the volunteer when he/she accepts the first assignment (Person responsible: volunteer coordinator)

§93.25. Employee Volunteers

(a) Policy Texas Youth Commission employees may volunteer their services without compensation if their time is donated willingly

(b) Procedure

(1) Have employees fill out the employee volunteer application, Form 71 93 025a (Person responsible: volunteer coordinator)

(2) Select employee volunteers the same way you select other volunteers. See §93 21 of this title (relating to Recruiting and Selecting) for procedures (Person responsible: volunteer coordinator)

(3) Provide new employee volunteers with the same training you provide new volunteers. See §93 37 of this title (relating to Training) (Person responsible: volunteer coordinator)

(4) Assign employee volunteers following §93 41 of this title (relating to Assigning Volunteers). In addition, make sure the assignment does not conflict with regular work duties (Person responsible: volunteer coordinator)

(5) File the application in your file on the volunteer. Send a copy to the employee's personnel file (Person responsible: volunteer coordinator)

§93 29 Former Employees as Volunteers

(a) Policy Former employees of the Texas Youth Commission may serve as volunteers

(b) Procedure Follow procedure in §93 21 of this title (relating to Recruiting and Selecting) (Person responsible: volunteer coordinator)

§93.33. Students' Relatives as Volunteers

(a) Policy Students' relatives may serve as volunteers.

(b) Procedure

(1) Follow procedure in §93 21 of this title (relating to Recruiting and Selecting) (Person responsible: volunteer coordinator)

(2) Assign in an area not closely related to the student (Person responsible: volunteer coordinator)

§93 37 Training.

(a) Policy Volunteer services provides new volunteers with training before assigning volunteers to work with staff or students. Training is also provided for TYC staff members

(b) Procedure

(1) Staff training.

(A) Provide an overview of volunteer services as a part of new employee orientation. (Person responsible: volunteer coordinator)

(B) Conduct additional training for your facility quarterly (Person responsible: volunteer coordinator)

(C) Conduct training for volunteer coordinators annually (Person responsible: chief of volunteer services, assistant chief of volunteer services)

(D) Ensure training is documented on the staff's individual training record. (Person responsible: volunteer coordinator, assistant chief)

(2) Volunteer training.

(A) Train new volunteers in the following. (Person responsible: volunteer coordinator)

- (i) Texas Youth Commission history,
- (ii) history of your facility or program;
- (iii) community advisory council,
- (iv) interpersonal skills,
- (v) roles and responsibilities of volunteers,
- (vi) Texas Youth Commission child care policies, including §81.11 of this title (relating to Student Rights), §§81.111-81.121 of this title (relating to Case Management System for Delinquent Youth); and §§81.21-81.45 of this title (relating to Child Care Standards)
- (vii) use of timesheets, sign in logs, and other documentation,
- (viii) confidentiality,
- (ix) volunteer liability;
- (x) goals, expectations, or apprehensions of the volunteer, and
- (xi) specific job assignment

(B) Offer volunteers the opportunity to attend training offered to TYC employees. (Person responsible: volunteer coordinator)

(C) Record training time on volunteer timesheet and place in the volunteer's file. (Person responsible: volunteer coordinator)

(D) Obtain signed volunteer agreement, Form 71.93.037a, from each volunteer and place in volunteer's file. (Person responsible: volunteer coordinator)

§93.41 *Assigning Volunteers*

(a) Policy. Volunteer coordinators assign volunteers to work with individual students, with groups of students, or with TYC staff members. Volunteers perform professional services only when certified or licensed to do so.

(b) Procedure

(1) Individual assignments

(A) Obtain volunteer services referrals, Form 71.93.041a, from TYC staff members. (Person responsible: volunteer coordinator)

(B) Write a volunteer job description (Form 71.93.041b) based on the referral form. (Person responsible: volunteer coordinator)

(C) Match a volunteer to the job description. Obtain a copy of the volunteer's professional license or certificate if needed. (Person responsible: volunteer coordinator)

(D) Discuss the job assignment with the volunteer and sign the job description if the volunteer agrees to the assignment. (Person responsible: volunteer coordinator)

(E) Share as much information from the student's file as the volunteer needs to know. See §81.223 of this title (relating to Access to Student Records). (Person responsible: volunteer coordinator)

(F) Schedule the volunteer to meet with the student and the staff member who will supervise the assignment. (Person responsible: volunteer coordinator)

(G) If the assignment is acceptable, use the volunteer/student assignment, Form 71.93.041c, to document the assignment and the schedule. (Person responsible: volunteer coordinator)

(H) File each form in your file on the volunteer. Send a copy of the assignment form to the student's

casework subfile. (Person responsible: volunteer coordinator)

(2) Group activities

(A) Receive requests for student group activities with volunteers, either on- or off-campus. (Person responsible: volunteer coordinator)

(B) Find a community volunteer group interested in providing an activity. (Person responsible: volunteer coordinator)

(C) Work with the child care staff and the volunteer group as needed to schedule and make necessary arrangements for the activity. (Person responsible: volunteer coordinator)

(3) Other assignments

(A) Work with your program staff to provide other volunteer assignments for volunteers with special interests or talents in administrative, technical, vocational, artistic, or cultural areas. (Person responsible: volunteer coordinator)

(B) Arrange special activities in cooperation with the recreation staff for all students such as holiday or sports activities. (Person responsible: volunteer coordinator)

§93.43 *Volunteer Time Sheet*

(a) Policy. The volunteer coordinator is responsible for keeping track of individual volunteer hours as documented on the volunteer sign-in sheets.

(b) Procedures: time sheet

(1) Train volunteers to sign in each time on campus. (Person responsible: volunteer coordinator)

(2) Collect sign-in sheets monthly (Form 71.93.043a). (Person responsible: volunteer coordinator)

(3) Round off hours to nearest whole number. (Person responsible: volunteer coordinator)

(4) Place total hours on monthly report (Form 71.93.101a). (Person responsible: volunteer coordinator)

(5) Record each volunteer's individual hours on the back of the volunteer record, Form 71.93.021f. (Person responsible: volunteer coordinator)

§93.45 *Evaluating Volunteers*

(a) Policy. Volunteer coordinators, staff who supervise the volunteer, and students periodically evaluate the volunteer's performance to ensure quality service. The volunteer has the opportunity to evaluate the volunteer services program periodically as well.

(b) Procedures

(1) Use the volunteer evaluation, Form 71.93.045a, to evaluate the volunteer at the end of six months and yearly thereafter. Also evaluate the volunteer at any other time deemed appropriate by the volunteer coordinator. (Person responsible: volunteer coordinator and supervising staff)

(2) Meet with the volunteer to discuss the evaluation. (Person responsible: volunteer coordinator and supervising staff)

(3) Give the volunteer the opportunity to evaluate the program using Form 71.93.045b. Try to obtain this from all volunteers who are leaving the program. Send a copy to the assistant chief of volunteer services and keep one in your files. (Person responsible: volunteer coordinator)

(4) Ask the student to complete a student evaluation of volunteer, Form 71.93.045c, when the volunteer

completes the assignment with the student (Person responsible: volunteer coordinator)

(5) Discuss unsatisfactory performance with the volunteer at any time it is needed (Person responsible: volunteer coordinator)

(6) Refer to §93.53 of this title (relating to Separation), if the volunteer seriously violates TYC policy, endangers a student, or has unsatisfactory evaluations. (Person responsible: volunteer coordinator)

(7) File evaluations in the volunteer's file. (Person responsible: volunteer coordinator)

§93.49 Volunteer Benefits

(a) Policy The Texas Youth Commission recognizes volunteers and provides certain benefits as recognition of their contribution

(b) Procedures

(1) Establish jobs that provide meaningful work experience (Person responsible: volunteer coordinator)

(2) Provide information regarding tax benefits

(A) gas mileage,

(B) out of pocket expenses, and

(C) tax deductible donations (Person responsible: volunteer coordinator)

(3) Provide meals See GOPP 90 62 050 (Person responsible: volunteer coordinator)

(4) Recognize volunteers using certificates of service, Form 71 93 049a, awards, and letters of appreciation. (Person responsible: volunteer coordinator)

(5) Provide references when requested (Person responsible: volunteer coordinator)

§93.53 Separation

(a) Policy Volunteer services may terminate if performance is unsatisfactory

(b) Procedures

(1) Remove volunteers no longer suited to the assignment Refer to §93.45 of this title (relating to Evaluating Volunteers). (Person responsible: volunteer coordinator)

(2) Reassign volunteers having problems with current assignment (Person responsible: volunteer coordinator)

(3) Accept volunteer resignations (Person responsible: volunteer coordinator)

(4) Conduct an exit interview using the volunteer exit interview, Form 71 93 053a (Person responsible: volunteer coordinator)

(5) Obtain the volunteer identification card (Person responsible: volunteer coordinator)

(6) File all separation forms (Person responsible: volunteer coordinator)

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 December 14, 1984

TRD-8412488 Ron Jackson
Executive Director
Texas Youth Commission

Earliest possible date of adoption

January 21, 1985

For further information, please call (512) 452-8111,
ext 390

37 TAC §93.63 [§93.35]

The Texas Youth Commission proposes amendments to §93.35, concerning insurance and vehicles Volunteer services is revising and reorganizing the section to improve program management and operation The number of this section will be changed to §93.63

Joan Timmons, volunteer services chief, 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

Ms. Timmons also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is better volunteer services for the TYC students 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 Martha K. McCann, Manuals System Coordinator, P.O. Box 9999, Austin, Texas 78766

The amendment is proposed under the Human Resources Code, §61.34, which provides the Texas Youth Commission with the authority to adopt all policies and make rules appropriate to the proper accomplishment of its functions

§93.63 [§93.35]. Insurance and Vehicles

(a)-(c) (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 December 14, 1984

TRD 8412489 Ron Jackson
Executive Director
Texas Youth Commission

Earliest possible date of adoption

January 21, 1985

For further information, please call (512) 452-8111,
ext 390

Constraints

37 TAC §93.65

The Texas Youth Commission (TYC) proposes an amendment to §93.65, concerning confidentiality Volunteer services is revising its rules to improve program management and operation

Joan Timmons, volunteer services chief, has determined that for the first five-year period the rule is 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

Ms. Timmons also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is better volunteer services for TYC students There is no anticipated economic cost

to individuals as a result of enforcing or administering the rule

Comments on the proposal may be submitted to Martha K. McCann, Manuals System Coordinator, P.O. Box 9999, Austin, Texas 78766.

The amendment is proposed under the Human Resources Code, §61.34, which provides the Texas Youth Commission with the authority to adopt all policies and make rules appropriate to the proper accomplishment of its functions

§93.65 Confidentiality

(a) Confidentiality.

(1) (No change.)

(2) Volunteers sign a **volunteer agreement, Form 71.057a** [Confidentiality form CCS-061], prior to beginning an assignment

(b) (No change)

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

Issued in Austin, Texas, on December 14, 1984

TRD 8412490 Ron Jackson
Executive Director
Texas Youth Commission

Earliest possible date of adoption

January 21, 1985

For further information, please call (512) 452-8111, ext 390

Comments on the proposal may be submitted to Martha K. McCann, Manuals System Coordinator, P.O. Box 9999, Austin, Texas 78766.

The repeal is proposed under the Human Resources Code, §61.34, which provides the Texas Youth Commission with the authority to adopt all policies and make rules appropriate to the proper accomplishment of its functions

§93.71. Processing Donations.

§93.75. Solicited and Undesignated Funds.

§93.79. Requests for Donated Items.

§93.85. Value of Donations.

§93.89. Night and Weekend Donations.

§93.91. Unused Donations.

§93.97. Food Donations.

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 December 14, 1984.

TRD-8412491 Ron Jackson
Executive Director
Texas Youth Commission

Earliest possible date of adoption

January 21, 1985

For further information, please call (512) 452-8111, ext 390

Donations

37 TAC §§93.71, 93.75, 93.79, 93.85, 93.89, 93.91, 93.97

(Editor's note The text of the following rules proposed for repeal will not be published The rules may be examined in the offices of the Texas Youth Commission, 8900 Shoal Creek Boulevard, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin)

The Texas Youth Commission (TYC) proposes the repeal of §§93.71, 93.75, 93.79, 93.85, 93.89, 93.91, and 93.97 Volunteer services is revising and reorganizing its rules to promote better program management and operation These sections will be replaced by new §§93.79, 93.83, 93.87, and 93.91 simultaneously proposed

Joan Timmons, volunteer services chief, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal

Ms Timmons also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is better provision of volunteer services and donations to TYC students There is no anticipated economic cost to individuals as a result of the repeal

Community Advisory Councils

37 TAC §§93.79; 93.83, 93.87, 93.91

The Texas Youth Commission proposes new §§93.79, 93.83, 93.87, and 93.91 Volunteer services is revising these rules to provide more detail and clarity to improve program management and operation. The new sections are proposed to replace §§93.71, 93.75, 93.79, 93.85, 93.89, 93.91, and 93.97 simultaneously proposed for repeal.

Joan Timmons, volunteer services chief, 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 to enforcing or administering the rules

Ms. Timmons also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is better volunteer services for TYC students. 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 Martha K. McCann, Manuals System Coordinator, P.O. Box 9999, Austin, Texas 78766

The new sections are proposed under the Human Resources Code, §61.34, which provides the Texas Youth Commission with the authority to adopt all policies and make rules appropriate to the proper accomplishment of its functions

§93.79 Fiscal Responsibilities.

(a) Policy.

(1) Community advisory councils make financial transactions in accord with the Texas Nonprofit Corporation Act.

(2) If a Texas Youth Commission (TYC) employee sits on the council's board of directors, the council's books are subject to audit by the state auditor. If an employee of TYC does not sit on the board of directors and the state auditor, therefore, does not have authority to audit the council's books, then the council must submit to the secretary of state within 90 days of the end of the council's fiscal year a financial report which conforms to the standards promulgated by the American Institute of Certified Public Accountants, including a statement of support, revenue, and expenses and changes in fund balances, a statement of functional expenses, and a balance sheet for all funds.

(b) Procedures

(1) Ensure financial transactions are handled properly. (Person responsible: CAC executive committee)

(2) Maintain a bank account to support council activities. (Person responsible: CAC executive committee)

(3) Ensure an annual financial report is filed with the secretary of state. (Person responsible: CAC executive committee)

(4) Follow CAC by-laws for use of council funds. (Person responsible: CAC executive committee)

§93.83. Donations.

(a) Policy. Any donations of goods, services, or funds to the Texas Youth Commission belong to the local community advisory council (CAC) unless the donor insists they be given to the Texas Youth Commission. The volunteer coordinator receives and processes all donations on behalf of the CAC

(b) Procedures

(1) Receiving donations

(A) Receive all donations to the facility, program, or students through the volunteer services office. (Person responsible: volunteer coordinator)

(B) Inform staff to refer offers or actual donations to the volunteer services office. (Person responsible: volunteer coordinator)

(C) Keep records of each donation for five years. (Person responsible: volunteer coordinator)

(D) Do not itemize or set a value on the donation for purpose of the donor's tax records. (Person responsible: volunteer coordinator)

(E) Establish procedures for staff to receive donations when the volunteer services office is closed including nights, weekends, and holidays. (Person responsible: volunteer coordinator)

(2) Processing donations

(A) Deposit any funds received into the CAC bank account. Send deposit slips to the CAC treasurer. (Person responsible: volunteer coordinator)

(B) Notify the CAC regularly of the donations received. (Person responsible: volunteer coordinator)

(C) Acknowledge the donation by writing a letter to the donor on CAC letterhead. (Person responsible: volunteer coordinator)

(D) Co-sign the letter with the CAC chair or other designated member. Have the CAC provide a sig-

nature stamp for this purpose if acceptable to the CAC. (Person responsible: volunteer coordinator)

(E) If the facility receives funds not specifically designated for the CAC, assume it is intended as a CAC donation if.

(i) the donor is commonly known or recognized as an active participant in the volunteer program,

(ii) the funds are received in response to a specific fund appeal by the CAC; or

(iii) the donation refers to a program or activity sponsored, underwritten, or coordinated by the CAC. (Person responsible: volunteer coordinator, business manager)

(F) Ask donors of unspecified funds to authorize in writing that the funds be given to the CAC. (Person responsible: volunteer coordinator)

(3) Processing food donations

(A) When you have an offer of food that is not for a specific activity such as a birthday party, holiday party, or picnic

(i) confer with the food service or other responsible staff about whether they can use and store the food;

(ii) make sure the food is palatable;

(iii) receive acceptable food according to the procedure used for receiving the facility's purchased food supplies. (Person responsible: volunteer coordinator)

(B) Ensure food service staff notifies you if they receive food donations directly.

(4) Distributing donations

(A) Make efforts to distribute donations to individuals, groups, living units, or departments according to the donor's wishes as long as it does not violate facility standards for student care. (Person responsible: volunteer coordinator)

(B) Work with your program staff to distribute both designated and undesignated donations. (Person responsible: volunteer coordinator)

(C) Give donated items which cannot be used to directly or indirectly benefit students to other charitable organizations which can use them. (Person responsible: volunteer coordinator)

§93.87 Soliciting Donations

(a) Policy. Community advisory councils (CACs) solicit tax-exempt donations of goods, services, and funds to benefit Texas Youth Commission students.

(b) Procedures

(1) Work with the CAC to plan and carry out fund-raising activities. (Person responsible: volunteer coordinator)

(2) Solicited donations from the community on behalf of the CAC as authorized by the council's by-laws. (Person responsible: volunteer coordinator)

(3) Do not allow staff other than volunteer services employees to solicit funds unless they are authorized to do so by the volunteer coordinator as part of a fund-raising activity. (Person responsible: volunteer coordinator)

§93.91. Staff Requests for Donations.

(a) Policy. Texas Youth Commission (TYC) staff may request donated items from the community advisory councils.

(b) Procedures.

(1) Identify student needs for goods, services, or funds that are not supplied by the regular program (Person responsible: TYC staff)

(2) Fill out Form 71 93 091a, request for donation (Person responsible: TYC staff)

(3) Make the request specific and attach a proposed budget or distribution list if needed (Person responsible: TYC staff)

(4) Route the request for approval and send it to the volunteer coordinator (Person responsible: TYC staff)

(5) Review the request and recommend action to the CAC (Person responsible: volunteer coordinator)

(6) Consult with staff as needed to arrange for use of the donation (Person responsible: volunteer coordinator)

(7) Get CAC approval for funds and arrange for the CAC treasurer to write a check or otherwise provide funds (Person responsible: volunteer coordinator)

(8) Hold staff accountable for the proper use of donated funds, goods, or services (Person responsible: supervisors)

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 December 14, 1984

TRD 8412492 Ron Jackson
Executive Director
Texas Youth Commission

Earliest possible date of adoption

January 21, 1985

For further information, please call (512) 452-8111, ext 390

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 11. Commodity Program Emergency Food Assistance Program

(Editor's note: The Texas Department of Human Resources proposes for permanent adoption the amendments, repeal, and new sections it adopts on an emergency basis in this issue. The amendments, repeal, and new sections are published in the Emergency Rules section of this issue.)

The Texas Department of Human Resources proposes amendments to §§ 11.6002, 11.6003, 11.6007, and 11.6008 and the repeal of and new § 11.6005 and § 11.6006, concerning requirements of the Emergency Food Assistance Program, in the department's commodity program chapter. Through the Emergency Food Assistance Program, the department contracts to distribute surplus food donated by the United States Department of Agriculture (USDA) to indigent and unemployed people. The proposal updates emergency food distribution policies already in effect. It clarifies

and adds requirements for both applicant households and contractors.

Simultaneous emergency rules appear in this issue of the *Register*.

David Hawes, programs budget and statistics 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. Hawes also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules is that in situations of emergency and distress, the department will be able to provide eligible needy people with USDA-donated food. There is no anticipated economic cost to individuals required to comply with the rules as proposed.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division—705, Texas Department of Human Resources 153-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

40 TAC §§ 11.6002, 11.6003, 11.6007, 11.6008

The amendments are proposed under the Human Resources Code, Title 2, Chapter 22 and Chapter 33, which authorizes the department to administer public assistance programs.

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 December 13, 1984

TRD-8412446 Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Earliest possible date of adoption

January 21, 1985

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

40 TAC §§ 11.6005, § 11.6006

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, 701 West 51st Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under the Human Resources Code, Title 2, Chapter 22 and Chapter 33, which authorizes the department to administer public assistance programs.

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 December 13, 1984

TRD-8412447 Marlin W Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption
January 21, 1985

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

The new sections are proposed under the Human Resources Code, Title 2, Chapter 22 and Chapter 33, which authorizes the department to administer public assistance programs.

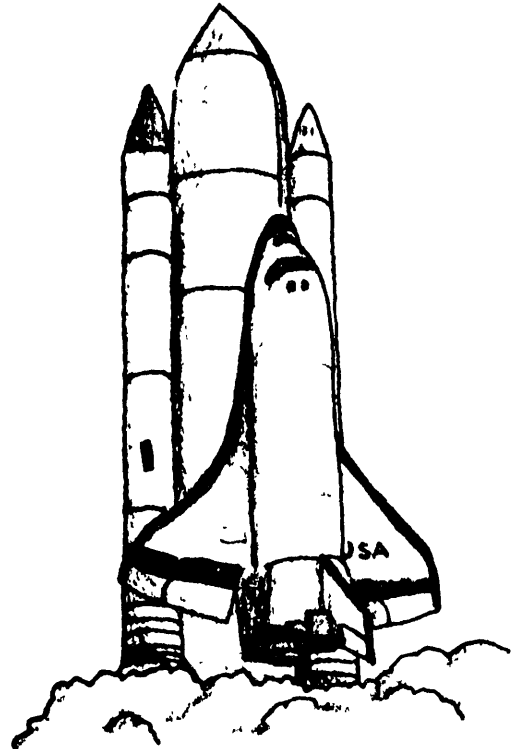
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt

Issued in Austin, Texas, on December 13, 1984

TRD-8412448 Marlin W Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption
January 21, 1985

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



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

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

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

Withdrawn Rules

TITLE 7. BANKING AND SECURITIES

Part VI. Credit Union Department Chapter 91. Chartering, Operations, Mergers, Liquidations Direction of Affairs

7 TAC §91.508

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b) and 1 TAC §91.24(b), proposed new §91.508 submitted by the Credit Union Department has been automatically withdrawn, effective December 13, 1984. The proposed new section appeared in the June 12, 1984, issue of the *Texas Register* (9 TexReg 3150).

TRD 8412439
Filed December 13, 1984

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

7 TAC §109.4

The State Securities Board has withdrawn from consideration for permanent adoption proposed new

§109.4, concerning transactions exempt from registration. The text of the new section as proposed appeared in the November 13, 1984, issue of the *Texas Register* (9 TexReg 5808).

Issued in Austin, Texas, on December 14, 1984

TRD-8412508 Denise Voigt Crawford
General Counsel
State Securities Board

Filed: December 14, 1984
For further information, please call (512) 474-2233.

7 TAC §109.9

The State Securities Board has withdrawn from consideration for permanent adoption proposed amendments to §109.9, concerning transactions exempt from registration. The text of the amended section as proposed appeared in the November 16, 1984, issue of the *Texas Register* (9 TexReg 5872).

Issued in Austin, Texas, on December 14, 1984

TRD-8412509 Denise Voigt Crawford
General Counsel
State Securities Board

Filed: December 14, 1984
For further information, please call (512) 474-2233.

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.

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

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

TITLE 13. CULTURAL RESOURCES Part V. Texas Sesquicentennial Commission Chapter 53. Program Guidelines 13 TAC §53.4

The Texas Sesquicentennial Commission adopts amendments to §53.4, without changes to the proposed text published in the November 9, 1984, issue of the *Texas Register* (9 TexReg 5761).

The amendments allow the Texas Sesquicentennial Commission to administer a consistent policy for the disbursement of promotional and commemorative product receipts. The amendments will be administered by the commission.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 6145-11, §9 and §10, which provide the Texas Sesquicentennial Commission with the authority to promulgate policy to perform its functions.

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 November 30, 1984.

TRD-8412426

Randy M. Lee
Executive Director
Texas Sesquicentennial
Commission

Effective date: January 2, 1985

Proposal publication date: November 9, 1984

For further information, please call (512) 475-1986

TITLE 16. ECONOMIC REGULATION Part I. Railroad Commission of Texas Chapter 9. Liquefied Petroleum Gas Division Subchapter D. Division II 16 TAC §9.99

The Railroad Commission of Texas adopts an amendment to §9.99, without changes to the proposed text published in the July 27, 1984, issue of the *Texas Register* (9 TexReg 4060).

The amendment eliminates conflicting language in the LP Gas Division safety rules and affirms the division's acceptance of ASME standards.

The amended section does not substantially affect the general public or LP Gas Division licensees. It removes redundant and/or conflicting language.

The LP Gas Division received only comments in favor of the proposed amendment. Warren Petroleum Company submitted comments concerning §9.99, but these were not related in any fashion to the proposed amendment and were therefore not addressed by the division.

The Texas LP-Gas Association and A-B Gas Company commented in favor of the amendment.

The amendment is adopted under the Texas Natural Resources Code, §113.051, which requires the LP-Gas Division to promulgate rules governing any phase of LP-gas use in Texas. This clarification helps discharge that mandate.

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

Issued in Austin, Texas, on September 24, 1984

TRD-8412474 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Effective date January 4, 1985
Proposal publication date July 27, 1984
For further information, please call (512) 445-1186.

Subchapter F. Division IV

16 TAC §9.141

The Railroad Commission of Texas adopts an amendment to §9 141, without changes to the proposed text published in the July 27, 1984, issue of the *Texas Register* (9 TexReg 4061)

The amendment clarifies the language of a previous rule change. The previous language would have required the installation of internal valves on older model vessels if replaced or repaired. This was not the original intent of the rules.

The amendment conforms the technical interpretation of the rule to its present practical application. There is no substantial impact upon either the general public or upon LP-Gas Division licensees.

The LP-Gas Division received only comments in favor of the proposed amendment. Comments were received from the Texas LP-Gas Association and A-B Gas Company.

The amendment is adopted under the Texas Natural Resources Code, §113.051, which requires the LP-Gas Division to promulgate rules governing any phase of LP-gas use in Texas. This clarification helps discharge that mandate.

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

Issued in Austin, Texas, on September 10, 1984

TRD-8412475 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Effective date January 4, 1985
Proposal publication date July 27, 1984
For further information, please call (512) 445-1186

16 TAC §9.155

The Railroad Commission of Texas adopts an amendment to §9 155, without changes to the proposed text published in the July 27, 1984, issue of the *Texas Register* (9 TexReg 4061)

The amendment eliminates conflicting language in the LP-Gas Division safety rules and affirms the division's acceptance of ASME standards.

The amended section does not substantially affect the general public or LP-Gas Division licensees. It removes redundant and/or conflicting language.

The LP-Gas Division received only comments in favor of the proposed amendment. The Texas LP-Gas Association and the A-B Gas Company commented in favor of the amendment.

The amendment is adopted under the Texas Natural Resources Code, §113.051, which requires the LP-Gas Division to promulgate rules governing any phase of LP-gas use in Texas. This clarification helps discharge that mandate.

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

Issued in Austin, Texas, on September 24, 1984

TRD 8412476 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Effective date January 4, 1985
Proposal publication date July 27, 1984
For further information, please call (512) 445-1186.

Subchapter K. Division IX

16 TAC §9.261

The Railroad Commission of Texas adopts an amendment to §9 261, without changes to the proposed text published in the July 27, 1984, issue of the *Texas Register* (9 TexReg 4061)

The amendment eliminates conflicting language in the LP-Gas Division safety rules and affirms the division's acceptance of ASME standards.

The amended section does not substantially affect the general public or LP Gas Division licensees. It removes redundant and/or conflicting language.

The LP-Gas Division received only comments in favor of the proposed amendment. The Texas LP-Gas Association and the A B Gas Company commented in favor of the amendment.

The amendment is adopted under the Texas Natural Resources Code, §113.051, which requires the LP-Gas Division to promulgate rules governing any phase of LP-gas use in Texas. This clarification helps discharge that mandate.

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

Issued in Austin, Texas, on September 24, 1984

TRD-8412477 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Effective date January 4, 1985
Proposal publication date July 27, 1984
For further information, please call (512) 445-1186

16 TAC §9.270

The Railroad Commission of Texas adopts an amendment to §9.270, without changes to the proposed text published in the July 27, 1984, issue of the *Texas Register* (9 TexReg 4062).

The amendment removes a requirement for a safety feature which is not justified. There is no evidence to support the continued required use of grounding cables. The amendment frees licensees and members of the general public from the cumbersome use of required grounding cables during fuel transfer.

The LP-Gas Division received only comments in favor of the amendment. The Texas LP-Gas Association and the A-B Gas Company commented in favor of the amendment.

The amendment is adopted under the Texas Natural Resources Code, §113, which empowers the LP-Gas Division to create and enforce regulations designed to preserve the safety, health, and welfare of the general public. There is no substantial evidence that grounding cables at service stations appreciably promotes this objective. Therefore, the provisions should be removed.

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

Issued in Austin, Texas, on September 10, 1984

TRD-8412478 Walter Earl Lilie
Special Counsel
Railroad Commission of Texas

Effective date January 4, 1985
Proposal publication date July 27, 1984
For further information, please call (512) 445-1186

Subchapter L. Division X

16 TAC §9.291

The Railroad Commission of Texas adopts an amendment to §9.291, without changes to the proposed text published in the July 27, 1984, issue of the *Texas Register* (9 TexReg 4062).

The amendment eliminates conflicting language in the LP-Gas Division safety rules and affirms the division's acceptance of ASME standards.

The amended section does not substantially affect the general public or LP-Gas Division licensees. It removes redundant and/or conflicting language.

The LP-Gas Division received only comments in favor of the proposed amendment. The Texas LP-Gas Association and the A-B Gas Company commented in favor of the amendment.

The amendment is adopted under the Texas Natural Resources Code, §113.051, which requires the LP-Gas Division to promulgate rules governing any phase of LP-gas use in Texas. This clarification helps discharge that mandate.

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

Issued in Austin, Texas, on September 24, 1984

TRD-8412479 Walter Earl Lilie
Special Counsel
Railroad Commission of Texas

Effective date January 4, 1985
Proposal publication date July 27, 1984
For further information, please call (512) 445-1186

TITLE 34. PUBLIC FINANCE

**Part I. Comptroller of Public
Accounts**

**Chapter 1. Central Administration
Practice and Procedure**

34 TAC §1.3

The Comptroller of Public Accounts adopts an amendment to §1.3, without changes to the proposed text published in the October 30, 1984, issue of the *Texas Register* (9 TexReg 5576).

The amendment corrects a discrepancy between this reference to contested cases and the definition of that term set out in §1.42 of this title, concerning definitions. The amendment also conforms the definition of a contested case in the context of sales tax matters to the definition of a contested case in the context of each of the other taxes administered by the comptroller.

No comments were received regarding adoption of the amendment.

This amendment is 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 Tax Code, Title 2.

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 December 17, 1984

TRD-8412515 Bob Bullock
Comptroller of Public Accounts

Effective date January 7, 1985
Proposal publication date October 30, 1984
For further information, please call (512) 475-1913

34 TAC §1.42

The Comptroller of Public Accounts adopts an amendment to §1.42, with changes to the proposed text published in the October 30, 1984, issue of the *Texas Register* (9 TexReg 5576). The change corrects ob-

sole references to names of divisions in the definition of the term "Tax Division"

The amendment conforms the definition of a contested case in the context of sales tax matters to the definition of a contested case in the context of each of the other taxes administered by the comptroller. The amendment also conforms the rules to present comptroller policy concerning tax hearings

No comments were received regarding adoption of the amendment

This amendment is 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 provisions of the Tax Code, Title 2

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

Administrative law judge—An individual licensed to practice law in Texas and appointed by the comptroller to conduct hearings on matters within the comptroller's jurisdiction and to prepare proposed decisions to properly resolve such matters. The administrative law judges are organizationally and physically separate from the Legal Services Division and all tax divisions and report directly to the comptroller or the chief clerk

Agency—The Office of the Comptroller of Public Accounts

Applicant—A party seeking a license or permit from the agency, or seeking a special reporting procedure or an exemption

Authorized representative—An individual who represents a party in a contested case and may be any individual other than the party

Contested case or case—A proceeding in which the legal rights, duties, or privileges of a party are to be determined by the agency after an opportunity for adjudicative hearing. It includes a request for redetermination or refund, as well as actions initiated by the agency to revoke or suspend permits or licenses administered by this agency on grounds other than failure to pay a final tax deficiency or failure to file a tax security. It does not include forfeitures of rights to do business, of certificates of authority, of articles of incorporation, or requests for or revocation of exemptions from taxation.

Determination—A written notice from the agency that a person is required to pay to the State of Texas tax, penalty, or interest

Hearings attorney—An attorney assigned to represent a tax division in a contested case.

Licensing—The agency process respecting the granting, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a permit.

Party—Any person filing a petition with the agency or asked by the agency to respond; the agency, acting through its tax divisions, and any other person admitted as a party under § 1.37 of this title (relating to Interested Parties)

Permit—The whole or any part of a license, certificate, approval, registration, or similar form of permission, the issuance, renewal, amendment, suspension, or revocation of which is within the jurisdiction of the agency.

Person—Any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character. It may also include an estate, trust, receiver, assignee for benefit of creditors, trustee, trustee in bankruptcy, assignee, or any other group or combination acting as a unit

Petition—A request for official action by the agency regarding the rights, duties, or privileges accorded to the person making the request under the tax laws of this state. If the request is made orally, it must subsequently be reduced to writing

Petitioner or taxpayer—Any person who files a petition seeking redetermination of a tax liability, a refund of monies paid, or determination of rights under any license or permit granted by the agency

Pleading—Any document filed by a party concerning the position or assertions in a contested case

Respondent or taxpayer—Any person to whom a notice of a show case hearing for the suspension or revocation of a license has been issued

Tax division—That division within the agency responsible for the particular action or actions which are the subject of the contested case. It includes, but is not limited to, Field Operations Division and Tax Administration Division

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 December 17, 1984

TRD-8412516 Bob Bullock
Comptroller of Public Accounts

Effective date January 7, 1985
Proposal publication date October 30, 1984
For further information, please call (512) 475-1913

Chapter 3. Tax Administration

Subchapter C. Crude Oil Production Tax

34 TAC § 3.33

The Comptroller of Public Accounts adopts amendments to § 3.33, without changes to the proposed text published in the October 26, 1984, issue of the *Texas Register* (9 TexReg 5531)

The amendments ensure that tax is paid on all crude oil removed from Texas leases. In cases where a producer does not charge a salvager for oil removed from tank bottoms, the salvager will be responsible for the tax on this oil if it has not been paid. The amendments also detail the records that a salvager must keep

No comments were received regarding adoption of the amendments

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 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 December 17, 1984

TRD-8412517 Bob Bullock
Comptroller of Public Accounts

Effective date January 7, 1985
Proposal publication date October 26, 1984
For further information, please call (512) 475-1913.

Subchapter L. Motor Fuels Tax

34 TAC §3.173

The Comptroller of Public Accounts adopts amendments to §3.173, without changes to the proposed text published in the October 26, 1984, issue of the *Texas Register* (9 TexReg 5532)

The amendments delete the subsection dealing with the use of diesel fuel in power take-offs or auxiliary power units with no metering device. During the recent special session, the legislature determined that a credit or refund of tax on fuel used in these devices should be allowed in accordance with guidelines to be determined by the comptroller. These guidelines will be in a separate section.

No comments were received regarding adoption of the amendments.

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 motor fuels 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 December 17, 1984

TRD 8412518 Bob Bullock
Comptroller of Public Accounts

Effective date January 7, 1985
Proposal publication date October 26, 1984
For further information, please call (512) 475-1913

34 TAC §3.175

The Comptroller of Public Accounts adopts amendments to §3.175, without changes to the proposed text published in the October 26, 1984, issue of the *Texas Register* (9 TexReg 5533)

The amendments reflect the increase in tax rates adopted by the legislature, which were effective August 1, 1984. The amendments inform the public of the increase in tax rates and the guidelines for obtaining tax refunds or credits.

No comments were received regarding adoption of the amendments.

These 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 motor fuels 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 December 17, 1984

TRD-8412519 Bob Bullock
Comptroller of Public Accounts

Effective date January 7, 1985
Proposal publication date October 26, 1984
For further information, please call (512) 475-1913.

Subchapter Q. Franchise Tax

34 TAC §3.400

The Comptroller of Public Accounts adopts amendments to §3.400, without changes to the proposed text published in the October 26, 1984, issue of the *Texas Register* (9 TexReg 5537)

The amendments incorporate a change to the Franchise Tax Act made by the legislature in the recent special session. The due date for annual reports was changed to March 15 of each year. A corporation that begins liquidation after the due date of the report but prior to the beginning of the privilege period for which the tax is paid, May 1, may either get an extension to file the report or request a refund of any amount overpaid. Additionally, a section has been added to provide for a corporation that begins liquidation prior to filing its initial report.

No comments were received regarding adoption of the amendments.

These 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 franchise 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 December 17, 1984

TRD 8412520 Bob Bullock
Comptroller of Public Accounts

Effective date January 7, 1985
Proposal publication date October 26, 1984
For further information, please call (512) 475-1913



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part III. Texas Youth Commission Chapter 81. General Provisions

Definition of Terms

37 TAC §81.61

Texas Youth Commission adopts the repeal of §81.61, without changes to the proposal published in the November 13, 1984, issue of the *Texas Register* (9 TexReg 5814)

The definitions are out of date. In addition, individual rules contain definitions when needed.

The existing rule will no longer be in effect as a result of the repeal.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Human Resources Code, §61.34, which provides the Texas Youth Commission with the authority to make all policies and adopt rules necessary to the proper accomplishment of its functions.

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 December 14, 1984

TRD-8412497 Ron Jackson
Executive Director
Texas Youth Commission

Effective date: January 4, 1985
Proposal publication date: November 13, 1984
For further information, please call (512) 452-8111, ext. 390.

Control of Youth

37 TAC §81.194

The Texas Youth Commission adopts the repeal of §81.194, without changes to the proposal published in the November 13, 1984, issue of the *Texas Register* (9 TexReg 5814).

The rule is being replaced with new §81.194 simultaneously adopted in this issue.

The existing rule will no longer be in effect as a result of the repeal.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Human Resources Code, §61.76, which provides the Texas Youth Commission with the authority to require the modes of life and conduct that seem best adapted to fit the child for return to full liberty without danger to the public.

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 December 14, 1984

TRD-8412498 Ron Jackson
Executive Director
Texas Youth Commission

Effective date: January 4, 1985
Proposal publication date: November 13, 1984
For further information, please call (512) 452-8111, ext. 390.

The Texas Youth Commission adopts new §81.194, without changes to the proposed text published in the November 13, 1984, issue of the *Texas Register* (9 TexReg 5815).

The new section replaces §81.194 simultaneously repealed in this issue. The new section clarifies the agency's expectations for student behavior and states the consequences of not complying with specific rules of conduct.

The rules of conduct will be included in the new *Student Handbook* given to each student upon admission. In addition, the rules are posted in each living area and enforced by the youth activity supervisor.

No comments were received regarding adoption of the new section.

The new section is adopted under the Human Resources Code, §61.76, which provides the Texas Youth Commission with the authority to require the modes of life and conduct that seem best adapted to fit the child for return to full liberty without danger to the public.

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 December 14, 1984

TRD-8412499 Ron Jackson
Executive Director
Texas Youth Commission

Effective date: January 4, 1985
Proposal publication date: November 13, 1984
For further information, please call (512) 452-8111, ext. 390.

Open Meetings

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

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

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

Texas Board of Architectural Examiners

Monday, December 17, 1984, 11 a.m. The Texas Board of Architectural Examiners met in emergency session via conference call originating from 8213 Shoal Creek Boulevard, #107, Austin. According to the agenda, the board considered proposed legislation. The emergency status was necessary to review and approve drafts of bills to be submitted to the Legislative Council prior to the convening of the legislature.

Contact: Robert H. Norris, AIA, 8213 Shoal Creek Boulevard, #107, Austin, Texas 78758, (512) 458-1363.

Filed: December 14, 1984, 10:23 a.m.
TRD-8412501

State Board of Barber Examiners

Tuesday, January 8, 1985, 8 a.m. The State Board of Barber Examiners will meet in C-275, 1300 East Anderson Lane, Austin. Items on the agenda include the previous meeting minutes, the signing of teacher certificates, interviewing out-of-state applicants, and letters and reports to the board

by the executive director. The board also will meet in executive session.

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

Filed: December 17, 1984, 9:31 a.m.
TRD-8412529

Texas Conservation Foundation

Wednesday, December 19, 1984, 9 a.m. The Board of the Texas Conservation Foundation met in emergency session via conference call in Room 611, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board considered the Sunset Advisory Committee report and the Texas Conservation Corps. The emergency status was necessary because unanticipated business required action before December 20, 1984.

Contact: M. J. Hutchinson, Room 611, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, Texas 78701, (512) 475-0342.

Filed: December 18, 1984, 9:06 a.m.
TRD-8412576

State Board of Insurance

The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings at 1110 San Jacinto Street, Austin. Days, times, rooms, and dockets follow.

Monday, January 7, 1985, 1:30 p.m. In Room 353, Docket 7856—whether the title insurance agent's license held by Crossroads Abstract and Title Company, Inc., Victoria, should be canceled or revoked.

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

Filed: December 17, 1984, 1:25 p.m.
TRD-8412546

Tuesday, January 8, 1985, 1:30 p.m. In Room 342, Docket 7868—whether the local recording agent's license and Group II health and accident insurance agent's license held by Cecil Franklin Hart, doing business as Hart Insurance Agency, Wichita Falls, should be canceled or revoked.

Contact: Tom F. McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: December 17, 1984, 1:25 p.m.
TRD-8412547

Wednesday, January 9, 1985, 9 a.m. In Room 353, Docket 7857—whether the certificate of authority held by Southern Title Guaranty Company, Inc., Dallas, should be canceled or revoked

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

Filed: December 17, 1984, 1:25 p.m.
TRD-8412548

Wednesday, January 9, 1985, 1:30 p.m. In Room 353, Docket 7858—whether the certificate of authority held by First American Title Insurance Company, Santa Ana, California, should be canceled or revoked

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

Filed: December 17, 1984, 1:25 p.m.
TRD-8412549

Thursday, January 10, 1985, 9 a.m. In Room 342, Docket 7859—whether the certificate of authority held by USLife Title Insurance Company of Dallas, Dallas, should be canceled or revoked

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

Filed: December 17, 1984, 1:25 p.m.
TRD-8412550

Thursday, January 10, 1985, 9:15 a.m. In Room 342, Docket 7733—whether the certificate of authority held by Lee National Life Insurance Company, Shreveport, Louisiana, should be canceled or revoked

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

Filed: December 17, 1984, 1:25 p.m.
TRD-8412551

Thursday, January 10, 1985, 1:30 p.m. In Room 342, Docket 7860—whether the certificate of authority held by Lawyers Title Insurance Corporation, Richmond, Virginia, should be canceled or revoked

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

Filed: December 17, 1984, 1:25 p.m.
TRD-8412552

Friday, January 11, 1985, 9 a.m. In Room 342, Docket 7861—whether the certificate of authority held by Safeco Title Insurance Company, Los Angeles, California, should be canceled or revoked

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

Filed: December 17, 1984, 1:26 p.m.
TRD-8412553

Monday, January 14, 1985, 9 a.m. In Room 342, Docket 7863—whether the certificate of authority held by Stewart Title Guaranty Company, Galveston, should be canceled or revoked

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

Filed: December 17, 1984, 1:26 p.m.
TRD-8412555

Texas State Library and Archives Commission

Thursday, January 10, 1985, 10:30 a.m. The Texas State Library and Archives Commission will meet in Room 202, Lorenzo de Zavala Archives and Library Building, 1201 Brazos Street, Austin. According to the agenda, the commission will approve the September 6, 1984, minutes, consider a Northeast Texas Library System Advisory Council request to allow proxy voting by the system's lay representatives, the Central Texas Library System Advisory Council request to approve system bylaws, and hear committee reports. The commission also will tour the archives and library building.

Contact: Dorman H. Wintrey, P.O. Box 12927, Austin, Texas 78711, (512) 475-2166

Filed: December 18, 1984, 9:18 a.m.
TRD-8412578

Board of Nurse Examiners

Tuesday, December 18, 1984, 10 a.m. The Board of Nurse Examiners met in emergency session in Room C-225, 1300 East Anderson Lane, Austin. Items on the agenda included the November 13-16, 1984, minutes and short- and long-term goals of the board. The emergency status was necessary to take action on goals and objectives prior to the January meeting.

Contact: Margaret Rowland, 1300 East Anderson Lane, Room C-225, Austin, Texas 78752, (512) 835-4880

Filed: December 13, 1984, 3:47 p.m.
TRD-8412466

Board of Pardons and Paroles

Monday, December 17, 1984, 9:30 a.m. The Board of Pardons and Paroles met in emergency session at 8610 Shoal Creek Boule-

vard, Austin. According to the agenda, the board conducted an exit interview with the audit team from the office of the state auditor. The emergency status was necessary because board members could not adjust their schedules to meet at any other time.

Contact: Gladys Sommers, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2704.

Filed: December 14, 1984, 4:30 p.m.
TRD-8412513

Thursday and Friday, December 27 and 28, 1984, 1:30 p.m. and 11 a.m. respectively.

A three-member panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will receive, review, and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2713

Filed: December 14, 1984, 10:54 a.m.
TRD-8412500

Public Utility Commission of Texas

Monday, January 7, 1985. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Times and dockets follow.

10 a.m. A prehearing conference in Docket 6035—application of W.C. W.C., Inc., for a water and sewer rate/tariff change.

10:30 a.m. A prehearing conference in Docket 6034—application of Cedar Point Utility Company for a water and sewer rate/tariff change.

11 a.m. A prehearing conference in Docket 6036—application of Impala Woods Water Company for a water and sewer rate/tariff change.

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

Filed: December 13, 1984, 10:41 a.m.
TRD-8412452-8412454

Friday, January 11, 1985, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin.

Texas Register

According to the agenda, the division will conduct a final prehearing conference in Docket 5651 - petition of Dow Chemical Company for investigation into certain practices of Houston Lighting and Power Company

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

Filed: December 13, 1984, 10:41 a.m.
TRD-8412455

Monday, January 21, 1985, 9 a.m. The Hearings Division of the Public Utility Commission of Texas rescheduled a hearing to be held in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda summary, the division will conduct a hearing on the merits in Docket 5965 - application of Walker Water Works for a rate increase. The hearing originally was scheduled for December 20, 1984, at 9:30 a.m. as published at 9 TexReg 5929

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

Filed: December 18, 1984, 9:19 a.m.
TRD-8412579

Monday, May 13, 1985, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will conduct a hearing on the merits in Docket 5874 - petition of Dow Chemical Company against Houston Lighting and Power Company regarding payments and a contract for firm power purchases and Docket 5946 - petition of Houston Lighting and Power Company for a declaratory order as to purchases of long term firm electric power from the Dow Chemical Company

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

Filed: December 17, 1984, 9:31 a.m.
TRD-8412530



Railroad Commission of Texas

Monday, December 17, 1984, 9 a.m. The Railroad Commission of Texas met in Room 309, 1124 IH 35 South, Austin. The commission considered and acted on emergency revised division agendas as follows:

Various matters falling within the Gas Utilities Division's regulatory jurisdiction. The emergency status was necessary to insure that the public welfare was not jeopardized by the imposition of utility rates which were not just and fair

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

Filed: December 14, 1984, 11:45 a.m.
TRD-8412481

Consideration of Oil and Gas Division Docket 9 82,989 and 9 82,990—administrative penalty order in the enforcement action against KGB Oil Corporation, Docket 7B-83,038 - Railroad Commission District 7B, administrative penalty agreed order in the consideration of whether to enter a commission order assessing administrative penalties and/or requiring compliance to commission regulations on the Howard E. Pardue and William Pardue, Jr., doing business as Pardue Oil, P.R. Wright Lease (02316), Well 3 and Well 4, Jones County Regular Field, Jones County, and a motion for rehearing in Docket 95 743 - Bob's Oil and Gas Operating Company, Rule 37, Howard E. Pardue Lease, Well 1, Tenney Creek Field, Caldwell County. The emergency status was necessary because these items were properly noticed at the December 10, 1984, meeting and were passed

Contact: David Coffey, Dilma Scimeca, or Patrick Patterson, respectively, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1308

Filed: December 14, 1984, 11:46 a.m.
TRD-8412482

Consideration of Transportation Division Docket 05 535A2AR - amendment to 16 TAC §5 535, concerning agricultural commodities. The emergency status was necessary because this matter was properly posted for the December 10, 1984, meeting and was passed

Emergency addition to the previous agenda

Consideration of a motion for rehearing in Docket 026532/ZI - Motor Freight Circular 27046, amended Application 1195 of the Texas Tank Truck Carriers Association, P.O. Box 2307, Austin, Texas 78768, on behalf of Highway Pipeline Trucking, Inc., to amend TITC AIBC Tariff 7-1. The emergency status was necessary because this matter was properly posted for consideration at the December 10, 1984, meeting and was passed

Contact: Michael A. James, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330

Filed: December 14, 1984, 11:45 a.m.
TRD-8412483, 8412484

Texas State Technical Institute

Wednesday, December 19, 1984, 11 a.m.

The Executive Committee of the Board of Regents of Texas State Technical Institute (TSTI) met in emergency session via conference call originating from the TSTI system office, Waco. According to the agenda, the committee considered personnel matters. The emergency status was necessary to resolve personnel matters that had legal implications

Contact: Theodore A. Talbot, TSTI System, Waco, Texas 76705, (817) 799-3611, ext. 3909

Filed: December 17, 1984, 9:40 a.m.
TRD-8412531

Texas Tech University

Tuesday, December 18, 1984, 10:30 a.m.

The Ad Hoc Committees to Study Organizational Structure of the Texas Tech University (TTU) Board of Regents and the Texas Tech University Health Sciences Center (TTUHSC) Board of Regents met jointly in Conference Room A, North Building, Texas Instruments, Inc., 13500 North Central Expressway, Dallas. According to the agendas, the committees reviewed organization of TTU and TTUHSC

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161

Filed: December 13, 1984, 10:42 a.m.
TRD-8412456, 8412457

Texas Water Commission

Thursday, December 13, 1984, 2 p.m. The

Texas Water Commission met in emergency session in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission considered a request by the City of Alto for an emergency order pursuant to the Texas Water Code, §26 0191, and 31 TAC §§341.92-341.94 to discharge approximately 20.3 acre feet of partially treated domestic wastewater to its currently permitted discharge site. The emergency status was necessary because the applicant stated that repairs were necessary to remove the current threat of property damage posed by the structurally deficient facility

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

Filed: December 13, 1984, 10:13 a.m.
TRD-8412449

Thursday, January 3, 1985, 2 p.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider an application of the City of Hawkins, P.O. Drawer 329, Hawkins, Texas 75765, to the Texas Department of Water Resources for a temporary order to authorize the discharge of partially treated domestic sewage effluent at a volume not to exceed an average flow of 190,000 gallons per day from its facility which is located 1,600 feet south of U.S. Highway 80 and approximately 1,200 feet west of State Highway 14, Wood County. The applicant proposes to repair and clean existing facilities.

Contact: Claire Patterson, P.O. Box 13087, Austin, Texas 78711, (512) 475-6943

Filed: December 14, 1984, 2:35 p.m.
TRD-8412504

Addition to the previous agenda

A hearing to determine whether Emergency Order 84-54F granted by the commission on December 11, 1984, to the City of Vernon, P.O. Box 1423, Vernon, Texas 76348, should be affirmed, modified, or set aside by the commission. The order permitted the City of Vernon, whose facilities are located approximately 0.8 mile northeast of the intersection of U.S. Highway 283 and the Fort Worth and Denver Railroad in Vernon, Wilbarger County, an extension of time to continue bypassing a portion of its treatment facility, as authorized by Temporary Order 84-50F, and to complete needed repairs. Temporary Order 84-50F authorized the City of Vernon to discharge partially treated wastewater effluent at a volume and point of discharge compliant with terms and conditions of existing Permit 10377-01.

Contact: Scott Peterson, P.O. Box 13087, Austin, Texas 78711, (512) 475-6943

Filed: December 17, 1984, 11:13 a.m.
TRD-8412516

Monday-Friday, January 7-11, 1985, 8:30 a.m. Monday and 9 a.m. Tuesday-Friday. The Texas Water Commission will meet in the large community hall, Rooney Park, Sanderson Highway, Fort Stockton. According to the agenda, the commission will conduct adjudication hearings on the Pecos and Devils Rivers watershed.

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

Filed: December 17, 1984, 11:14 a.m.
TRD-8412537

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

Wednesday, January 9, 1985, 10 a.m. The commission will consider the application by Virrell W. Johnson for proposed Permit 12893-01 to authorize a discharge of 17,500 gallons per day of treated domestic sewage, Harrison County, Sabine River Basin, and the application by Allan R. Klein for the renewal of water quality Permit 11456, which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 90,000 gallons per day from the not-yet-constructed Commander's Point Sewage Treatment Plant, Travis County, Colorado River Basin.

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

Filed: December 17, 1984, 11:13 a.m.
TRD-8412538

Wednesday, January 9, 1985, 3 p.m. The commission will consider the application by the R. L. Lipsey estate (RE-0216) for approval of plans on the Trinity River in Freestone County, and Application 4473 of the estate of John E. Newman for a permit to authorize the diversion of 1,750 acre feet of water directly from the Colorado River in Bastrop County.

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

Filed: December 17, 1984, 11:13 a.m.
TRD-8412539

Wednesday, January 16, 1985, 10:30 a.m. The commission will consider Application 4480 of D. B. Lundy, D. B. Lundy, Jr., and Peyton Lundy for a permit to authorize the diversion and use of 70 acre feet of water per annum from the North Llano River, tributary of Llano River, tributary of the Colorado River, Colorado River Basin, for irrigation purposes in Kimble County, and the application by E. W. Parker for proposed Permit 12933-01 to authorize the discharge of treated domestic sewage at a volume of not to exceed 280,000 gallons per day, Bell County, Brazos River Basin.

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

Filed: December 17, 1984, 11:14 a.m.
TRD-8412540

Thursday, January 31, 1985, 9:30 a.m. The Texas Water Commission will meet in the boardroom, Sheldon Independent School District, 8540 C. F. King Parkway, Houston. According to the agenda summary, the commission will consider the application of

Lakewood Pipe Company of Texas, Route 5, Box 494, Houston, Texas 77044, to the Texas Department of Water Resources for proposed Permit 12998-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 6,000 gallons per day from the proposed wastewater treatment plant which is to serve the needs of employees of an office complex and pipe threading installation.

Contact: Darcy A. Brownfelter, P.O. Box 13087, Austin, Texas 78711, (512) 475-1317.

Filed: December 17, 1984, 11:14 a.m.
TRD-8412541

Regional Agencies Meetings Filed December 13

The Angelina and Neches River Authority, Board of Directors, met at the Crown Colony Country Club, 900 Crown Colony Drive, Lufkin, on December 18, 1984, at noon. The Industrial Development Corporation met at the same location on the same day at noon. Information may be obtained from William A. Elmore, P.O. Box 287, Lufkin, Texas 75901, (409) 632-7795.

The Central Texas Mental Health and Mental Retardation Center, Board of Trustees, met at 408 Mulberry Drive, Brownwood, on December 18, 1984, at 4:30 p.m. Information may be obtained from Randy K. Harkey, P.O. Box 250, Brownwood, Texas 76801, (915) 646-9574, ext. 102.

The Cherokee County Appraisal District, Board of Directors, met at 107 East Sixth Street, Rusk, on December 20, 1984, at 2:30 p.m. Information may be obtained from S. R. Danner, P.O. Box 494, Rusk, Texas 75785, (214) 683-2296.

The Golden Crescent Regional Planning Commission, Board of Directors, met in the Americana Room, Interfirst Bank, 1908 North Laurent, Victoria, on December 19, 1984, at 5 p.m. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587.

The Houston-Galveston Area Council, Project Review Committee, met in the conference room, fourth floor, 3555 Timmons, Houston, on December 18, 1984, at 8:30 a.m. Information may be obtained from Geraldine McCray, P.O. Box 22777, Houston, Texas 77027, (713) 627-3200.

The Kendall County Appraisal District, Board of Directors, met at 207 East San Antonio Street, Boerne, on December 20, 1984, at 7 p.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

The Mental Health and Mental Retardation Authority of Brazos Valley, Board of Trustees, met in Room 104, College Station Community Center, 1300 Jersey Street, College Station, on December 20, 1984, at 1:30 p.m. Information may be obtained from Ann Pyc Shively, Ph.D., P.O. Box 4588, Bryan, Texas 77805, (409) 696-8585.

The Mills County Appraisal District met at the Mills County Courthouse, Goldthwaite, on December 20, 1984, at 6:30 p.m. Information may be obtained from Doran I. Lemke, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253.

The Sabine Valley Regional Mental Health and Mental Retardation Center, Board of Trustees, met at 1501 East Marshall Avenue, Longview, on December 20, 1984, at noon. Information may be obtained from Ronald R. Cookston, Ed.D., P.O. Box 6800, Longview, Texas 75608, (214) 297-2191.

The Wheeler County Appraisal District, Board of Directors, met in emergency session in the commissioners courtroom, Wheeler County Courthouse, Wheeler, on December 14, 1984, at 2 p.m. Information may be obtained from Marilyn Copeland, P.O. Box 349, Wheeler, Texas 79096, (806) 826-5900.

TRD-8412461

Meetings Filed December 14

The Ark-Tex Council of Governments, Board of Directors, met at K Bob's Restaurant, Shannon Road, Sulphur Springs, on December 20, 1984, at 5:30 p.m. Information may be obtained from Vivienne Arvin, P.O. Box 5307, Texarkana, Texas 75507, (501) 774-3481.

The Atascosa County Appraisal District, Board of Directors, met at 1010 Zanderson, Jourdanton, on December 20, 1984, at 1:30 p.m. Information may be obtained from Vernon A. Warren, 1010 Zanderson, Jourdanton, Texas 78026, (512) 769-2730.

The Bastrop County Appraisal District, Board of Directors, met at 1200 Cedar

Street, Bastrop, on December 20, 1984, at 7:30 p.m. The Appraisal Review Board will meet at the same location on December 27, 1984, at 10 a.m. Information may be obtained from Lorraine Perry, P.O. Drawer 578, Bastrop, Texas 78602, (512) 321-3925.

The Comal County Appraisal District, Board of Directors, met at 644 North Loop 337, New Braunfels, on December 17, 1984, at 7:30 p.m. Information may be obtained from Glenn E. Brucks, P.O. Box 1222, New Braunfels, Texas 78130, (512) 625-8597.

The Dallas Area Rapid Transit Authority, Budget and Finance Committee, met at 601 Pacific Avenue, Dallas, on December 17, 1984, at 2 p.m. The Personnel Committee met at the same location on December 18, 1984, at 1 p.m. The Special Needs Committee met at the same location on December 18, 1984, at 4 p.m. The Service Plan Work Program Committee met with the Dallas City Council Transportation Committee in Room 415, Dallas City Hall, 1500 Marilla, Dallas, on December 20, 1984, at 9 a.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Hockley County Appraisal District, Board of Directors, met at 201 Houston Street, Levelland, on December 17, 1984, at 6 p.m. Information may be obtained from Keith Loomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

The Houston-Galveston Area Council, Board of Directors, met in the conference room, fourth floor, 3555 Timmons, Houston, on December 18, 1984, at 9:30 a.m. Information may be obtained from Charlene McCarthy, P.O. Box 22777, Houston, Texas 77027, (713) 627-3200, ext. 596.

The North Central Texas Council of Governments, Executive Board, met on the second floor, Centerpoint Two, 616 Six Flags Drive, Arlington, on December 20, 1984, at 12:45 p.m. Information may be obtained from Edwina J. Hicks, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 461-3300.

The Pecan Valley Mental Health and Mental Retardation Region, Board of Trustees, met in the region outpatient clinic, 104 Charles Street, Granbury, on December 19, 1984, at 8 a.m. Information may be obtained from Theresa Mulloy, Ed.D., P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806.

The Tyler County Tax Appraisal District, Board of Review, met at 103 Pecan, Woodville, on December 17, 1984, at 6 p.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

The Wood County Appraisal District, Board of Directors, met in the conference room, 217 North Main, Quitman, on December 20, 1984, at 1:30 p.m. Information may be obtained from W. Carson Wages or Teresa Poston, P.O. Box 951, Quitman, Texas 75783.

TRD-8412472

Meetings Filed December 17

The Heart of Texas Region Mental Health and Mental Retardation Center, Board of Trustees, met in emergency session at 110 South 12th Street, Waco, on December 19, 1984, at 11:30 a.m. Information may be obtained from Jan Bats, P.O. Box 890, Waco, Texas 76703, (817) 752-3451.

The Upper Leon River Municipal Water District, Board of Directors, will meet in the general office, filter plant, Lake Proctor, Comanche County, on December 27, 1984, at 6:30 p.m. Information may be obtained from Zollie Skaggs, Box 67, Comanche, Texas 76442, (817) 879-2258.

The West Texas Council of Governments, Board of Directors, will meet in the conference room, eighth floor, Two Civic Center Plaza, El Paso, on December 21, 1984, at 9:30 a.m. (M.S.T.) Information may be obtained from Bernie Guy, Two Civic Center Plaza, El Paso, Texas 79999, (915) 541-4589.

TRD-8412556

Meeting Filed December 18

The Texas Municipal Power Agency, Board of Directors, will meet at the administration building, Gibbons Creek steam electric station, 2½ miles north of Carlos on FM Road 244, on December 21, 1984, at 10 a.m. Information may be obtained from Jim Bailey, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013.

TRD-8412575

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

In order to aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows. This often includes applications for construction permits (filed by the Texas Air Control Board), applications for amendment, declaratory ruling, and notices of intent (filed by the Texas Health Facilities Commission), applications for waste disposal permits (filed by the Texas Water Commission), and notices of public hearing

In Addition

Texas Air Control Board Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period of December 3-7, 1984

Information relative to the following applications, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723

A copy of all material submitted by the applicant is available for public inspection at the central office of the Texas Air Control Board at the previously mentioned address, and at the regional office for the air quality control region within which the proposed facility will be located

Listed are the names of the applicants and the cities in which the facilities are located, type of facilities, location of the facilities (if available), permit numbers, and type of application—new source or modification

A B C Asphalt Company, Inc., Fort Worth; hot mix asphalt, Fort Worth, Tarrant County, 9562, new source

H B Zachry Company, San Antonio, rock crusher, Loop 1604 C Huebner Road, 9563, new source

Valspar Corporation, Beaumont, paint manufacturing, 1700 Dorcette Street, Jefferson County, 3242A, modification

Valspar Corporation, Beaumont, paint manufacturing facility, 1700 Doucette Street, Jefferson County, 276A, modification

Columbian Peanut Company, Del Leon, peanut processing, 201 North Houston Street, Comanche County, 4489C, modification

Hansa Manufacturing Company, Baytown; petroleum processing plant; FM Road 1405, Harris County; 9564; new source

Issued in Austin, Texas, on December 12, 1984.

TRD-8412458

Paul M. Shinkawa
Director of Hearings
Texas Air Control Board

Filed December 13, 1984

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

Banking Department of Texas Applications to Acquire Control of State Banks

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

On November 20, 1984, the banking commissioner received an application to acquire control of the Farmer's State Bank, Chappell Hill, by Edward A. Smith, Jr., of Houston

On December 12, 1984, notice was given that the application would not be denied

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451

Issued in Austin, Texas, on December 12, 1984

TRD-8412434

William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed December 12, 1984

For further information, please call (512) 475-4451.

On December 12, 1984, the banking commissioner received an application to acquire control of The Guaranty Bond State Bank of Waller, Waller, by Lawrence C. Marshall of Hempstead.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on December 12, 1984.

TRD 8412435 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed December 12, 1984.

For further information, please call (512) 475-4451.

On December 13, 1984, the banking commissioner received an application to acquire control of Leander State Bank, Leander, by Carroll N. Sullivan, Jr., and C. N. Sullivan, Jr., trustee, both of Georgetown, Ted C. Connell of Killeen, and Jo Ann Emke of Burnet.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on December 13, 1984.

TRD 8412502 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed December 14, 1984.

For further information, please call (512) 475-4451.

Public Hearing

The hearing officer of the Banking Department of Texas conducted a hearing at 2 p.m. on Tuesday, December 17, 1984, at 2601 North Lamar Boulevard, Austin, on the order of the banking commissioner concerning the application of Mount Olivet Cemetery Association for the release of funds representing accrued interest in excess of 100% of the total paid by purchasers of prepaid funeral benefits, which was entered October 27, 1981, and a request dated November 5, 1984, to withdraw \$760,620.66 of accrued interest in the Mount Olivet Cemetery Association Trust, pursuant to the order.

The purpose of the hearing was to consider whether the order safeguards the right and interests of the purchaser to substantially the same or greater degree as is provided with respect to funds regulated by Texas Civil Statutes, Article 548, §5, and whether the request to withdraw accrued interest is in accordance with the plan set forth in the order.

At the hearing, evidence was received and considered concerning the effects of inflationary factors, the protection §5 provides against inflationary factors, and whether the order safeguards the right and interests of the purchaser to substantially the same or greater degree as is provided with respect to funds regulated by §5 with regard to inflationary factors.

The department considered evidence to determine whether the request to withdraw accrued interest furthers the underlying public purpose of the plan (see order, Conclusion of Law 11), insured that the benefits reasonably contemplated by the plan would be available (see order, Conclusion of Law 11), benefits the interests of the purchasers of prepaid funeral contracts (see order, Finding of Fact 18), and whether the request for withdrawal of accrued interest provides additional security for the performance of the prepaid funeral contracts (see order, Finding of Fact 20).

A request to become a party should be mailed to or filed with the hearing officer of the department at 2601 North Lamar Boulevard, Austin, Texas 78705.

Additional information may be obtained from Archie P. Clayton III, General Counsel, Banking Department of Texas, 2601 North Lamar Boulevard, Austin, Texas, (512) 475-4451.

Issued in Austin, Texas, on December 12, 1984.

TRD 8412433 Archie P. Clayton III
General Counsel
Banking Department of Texas

Filed December 12, 1984.

For further information, please call (512) 475-4451.

Office of Consumer Credit Commissioner Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1-04, 1-05, 1-11, and 15-02, as amended (Texas Civil Statutes, Articles 5069-1-04, 1-05, 1-11, and 15-02).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽¹⁾ Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1-04(a)(1) 12/24/84-12/31/84	18.00%	18.00%
Monthly Rate— Article 1-04(c) ⁽¹⁾ 12/01/84-12/31/84	18.00%	18.00%
Standard Quarterly Rate—Article 1-04(a)(2) 01/01/85-03/31/85	19.60%	19.60%
Retail Credit Card Quarterly Rate— Article 1-11 ⁽³⁾ 01/01/85-03/31/85	19.60%	N/A
Lender Credit Card Quarterly Rate— Article 15-02(d) ⁽³⁾ 01/01/85-03/31/85	19.60%	N/A
Standard Annual Rate— Article 1-04(a)(2) ⁽²⁾ 01/01/85-03/31/85	19.60%	19.60%

Type of Rate Ceiling Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricul- tural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
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Retail Credit Card
Annual Rate

Article 1.11⁽¹⁾

01-01-85 to 03-31-85	19.60%	N/A
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Annual Rate Applica-
ble to Pre July 1, 1983,
Retail Credit Card and
Lender Credit Card
Balances with Annual
Implementation Dates
from

01-01-85 to 03-31-85	19.74%	N/A
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Judgment Rate--
Article 1.05, §2

01-01-85 to 01-31-85	10.00%	10.00%
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(1) For variable rate commercial transactions only

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

(3) Credit for personal, family, or household use

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

Issued in Austin, Texas, on December 17, 1984

TRD 8412521 Sam Kelley
Consumer Credit Commissioner

Filed December 17, 1984

For further information, please call (512) 476-2111.

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 indicates notice of intent to acquire existing health care facilities, NIR indicates notice of intent regarding a research project, NIE/HMO indicates notice of intent for exemption of HMO-related project, and EC indicates exemption certificate.

Should any person wish to become a party 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 Satur-

day, 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 IAC §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.

Memorial Hospital of Galveston County,
Texas City

AH80-0103-003A(120484)

CN/AMD—Request for an extension of the completion deadline from December 31, 1984, to April 1, 1985, in Certificate of Need AH80-0103-003, as amended by AH80-0103-003A(060383), AH80-0103-003A(122183), and AH80-0103-003A(062784), which authorized the certificate holder to construct a 52,000-square-foot addition for a 65-bed psychiatric unit.

Healthcare and Retirement Corporation of
America, doing business as Heartland of
Houston, Houston

AN83-0805-084A(120784)

CN/AMD—Request for an amendment of Certificate of Need AN83-0805-084, which authorized the certificate holder to construct, equip, and operate a 34,416-square-foot 120-bed nursing home. The certificate holder requests a relocation of the site from 11300 Richmond Avenue, Houston, to 3100 Woodland Park Drive, Houston.

Methodist Hospitals of Dallas for Methodist
Medical Center (formerly Methodist Hospitals
of Dallas for Methodist Central Hospital), Dallas
AH80-1124-024A(102984)

CN/AMD—Notice of an amended amendment application. Request for an extension of the completion deadline from October 31, 1984, to February 28, 1985, in Certificate of Need AH80-1124-024, which authorized the certificate holder to renovate 8,000 square feet of space on the ground floor of Methodist Medical Center and to relocate and expand the Neonatal Special Care Unit.

Continental Medical, Inc., or affiliate,
Atlanta, Georgia

AH84-1207-784

NIEH—Request for a declaratory ruling that a certificate of need is not required for Continental Medical, Inc., or affiliate to acquire by purchase Northwest Hospital of Fort Worth, an existing 49-bed general acute care facility located in Fort Worth, from American Medical (Central), Inc.

St. Anthony's Hospital, Amarillo

AH82-0628-054A(120684)

CN/AMD—Request for an extension of the completion deadline from January 7, 1985, to March 30, 1985, in Certificate of Need AH82-0628-054, which authorized the certificate holder to construct a 26,867-square-foot, 20-bed hospice unit adjacent

to its existing facility to provide a hospice program for the terminally ill

Issued in Austin, Texas, on December 17, 1984

TRD-8412524 John T. Neel
General Counsel
Texas Health Facilities
Commission

Filed: December 17, 1984

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

Texas Department of Human Resources Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources (DHR) furnishes this notice of consultant contract award. The consultant proposal request was published in the August 24, 1984, issue of the *Texas Register* (9 TexReg 4603)

Description of Services. This contract is for the purpose of obtaining psychological evaluations, developmental testing, individual, group, or family therapy, and court testimony

Contractor. The contractor selected is Dr. Christopher L. Klaas, 4925 Everhart, Suite 113, Corpus Christi, Texas 78411

Contract Dates. The contract began December 1, 1984, and will end August 31, 1985. The value of the contract is \$98,610

Due Dates for Reports. Documents will be filed within established time frames as described in the plan of operation

Issued in Austin, Texas, on December 17, 1984

TRD-8412523 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed: December 17, 1984

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

Intent to File Application for Grant Funds

The Texas Department of Human Resources intends to submit an application to the U.S. Department of Health and Human Services for grant funds under the Integrated Service Delivery Demonstration Program (Program Announcement 13 647-8511)

The demonstration project proposes to help teen parents who are AFDC or child protective services clients become self-sufficient, competent parents. The project will demonstrate a comprehensive case management system, which includes case finding, screening, assessment, self-sufficiency planning, and ongoing support. A coordinated

network of service providers will be developed. Potential project sites have not been determined.

Comments should be submitted to Kent Gummerman, Administrator, Research and Demonstration Division, Mail Code 504-E, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769. Deadline for receipt of comments is January 9, 1985.

Issued in Austin, Texas, on December 17, 1984

TRD 8412532 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed: December 17, 1984

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

Request for Information

The Texas Department of Human Resources is involved in a comprehensive evaluation of the most current technology available for use in managing large document-based information systems. A request for information (RFI) has been selected as a systematic method for gathering information concerning products that are or soon may be available in this field. The RFI describes this agency, the environment in which it operates, and the current status of both automation and records management activities within the department. It also describes the department's needs for managing document-based information in some detail. Please note that the RFI is an information-gathering tool, not a procurement document. The expectation is that information obtained through the RFI process may result in a competitive procurement within the next year or two.

Copies of the RFI will be available on or about December 28, 1984. Interested organizations or individuals offering document-based mass storage systems may obtain a copy of the RFI by contacting Bill Schaefer, Texas Department of Human Resources—825-C, P.O. Box 2960, Austin, Texas 78769, (512) 450-4559.

Issued in Austin, Texas, on December 17, 1984

TRD-8412514 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed: December 17, 1984

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

Texas Department of Public Safety Public Information

The Texas Department of Public Safety estimates that as many as 94 people will be killed in traffic accidents during the Christmas and New Year's holidays. Officials

anticipate 53 deaths during the Christmas period and 41 deaths during New Year's

"This joyous season will be ruined for many families because of traffic fatalities," DPS Director Colonel Jim Adams said. "Troopers and local police are working hard to increase the margin of safety for the motorist by ticketing speeders and removing intoxicated drivers from the roadways, but even the law abiding driver must have the good sense to look out for himself and his passengers. I firmly believe that the best defense against the intoxicated driver is a buckled seat belt."

Adams warned vehicle passengers not to take chances by riding with a driver thought to be under the influence of alcohol or drugs.

"A person's driving abilities can be significantly affected by alcohol long before the legal limit of intoxication is reached," Adams pointed out. "It's best not to drink at all if you plan to drive."

Thirty-four people were killed during the Christmas period last year in Texas, and Adams noted that 20 of the fatalities occurred just two days before Christmas. The total number of deaths for the New Year's holiday was 39. During the month of December there were 284 traffic deaths and 18,238 injuries.

The DPS reports additional troopers will be assigned where large volumes of traffic or additional accidents are anticipated.

"I have authorized Highway Patrol captains to utilize troopers from other services to augment the regular patrol if additional troopers are needed in a particular area," said Adams.

The DPS will conduct its "Operation Motorcade" starting at 6 p.m. on Friday, December 21, 1984, and continuing through 12 a.m. on Tuesday, December 25, 1984. The effort will be repeated during the New Year's holiday starting at 6 p.m. on Friday, December 28, 1984, and ending at 12 a.m. on Tuesday, January 1, 1985. Each counting period is 102 hours long.

Public Utility Commission of Texas Consultant Contract Award

This notice of consultant contract award is filed under the provisions of Texas Civil Statutes, Article 6252-11c. The consultant proposal request was published in the May 22, 1984, issue of the *Texas Register* (9 TexReg 2844).

The project requires the contractor to develop and manage a statewide energy design in energy audit procedures and report format to accommodate the needs of school districts interested in stabilizing energy bills through implementing low cost, no cost maintenance and operations procedures;

to assist the Public Utility Commission of Texas (PUC) in drafting a request for proposal for four regional contracting firms which will be responsible for conducting the audits; to set up and conduct orientation sessions for the regional firms, to assume responsibility for the overall management of all auditing activities and for quality control in the programs, to collect budget reports and perform data sorting tasks; and to assist the PUC in evaluating the effectiveness of the program.

The consultants selected to develop and manage the statewide energy audit service are Bywaters and Associates, P.O. Box 25111, Dallas, Texas 75221.

The total value of the contract is \$85,000. The contract began on December 8, 1984, and will extend until August 30, 1985.

A final report summarizing energy and energy cost savings achieved by this program will be due six weeks after the end of the contract.

Issued in Austin, Texas, on December 12, 1984

TRD-8412427

Rhonda Colbert Ryan
Secretary of the Commission
Public Utility Commission of
Texas

Filed: December 12, 1984

For further information, please call (512) 458-0100.

Railroad Commission of Texas Amendment of Request for Proposals

The Railroad Commission of Texas amends the request for proposals of November 19, 1984, which appeared in the November 30, 1984, issue of the *Texas Register* (9 TexReg 6109), to change the final date of submitting completed proposals to the commission to January 4, 1985; and provide a listing that specifies the BRG tracks included in the rehabilitation project.

If additional information is desired, please contact the Railroad Commission of Texas, Attention: Robert Farnsworth, Transportation Division, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 445-1183; or the Brownsville and Rio Grande International Railroad, Attention: Gil Gillette, P.O. Box 3818, Brownsville, Texas 78523-3818, (512) 831-7731.

Issued in Austin, Texas, on December 10, 1984.

TRD-8412480

Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Filed: December 14, 1984

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



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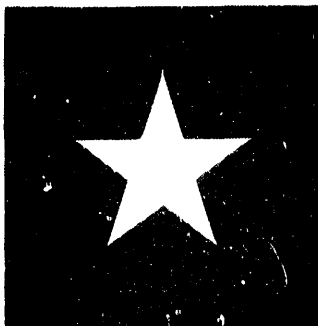
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