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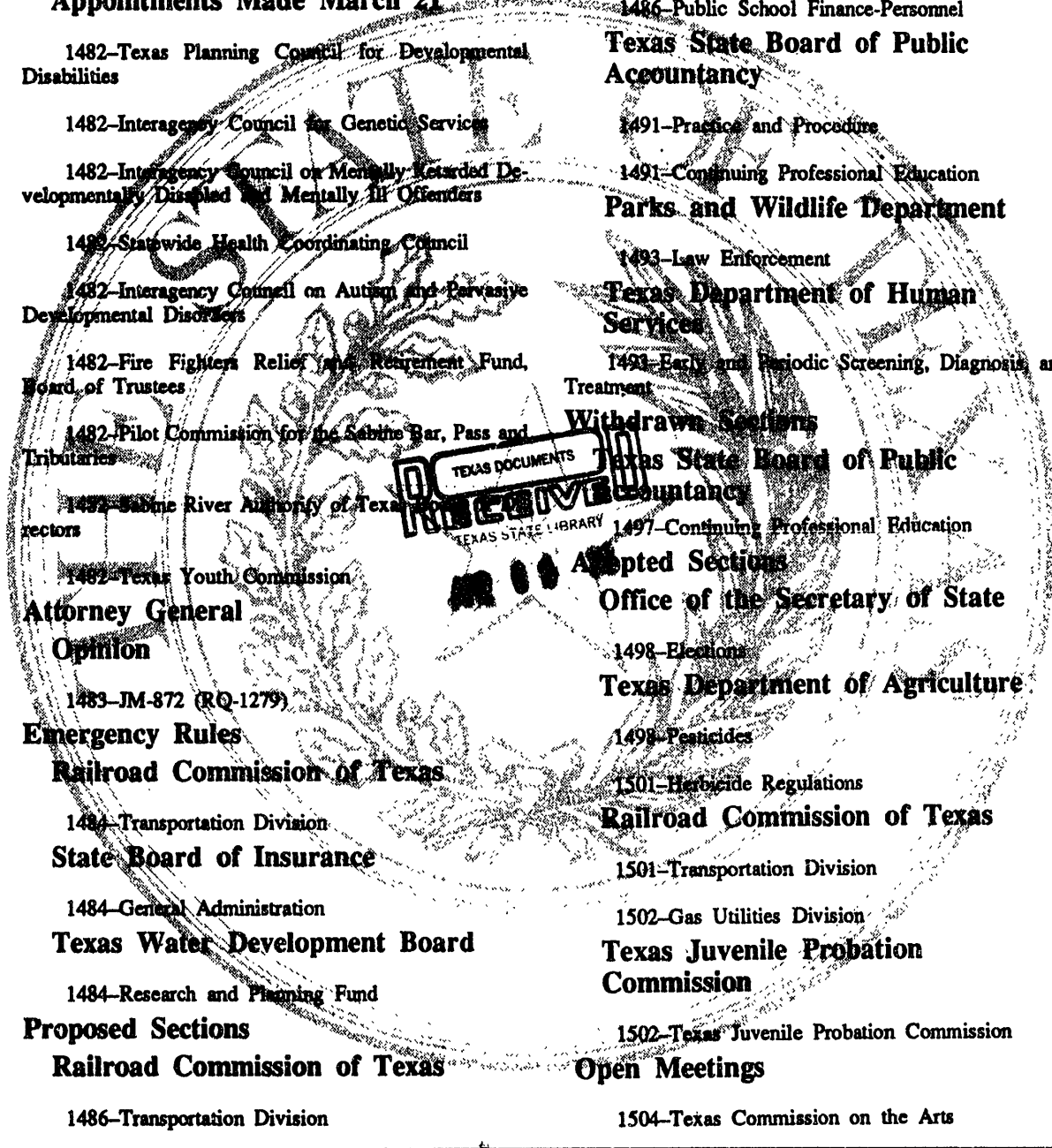
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Texas Register

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Information Available: The 10 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
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- Emergency Rules—rules adopted by state agencies on an emergency basis
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- Adopted Rules—rules adopted following a 30-day public comment period
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- 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 accumulative 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: "12 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 12 TexReg 3."

How To Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, 503E Sam Houston Building, Austin. Material can be found by using *Register* indexes, the *Texas Administrative Code*, rule number, or TRD number.

Texas Administrative Code

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

How To Cite: Under the TAC scheme, each agency rule is designated by a TAC number. For example, in the citation 1 TAC §27.15:

1 indicates the title under which the agency appears in the *Texas Administrative Code*;

TAC stands for the *Texas Administrative Code*;

27.15 is the section number of the rule (27 indicates that the rule is under Chapter 27 of Title 1; 15 represents the individual rule within the chapter).



Texas Register Publications

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Jack M. Rains
Secretary of State

Director
Dan Procter

Assistant Director
Dee Wright

Documents Section Supervisor
Cynthia Cooke

Document Editors
Lainie Crease
Catherine Koelmay

Document Filing
Janiene Hagel

Production Section Supervisor
Craig Howell

Production Editor
Jody Allen

Typographers
Ann Franklin
Victoria Parrish

Circulation/Marketing
Richard Kallus
Roberta Knight

TAC Editor
Patty Parris

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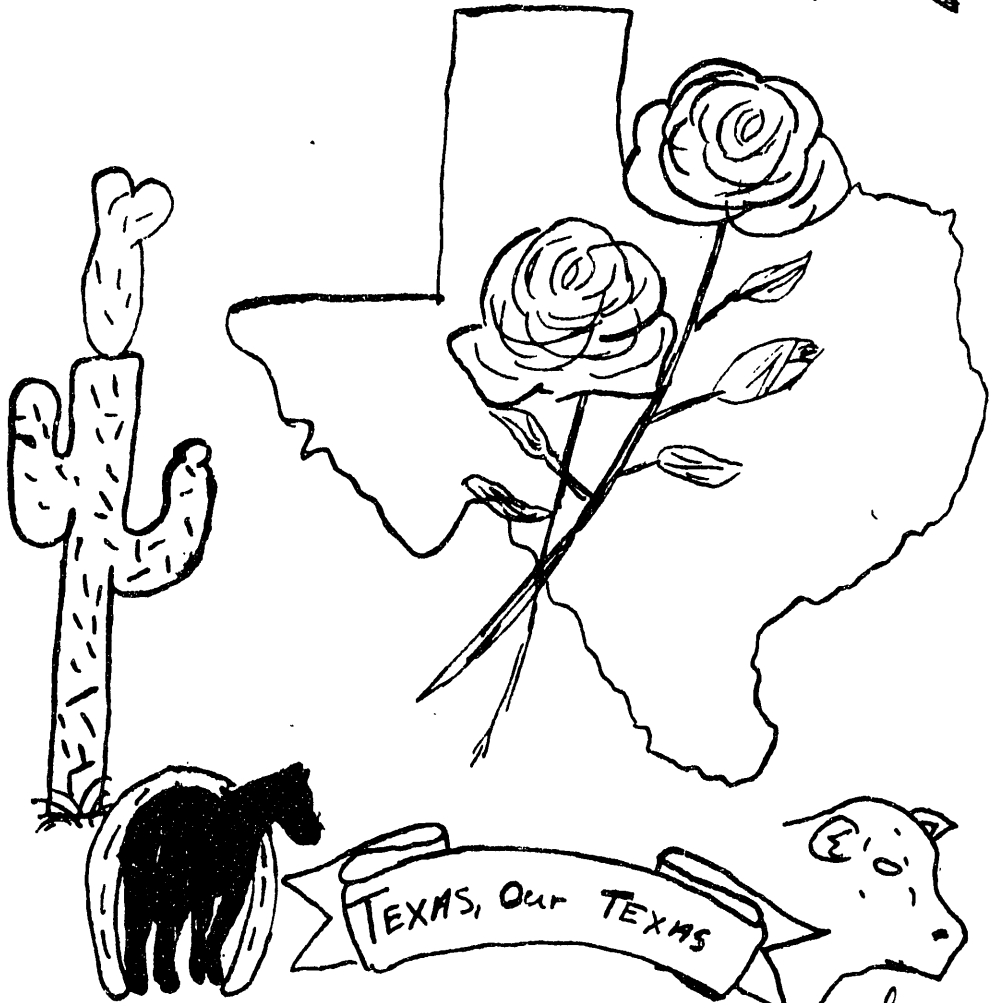
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Name: Angel Roberts
Grade: 8
School: Burnet Jr. High, Burnet

Angel
Roberts 87

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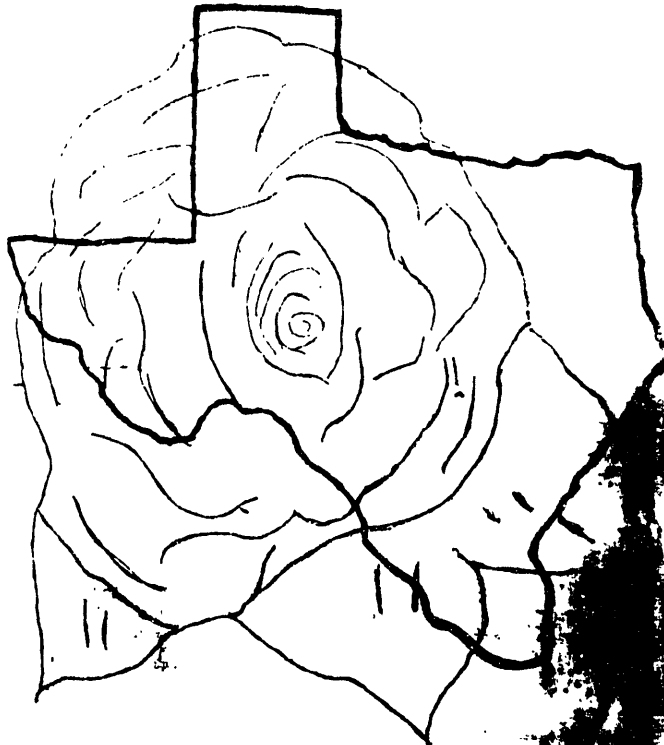
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Name: Nicole Moreau
 Grade: 8
 School: Burnet Jr. High, Burnet

The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Texas Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations 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) 463-1814.

Appointments Made March 21

To be a member of the Texas Planning Council for Developmental Disabilities for a term to expire February 1, 1992: Aaron Wells Howard, 510 Lovett Boulevard, Houston, Texas 77006. Mr. Howard will be replacing Mary Carolyn Knott of El Paso whose term expired.

To be a member of the Texas Planning Council for Developmental Disabilities for a term to expire February 1, 1993: Oscar P. Bobbitt, Texas Department on Aging, P.O. Box 12786, Austin, Texas 78711. Mr. Bobbitt is being appointed to a new position on the council.

To be a member of the Interagency Council for Services pursuant to Senate Bill 257, 70th Legislature, 1987, for a term to expire September 1, 1989: Joseph David Martinec, 1601 Rio Grande, Suite 451, Austin, Texas 78701.

To be a member of the Interagency Council for Genetic Services pursuant to Senate Bill 257, 70th Legislature, 1987, for a term to expire September 1, 1989: Helene Botsonis, 6710 Elmhurst, Amarillo, Texas 79106.

To be a member of the Interagency Council on Mentally Retarded Developmentally Disabled and Mentally Ill Offenders pursuant to Senate Bill 719, 70th Legislature, 1987, for a term to expire February 1, 1991: Karl B. McLeod, P.O. Box 218, Boling Texas 77420.

To be a member of the Statewide Health Coordinating Council for a term to expire September 1, 1989: George A. Bray, 6104 Cary Drive, Austin, Texas 78757. Mr. Bray will be replacing Dolores Lawless of Beaumont whose term expired.

To be a member of the Interagency Council on Autism and Pervasive Developmental Disorders pursuant to Senate Bill 257, 70th Legislature, 1987, for a term to expire February 1, 1989: Jan Lynn Newsom, 6040 Preston Haven, Dallas, Texas 75230.

To be a member of the Fire Fighters Relief and Retirement Fund, Board of Trustees for a term to expire September 1, 1993: Benny Paul Kennedy, 809 North West Seventh Street, Andrews, Texas 79714. Mr. Kennedy will be replacing J. J. Pruitt of Houston whose term expired.

To be a member of the Pilot Commission for the Sabine Bar, Pass and Tributaries for a term to expire August 22, 1989: William G. McNinch, P.O. Box 1000, Port Arthur, Texas 77641. Mr. McNinch will be

replacing Sam Aquilina of Port Arthur whose term expired.

To be a member of the Pilot Commission for the Sabine Bar, Pass and Tributaries for a term to expire August 22, 1989: Charles Paul Turco, 113 Briggs, Beaumont, Texas 77707. Dr. Turco is being reappointed.

To be a member of the Pilot Commission for the Sabine Bar, Pass and Tributaries for a term to expire August 22, 1989: J. Lynn Harden, 2500 Harrison, Beaumont, Texas 77702. Mr. Harden is being reappointed.

To be a member of the Sabine River Authority of Texas Board of Directors for a term to expire July 6, 1993: Luther Earl (Red) Davis, Route 4, Box 700, Hemphill, Texas 75948. Mr. Davis will be replacing William J. Butler of Orange whose term expired.

To be a member of the Pilot Commission for the Sabine Bar, Pass and Tributaries for a term to expire August 22, 1989: Kent M. Adams, 2615 Calder, Suite 220, Beaumont, Texas 77702. Mr. Adams will be replacing Kenneth L. Pigg of Beaumont whose term expired.

To be a member of the Texas Youth Commission for a term to expire August 31, 1993: Comer Joseph Cottrell, 2121 Panoramic Circle, Dallas, Texas 75212. Mr. Cottrell will be replacing Judge Jorge C. Rangel of Corpus Christi whose term expired.

To be a member of the Texas Youth Commission for a term to expire August 31, 1993: Kenn S. George, 3409 Cornell, Dallas, Texas 75205. Mr. George will be replacing Dr. George Beto of Huntsville whose term expired.

Issued in Austin, Texas on January 9, 1988.

TRD-8802933

William P. Clements, Jr.
Governor of Texas



Attorney General

Description of Attorney General submissions. 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 maybe held from public disclosure. Requests for opinions, opinions, and open record decisions are summarized for publication in the *Texas Register*.

Opinion

JM-872 (RQ-1279). Request from Bob Bullock, Comptroller of Public Accounts, L.B.J. Building, Austin, concerning the authority of state auditor and Legislative Audit Committee to conduct economy and efficiency audits and effectiveness audits under the Texas Government Code, §321.0133, and related questions.

Summary of Opinion. No provision in the Government Code, Chapter 321, which sets forth the duties of the state auditor and the Legislative Audit Committee, purports to confer authority on the committee to direct executive agencies in the matter in which they execute or administer the laws.

No provision in the Government Code, Chapter 321, purports to confer authority on the state auditor to direct executive agencies in the manner in which they execute or administer the laws.

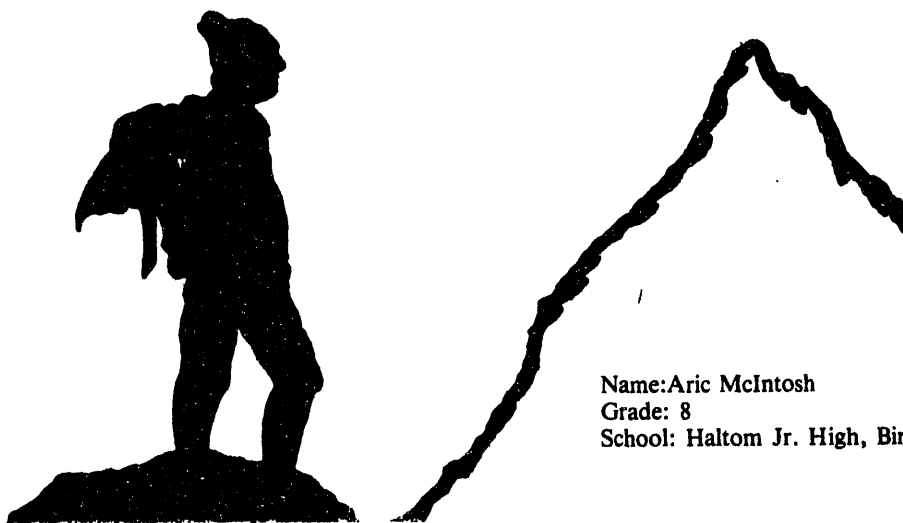
The Education Code, §51.005 and §61.005, is unconstitutional insofar as those sections purport to confer authority on the state auditor to promulgate rules jointly with the College Coordinating Board.

Legislative committees properly may gather information and conduct investigations upon any matters about which legislation may be enacted.

Because the Texas Constitution reposes in the legislature sole authority to propose constitutional amendments, legislative committees may gather information and conduct investigations in aid of such authority. However, it is questionable whether a mere decision by the Legislative Audit Committee and the state auditor to so investigate, under the guise of conducting an "economy and efficiency audit" or an "effectiveness audit," is sufficient to permit such a serious intrusion into the performance of constitutionally imposed duties as is here contemplated by an inquiry into the methods and means whereby you derive the budget certification/revenue decided, because nothing in the Government Code purports to confer the authority to conduct such an inquiry in the first place. The Legislative Audit Committee may not direct the manner in which the comptroller derives such estimates.

The state auditor possesses no authority either to direct an executive agency or officer to seek amendments to the laws or to evaluate the agency or officer on the basis of whether such amendments are sought.

TRD-8802921



Name: Aric McIntosh
Grade: 8
School: Haltom Jr. High, Birdville

Emergency Rules

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

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

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas Chapter 5. Transportation Division

Subchapter W. Registration of Commercial Carriers

• 16 TAC §5.506

The Railroad Commission of Texas adopts on an emergency basis an amendment to §5.506, concerning implementation. This amendment is simultaneously being proposed for public comment. The amendment is adopted on an emergency basis due to the fact that the normal rulemaking procedures will not allow the final adoption of the amendment prior to the deadline of April 1, 1988, which deadline is changed by this amendment. The uncertainty which would be caused by a temporary imposition of the registration requirement creates an imminent threat to the general welfare.

The commission proposes to delay the full implementation of the registration requirement for international commercial carriers, as defined by §5.507 of this subchapter (relating to Temporary Registration of International Commercial Carriers) from April 1, 1988, to May 1, 1988.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 911b, §4 (a)(13), and Article 6701d, §139(c), which authorize the commission to register commercial motor vehicles and require the filing of proof of liability insurance. **§5.506. Implementation.**

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

(d) **Commercial carriers which may register pursuant to the provisions of §5.507 of this subchapter (relating to Temporary Registration of International Commercial Carriers) shall not be required to comply with the provisions of this subchapter before May 1, 1988.**

Issued in Austin, Texas, on March 21, 1988.

TRD-8802915 Jim Nugent
Chairman
Railroad Commission of
Texas

Effective date: March 22, 1988

Expiration date: July 20, 1988

For further information, please call: (512) 463-7149

TITLE 28. INSURANCE

Part I. State Board of Insurance

Chapter 1. General Administration

Subchapter B. Fees, Charges, and Costs

• 28 TAC §1.303

The State Board of Insurance adopts on an emergency basis an amendment to §1.303, concerning the charge for the board published copy of the Insurance Code and related statutes and rules. The amendment is necessary to reflect changes in costs of producing copies. The amendment to §1.303 revises the charge for a board published copy of the Insurance Code and related materials. An imminent peril to the public welfare requires that this section be adopted on an emergency basis in order to provide for the proper functioning of administrative regulation of the business of insurance and related matters in Texas. This emergency amendment is necessary to enable the board to establish a charge equivalent to the expense of production for copies. The emergency action will enable the board to inform regulated entities and other interested persons of the amount of this charge as rapidly as possible so that efficient dissemination of information and material can proceed.

The amendment is adopted on an emergency basis under the Insurance Code, Article 4.07, which provides that the State Board of Insurance shall set and collect a charge for making copies of any record in an amount deemed sufficient to reimburse the state for the actual expense.

§1.303. Charge for the Insurance Code. The charge for the board published copy [volume] of the Insurance Code and related laws and rules is **\$38.98**[~~\$36.28~~], plus applicable sales tax.

Issued in Austin, Texas, on March 22, 1988.

TRD-8802951 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: March 23, 1988

Expiration date: July 21, 1988

For further information, please call: (512) 463-6327

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part X. Texas Water Development Board

Chapter 355. Research and Planning Fund

Regional Water Supply and Wastewater Planning

• 31 TAC §§355.11, 355.12, 355.18

The Texas Water Development Board adopts on an emergency basis amendments to §§355.11, 355.12, and 355.18. The amendments will allow the board to provide funding for regional water supply and wastewater planning of up to 75% to political subdivisions with unusually high unemployment, with unusually low per capita income, and where planning would not occur without state assistance in excess of the 50% currently authorized by rules. The proposed changes also allow the board to authorize a 90-day extension to allow the applicant to enter into a contract for the grant and to provide evidence of local matching funds. Adoption of the amendments on an emergency basis will allow the board to address imminent threats to public health in Rio Grande border counties and violations of state regulations governing provision of public water supply and wastewater discharges.

The sections are adopted pursuant to the authority of the Texas Water Code, §6.101 and §15.406, which allows the board to pass rules to carry out its powers and duties and to provide eligibility for regional planning assistance.

§355.11. Purpose. It is the intent of the board to establish a general policy for processing applications to fund planning for regional water supply and wastewater collection and treatment facilities by political subdivisions. Because of the limited supply of funds, each applicant will have 90 days from board approval to enter into the contract and to demonstrate to the executive administrator that it has its matching share committed and available. **The board may authorize one additional 90-day extension to enter into a contract and provide evidence of local matching fund availability.** Funding of regional planning projects shall be at the discretion of the board from funds in the research and planning fund created in the state treasury, and in accordance with §355.1 of this title (relating to General Policy).

§355.12. Applicability.

(a) (No change.)

(b) The board will generally provide funding not to exceed 50% of planning costs. The board may approve funding up to 75% of total planning costs for areas that exhibit all of the following characteristics:

(1) reporting unemployment figures greater than 50% over the state average unemployment rate;

(2) exhibiting per capita income for the last reporting period available for the state of less than 65% of the state average; and

(3) demonstrating that regional planning would be unlikely to occur without state assistance beyond 50%.

(c) (No change.)

§355.18. Disbursement of Contracted Funds and Cost Accounting.

(a) Contracts. A contract between the applicant (contractor) and the board will be used. Contracts entered into shall contain terms and conditions considered appropriate to protect the interests of the state and the contractor. The applicant has 90 days from the date of board approval to execute the contract and to provide written evidence acceptable to the executive administrator that the applicant has available its matching share of funds. The board may authorize one additional 90-day extension to execute the contract and provide evidence of local matching fund availability.

(b)-(h) (No change.)

Issued in Austin, Texas, on March 22, 1988.

TRD-8802942

Suzanne Schwartz
General Counsel
Texas Water Development
Board

Effective date: March 22, 1988

Expiration date: July 20, 1988

For further information, please call: (512)
463-7850



Name: Todd Keele
Grade: 8
School: Burnet Jr. High, Burnet



Proposed Sections

Before an agency may permanently adopt a new or amended section, or repeal an existing section, a proposal detailing the action must be published in the *Texas 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 section. Also, in the case of substantive sections, a public hearing must be granted if requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members.

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

TITLE 16. ECONOMIC REGULATIONS

Part I. Railroad Commission of Texas

Chapter 5. Transportation

Subchapter P. Commercial Zones

16 TAC §5.294

The Railroad Commission of Texas proposes an amendment to §5.294, relating to existing commercial zones. The amendment, proposed pursuant to a petition filed by the City of Red Oak Chamber of Commerce adds the city of Red Oak to the existing Dallas and Fort Worth commercial zones.

Nim K. Graves, assistant director of the Transportation Division, has determined that for the first five-year period the proposed section 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 section.

Mr. Graves also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to provide a larger number of available for-hire carriers to transport commodities between the city of Red Oak on the one hand, and the cities of Dallas and Fort Worth on the other. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Nim K. Graves, Assistant Director for Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711. Comments will be accepted for 45 days after publication in the *Texas Register*.

The amendment is proposed under Texas Civil Statutes, Article 911b, §4(a), which authorize the Railroad Commission of Texas to prescribe all rules and regulations necessary for the governance of motor carriers.

§5.294. Existing Commercial Zones. Commercial zones defined and prescribed by the commission after notice and hearing are as follows.

(1) The Dallas commercial zone shall include the following.

(A)-(G) (No change.)

(H) The incorporated city

of Red Oak.

(2) The Fort Worth commercial zone shall include the following.

(A)-(E) (No change.)

(F) The incorporated city of Red Oak.

(3)-(6) (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 March 21, 1988.

TRD-8802917

Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption: May 13, 1988

For further information, please call: (512) 463-7149

Subchapter W. Registration of Commercial Carriers

16 TAC §5.506

(Editor's Note: The State Board of Insurance proposes for permanent adoption the new section it adopts on an emergency basis in this issue. The text of the new section is in the Emergency Rules section of this issue.)

The Railroad Commission of Texas proposes an amendment to §5.506, concerning implementation. The commission proposes to delay the date for compliance for international commercial motor vehicles until May 1, 1988. The date was previously set for April 1, 1988.

Nim K. Graves, assistant director, has determined that for the first five-year period the proposed section 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 section.

Ronald D. Stutes, hearing examiner, also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the increased ability of the Transportation Division of the Railroad Commission of Texas to smoothly and efficiently implement the new registration system for international commercial carriers. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Ronald D. Stutes, Hearings Examiner, Office of General Counsel, and C. Tom Clowe, Director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 911b, §4(a) (13) and Article 6701d, §139(c), which authorize the commission to register commercial motor vehicles and require the filing of proof of liability insurance.

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 March 21, 1988.

TRD-8802916

Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Earliest possible date of adoption: April 29, 1988

For further information, please call: (512) 463-7149

TITLE 19. EDUCATION Part II. Texas Education Agency

Chapter 121. Public School Finance-Personnel

The Texas Education Agency proposes amendments to §121.1, concerning definitions for public school finance, personnel; §§121.11-121.16, concerning personnel records; and §121.32 and §121.34, concerning years of service for salary increment purposes. The purpose of the changes is to bring the sections into conformity with current statutes concerning the foundation school program. Changes include deletion of references to foundation units, which are not used in the current funding system; deletion of the requirement to have a tuberculosis certificate on file for school district personnel, since this requirement in law was repealed by House Bill 1829, 70th Legislature; deletion of detailed instructions for completing the teacher service record; deletion of the requirement that a written acceptance of a contract be kept on file when evidence of a contract appears only in board minutes, since there is no specific legal justification for this requirement; and deletion of required forms to verify college or university experience.

Lynn M. Moak, deputy commissioner for research and information, has determined that

for the first five-year period the proposed sections are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Mr. Moak and Dr. Beverly Bardsley, director for policy development, also have determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be deletion of obsolete provisions from agency rules. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Dr. Beverly Bardsley, Director for Policy Development, 1701 North Congress Avenue, Austin, Texas, 78701, (512) 463-9682. 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 sections has been published in the *Texas Register*.

Subchapter A. General Provisions

• 19 TAC §121.1

The amendment is proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for administration of the foundation school program.

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

[Foundation unit—A personnel unit paid from the Foundation School Program.]

Minimum foundation salary—The minimum salary a person must be paid as prescribed in the Texas State Public Education Compensation Plan after consideration of the person's assignment, degree [pay grade], and salary increments.

Paraprofessional personnel—Personnel employed as educational aides or educational secretaries [in positions classified in pay grades 1, 2, or 3 of the Texas State Public Education Compensation Plan].

Professional personnel—Personnel employed in positions classified in the Texas Education Code, Chapter 16 [pay grade 4 and above of the Texas State Public Education Compensation Plan].

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 March 18, 1988.

TRD-8802901 W. N. Kirby
Commissioner of Education

Proposed date of adoption: May 14, 1988

For further information, please call: (512) 463-9212

Subchapter B. Personnel Records

• 19 TAC §§121.11-121.16

The amendments are proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for administration of the foundation school program.

§121.11. Types of Records.

(a) Documentation requirements. Documents relative to professional and paraprofessional personnel [in support of data submitted to the Central Education Agency for financial and sick leave purposes] must be maintained on file by the local school district. These records are subject to audit by the Central Education Agency.

(b) Records for professional and paraprofessional personnel. The following documentation must be readily available [to support data reported by a local school district for its professional and paraprofessional personnel];

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

[(6) tuberculosis certificate;]

(6)[(7)] teaching schedule or other assignment record; and

(7)[(8)] absence from duty reports for professional personnel.; and

[(9) audit verification card (if previously audited).]

(c) (No change.)

(d) Retention and reproduction of records. The law governing the retention and reproduction of original public records is the Texas Education Code, §21.259 [Civil Statutes, Article 657b].

§121.12. Credentials.

(a) (No change.)

(b) Credentials for professional personnel. The credentials for professional personnel are as follows.

(1) For a professional employee whose position requires certification, the credential must be in the form of a current valid Texas [permanent, temporary, or administrator's] certificate, a special assignment permit, a nonrenewable permit, a noncertified instructor's permit, or an emergency teaching permit.

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

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

(f) Filing of emergency and special assignment permits. An emergency teaching or special assignment permit is activated [authorized] by the school district[, with the exception of a vocational emergency permit which is issued to the school district by the Central Education Agency]. A copy of the permit shall [should] be furnished the employee upon termination of employment for presentation to subsequent employing school districts.

[(g) Certification register. For positions which require certification, a local certificate register may be devised and kept by the local school district. If a local certification register is used, it must contain all of the following information:

[(1) name of teacher;

[(2) certificate number;

[(3) type of certificate (e.g., professional, provisional);

[(4) date of issuance and period of validity;

[(5) areas of specialization (e.g., elementary, high school, administrator);

[(6) teaching fields (e.g., mathematics, language arts); and

[(7) signature of the person recording the certificate and the date recorded.]

(g)[(h)] Effective date of certificate. A teaching certificate shall be considered to be effective from the first day of the month in which it was issued. An affidavit similar to the following from a college or university will be accepted by the Central Education Agency as evidence of certification. This affidavit must be signed by an authorized official of the college or university.

This is to certify that _____ (Name) _____ has completed all requirements for _____ (Type of Certificate) _____ and was recommended to the Central Education Agency for issuance of this certificate on _____ (Date) _____.

(h)(i) Effective date of emergency teaching permit. Emergency teaching permits shall be valid for employment from the issue date to the expiration date shown on the permit. Employment prior to and subsequent to the dates shown on the face of the permit is not authorized. If a teacher who is covered only by an emergency permit receives a certificate during the school year, the effective date of change for salary purposes shall be the first day of the month in which the certificate was issued.

§121.13. Teacher Service Record.

(a) (No change.)

(b) The commissioner of education shall prescribe the instructions for completing the service record. [following rules apply to signatures validating experience:

[(1) Original signatures are required on the service record. Rubber stamp signatures and ditto marks are not acceptable.

[(2) Service must be validated by one of the following persons:

[(A) the superintendent or chief administrator of the school or institution;

[(B) a member of the local school district board of trustees or other appropriate governing board member; or

[(C) other administrative personnel authorized to sign service records by the local board of trustees.

[(3) Beginning with the 1981-1982 entry on the service record, an abbreviated title, such as "Supt.", "Asst. Supt.", or "Dir. Pers.", is required following the authorized signature. These abbreviated titles may be stamped.

[(4) The service of the superintendent or chief administrator must be signed by the president or secretary of the local school district board of trustees or other appropriate governing board.

[(5) Service records documenting service with the Central Education Agency must be signed by the commissioner of education or the commissioner's designee.

[(6) One signature shall be sufficient to validate service shown on two or more lines of a service record, provided the signature appears on a carefully drawn diagonal line.]

(c)-(i) (No change.)

§121.14. Evidence of Educational Attainment.

(a) Types of evidence. Except as provided in this section, evidence of educational attainment for professional personnel consists [must be in the form] of an

official college transcript from an accredited college or university [or a high school diploma or its equivalent]. For paraprofessionals, evidence depends upon the requirements imposed by Chapter 141, Subchapter Q of this title (relating to Paraprofessional Certification) [of attendance at business college may consist of copies of transcripts, diplomas, certificates, a letter from the school, or a sworn statement from the paraprofessional or other appropriate responsible person attesting to the extent of the paraprofessional's educational attainment].

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

(f) Degree classification. For determining degree status as of September 1, 1985 [purposes of administering the Foundation School Program], the following degree classifications shall be used.

(1) Non-degree (includes associate of arts degrees issued by junior colleges). Used for [to report] status of non-degreed [paraprofessionals and non-degreed] teachers on emergency teaching permits.

(2) Bachelor's degree. Used for [to report] status of a teacher with a bachelor's degree.

(3) Master's degree. Used for [to report] status of a teacher with a master's degree and school librarians with a bachelor of science in library science or a bachelor's degree plus thirty semester hours in library science.

(4) Doctor's degree. Used for [to report] status of a teacher with a doctoral degree, a doctor of jurisprudence degree, or a bachelor of law degree.

(g)-(i) (No change.)

§121.15. Contracts.

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

[(c) Evidence of contract. If evidence of a contract appears only in the board minutes of the school district, a written acceptance from the employee must be on file in the district.]

§121.16. Oath of Office.

(a) (No change.)

(b) One of the following shall be used, at the discretion of the employee:

(1) "I, (Name of person taking oath), do solemnly swear or affirm, that I will faithfully execute the duties of the office of (title of position, e.g., teacher) of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, and I furthermore solemnly swear or affirm, that I have not directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute any money, or valuable thing [things], or promised any public office or employment, as a reward to secure my appointment or the confirmation thereof, so

help me God."

(2) (No change.)

(c)-(d) (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 March 18, 1988.

TRD-8802899

W. N. Kirby
Commissioner of Education

Proposed date of adoption: May 14, 1988

For further information, please call: (512) 463-9212

◆ ◆ ◆
Subchapter C. Years of Service for Salary Increment Purposes

• **19 TAC §121.32, §121.34**

The amendments are proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for administration of the foundation school program.

§121.32. Minimum Employment Requirements for Creditable Service.

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

(f) Service for extended day migrant personnel. Extended day migrant program employment shall be calculated in accordance with this section and the resulting equivalent must meet the same minimum requirements for professionals and paraprofessionals for the year in question.

(1) (No change.)

(2) For service during the 1970-1971 through the 1975-1976 school years [year] and thereafter, the days employed in the migrant program shall be multiplied by a factor of 1.31.

§121.34. Requirements Concerning Entities Recognized for Creditable Service.

(a) (No change.)

(b) Entities recognized for professional personnel only.

(1) Texas public or private colleges or universities.

(A)-(B) (No change.)

(C) All college or university experience must be recorded on the teacher service record. [, and] A supporting letter or form [similar to the ones for full-time or part-time experience illustrated in this paragraph] must be attached full-time to the part-time teacher service record verifying that either the fulltime or parttime employment was at faculty status or its equivalent and that the schedule of work and the pay constituted that of other similar faculty employees. The commissioner of education shall prescribe the form re-

quired. [Questions 2, 3, and 4 must be answered in the affirmative for the service to be creditable.] It is the responsibility of the employing school district to secure verification of college or university experience.

[COLLEGE VERIFICATION FORM (PARTTIME)]

[Name _____
[SSN _____

[We find it necessary to verify the employment status of the above named person during the academic year(s) _____. This information is needed to determine whether the experience may be counted for salary purposes under our current teacher salary law. To assist us in our evaluation, we request that you answer the following questions relative to this person's employment.

- [1. What were the beginning and ending dates of employment during each academic year? Please show each academic year on separate lines.

From: _____ To: _____
(Month) (Day) (Year) (Month) (Day) (Year)

From: _____ To: _____
(Month) (Day) (Year) (Month) (Day) (Year)

From: _____ To: _____
(Month) (Day) (Year) (Month) (Day) (Year)

- [2. Was this person employed either at the faculty status level or as an administrator during each academic year and not as a student assistant or teaching fellow?

(Yes or No)

- [3. Was the schedule of work during each academic year equivalent to at least 50% of fulltime employment for the same position?

(Yes or No)

- [4. Was the salary paid during each academic year equal to at least 50% of a fulltime contract for the same position?

(Yes or No)

School

Signature of College Official

Title]

[COLLEGE VERIFICATION FORM (FULLTIME)]

[Name _____
[SSN _____

[We find it necessary to verify the employment status of the above named person during the academic year(s) _____. This information is needed to determine whether the experience may be counted for salary purposes under our current teacher salary law. To assist us in our evaluation, we request that you answer the following questions relative to this person's employment.

- [1. What were the beginning and ending dates of employment each year? Please show each academic year on separate lines.

From: _____ To: _____
(Month) (Day) (Year) (Month) (Day) (Year)

From: _____ To: _____
(Month) (Day) (Year) (Month) (Day) (Year)

From: _____ To: _____
(Month) (Day) (Year) (Month) (Day) (Year)

- [2. Was this person employed at the faculty status level or as an administrator on a fulltime basis during each academic year and not as a student assistant or teaching fellow?

(Yes or No)

- [3. Did the schedule of work during each academic year constitute that required of other similar faculty employees?

(Yes or No)

- [4. Was the salary paid during each academic year equal to that of other similar faculty or administrative personnel?

(Yes or No)

School

Signature of College Official

Title

(2) Texas private elementary and secondary schools.

(A) For experience prior to the 1986-1987 school year, accreditation by the Central Education Agency or the Southern Association of Colleges and Schools is required.

(B) For experience in the 1986-1987, 1987-1988, and 1988-1989 school years, service shall be acceptable if the school is accredited by the Central Education Agency, a recognized regional accrediting agency, or an association recognized by the commissioner of education in accordance with §97. 7 of this title (relating to Non-public Schools).

(C) For experience in the 1989-1990 school year and thereafter, service shall be acceptable if the school is accredited by an accrediting association recognized by the commissioner of education in accordance with §97. 7 of this title (relating to Non-public Schools).

(D) During the 1986-1987, 1987-1988, and 1988-1989 school years, private schools accredited by the Central Education Agency, a recognized regional accrediting agency, or an association recognized by the commissioner of education will be listed in the Texas School Directory.

(E) Beginning with the 1989-1990 school year and thereafter, private schools accredited by an accrediting association recognized by the commissioner of education will be listed in the Texas School Director.

(3)-(12) (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 March 18, 1988.

TRD-8802900 W. N. Kirby
Commissioner of Education

Proposed date of adoption: May 14, 1988

For further information, please call: (512) 463-9212



TITLE 22. EXAMINING BOARDS

Part XXII. Texas State Board of Public Accountancy

Chapter 519. Practice and Procedure

Practice and Procedure

• 22 TAC §519.29

The Texas State Board of Public Accountancy proposes new §519.29, concerning the publication of disciplinary sanctions. The new section provides the guidelines for publication of disciplinary sanctions to be published in the *Texas State Board Report*.

Bob E. Bradley, executive director, has determined that for the first five-year period the proposed section 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 section.

Mr. Bradley also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the name of any certificate or registration holder who is the subject of disciplinary action will be published. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to William A. Sansing, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The new section is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules regarding publication of disciplinary and/or administrative sanctions.

§519.29. Publication of Disciplinary/Administrative Sanctions.

The Texas State Board of Public Accountancy (the board) shall cause to be published in the board's official publication, *The Texas State Board Report*, the name of any certificate or registration holder who is the subject of a reprimand, suspension of certificate or registration, revocation of certificate or registration or surrender of certificate or registration in lieu of disciplinary action. Such publication shall not occur until a final board order has been issued and the appeal period expired, without appeal having been taken. In the event of appeal of the board order, publication will be made after completion of the appeal process in which the board is sustained. The publication shall contain a narrative factual summary of the actions giving rise to the disciplinary/administrative action.

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 March 21, 1988.

TRD-8802893 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption: April 29, 1988

For further information, please call: (512) 450-7066



Chapter 523. Continuing Professional Education

Mandatory Continuing Education CE Program

• 22 TAC §523.63

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas State Board of Public Accountancy, 1033 La Posada, Suite 340, Austin or in the Texas Register office, Room 503, Sam Houston Building, Suite 201, East 14th Street, Austin.)

The Texas State Board of Public Accountancy proposes the repeal of §523. 63, concerning mandatory continuing education attendance. The repeal will allow for the adoption of a new rule that will provide guidelines of attendance for all categories of practice.

Bob E. Bradley, executive director, has determined that for the first five-year period the proposed sections are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Mr. Bradley also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to allow for the issuance of a new rule which will provide the guidelines for mandatory continuing education attendance. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to William A. Sansing, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The repeal is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules regarding mandatory continuing education attendance.

§523.63. Mandatory CE Attendance.

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 March 21, 1988.

TRD-8802895 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption: April 29, 1988

period. Exceptions are as follows.

to the board an affidavit indicating retirement status and intent not to practice public accountancy during the following calendar year;

◆ ◆ ◆
The Texas State Board of Public Accountancy proposes the new §523.63, concerning mandatory continuing education attendance. The new section provides the guidelines of such attendance for all categories of practice by licensees of the board.

Bob E. Bradley, executive director, has determined that for the first five-year period the proposed sections are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Mr. Bradley also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to insure that individuals involved in the practice of public accounting will complete 40 hours of continuing education annually. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to William A. Sansing, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The new section is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules regarding mandatory continuing education requirements.

§523.63. Mandatory CE Attendance.

(a) Mandatory continuing education (CE) attendance is required of any licensee engaged to any degree in the practice of public accounting as a condition for a license. The practice of public accounting is defined in the rules of professional conduct in §501.2 of this title (relating to Definitions). An annual license is subject to cancellation for an individual in public practice who fails to accrue and report CE hours in accordance with the following schedule.

(1) 1986 license—A minimum of 40 CE credit hours during the period of September 1, 1984-August 31, 1985, or a minimum of 80 CE credit hours during the three-year period of September 1, 1982-August 31, 1985. Exception: an initial licensee is required to accrue 3.33 CE credit hours per month for the months licensed.

(2) 1987 license—A minimum of 40 CE credit hours during the period of September 1, 1985-August 31, 1986, or a minimum of 120 CE credit hours during the three-year period of September 1, 1983-August 31, 1986. Exception: an initial licensee is required to accrue 3.33 CE credit hours per month for the months licensed.

(3) 1988 or later license—A minimum of 40 CE credit hours during the current reporting period, or a minimum of 120 CE credit hours during the three most current reporting periods, with at least 20 CE credit hours during the current reporting

(A) For a 1988 or 1989 license, an initial licensee shall accrue 4.0 CE credit hours for the full months remaining in the reporting period; for a 1990 or later license, an initial licensee shall accrue a minimum of 20 CE credit hours.

(B) A licensee reentering public practice shall accrue for that license year a minimum of 20 CE credit hours prior to engaging in the practice of public accounting. A licensee is required to accrue a minimum of 40 CE credit hours for each subsequent license year thereafter. A sworn affidavit must be submitted to the board office reflecting: name, certificate number, date of reentry into public practice, credit hours received, and form of practice, i.e., employee, sole practitioner, member in a firm, and the location of where the licensee will be practicing. This affidavit must be filed within 30 days of the date of reentry into public practice.

(C) A licensee who has been licensed for less than three full years must accrue a minimum for an initial licensee plus 40 CE credit hours for each additional year or portion thereof.

(b) A former licensee, whether or not in public practice, whose certificate or registration shall have been revoked for failure to pay the annual license fee for three consecutive years and who makes application for reinstatement, shall pay the required fees and penalties and shall accrue the minimum CE credit hours requirement during the three-year period immediately preceding the date of application for reinstatement. Following reinstatement, a licensee shall conform to mandatory reporting and/or mandatory attendance requirements as outlined herein.

(c) A licensee may file a written request to the board for a 60-day grace period in which to obtain additional CE credit hours.

(1) If the board determines there is good cause for the deficiency, a licensee shall make up the deficiency during the grace period or have his or her annual license subject to cancellation. Hours accrued for the purpose of making up a deficiency shall not be counted toward the next period's CE requirement.

(2) If the board determines there is not good cause for the deficiency, a licensee shall be so advised and his or her annual license shall be subject to cancellation after notice and hearing.

(d) The board may grant exemptions from the mandatory CE attendance requirement as follows:

(1) if a licensee is retired, regardless of age, and completes and forwards

(2) if a licensee is a nonresident of Texas, is not engaged in the practice of public accountancy in the State of Texas, and does not intend to serve Texas clients from out of Texas for the following year. A licensee must petition the board for an exemption and submit an affidavit certifying to this effect;

(3) if a licensee shows reasons of health, certified to by a medical doctor, that prevent compliance with the CE requirement. A licensee must petition the board for the exemption and provide documentation that clearly establishes the period of disability;

(4) if a licensee is on extended active military duty, does not practice public accountancy during the reporting period, and files a copy of orders to active military duty with the board; or

(5) if upon petition to the board, a licensee who is engaged in the practice of public accountancy, may be granted on an individual case-by-case basis, an exemption from CE attendance for reasons considered by the board to warrant an exemption. For example, the preparation and signing of routine income tax returns or the performance of routine accounting services for clients requiring an aggregate total of less than 40 hours a year, will be considered the basis for an exemption. Preparation of a financial statement for a client is specifically excluded from this exemption.

(e) The board may not grant exemptions from the requirement to report CE credit hours accrued. A licensee must report CE credit hours accrued on the annual license renewal form, even if the number reported is zero.

(f) Licensees not in the practice of public accounting and pay the retired fee are not required to accrue any continuing education hours.

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 March 21, 1988.

TRD-8802894

Bob E. Bradley
Executive Director
State Board of Public
Accountancy

Earliest possible date of adoption: April 29, 1988

For further information, please call: (512) 450-7066

TITLE 31. NATURAL RESOURCE AND CONSERVATION

Part II. Parks and Wildlife Department

Chapter 55. Law Enforcement

Operation Game Thief Fund

• 31 TAC §§55.111, 55.114, 55.115

The Texas Parks and Wildlife Department, Operation Game Thief Committee, proposes amendments to §55.111 and §55.114, and new §55.115, concerning the operation game thief fund. These proposed amendments and new sections were adopted on an emergency basis in the November 23, 1987, issue of the *Texas Register* (12 TexReg 4323). The proposed new rule and amendments are a result of legislative enactment of House Bill 1195, 70th Legislature, 1987, which gives the Operation Game Thief Committee more authority in implementing rules and establishing procedures for the payment of rewards and maintaining records in the Operation Game Thief Program.

Jim Dickinson, director of finance, has determined that for the first five-year period the proposed sections are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Mr. Dickinson also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to authorize the committee to delegate the disbursement of rewards to eligible applicants in a more timely manner. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to M. Stanley Brooks, Operation Game Thief Coordinator, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4626 or 1-800-792-1112, extension 4626.

These amendments are proposed under the authority of Texas Parks and Wildlife Code, Chapter 12, Subchapter C, which provides the Operation Game Thief Committee with the authority to adopt rules for the implementation of the Operation Game Thief Program. §55.111. *Definitions.* The following words or terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

Coordinator—The staff member appointed by the director to coordinate the Operation Game Thief Program.
§55.114. *Rewards: Payment.*

(a) The amount of reward granted to eligible applicants may not exceed \$300 and shall be determined on an individual basis by the coordinator, with the approval of the director of law enforcement, [committee] according to the degree of flagrancy of each violation.

(b) In the event two or more eligi-

ble applicants furnish information pertaining to a specific flagrant violation, the reward may be divided among the eligible applicants in an amount determined by the coordinator, with the approval of the director of law enforcement [committee].

(c) At each meeting, the committee shall review all disbursements of rewards made by the coordinator since the last committee meeting and may increase the amount of any reward paid or approve additional rewards.

§55.115. *Limitations Unclaimed Rewards.*

(a) Rewards granted to eligible applicants that remain unclaimed for a period of two years from the date granted and approved by the committee shall be terminated and the money returned to the fund.

(b) A request from an eligible applicant for a reward that has been terminated may be submitted to the committee for consideration of reinstatement at the next scheduled committee meeting.

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 March 22, 1988.

TRD-8802909

Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

Earliest possible date of adoption: April 29, 1988

For further information, please call: (512) 389-4626

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 33. Early and Periodic Screening, Diagnosis, and Treatment

Subchapter R. Dental Services

• 40 TAC §§33.302, 33.306-33.309, 33.316-33.318, 33.320, 33.322, 33.323

The Texas Department of Human Services (DHS) proposes amendments to §§33.302, 33.306-33.309, 33.316-33.318, 33.320, 33.322, 33.323, and 33.337, concerning the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) dental program. The amendments affect time limits for submitting claims; prior approval for exceptions only; elimination of prior authorization requirements for up to \$300 of services; applications for providers to participate; and provider termination and reinstatement requirements.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has

determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local governments or small businesses as a result of enforcing or administering the sections.

Mr. Packard has also determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be more streamlined procedures for obtaining services and processing claims. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-165, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

The amendments are proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§33.302. *Emergency Services.*

(a) Emergency dental services are those procedures necessary to control bleeding, relieve pain, and eliminate acute infection; operative procedures that [which] are required to prevent the imminent loss of teeth; and treatment of injuries to the teeth or supporting structures. Prior authorization is not required for emergency dental services. A maximum of \$80 [\$55] may be paid for emergency work [done without any prior authorization]. Only one emergency invoice a day may be submitted for each recipient.

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

§33.306. *Who is Eligible.* To be eligible for EPSDT dental services, a person must:

(1) have a current Texas Medical Care Identification Card that indicates eligibility for EPSDT dental services by a "Y" in the dental blank, an approved Exception to Periodicity form if the Texas Medical Care Identification card indicates "N" for EPSDT dental, or a Medicaid Verification Letter.

(2) (No change.)

[(3)] have an approved Request for Dental Services form, which indicates that prior authorization has been given. If a person needs emergency treatment only, the request form is not required.]

§33.307. *Application for Participation.*

(a) Dentists who are licensed and authorized by the Texas State Board of Dental Examiners and [,] who reside and practice in the United States of America may [, and who are without restriction imposed by the State Board of Dental Examiners or a court, are eligible to] apply for participation in the EPSDT Program. Private and public agencies that employ dentists may also apply to become providers of EPSDT Dental Program services in their community.

(b) (No change.)

(c) Dentists, private agencies, and public non-profit agencies wishing to participate should contact Provider Enrollment, National Heritage Insurance Company, 11044 Research Boulevard, Building C, Austin, Texas 78759-5239 [notify the Texas Department of Human Resources, EPSDT Dental Office, P.O. Box 2960, Austin, Texas 78769]. Provider enrollment application forms [A provider contract and instructions] will be forwarded to the applicant [provider].

§33.308. *Requirements for Participation.*

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

(d) Providers must notify DHS or NHIC of any change in their telephone number or office mailing address.

(e) Providers must stop providing EPSDT services and notify DHS or NHIC if the Texas State Board of Dental Examiners (TSBDE) revokes or suspends [, probates, or terminates] their license. Providers placed on probation by TSBDE may participate concurrently with this probationary period with the following exceptions.

(1) The provider's conduct was related to fraud or abuse of Medicaid or other federally funded state health programs.

(2) The provider's conduct or practice caused or could cause harm to EPSDT Dental Medicaid recipients or other patients.

§33.309. *Termination of a Provider Agreement.* The agreement between the provider and the department for provision of EPSDT dental services may be terminated in the following circumstances.

(1) (No change.)

(2) If the provider's license [provider] is suspended[, placed on probation,] or [has his license] revoked by the Texas State Board of Dental Examiners and the suspension or revocation is not probated in its entirety, the agreement is void on the effective date of the suspension or revocation [state board's action].

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

§33.316. *Change to Another Provider.*

(a) (No change.)

(b) The provider initiates changes for the first two reasons. If arrangements have been made with another provider or a specific specialist, the referring provider notes on the initial exam invoice the name of the provider and a brief reason for the referral when he submits the claim for payment.

(c) The provider receiving the referral does an exam and notes on the claim form the referring dentist's name, address, or Medicaid number[, completes and submits the treatment plan, listing the

allowable procedures to be rendered]. The provider checks the recipient's eligibility for EPSDT dental services and completes the treatment unless prior authorization is necessary. [Also, the provider writes "Referral from Dr. " on the form. When the approved treatment plan is returned, the second provider completes the work, after rechecking the recipient's eligibility, and submits for payment his/her completed treatment plan.]

(d) The recipient initiates changes for the third and fourth reasons. The recipient or the DHS caseworker [worker], when aware of the change, will notify the provider. The initial provider should [will] then [be able to] submit the claim for payment of services. [his/her treatment plan, for partial payment or it will be "voided" if no work was completed. The DHR caseworker must submit a new form for recipient prior authorization, noting the reason for change of provider on the top of the form.]

(e) If both providers' combined total (the amount that Medicaid may pay) is less than \$300 (and none of the services require x-rays for prior authorization), the second provider is not required to obtain a prior authorization. This requirement applies when either the provider or the recipient initiated the change to another provider.

§33.317. *Claims-Time Limits, Return, and Denial.*

(a) The EPSDT Program has time limits for submitting claims. Payment will be denied [DHR denies payment] if the time frames are not met. Time limits are as follows.

(1) Dental services claims must be submitted to NHIC within 90 days (plus five days for mail time) of the service date. [claims for up to \$150 in initial services and claims for emergency services - DHR must receive the claim form within 120 days from the date of service entered on the form.]

(2) If a service is billed to another insurance resource, the claim must be filed within 90 days of the disposition by the other resource. [claims for services authorized by DHR on a treatment plan - DHR must receive the claim form before the date preprinted on the form.]

(3) If a service is billed to a third party resource that has not responded, the claim must be filed within 12 months of the service date; however, the claim must not be submitted to NHIC before 110 days after the third party has been billed.

(b) If services of a treatment plan cannot be completed within the 90-day filing limit [provided before the expiration date], providers complete a claim form for the completed services and request authorization [a treatment plan] for the uncompleted services. Both forms are submitted

together to NHIC [DHR].

(c) Payment will be made [DHR pays] for the completed services [that have been completed], and authorization will be given [authorizes a new treatment plan] for the remaining services.

(d) If NHIC returns a claim --- processed with a request for additional information, NHIC must receive the information within 180 days of the request date to consider the claim for payment. [If there are errors on the claim forms, DHR returns them with a letter explaining the necessary corrections. Providers make the corrections, initial them, and return the form to DHR.]

(e) NHIC must receive all claims appeals and requests for adjustments within 180 days of the claim's disposition date. This is the date on the remittance and status report on which the claim appears. [When inquiring about a claim, providers should furnish the following information to DHR:

(1) recipient's name.

(2) recipient's number.

(3) date the form was submitted for authorization or payment.]

(f) claims are denied for the following reasons.

(1) [Recipient is ineligible.] The recipient is not eligible for EPSDT Medicaid services or is 21 years old or older at the time of service.

(2) [No approval number for the recipient is shown on the claim form for routine services claims. (Approval number is printed on the approval form for the recipient.)]

(3) Services are not allowable procedures in the EPSDT Dental Program.

(3) [(4)] Claim is submitted after the 90 [expiration date or the 120] day time limit.

(4) [(5)] Duplicate claim is submitted or the claim is for dental services already paid for the recipient.

(5) [(6)] Services provided require prior authorization.

(6) [(7)] Services are provided by a nonparticipating or a suspended provider.

§33.318. *Interrupted or Incomplete Treatment Plans.*

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

(c) If the recipient returns to the initial provider and the treatment plan can be completed for less than \$300, the provider may complete the work and enter on the claim form the reason for the interrupted or incomplete treatment[, new Request for Dental Services form not required]. If the total treatment plan is more than \$300 and the provider obtains

prior authorization, he may complete the treatment if it can be done before the expiration date on the prior authorization letter. If this is not possible, he must submit a new request for prior authorization, with a copy of the previous letter, to NHIC. [The provider must submit new treatment plan for prior approval. A letter or note indicating continued treatment and referencing the prior treatment plan should be included. When approval is received, the work may be completed.]

(d) If the recipient selects [desires to go to] a different provider and the treatment is incomplete, the new provider must obtain an exception to periodicity and prior authorization for the services [DHR worker will initiate a new Request for Dental Services form for prior approval]. The provider must indicate that the treatment was interrupted or incomplete on the prior authorization form. After receiving NHIC's approval, the work may be completed. [A special notice will be printed or typed on the top of the form, "treatment incomplete" or "treatment interrupted." DHR will give this card special handling and, if the recipient is still eligible, he/she may receive special approval. If approved, the recipient may go to the new provider to receive completion of service.]

§33.320. *Dental Problems Discovered by Utilization Review Dentist.*

(a) If a utilization review dentist finds an obvious need for dental care although no absence of service was found, the dentist may request an exception to periodicity form from the DHS caseworker [this will be referred to a DHR worker].

(b) The exception to periodicity form should have [A special notice will be] printed or typed across the top [of the Request for Dental Services form,] "discovered by utilization review." The form is then [will be] submitted to the DHS State Office.

(c) State office will [give this card special handling and, if the recipient is still eligible, may] grant special approval if the recipient is still eligible for EPSDT Medicaid. If this exception for periodicity [Request for Dental Services form] is approved, the recipient may go to the provider for [to receive] treatment.

(d) The provider is responsible for attaching a copy of the exception to periodicity to a request for prior authorization to complete services [entering the approval number from this Request for Dental Services form on the claim form when submitting for authorization of a continued treatment plan]. If procedure codes require x-rays, the x-rays must also be submitted. In addition, the provider should write "discovered by utilization review" at the top of the invoice claim when submitting it for prior authorization.

§33.322. *Utilization of Peer Review or*

Grievance Committees.

[(a)] The EPSDT program has agreed with the Texas Dental Association that when appropriate, the program will use local peer review or grievance committees in disputes (complaints or questions on poor quality service) involving [on behalf of] the recipients, providers, and the program. Any one of these parties can utilize either of these committees to try to settle a dispute. This can be done by contacting the Associate Dental Director at NHIC [Director, EPSDT Dental Office, DHR]. The Associate Dental Director will then contact the president of the local dental society or peer review committee and request that the committee meet to resolve the problem. Recipients, providers, [or] DHS staff, or NHIC may also contact the local dental society or peer review committee directly if they feel it is necessary.

[(b)] The decision of the peer review committee is not binding unless agreed to in writing by all parties involved. Any party may appeal the decision of the peer review committee.]

§33.323. *Utilization of State Board of Dental Examiners.* Dental services under the EPSDT program are required to be performed by the provider except for that work expected to be done by a dental hygienist, a dental assistant, or [by] the commercial or office dental laboratory if denture service is involved. Section V, Rules and Regulations, State Board of Dental Examiners, outlines the scope of work that dental auxiliary personnel can perform. Laws Relating to the Practice of Dentistry, Texas Civil Statutes, Article 4551f, Texas State Board of Dental Examiners, outlines the scope of work that can be performed by dental technicians. Any suspected or reported deviations from these practices will be reported to the Texas State Board of Dental Examiners [by the EPSDT Dental Office, DHR].

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 March 22, 1988.

TRD-8802947 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Proposed date of adoption: May 15, 1988

For further information, please call: (512) 450-3765

Subchapter S. Dental Utilization Review

• 40 TAC §33.337

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§33.337. *Administrative Actions.* If dis-

crepancies or irregularities are found during the review, DHS [the department] may take one or more administrative actions in dealing with a provider. These actions include, but are not limited to, the following:

(1) recoupment of funds/[vendor hold];

(2) referral to the EPSDT Dental Professional Advisory and Review Committee for review and recommendation;

(3)-(7) (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 March 22, 1988.

TRD-8802948 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Proposed date of adoption: May 15, 1988

For further information, please call: (512) 450-3765.

Subchapter T. EPSDT Eyeglass Program

• 40 TAC §33.404, §33.405

The Texas Department of Human Services (DHS) proposes amendments to §§33.404 and 33.405 in the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) optometric services program. The amendments clarify the invoice requirements and patient signature requirements when a provider electronically submits his claims.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local governments or small businesses as a result of enforcing or administering the sections.

Mr. Packard has also determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a clearer understanding of the program requirements. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-166, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

The amendments are proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§33.404. *Reimbursement.* The department periodically determines the reimbursement rate for optometric services within appropriation limits of the Medicaid Program. The provider is notified of the reimbursement rate schedule by the department or its designee. Reasonable charges are determined ac-

ording to the provisions for reasonable charges as described in §29.1104 of this title (relating to Reasonable Charges) in the Purchased Health Services chapter.

(1) (No change.)

(2) **Eye-glasses.** Reimbursement for eyeglasses is based on the unit cost for each pair of eyeglasses plus the allowable dispensing and handling fee established by the department or its designee, rather than costs for components. Reimbursement by the Medicaid Program is limited to the type of lenses and frames specified in §33.403 of this title (relating to Specifications for Eyewear). The recipient is not charged for this eyewear. A provider may dispense eyewear with optional features beyond the listed specifications such as special tints, coatings, and other lenses and frame styles selected by the recipient. The department or its designee reimburses the provider up to the allowable amount for the basic eyewear, and the recipient is responsible for the cost of the optional features selected.

(A) The recipient selecting optional features must sign [acknowledge on] the [signed] claim or a patient certification, for claims the provider submitted electronically, to acknowledge [form,] selection of eyewear or features beyond program benefits.

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

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

§33.405. Claims Information Requirements. Providers must meet the criteria established in this subchapter for optometric services and the provisions for participation in the Medicaid Program established under Chapter 29, Subchapter A of this title (relating to Medicaid Procedures for Providers) and Subchapter L of this title (relating to General Administration). Besides the claims information requirements established in §29.1 of this title (relating to Claim Information Requirements), the following information is required for claims for optometric services:

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

(5) claims for eyewear with special features, signed by the recipient, acknowledging selection of eyewear that is beyond the specifications for eyewear in §33.403 of this title (relating to Specifications for Eyewear). A signed patient certification satisfies this requirement for claims the provider submitted electronically;

(6) a copy of the invoice for supplies dispensed, attached to a claim for repairs or kept by the provider, as authorized by the department or its designee;

(7) if the claim is for replacement of prosthetic eyewear or of nonprosthetic eyewear when the records of the department or its designee show that

less than 24 months have elapsed since the date of the original nonprosthetic eyewear service, then:

(A) submission of a statement justifying the need for the replacement eyewear (Reimbursement is made only if the eyewear was lost or damaged beyond repair or if the recipient's visual acuity has changed significantly, as specified in §33.402(3)(B)(i) or (ii)(II) of this title (relating to Benefits and Limitations)). If the original eyewear has been lost or damaged beyond repair, the recipient must sign the claim form or a patient certification if the provider submits claims electronically; and

(B) (No change.)

(8) (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 March 22, 1988.

TRD-8802946

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Proposed date of adoption: May 15, 1988

For further information, please call: (512) 450-3765.



Name: Mitchell Maxwell
Grade: 8
School: Burnet Jr. High, Burnet

Withdrawn Sections

An agency may withdraw proposed action or the remaining effectiveness of emergency action on a section by filing a notice of withdrawal with the *Texas Register*. The notice is effective immediately upon filing or 20 days after filing. If a proposal is not adopted or withdrawn within six months after the date of publication in the *Texas Register*, it will automatically be withdrawn by the office of the Texas Register and a notice of the withdrawal will appear in the *Texas Register*.

TITLE 22. EXAMINING BOARD

Part XXII. Texas State Board of Public Accountancy

Chapter 523. Continuing Professional Education

Mandatory Continuing Education CE Program

22 TAC §523.63

The Texas State Board of Public Accountancy has withdrawn from consideration for permanent adoption the repeal appeared in the December 25, 1987, issue of the *Texas Register* (12 TexReg 4905). The effective date of this withdrawal is April 11, 1988.

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

Issued in Austin, Texas on March 21, 1988.

TRD-8802896 William A. Sansing
Enforcement Coordinator
Texas State Board of
Public Accountancy

Filed: March 21, 1988

For further information, please call: (512) 450-7066



The Texas State Board of Public Accountancy has withdrawn from consideration for permanent adoption a proposed new section appeared in the December 25, 1987, issue of the *Texas Register* (12 TexReg 4905). The effective date of this withdrawal is April 11, 1988.

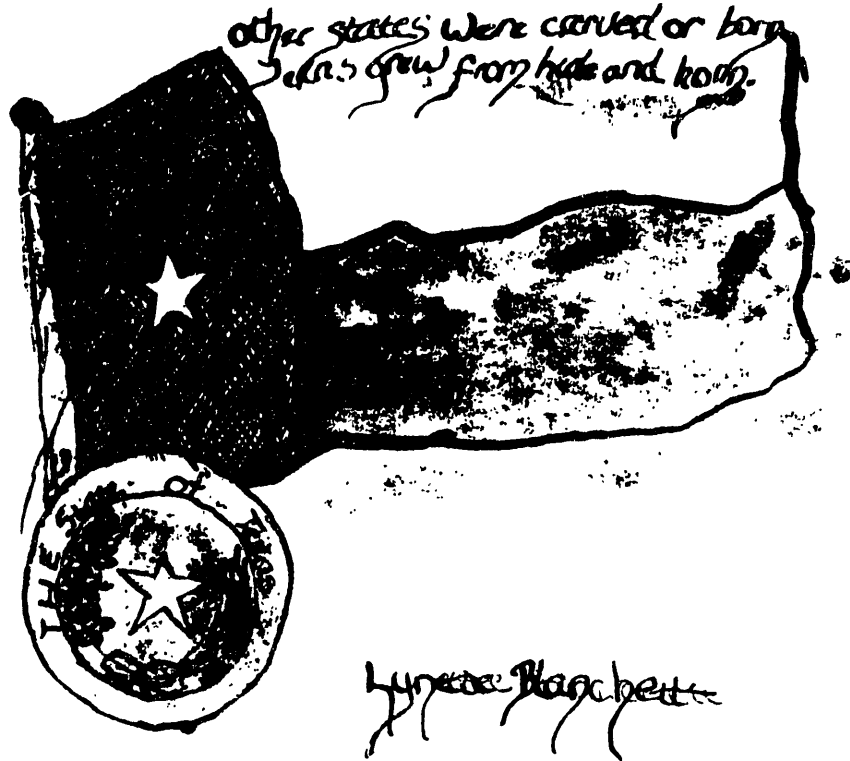
This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas on March 21, 1988.

TRD-8802897 William A. Sansing
Enforcement Coordinator
Texas State Board of
Public Accountancy

Filed: March 21, 1988

For further information, please call: (512) 450-7066



Name: Lynette Blanchett
Grade: 8
School: Burnet Jr. High, Burnet

Adopted Sections

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

If an agency adopts the section without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. If an agency adopts the section with changes to the proposed text, the proposal will be republished with the changes.

TITLE 1.

ADMINISTRATION

Part IV. Office of the Secretary of State

Chapter 81. Elections

Political Parties

• 1 TAC §§81.100-81.131

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Office of Secretary of State, Sam Houston Building, 201 East 14th Street, Austin or in the Texas Register office, Room 503, Sam Houston Building, 201, East 14th Street, Austin.)

The Office of the Secretary of State adopts the repeal of existing §§81. 100-81.130, and new §§81.100-81.131, without changes to the proposed text published in the November 27, 1987, issue of the *Texas Register* (12 TexReg 4438).

The repeals allow for the adoption of new sections, which provide procedures for allocation of state funds to pay costs of conducting the primary elections; and assist in the determination of what expenses are necessary and proper as they relate to the proper conduct of the primary elections by party officials.

The repeals allow for the adoption of new section, which provide guidelines for party officials to assist them in estimating their primary election expenses. Estimates will be submitted to the secretary of state, who will disburse funds to pay necessary and proper expenses.

The Texas Democratic Party submitted four comments against the proposal. The first comment was an objection to timing of the distribution of rules and requirements to obtain prior written approval for personnel and to provide the names of personnel. The agency responds that §173.010, Texas Election Code requires the secretary to deliver the adopted rules during November preceding the primary to the state and county chairperson. The rules were adopted November 24, 1987, on an emergency basis and mailed to each chairman, as required, on that date. Counties with registered voters in excess of 100,000 are permitted to employ one person without prior approval of the secretary of state during the period November 24, 1987, and December 12, 1987. The secretary of state acted immediately on all requests received prior to December 1, 1987, for personnel to begin December 1, 1987. The requirement to provide the names of personnel was to provide information and not to dictate whom may be hired by the political party or any other

purpose.

The second comment referred to an objection that nothing in the rules specifically addresses state party activity and expresses difficulty in applying the rules to the state party. The agency responds that accordingly to §81.131 of the adopted rules, the rules apply to the chairman of either the state or county executive committee, as applicable.

The third comment referred to an objection to limiting the number of telephones allowable to be paid from the primary fund. The agency responds that the purpose of the rule limiting the number of telephone lines, is to provide assurance that the legislative mandate of paying only expenses reasonably necessary for the proper holding of the primary, is carried out. The secretary of state recognizes that some state or county party offices may need more telephones to conduct all of their business, but that the payment for two full-time lines is reasonable to carry out the business directly related to the conduct of the primary.

The fourth comment referred to an objection that the requirement to obtain prior approval for legal expenses interferes with the need to routinely consult counsel.

The secretary of state reviews all legal expenses to make certain that all such expenses are payable from the primary fund.

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

Issued in Austin, Texas, on March 22, 1988.

TRD-8802978

Randall H. Erben
Assistant Secretary of
State

Effective date: April 12, 1988

Proposal publication date: November 27, 1987

For further information, please call: (512) 463-5701

The new sections are adopted under the Texas Election Code, §31.003 and §173.006, which provides the Office of the Secretary of State with the authority to obtain and maintain uniformity in the application, interpretation, and operation of provisions under the Texas Election Code and other election laws, and in performing such duties, to prepare detailed and comprehensive written directives and instructions based on such laws, and to adopt rules consistent with the Code that reduce the cost of the primary elections or facilitate the holding of the elections within the amount appropriated by the legislature for that purpose.

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

Issued in Austin, Texas, on March 22, 1988.

TRD-8802939

Randall H. Erben
Assistant Secretary of
State

Effective date: April 5, 1988

Proposal publication date: November 27, 1987

For further information, please call: (512) 463-5701

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

Chapter 7. Pesticides

• 4 TAC §7.13, §7.14

The Texas Department of Agriculture (TDA) adopts amendments to §7.13 and §7.14, with changes to the proposed text published in the January 1, 1988, issue of the *Texas Register* (13 TexReg 34).

Section 7.13 is adopted with minor editorial changes to clarify the requirements. Several changes are made in §7.14 as a result of comments received primarily from insurance carriers, and other changes are made to facilitate implementation by TDA. Subsection (a)(1) is revised to clarify the type of policies that will be acceptable; subsection (a)(3) is revised to clarify that TDA is not requiring broad pollution coverage, but rather coverage for damages or injuries to real or personal property resulting from pesticide operations; subsection (a)(4) is revised to provide for notice to TDA by the surety or insurer of policy changes or cancellation consistent with endorsements of the State Board of Insurance; subsection (a)(5) is revised to allow for abeyance, rather than suspension of a license; subsection (b)(1) is revised to shift the responsibilities for certain filings from a surety or insurer to the applicator; subsection (b)(2) is revised to clarify the relationship of the certificate of deposit to TDA; and subsection (c) is deleted, making the effective date 20 days after the date that the adoption submission is filed.

Pursuant to the Texas Agriculture Code, Chapter 76, Subchapter E, TDA is authorized to license commercial and noncommercial applicators to use restricted-use and state-limited-use pesticides. Section 76.108 sets out the basic licensing requirements. Section 76.111 contains requirements for proof of fi-

financial responsibility necessary for licensure. Amendments to §7.13 and §7.14 clarify existing requirements and implement recent statutory changes.

The amendment to §7.13 makes clear the statutory requirement and the current TDA policy of licensing individual applicants rather than business entity applicants. Further, the amendment eliminates the requirement for submitting detailed information on application equipment.

The amendment to §7.14 implements the recent statutory change of allowing alternatives to bonds or liability insurance policies as proof of financial responsibility; raise the limits of liability with respect to all proof of financial responsibility; and provides a detailed explanation of the amount and extent of coverage required and conditions for abeyance and reinstatement of licenses.

TDA received comments from applicators, insurance companies, and the public. The major comments involved requests for clarification in §7.14. Insurance companies and their agents for both ground and aerial applicators wanted assurance that their type of policies would still be acceptable. They also wanted clarification that the minimum coverage requirements were set for occurrences and would not, for example, double if a second certified applicator was covered in the same policy or double if a second piece of equipment, such as an airplane, was included in the same policy. The insurance companies and agents also wanted the rules clarified to avoid reference to pollution coverage and to state that policies need appropriate endorsements for pesticide and herbicide applications. These clarifications are made.

Insurance companies also objected to requirements that put burdens on them that they felt they could not meet. Proposed subsection (a)(4) required that insurers provide 10 days prior notice of cancellation even if the applicator canceled a policy. Subsection (b)(1) could have required insurers to provide information available to them on the capabilities of an applicator to apply pesticides. Those sections have been rewritten.

Finally, insurance companies requested that §7.13(a)(3) be revised to exclude from coverage any property owned by the customer who the applicator is working for, not just the land being worked on.

Applicators' comments focused on the need for TDA to make sure that insurance companies will continue to provide the coverage required by the law at a reasonable cost. They made many of the same comments as the insurance companies. TDA received no objection to the increase in minimum coverage requirements.

Finally, applicators wanted assurance that the language of the section regarding certificates of deposit (§7.14(b)(2)) would allow an applicator to collect the interest on a certificate of deposit. Since the language in the section that the certificate of deposit must be payable to the Texas Department of Agriculture is the language in the law, the applicator wanted assurance that TDA would not have any problem with a certificate of deposit that paid interest to the applicators. TDA agrees with the applicators.

One representative from a nonprofit public

interest group commented in favor of the changes. No commenters opposed the adoption of revised regulations if clarification and minor changes were made.

Those commenting were Aviation Office of America, Commercial Aviation Insurance, Roy W. Neal, Jr. Agency, Inc., Southern Marine and Aviation Underwriters, Inc., Texas Center for Policy Studies, Texas Agricultural Aviation Association, Harold Hardcastle, Bill Nunley, and George Mitchell.

TDA agreed with almost all comments that clarification was needed. Thus, Section 7.14(a)(1) is revised to make it clear that each certified applicator who relies on an insurance policy must have a policy to cover any third party injury or damage with \$50,000 for property damage and \$50,000 for bodily injuries for each occurrence. If a certified applicator has employees who apply under his or her supervisor or multiple pieces of equipment, the applicator must have a policy or multiple policies that cover his or her operations and the operations of all such employees. The policies can be written on the basis of a piece of equipment, such as an airplane, but each such policy must provide for the minimum requirements. A company may hold one policy for several certified applicators.

Carrying the minimum limits, especially when there are several applicators covered, has some risks. If a claim is paid that reduces the coverage below the minimums, the licenses of all certified applicators relying upon that policy will automatically be in a state of abeyance and will remain invalid as a basis for operations until adequate coverages are obtained. TDA has found that for that reason and due to the potential liability risks, many applicators carry more insurance than TDA requires.

TDA has also clarified the requirements of §7.14(a)(3) to eliminate the discussion of pollution coverage and made it clear that only the coverage required by the legislature in the Texas Pesticide Control Act, §76.111, will be required. The language of §76.111 is restated in the section. TDA cannot, however, change the language in this section that excludes only lands being worked on from coverage. That language is the exact language of the Act. TDA is, however, only requiring third party coverage, that is coverage for bodily injury or property damage to third parties.

Finally, TDA has, in response to comments, revised the requirements for reporting by insurance companies and sureties in §7.14(a)(4) and (b)(1).

The amendments are adopted under the Texas Agriculture Code, §76.105, which provides the Texas Department of Agriculture with the authority to require a license for applicators wishing to use or supervise the use of restricted-use or state-limited-use pesticides; §76.108, which sets out requirements for licensing of commercial pesticide applicators; §76.111, which sets out requirements for commercial applicator proof of financial responsibility; and §76.004, which authorizes the department to adopt rules for carrying out the provisions of Chapter 76.

§7.13. Commercial Applicator License.

(a) An application for an original or renewal commercial applicator license shall be filed with a regulatory agency pursuant

to the Act, §76.108, shall be on forms prescribed by the department and shall contain the following information:

- (1) the name and address of the applicant;
 - (2) the name and address of the company, if any, by which the applicant is employed;
 - (3) the name and address of the owner or manager of the company;
 - (4) (No change.)
 - (5) an indication of whether the applicant is applying for a ground, aerial, or both types of license;
 - (6)-(8) (No change.)
- (b) (No change.)
- (c) The licensee shall notify the proper regulatory agency immediately of any change in the information provided as part of the application for a license under subsection (a) or (d) of this section.

(d) Unless such proof is already on file with the department, each application for an original or renewal commercial applicator's license must be accompanied by proof of current financial responsibility as required by the Act, §76.111, in the manner specified by §7.14 of this title (relating to Commercial Applicator Proof of Financial Responsibility).

§7.14. Commercial Applicator Proof of Financial Responsibility.

(a) Bonds and liability insurance. The department will accept a bond executed by the applicant as principal and by a corporate surety licensed to do business in Texas as a surety or a liability insurance policy as proof of financial responsibility. The bond or liability insurance policy must provide protection for persons who may suffer damages or injuries as a result of the operations of the applicant. The bond or liability insurance policy must meet the following conditions.

- (1) Amount and type of coverage. Each bond or liability insurance policy must, at a minimum, provide for limits of liability of \$50,000 per occurrence for bodily injury and \$50,000 per occurrence for property damage. These limits apply to both ground and aerial applicators. The insurance policy or bond may be written to cover one or more certified applicator and those applicators working under their supervision or one or more pieces of application equipment and those authorized to use the equipment. Each certified applicator and anyone who applies pesticides under his or her supervisor, however, must be covered by a form of financial responsibility that complies with this section and that provides financial responsibility for any occurrence of injury or damage resulting from the application of pesticides by such persons. Claims made liability insurance policies will not be accepted by the department.

(2) Deductible. A bond or liability insurance policy with a deductible of not more than \$1,000 will be acceptable to the department so long as the applicant has not failed to pay a deductible amount on a prior claim, in which case no deductible provision will be acceptable to the department.

(3) Extent of coverage. The bond or liability insurance policy must protect persons who may suffer damages or injuries as a result of the operations of the applicant whether the damage or injuries are caused by the applicant or persons working under his or her supervision. The coverage must include damages or injuries to real or personal property, including crops, plants, soils, bodies of water, or structures on land not being worked on by the applicator; or persons regardless of their location on or off the land being worked. The bond or policy need not cover damages or injuries to agricultural crops, plants, or land being worked on by the applicant. Each insurance policy must contain a clear indication that such coverage is provided in the form of a pesticide and herbicide endorsement or similar chemical coverage endorsement or language acceptable to the department. If a bond or liability insurance policy specifically excludes a particular chemical from coverage, the applicator is not licensed to apply that chemical.

(4) Cancellation or reduction in coverage. A bond or liability insurance policy must include the endorsement approved by the State Board of Insurance for third party notification of cancellation or coverage change or other similar language that the surety or the insurer will notify the department of a cancellation or material change in the bond or policy.

(5) Abeyance of license. A commercial applicator license will automatically be held in abeyance and be invalid as a basis for operations if the full amount and extent of coverage required by this section is not maintained. If the bond or policy falls below the prescribed minimum limits of liability for any reason, the licenses of all certified applicators relying on that bond or policy for proof of financial responsibility are automatically held in abeyance. A licensee may not operate as a commercial applicator during a period in which the minimum requirements for coverage are not maintained.

(6) Reinstatement of license. The license of a commercial applicator may be reinstated after the full amount and extent of coverage required by this section is obtained by the applicator, the applicator submits proof of financial responsibility to the department as required by §7.13 of this title (relating to Commercial Applicator License), and the department accepts the proof of financial responsibility submitted by the applicator.

(7) Proof of financial responsibility. In order to prove compliance with the

requirements of this subsection an applicant must submit to the department a completed certificate of insurance on a form approved by the department or a certified copy of the bond or liability insurance policy along with all endorsements and amendments. No application for a license will be deemed complete until the applicant has provided to the department the appropriate proof of financial responsibility.

(b) Certificates of deposit and letters of credit. The department will accept a certificate of deposit or a letter of credit from an applicant if the original instrument is submitted to the department and under the following conditions.

(1) Inability to obtain bond or liability insurance coverage. In order to be eligible to submit a certificate of deposit or letter of credit as proof of financial responsibility, an applicant must demonstrate annually to the department that the applicant cannot reasonably obtain the bond or liability insurance policy specified in subsection (a) of this section. The department requires:

(A) if a bond on liability insurance policy is unavailable:

(i) at least three signed and notarized statements from non-affiliated insurance companies (at least two of which are eligible surplus lines carriers) or their agents that the applicant is unable to secure a bond or liability insurance policy in the full amount and extent of coverage required by subsection (a) of this section; and

(ii) a sworn statement from the applicator:

(I) that the inability of the applicator to obtain such coverage is not the result of the applicator's inability to apply pesticides properly, the applicator's past failure to apply pesticides properly, or the applicator's failure to supervise the application of pesticides in a proper fashion; and

(II) that he or she has not operated under authority of his or her applicator's license during a period of time when no bond or liability insurance policy was in effect to cover the operations; or

(B) if a bond or liability insurance policy in the full amount and extent of coverage required by subsection (a) of

this section is available to the applicant but is not reasonably affordable:

(i) at least three signed and notarized statements from insurers or their agents of the quotes for the available policies; and

(ii) a sworn statement from the applicator:

(I) containing a history of the applicant's costs for the required coverage for the immediate past five years or, if the applicant has been licensed fewer than five years, for all years the applicant has been licensed; and

(II) affirming that the applicator has not operated under the authority of his or her applicator's license during a period of time when no bond or liability insurance policy was in effect to cover the operations;

(C) if the Texas State Board of Insurance has made a determination that the liability insurance policy required by the Act, §76.111, subsection (a)(2), is not generally and reasonably available to commercial pesticide applicators, a certificate of deposit or letter of credit that otherwise meets the requirements of subsection (b) of this section will be accepted by the department of proof of financial responsibility for the applicator.

(2) Certificate of deposit. The department will accept a certificate of deposit in the amount of \$100,000 issued by a state or federal financial institution whose deposits are insured by the Federal Deposit Insurance Corporation or by the Federal Savings and Loan Insurance Corporation. The certificate of deposit must be made payable to the Texas Department of Agriculture, and the original of the certificate must be filed with the department. The certificate of deposit may not be used as collateral or pledged for any purpose.

(3) Letter of credit. The department will accept a letter of credit in the amount of \$100,000 issued by a state or federal financial institution whose deposits are insured by the Federal Deposit Insurance Corporation or by the Federal Savings and Loan Insurance Corporation. The letter of credit must be an irrevocable statement of credit made in favor of the Texas commissioner of agriculture for the account

of the applicant. Draws must be able to be made by the commissioner or by his designated agent by a sight draft referencing the number of the letter of credit. The letter of credit must be irrevocable for at least one year. The department will provide any applicant with a form for the letter of credit which is acceptable to the department. All other letters of credit are subject to specific approval by the department.

(4) Payment of claims. If a claimant contacts the department for payment of a claim against a certified applicator who has provided a certificate of deposit or letter of credit as proof of financial responsibility, the department will not disburse funds or release a certificate or letter except by consent of the applicator or pursuant to court order. Prior to payment of such a claim or the release of a certificate of deposit, the licensed applicator must furnish the department with a list of all outstanding claims for which the certificate of deposit or letter of credit might have to respond.

(5) Abeyance of license. Each commercial applicator license will automatically be held in abeyance and be invalid as a basis for operations if the full amount of the certificate of deposit or letter of credit required by this section is not maintained. A licensee may not operate as a commercial applicator during a period in which the full amount of the certificate of deposit or letter of credit is not maintained.

(6) Reinstatement of license. The license of a commercial applicator may be reinstated after the full amount of the certificate of deposit or letter of credit is obtained by the applicator, the applicator submits the original certificate of deposit or letter of credit to the department, and the department accepts the proof of financial responsibility submitted by the applicator.

(7) Extent of coverage. The certificate of deposit or letter of credit must protect persons who may suffer damages or injury as a result of the operations of the applicant whether the damage or injury is caused by the applicant or person working under his or her supervision. The coverage must include damage or injury to real or personal property, including crops, plants, soils, bodies of water, or structures not being worked on by the applicator; or persons regardless of their location on or off the land being worked. The certificate of deposit or letter of credit need not cover damages or injury to agricultural crops, plants, or land being worked on by the applicant.

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

Issued in Austin, Texas, on March 23, 1988.

TRD-8802950

Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Effective date: April 13, 1988

Proposal publication date: January 1, 1988

For further information, please call: (512) 463-7583

Chapter 11. Herbicide Regulations

• 4 TAC §11.8

The Texas Department of Agriculture (TDA) adopts an amendment to §11.8, without changes to the proposed text published in the January 1, 1988, issue of the *Texas Register* (13 TexReg 37).

Pursuant to the Texas Agriculture Code, Chapter 75, §75.014, TDA is authorized to require proof of financial responsibility. The amendment implements the recent statutory change of allowing alternatives to a bond or liability insurance policy as proof of financial responsibility and consolidates the requirements for applicators of herbicides under Chapter 75 with those of applicators of restricted-use and state-limited-use pesticides under Chapter 76. Since all herbicides regulated under Chapter 75 are also regulated under Chapter 76, a single requirement for financial assurance under both laws is adopted. The requirements of §7.13 and §7.14 of the department's pesticide regulations would thus apply under Chapter 75 as well as Chapter 76.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Agriculture Code, §75.014, which sets out requirements for proof of financial responsibility and which authorizes the department to adopt rules for carrying out the provisions of this section.

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

Issued in Austin, Texas, on March 23, 1988.

TRD-8802949

Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Effective date: April 13, 1988

Proposal publication date: January 1, 1988

For further information, please call: (512) 463-7583

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 5. Transportation Division

Subchapter W. Registration of Commercial Carriers

• 16 TAC §5.507

The Railroad Commission of Texas adopts new §5.507, with changes to the proposed text published in the December 22, 1987, issue of the *Texas Register* (12 TexReg 4818).

The new section institutes a special system for the registration of commercial motor vehicles entering the United States which operate a temporary insurance policy. As these vehicles operate in the state on an intermittent and unpredictable basis, the requirement that each vehicle have a cab card and an identification decal, as required by §5.502 (relating to Applications for Registration of Commercial Motor Vehicles), would pose an unacceptable burden on the carriers, and would have made compliance unlikely.

The new section allows commercial motor vehicles registered in another country which enter Texas while covered with an insurance policy effective for seven days or less to register the vehicle for the duration of that policy. The person who issues the temporary policies covering a particular vehicle will be responsible for purchasing registration stamps and affixing the stamp to the policy, which must be carried in the vehicle under current Interstate Commerce Commission rules. This person will also be responsible for returning to the commission all required information about the vehicles covered by the stamps issued.

One comment was received in response to the proposed section. Mr. Mike Kendrick, of Border Insurance Markets, Inc., supported the rule but suggested two changes. First, Mr. Kendrick suggested that the insurance agent be removed from the process; second, he suggested that the stamp fee be reduced from the two dollar total fee. The commission agrees with the first comment, but disagrees with the second. Apparently insurance agents do not always fulfill the role which was assigned to them in the section as proposed. Accordingly, the adopted version uses the word "agent" instead of "insurance agent," so as to define the role by its duties rather than by reference to some other certification or job description. The commission does not, however, agree with the second suggestion. The commission is incurring significant costs in implementing the unique registration system, and the revenues which will be received are still quite uncertain. If the system results in revenues which are unexpectedly above the program costs, the commission will review the system for any available decrease in the future.

The new section is adopted under Texas Civil Statutes, Article 911b, §4(a) (13), 6701d, §139(c), which authorize the commission to register commercial motor vehicles and to require motor carriers to file proof of insurance with the commission.

§5.507. Temporary Registration of International Commercial Carriers.

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

(1) Individual liability insurance policy—A policy which covers only one motor vehicle and is effective for no more than seven days, and which incorporates by reference the terms and conditions of the master liability insurance policy under which it is issued.

(2) International commercial carrier—A commercial motor vehicle which:

(A) is not registered in any state of the United States; and

(B) is issued an individual liability insurance policy with limits equal to or higher than those required under §5.503 of this subchapter (relating to Liability Insurance for Commercial Carriers) by an agent who has filed the master liability insurance policy is issued with the commission.

(3) Master liability insurance policy—A document which sets out the terms and conditions of individual liability insurance policies issued thereunder.

(b) Alternative system. An international commercial carrier may meet the requirement that it must register as a commercial motor vehicle with the commission either under the provisions of §§5.501-5.506 of this subchapter (relating to Definitions; Applications for Registration of Commercial Motor Vehicles; Liability Insurance for Commercial Carriers; Cab Cards; Identification Decals; Cancellation of Registration; and Implementation) or the provisions of subsection (c) of this section.

(c) Procedures.

(1) An agent which has filed a master liability insurance policy under which temporary insurance policies are issued shall obtain registration stamps from the commission. The agent shall pay to the commission a filing fee of \$1 and a registration fee of \$1 for each stamp ordered.

(2) After the master insurance policy is filed with the commission, an identification number will be assigned to that policy, and to all registration stamps issued under that policy.

(3) For each stamp issued by the agent, the agent shall record the name of the company to whom the stamp is issued, the vehicle identification number, the year, the make, and the license number of the vehicle

for which the stamp is issued, the date of issuance, and the effective period of the temporary insurance policy. This information shall be recorded on a form approved by the director.

(4) The registration stamp shall be affixed to the temporary insurance policy, and shall be carried in the vehicle at all times the commercial motor vehicle is operated in this state.

(5) The agent shall file the information recorded for each stamp issued no later than 30 days after the issuance of the stamp by the agent.

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

Issued in Austin, Texas, on March 21, 1988.

TRD-8802914 Jim Nugent
Chairman
Railroad Commission of
Texas

Effective date: April 12, 1988

Proposal publication date: December 22, 1987

For further information, please call: (512) 463-7149

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Chapter 7. Gas Utilities
Division

Substantive Rules

• **16 TAC §7.56**

The Railroad Commission of Texas adopts an amendment to §7.56 without changes to the proposed text published in the November 13, 1987, issue of the *Texas Register* (12 TexReg 4241).

The amendment is justified by the needs of gas utilities, particularly local distribution companies, to increase the level of their promotional advertising. The gas utility industry is handicapped in its efforts to compete with alternative sources of energy by the current limitation on advertising. They are losing customers, and the gas industry as a whole is suffering from declining revenues and reduced demand.

There will be no change in the manner in which the section will function; utilities will be able to increase their level of advertising and include the expenses in their cost of service up to a maximum of 5/10 of 1% of the utility's gross receipts.

The commission received only favorable comments on the proposed section change. The comments addressed concerns that the current advertising limitation had unfairly restricted the industry in its competition with alternative sources of energy, resulting in the loss of market share, low demand, declining revenues, and an increasingly uninformed public with respect to advantages offered by this particular form of energy.

Favorable comments were received from The Texas Gas Association, United Texas Transmission Company, Entex, A Division of Arkla,

Inc., Rio Grande Valley Gas Company, Energas Company, Panhandle Producers and Royalty Owners Association, Arkansas Louisiana Gas Company, Texas Independent Producers and Royalty Owners Association, and the Association of Texas Intrastate Natural Gas Pipelines.

The amendment is adopted under Texas Civil Statutes, Article 6053 and Article 1446e, §5.06(d), which authorize the commission to establish rules for gas pipelines and for allowance and disallowance of expenses for ratemaking.

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

Issued in Austin, Texas, on March 21, 1988.

TRD-8802910 James E. (Jim) Nugent
Chairman
Railroad Commission of
Texas

Effective date: April 12, 1988

Proposal publication date: November 13, 1987

For further information, please call: (512) 463-7149

◆ ◆ ◆
TITLE 37. PUBLIC
SAFETY AND
CORRECTIONS

Part XI. Texas Juvenile
Probation Commission

Chapter 341. Texas Juvenile
Probation Commission

• **37 TAC §341.15**

The Texas Juvenile Probation Commission adopts new §341.15, without changes to the proposed text published in the December 25, 1987, issue of the *Texas Register* (12 TexReg 4910).

This new section provides a means for the commission to review complaints made against juvenile boards to determine whether they are in compliance with the commission's standards.

The new section sets out the following procedures. The commission staff will review written complaints against juvenile boards. Complaints which address matters governed by the commission's standards will be investigated and resolved. Complaints about matters which are not governed by the commission will be referred back to the juvenile board. Complainants will be notified in all cases.

No comments were received regarding adoption of the new section.

This new section is adopted to comply with legislative amendments to the Human Resources Code. Section 75.0481 requires the commission to provide a procedure for resolving complaints about juvenile board compliance with its standards.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel

and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 18, 1988.

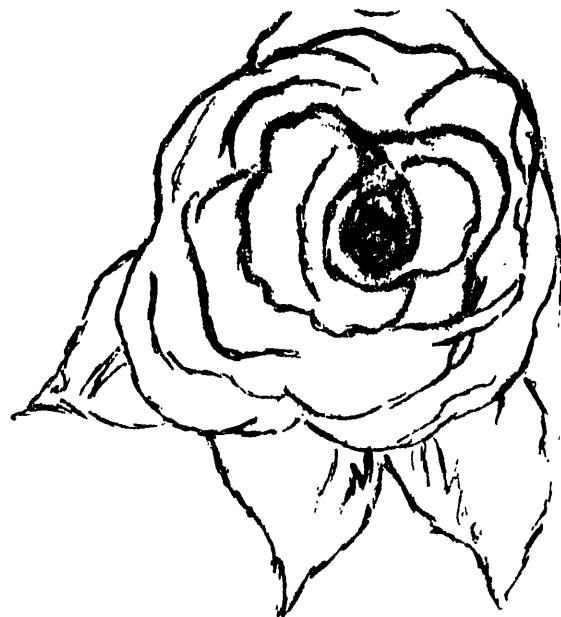
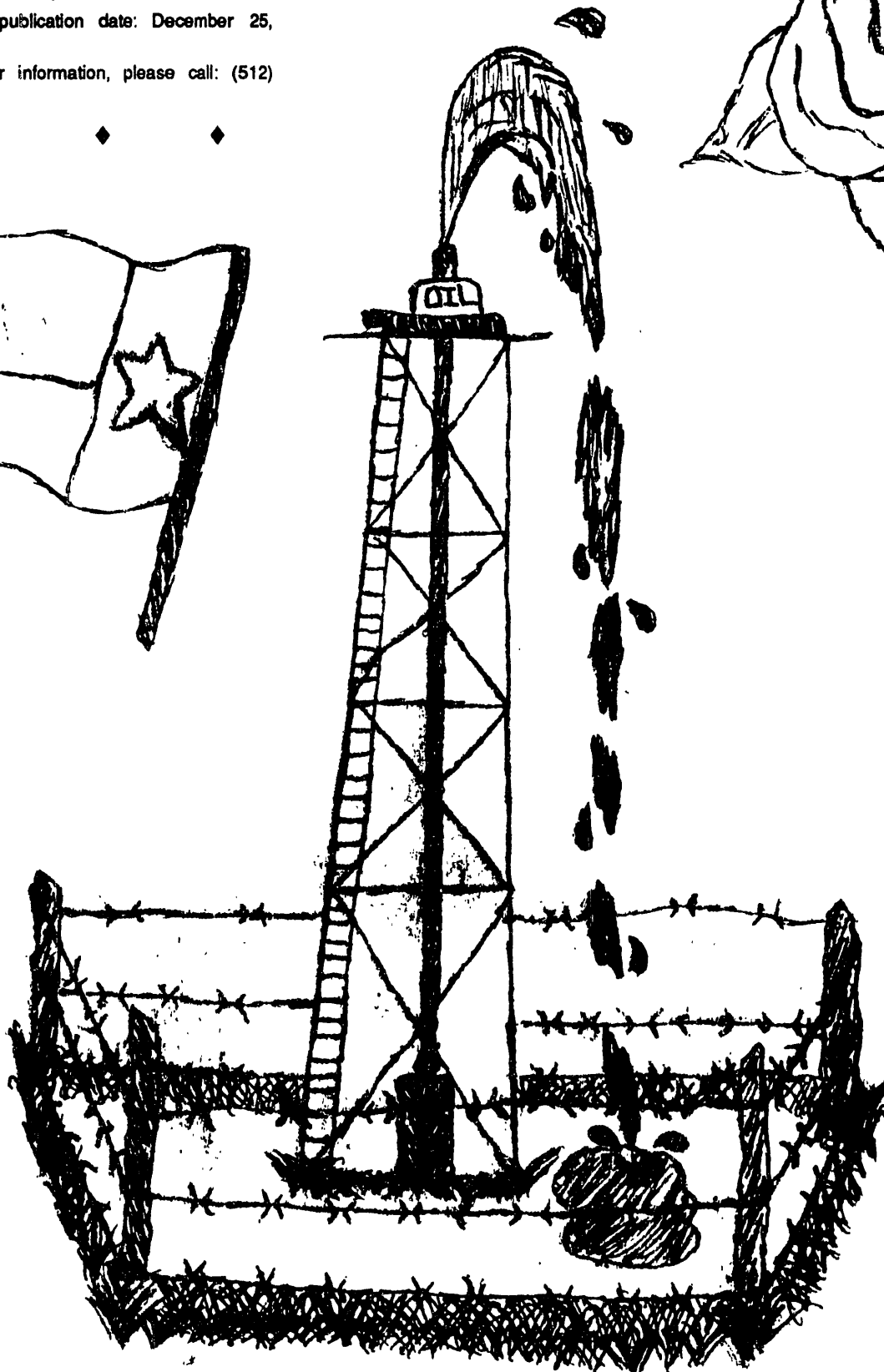
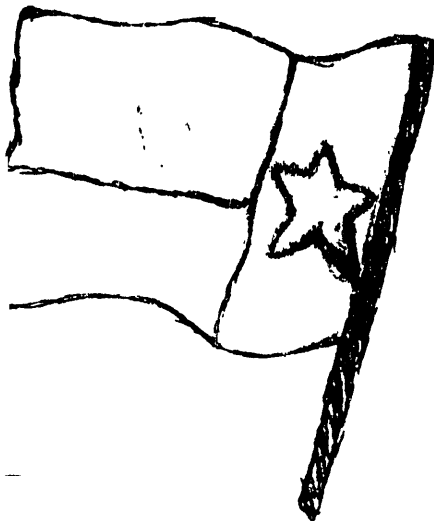
TRD-8802955

Bill Anderson
Executive Director
Texas Juvenile Probation
Commission

Effective date: April 13, 1988

Proposal publication date: December 25, 1987

For further information, please call: (512) 443-2001



Name: Mart Keltch
Grade: 8
School: Burnet Jr. High, Burnet

Open Meetings

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

Emergency meetings and agendas. Any of the governmental entities named above must have notice of an emergency meeting, an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published.

Posting of open meeting notices. All notices are posted on the billeting board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol, Austin. These notices may contain more detailed agenda than what is published in the *Texas Register*.

Texas Commission on the Arts

Wednesday, March 30, 1988, 2 p.m. The Dance Public Hearing for the Texas Commission on the Arts will meet in the Dougherty Arts Center, 1110 Barton Springs Road, Austin. According to the agenda, the commission will hold public hearings to take recommendations from a discipline perspective on modifications to the existing State Arts Plan.

Contact: Betty J. Brown, P.O. Box 13406, Capitol Station, Austin, Texas 78711, (512) 463-5535.

Filed: March 22, 1988, 2:05 p.m.

TRD-8802927

State Banking Board

Thursday, March 31, 1988, 9:30 a.m. The State Banking Board will meet in the State Banking Department, 2601 North Lamar Boulevard, Austin. According to the agenda, the board will discuss and approve previous minutes; consider rule 31.7, relating to processing timetables; discuss conversion application: Bank of Longview, Longview; change domicile applications: Bank of the West, Lubbock, and The Trust Company of Texas, Dallas; review applications approved, but not yet open, pending applications, and a request for consideration of previous rescission order; and consider discontinuance of unmanned teller machines: Community Bank, Katy, and The First State Bank, Louise. The board also will meet in executive session to discuss pending litigation.

Contact: Jorge A. Gutierrez, 2601 North Lamar Boulevard, Austin, Texas 78705-4294, (512) 479-1200.

Filed: March 22, 1988, 1:39 p.m.

TRD-8802926

State Cogeneration Council

Friday, April 8, 1988, 10 a.m. The State

Cogeneration Council will meet in Room 102, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda summary, the council will approve minutes of the February 19, 1988, meeting; hear presentation by Southwest Texas State University staff; review and approve proposed administrative and project review procedures, cogeneration application form, discuss pending state agency cogeneration projects, and an agenda for the next meeting.

Contact: Michelle Jacobs, Austin, Texas 78701, (512) 463-1931.

Filed: March 23, 1988, 10:06 a.m.

TRD-88-20958

Select Committee on Education

Tuesday, March 29, 1988, 10 a.m. The Subcommittee on Student Performance Consideration, Subcommittee on Legal Considerations, and Select Committee on Financial Considerations of the Select Committee on Education will meet in emergency session in the Lieutenant Governor's Room, State Capitol. According to the agenda, the subcommittees will discuss history and current status of equity and the courts, definitions of terms and legal parameters; consider national perspectives, different approaches on performance indicators; review current Texas assessment programs and examples of quality performance school districts; consider implementation implications of court ruling, description of legal framework, and legal and constitutional issues, current methodologies in school finance formulas; and review subcommittee charges by subcommittee members. The emergency status is necessary because subcommittees must meet prior to full committee meetings.

Contact: Margaret LaMontagne, Governor's Office, Austin, Texas, (512) 463-1834.

Filed: March 22, 1988, 4:46 p.m.

TRD-8802966

Texas Employment Commission

Wednesday, March 30, 1988, 8:30 a.m. The Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda, the commission will review prior meeting notes; internal procedures of commission appeals; consider and act on higher level appeals in unemployment compensation cases on Commission Docket 13; and set a date for the next meeting.

Contact: Courtenay Browning, 101 East 15th Street, Austin, Texas 78778, (512) 463-2226.

Filed: March 22, 1988, 2:45 p.m.

TRD-8802934

Texas Housing Agency

Wednesday, March 30, 1988, noon. The Ad Hoc Tax Credit Committee of the Texas Housing Agency will meet in Suite 300, 811 Barton Springs Road, Austin. According to the agenda, the committee will consider and possibly act on special requests and applications for the low income rental housing tax credit program, and summary of 1987 tax credit activity; and approve minutes of the December 30, 1987, meeting.

Contact: Edwina Carrington, P.O. Box 13941, Austin, Texas 78711.

Filed: March 22, 1988, 4:44 p.m.

TRD-8802943

Thursday, March 31, 1988, 7 a.m. The Finance and Audit Committee of the Texas Housing Agency will meet in the Holiday Inn Crown Plaza-Galleria, 2222 West Loop South, Houston. According to the agenda summary, the committee will consider reports from management consultants concerning organizational structure, personnel and staff evaluation compliance as they relates to budget and policy manual; consider budget for fiscal year 1988; review trustee's relationship with THA and performance according to the respective inden-

tures, bond counsel's relationship and association with minority attorneys, and investment bankers.

Contact: Edwina Carrington, P.O. Box 3941, Austin, Texas 78711, (512) 474-1974.

Filed: March 23, 1988, 4:31 p.m.

TRD-8802975

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Texas Health and Human Services Coordinating Council

Wednesday, March 30, 1988, 3 p.m. The Texas Health and Human Services Coordinating Council will meet in Room T610, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda, the council will welcome host agency; hear minutes of the December 17, 1987, meeting; hear reports from Restructuring, Immigration, and Youth Committees, report of the executive director, and reports on advisory groups to the council; discuss update on Medicaid initiatives; and consider old and new business.

Contact: Patricia O. Thomas, 311-A East 14th Street, Austin, Texas 78705, (512) 463-2195.

Filed: March 22, 1988, 2:51 p.m.

TRD-8802935

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Texas Industrial Accident Board

Monday, March 28, 1988, 9:30 a.m. The Texas Industrial Accident Board will meet in Room 107, First Floor, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board will approve minutes of the previous meeting; consider Texas rehabilitation liaison program, procedures concerning special formal hearings, and board activities. The board will also meet in executive session to review board files pursuant to workers' compensation statute.

Contact: Inez "Tippy" Foster, 200 East Riverside Drive, Austin, Texas 78704, (512) 448-7960.

Filed: March 24, 1988, 9:44 a.m.

TRD-8802980

◆ ◆ ◆
Public Utility Commission of Texas

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

Wednesday, March 30, 1988, 9 a.m. The Hearings Division will consider Dockets

7832, 7614, 7620, 7557, 7811, 7861, 791, and 7926, and permanent adoption of substantive rule §23.28.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 22, 1988, 3:09 p.m.

TRD-8802938

Wednesday, March 30, 1988, 11 a.m. The Administrative Division will approve minutes of the previous meeting; hear reports, discussion, and action on budget and fiscal matters; consider substantive rules relating to extended area service (23.49), service category definition, contribution to NRRI cost allocation study and acquisition of NRRI data base, Federal Energy Regulatory Commission notice of proposed rulemaking, approval of contract of STNP audit, and proposal by administrative and public law section of Texas state bar for interagency contract to compile hearings examiner training manual and reference. The division will meet in executive session to consider personnel and litigation matters.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 22, 1988, 4:21 p.m.

TRD-8802941

Tuesday, April 5, 1988, 10 a.m. The Hearings Division will consider Docket 7754-Application of South Texas Electric Cooperative, Inc., et al., for waiver of certain obligations under rule 23.66(d).

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 22, 1988, 3:10 p.m.

TRD-8802936

Thursday, April 14, 1988, 10 a.m. The Hearings Division will consider Docket 7361-Review and inquiry into the rates of Rayburn Country Electric Cooperative, Inc., pursuant to §42 and 43(g) of PURA.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 22, 1988, 3:10 p.m.

TRD-8802937

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Railroad Commission of Texas

Monday, March 28, 1988, 9 a.m. The Surface Mining and Reclamation Division of the Railroad Commission of Texas submitted an emergency revised agenda for a meeting held in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the division considered approval of application of Aluminum Com-

pany of America for the Sandow Mine E Area Extension in Docket 1A and acceptance of bond and issuance of permit 1A to Aluminum Company of American for its Sandow Mine E Area Extension. The emergency status was necessary because public health could be adversely impacted by the untimely delay of environmental restraints due to conference scheduling conflicts.

Contact: Ron Reeves, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6752.

Filed: March 22, 1988, 11:31 a.m.

TRD-8802922

◆ ◆ ◆
State Committee of Examiners for Speech-Language Pathology and Audiology

Wednesday, April 13, 1988, 1 p.m., The Select Committee of Examiners for Speech-Language Pathology and Audiology will meet in the Hemphill Room, Airport Hilton and Towers, 6000 Middle Fiskville Road, Austin. According to the agenda summary, the committee will approve minutes of the March 11, 1988, meeting; hear subcommittee's reports regarding misleading and/or wrongful advertising; consider attorney general's opinion regarding use of title "Certified Hearing Aid Audiologist"; consider status of complaints and complaint investigations and continuing education survey; discuss status of intern after completing supervised professional experience; review inactive status of licensees; discuss committee publications; consider correspondence addressed to committee; hear the executive secretary's report; consider other matters relating to licensing and regulation of speech-language pathologists and audiologists; and discuss future meeting dates. The committee will also meet in executive session to discuss litigation.

Contact: June Robertson, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7502.

Filed: March 23, 1988, 1:56 p.m.

TRD-8802961

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Texas Water Commission

The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Dates, times, rooms, and agendas follow.

Monday, March 28, 1988, 2 p.m. The commission met in emergency session in Room 123, to consider executive director's report on agency administration, policy, budget procedures, and personnel matters. The emergency status was necessary for the commission to act on matters of ongoing agency business that require immediate attention. (This was previously scheduled on

March 21, 1988, but was canceled due to lack of a quorum.)

Contact: Peggy O. Maxwell, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

Filed: March 22, 1988, 4:07 p.m.

TRD-8802940

Wednesday, April 6, 1988, 10 a.m. The commission will meet in Room 118, to consider TA-5899 of James Chris Miller for a permit to divert and use 400 acre-feet of water for a one-year period from the Sabine River, Sabine River Basin for irrigation purposes in Wood County.

Contact: Peggy O. Maxwell, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

Filed: March 23, 1988, 4:11 p.m.

TRD-8802968

Wednesday, April 6, 1988, 10 a.m. The commission will meet in Room 118, to consider TA-59000 of James Chris Miller for permit to divert and use 300 acre-feet of water for a one-year period from Duck Creek, tributary of Sabine River and the Sabine River, Sabine River Basin for irrigation purposes in Smith County.

Contact: Peggy O. Maxwell, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

Filed: March 23, 1988, 4:11 p.m.

TRD-8802969

Wednesday, April 6, 1988, 10 a.m. The commission will meet in Room 118, to consider TA-5905 of Weirich Brothers, Inc. for a permit to divert and use 160 acre-feet of water for a one-year period from Peder-nales River, tributary Colorado River, Colorado River Basin for mining purposes (washing aggregate) in Gillespie County.

Contact: Peggy O. Maxwell, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

Filed: March 23, 1988, 4:10 p.m.

TRD-8802970

Wednesday, April 6, 1988, 2 p.m. The commission will meet in Room 118, to consider application by Exxon Company for renewal of temporary order 86-78E; hear executive director's report and petition assessing administrative penalties and requiring certain actions of South Texas Pipeline Company (no SWR number); consider assessing administrative penalties of Cemaco, Inc. (SWR 40655) and order assessing administrative penalties of Huntington Title, Inc. (SWR 38142).

Contact: Peggy O. Maxwell, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

Filed: March 22, 1988, 11:27 a.m.

TRD-8802925

Monday, April 11, 1988, 10 a.m. The office will consider Docket 7511-C-Application for a certificate of convenience and necessity filed by W-W Services.

Contact: Clay Harris, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 23, 1988, 4:10 p.m.

TRD-8802971

Tuesday, April 12, 1988, 2 p.m. The commission will meet in Room 118 to hear reports of substantial noncompliance and proposed orders concerning City of Shamrock (permit 10279-01), City of Malone (permit 10514-01), City of Gonzales (permit 10488-01), City of Grandbury (permit 02625), City of Lytle (permit 10096-01), City of Port Neches (permit 10477-04), City of Mart (permit 10645-01), Commodore Financial Services Corporation doing business as Big Oak Mobile Home Park (permit 12671-01), State Department of Highways and Transportation-Clay County Rest Stop; (permit 11800-01), Buford G. Mooney doing business as Longford Water and Sewer (11155-01), Kietex, Inc. (permit 11490), U. S. Department of Interior-USBM Helium Field Operation (permit 02234), and Waukesha-Pearce Industries, Inc. (permit 02560).

Contact: Peggy O. Maxwell, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

Filed: March 22, 1988, 11:27 a.m.

TRD-8802924

Wednesday, April 13, 1988, 2 p.m. The commission will meet in Room 118 to consider examiner's proposal for decision on an application by Larry R. Buck for renewal of water quality permit 12909-01 to authorize disposal of treated domestic wastewater effluent at a volume not to exceed 11,000 gallons per day from the Eagle Mountain Recreational Vehicle Park wastewater treatment facilities in Eagle Mountain Reservoir in segment 0809 of the Trinity River Basin in Tarrant County.

Contact: Peggy O. Maxwell, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

Filed: March 22, 1988, 11:28 a.m.

TRD-8802923

Regional Meetings

Meeting Filed March 22, 1988

The Middle Rio Grande Development Council, Texas Review and Comment System (TRACS), met on the second floor, District Courtroom, Anne and James Streets, Brackettville on March 25, 1988, at 10:30 a.m. Information may be obtained from Dora T. Flores, P.O. Box 1199,

Carrizo Springs, Texas 78834, (512) 876-3533.

TRD-8802920

Meetings Filed March 23, 1988

The Ark-Tex Council of Governments, Board of Directors, will meet in the Wildflower Restaurant, Mount Pleasant, on March 31, 1988, at 5:30 p.m. Information may be obtained from Betty Parrish, P.O. Box 5307, Texarkana, Texas 75505, (214) 832-8636.

The Comal Appraisal District, Board of Directors, will meet at 430 West Mill Street, New Braunfels, on March 28, 1988, at 9 a.m. Information may be obtained from R. Richard Rhodes, Jr., P.O. Box 311222, New Braunfels, Texas 78131-1222.

The Education Service Center, Region X, Board of Directors, will meet in the Boardroom, 400 East Spring Valley, Richardson, on March 30, 1988, at 1 p.m. Information may be obtained from Joe Farmer, 400 East Spring Valley, Richardson, Texas 75083-1300, (214) 231-6301.

The High Plains Underground Water Conservation District, Board of Directors, will meet in the Conference Room, 2930 Avenue Q, Lubbock, on April 5, 1988, at 10 a.m. Information may be obtained from Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181.

The Lubbock Regional MHMR Center, Board of Trustees, will meet at 3801 Avenue J, Lubbock, on March 28, 1988, at 11:30 a.m. Information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, (806) 766-0202.

The Tyler County Tax Appraisal District, Board of Directors, will meet at 103 Pecan, Woodville, on April 5, 1988, at 4 p.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

TRD-8802944

Meeting Filed March 23, 1988

The North Central Texas Council of Governments, Executive Board, will meet at Centerpoint Two, 616 Six Flags Drive, Arlington, on March 24, 1988, at 12:45 p.m. Information may be obtained from Edwina J. Shires, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 640-3300.

TRD-8802944

In Addition

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

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

Ark-Tex Council of Governments Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, the Ark-Tex Council of Governments (ATCOG) is interested in acquiring consultant services to secure updated origin and destination information for the ATCOG Unified Program for Intermodal Transportation Planning in the Texarkana Urbanized Area.

The notice of invitation for offers of consultant services is open for qualified consultants. To obtain complete copies of the request for proposal (RFP), please contact Steve Harris, Regional Development Coordinator, ATCOG, P.O. Box 5307, Texarkana, Texas 75505, (214) 832-8636. Technical questions should be addressed to Susan Noble, Engineering Assistant, Texas State Department of Highways and Public Transportation, P.O. Box 1210, Atlanta, Texas 75551-1210, (214) 796-2851, extension 284.

A pre-submittal conference is scheduled for Friday, April 22, 1988, 1:30 p.m., in the Nelson Room of the Texarkana Public Library, 600 West Third Street Texarkana. The purpose of this conference will be to answer any questions pertaining to this consultant proposal request.

The closing date for receipt of offers of consultant services is 3 p.m., May 20, 1988, at Ark-Tex Council of Governments, P.O. Box 5307, Building A, Centre West, 911 United States 59, Texarkana, Texas 75505.

The contract will be awarded to the most reasonable, responsible, and responsive proposal that is within the competitive cost range based upon the following five factors: qualifications and experience; technical competence; data on the firm; outline of services; and methodology.

The contract will be a fixed fee and funding will not exceed \$100,000. The final report must be completed and accepted by September 1, 1989.

Issued in Austin, Texas, on March 21, 1988.

TRD-8802952 Margaret Haak-Muse
Director
Ark-Tex Council of Governments

Filed: March 23, 1988

For further information, please call (214) 832-8636.

State Banking Board Notice of Hearing Cancellation

As no opposition has been noted in the application for domicile change by Heights Bank, Harker Heights, the hearing previously scheduled for Thursday, March 31, 1988, has been cancelled.

Issued in Austin, Texas, on March 21, 1988.

TRD-8802957 William F. Aldridge
Director
Texas Department of Banking

Filed: March 23, 1988

For further information, please call (512) 479-1200.

Texas Department of Banking Notice of Applications

Texas Civil Statutes, Article 342-401a, requires any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On March 14, 1988, the banking commissioner received an application to acquire control of The Chasewood Bank, Houston, by Don E. Hand, Spring.

On March 18, 1988, 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) 479-1200.

Issued in Austin, Texas, on March 18, 1988.

TRD-8802887 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: March 21, 1988, 11:09 a.m.

For further information, please call (512) 479-1200.

Texas Civil Statutes, Article 342-401a, requires any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On March 18 1988, the banking commissioner received an application to acquire control of First Bank at Farmersville, Farmersville, by David R. Brooks, Ray Feagin, Larry Lane, T. M. Lovell, Jr., Herman and Wayne May, John A. Aston, III, and Bob Tedford of Farmersville, and W. C. Grisham of Blue Ridge.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on March 18, 1988.

TRD-8802886 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: March 21, 1988, 11:09 a.m.

For further information, please call (512) 479-1200.

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**Office of Consumer Credit
 Commissioner**

Notice of 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).

<u>Type of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer⁽³⁾/Agricultural/Commercial⁽⁴⁾ thru \$250,000</u>	<u>Commercial⁽⁴⁾ over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	03/28/88-04/03/88	18.00%	18.00%
Monthly Rate ⁽¹⁾ Art. 1.04(c)	03/01/88-03/31/88	18.00%	18.00%
Standard Quarterly Rate - Art. 1.04(a)(2)	04/01/88-06/30/88	18.00%	18.00%
Retail Credit Card Quarterly Rate - Art. 1.11 ⁽³⁾	04/01/88-06/30/88	18.00%	N.A.
Lender Credit Card Quarterly Rate - Art. 15.02(d) ⁽³⁾	04/01/88-06/30/88	14.00%	N.A.
Standard Annual Rate - Art. 1.04(a)(2) ⁽²⁾	04/01/88-06/30/88	18.00%	18.00%
Retail Credit Card Annual Rate - Art. 1.11 ⁽³⁾	04/01/88-06/30/88	18.00%	N.A.
Annual Rate Applicable to Pre-July 1, 1983 Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from:	04/01/88-06/30/88	18.00%	N.A.
Judgment Rate - Art. 1.05, Section 2	04/01/88-04/30/88	10.00%	10.00%

- (1) For variable rate commercial transactions only.
- (2) Only for open-end credit as defined in Art. 5069-1.01(f) V.T.C.S.
- (3) Credit for personal, family or household use.
- (4) Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on March 21, 1988.

TRD-8802953 Al Endsley
Consumer Credit Commissioner

Filed: March 23, 1988

For further information, please call (512) 479-1280

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**Central Texas Council of Governments
Consultant Proposal Request**

This request for consultant services is filed pursuant to Texas Civil Statutes, Article 6252-11c.

The Central Texas Council of Governments is requesting written proposal for consultant services related to conducting a corridor study. Specifically, the proposal will cover studies of business route 190 through Killeen and U.S. Route 190 through Copperas Cove. The maximum amount allocating for this contract is \$20,000.

The proposals will be evaluated upon qualifications, experience, and competence to perform required services; record performance in similar activities; proposed methodology, usefulness of proposed products, and extra services provided.

A detailed scope of work and guidelines for the proposal's content can be obtained from Jerry Bunker, Central Texas Council of Governments, (817) 939-1901, or P.O. Box 729, Belton, Texas 76513.

Proposals must be received by April 20, 1988.

Issued in Belton, Texas, on March 21, 1988.

TRD-8802918 A. C. Johnson
Executive Director
Central Texas Council of Governments

Filed: March 22, 1988, 9:08 a.m.

For further information, please call (817) 939-1801.

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**Court Reporters Certification Board
Announcement of Meeting**

The Court Reporters Certification Board will meet at 6:30 p.m. on Friday, April 15, 1988, in the Conference Room, Texas Commission for the Deaf, 510 South Congress Avenue, Austin. Representatives from court reporting schools in Texas, Texas Education Agency, and the Texas Shorthand Reporters Association will discuss with the board the certification process and suggestions to improve this process. For further information, contact Peggy Liedtke, Executive Secretary, Court Reporters Certification Board, 510 South Congress Avenue, Suite 312, Austin, Texas 78704.

Issued in Austin, Texas, on March 18, 1988.

TRD-8802919 Peggy Liedtke
Executive Secretary
Court Reporters Certification Board

Filed: March 22, 1988, 9:04 a.m.

For further information, please call (512) 463-1630.

**Texas Higher Education Coordinating
Board**

Notice of Meeting

The Faculty Development Committee (Texas Academic Skills Council) will meet on Monday, April 11, 1988, 10 a.m. to 4 p.m., Coordinating Board's Conference Room 209, 200 East Riverside Drive, Austin. For additional information, contact Joan Matthews at (512) 462-6485.

Issued in Austin, Texas, on March 21, 1988.

TRD-8802928 James McWhorter
Assistant Commissioner for Planning and
Administration
Texas Higher Education Coordinating Board

Filed: March 22, 1988, 1:47 p.m.

For further information, please call (512) 462-6420.

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**Employees Retirement System of Texas
Request for Proposals**

In accordance with Texas Civil Statutes, Title 110B, Subtitle C, §25.202 and §25.208, the Employees Retirement System of Texas (ERS) announces a request for proposals (RFP) to conduct an operational audit of the Employees Retirement System of Texas. Such audit shall include, but not be limited to the following: review the organizational structure of the ERS; analyze current and anticipated rules and responsibilities of approximately 210 positions in the ERS; review the operations and functions of the ERS to determine whether efficiency and effectiveness of methods, systems, and/or procedures can be enhanced; and develop and update position descriptions and performance standards for approximately 210 positions in the ERS.

Firms wishing to respond to the request should have superior recognized expertise and specialization in management auditing and performing operational audits which deal with the review of public pension systems, state of Texas agencies, and state of Texas policies and procedures.

The RFP instructions which detail information regarding the project are available upon request from ERS.

The deadline for receipt of the proposals in response to this request will be 4 p.m. on April 29, 1988.

ERS reserves the right to accept or reject any or all proposals submitted. ERS is under no legal requirement to execute a resulting contract on the basis of this advertisement.

ERS intends to use responses as a basis for further negotiations of specific project details. ERS will base its choice on cost, demonstrated competence, superior qualifications, and evidence of conformance with the RFP criteria.

This RFP does not commit ERS to pay any costs incurred prior to execution of a contract. Issuance of this material in no way obligates ERS to award a contract or to pay any costs incurred in the preparation of a response. ERS specifically reserves the right to vary all provisions set forth at any time prior to execution of a contract where ERS deems it to be in the best interest of the state of Texas.

For further information regarding this notice or to obtain copies of the RFP instructions, please contact Russell Gregorczyk, Deputy Director for Administration, Employees Retirement System of Texas, 18th and Brazos Streets, P. O. Box 13207, Austin, Texas 78711-3207, (512) 476-

6431, extension 205.

Issued in Austin, Texas, on March 23, 1988.

TRD-8802945 Clayton T. Garrison
Executive Director
Employees Retirement System of Texas

Filed: March 23, 1988

For further information, please call (512) 476-6431, Ext. 178.

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Texas Department of Health
Correction of Error

The Texas Department of Health submitted proposed new sections which contained errors as published in the March 18, 1988, issue of the *Texas Register* (13 TexReg 1318).

In §229.81, the definition to spring water and vended water in subsection (b) should read:

Spring water—Water derived from an underground formation from which water flows naturally to the surface of the earth. Spring water shall meet the requirements of natural water as defined in this section.

Vended water means either of the following:

(A) water dispensed from any self-service device which upon insertion of a coin, coins, or token, or upon receipt of payment by other means, dispenses unit servings of water in bulk, without the necessity of refilling the machine between each operation;

(B) any device from which any operator or consumer dispenses unit servings of water in bulk.

In §229.86, subparagraph (b)(2)(M) was labeled as (b)(2)(K), the subparagraph should read as follows:

(M) display in a position clearly visible to customers, the following information: the name and address of the operator; the name of the approved public or private water supply the water is obtained from; a statement describing the treatment process; if no treatment process is utilized, then a statement to that effect; and a local or toll free telephone number that may be called for further information, service, or complaints.

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Texas Water Commission
**Notice of Application For Waste
Disposal Permits**

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of March 7-18, 1988.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing

after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Capitol Station, Austin, Texas 78711, (512) 463-7905.

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

City of Alvin; Wastewater treatment facility; approximately 3,000 feet west of the intersection of County Roads 160 and 158 and 3.5 miles northeast of the intersection of State Highway 35 and Farm to Market Road 2917, south of the City of Alvin in Brazoria County; 10005-01; renewal

City of Austin—Electric Utility, Power Production Chemistry; Seaholm Steam electric station; 800 West First Street in the City of Austin, Travis County; 01901; renewal

B and A Marine Service Inc., Westport Shipyard, Port Arthur; barge cleaning operation; on the west bank of the Sabine-Neches Canal, approximately 1,800 feet northeast of Gulfgate Bridge in the City of Port Arthur, Jefferson County; 02986; new

Mike Bradford, Hereford; cattle trailer washing operation; approximately five miles southwest of the City of Hereford, near U.S. Highway 60, Deaf Smith County; 02974; new

City of Bryan; Dansby Steam Electric Station; on the south side of Mumford Road at a site approximately five miles northwest of the City of Bryan, Brazos County; 02117; renewal

Central Independent School District, Pollock; extended aeration-activated sludge package plant; south of and adjacent to United States Highway 69, approximately 0.4 mile northwest of the intersection of United States Highway 69 and FM Road 843 in Angelina County; 12214-01; amendment

Chevron U.S.A. Inc., Galena Park Terminal, Galena Park; petroleum products terminal; 12523 American Petroleum Road in the City of Galena Park, Harris County; 01745; amendment

El Paso Polyolefins, Bayport Plant, Pasadena; polypropylene and polyethylene manufacturing plant; 9802 Fairmont Parkway in the City of Pasadena, Harris County; 02600; renewal

Ennis Cooley, Houston; wastewater treatment facility; 1910 Highway 6 South in the City of Houston in Harris County; 12427-01; amendment

City of Frisco; wastewater treatment facility; on Fourth Army Memorial Drive, east of the Fourth Army Memorial Drive crossing Stewart Creek, approximately three miles southeast of the intersection of Farm to Market Roads 423 and 720 in Denton County; 10172-03; new

Kickapoo Utilities, Inc., Houston; wastewater treatment plant; approximately 1,700 feet northwest of the intersection of United States Highway 190 and FM Road 3152 in Polk County; 13151-01; amendment

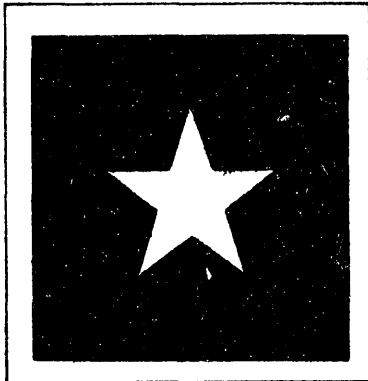
Bob McIntosh, El Paso; wastewater treatment facility; just north of Vinton Avenue and approximately 1/4 mile west of the intersection of Interstate Highway 10 and Vinton Avenue in El Paso County; 13404-01; new

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