

Texas Register

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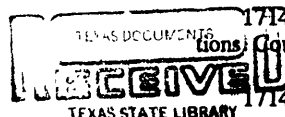
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Texas Register

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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
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
- Open Meetings—notices of open meetings
- In Addition—miscellaneous information required to be published by statute or provided as a public service

Specific explanations on the contents of each section can be found on the beginning page of the section. The division also publishes 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 (1987) 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).



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TAC Titles Affected—April

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43 TAC §1.68—1701

43 TAC §9.5—1701



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*.

Request for Opinions

(RQ-1389). Request from Ron Wilson, Chairman, Committee on Liquor Regulation, Texas House of Representatives, Austin, concerning whether the Houston Area Rapid Transportation Authority may pay a fee to a member municipality for various services. TRD-8803436

(RQ-1390). Request from Bob Bullock, Comptroller of Public Accounts, Austin, concerning the authority of the comptroller to designate an agent to sit on the Texas Racing Commission, and related questions. TRD-8803437

(RQ-1391). Request from Senator Chet Brooks, Chairman, Committee on Health and Human Services, Texas State Senate, Austin, concerning the authority of the Greater Harris County Emergency Communication District to expand into Fort Bend County, and related questions. TRD-8803438

(RQ-1392). Request from W. O. Shultz II, General Attorney and Associate General Counsel, The University of Texas System, Office of General Counsel, Austin, concerning the circumstances under which a county or public hospital or hospital district is responsible for payment for medical services rendered to patients at M. D. Anderson Hospital. TRD-8803439

(RQ-1393). Request from William R. Moore, Tom Green County Attorney, San Angelo, concerning whether a majority of the taxing units in an appraisal district may disapprove an action of the appraisal board, and related questions. TRD-8803440

(RQ-1394). Request from John L. Barnhill, Crosby County Attorney, Crosbyton, concerning whether an order granting deferred adjudication under the Texas Code of Criminal Procedure, Article 45.54, is a final conviction for purposes of the defendant's driving records. TRD-8803441

(RQ-1395). Request from Ann W. Richards, Texas State Treasurer, Treasury Department, Austin, and Lawrence F. Alwin, C.P.A., Texas State Auditor, LBJ State Office Building, Austin, concerning whether unclaimed funds erroneously paid to the Employees Retirement System should be considered abandoned property. TRD-8803442

(RQ-1396). Request from Roy Blake, Chairman, Senate Administration Committee, Texas State Senate, Austin, concerning whether a proposed rule of the Texas Department of Health to accept a rebate for infant formula from a designated "primary supplies" violates the Texas Constitution, Article XVI, §25. TRD-8803443

(RQ-1397). Request from Randall L. Sherrod, Criminal District Attorney, Canyon, concerning whether a county was authorized, prior to September 1, 1987, to issue certificate of obligation to construct a juvenile detention facility. TRD-8803444

(RQ-1398). Request from Helen L. Campbell, Commissioner, Firemen's Pension Commission, Austin, concerning whether the board of trustees of the Austin Firefighters' Pension Fund may expend funds to hire an administrator and an attorney, and related questions. TRD-8803445

(RQ-1399). Request from David H. Cain, Chairman, Committee on Transportation, Texas House of Representatives, Austin, concerning registration of certain tow trucks under Texas Civil Statutes, Article 6687-9b. TRD-8803446

(RQ-1400). Request from H. E. Gumbert, Jr., Chairman, Guadalupe-Blanco River Authority, Seguin, concerning whether a political subdivision is authorized to join the Southwest Municipal Risk Retention Group to provide liability insurance coverage. TRD-8803447

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 28. INSURANCE

Part I. State Board of Insurance

Chapter 15. Surplus Lines Insurance

Subchapter A. General Regulation of Surplus Lines Insurance

• 28 TAC §15.28

The State Board of Insurance is renewing the effectiveness of the emergency adoption of new §15.28, for a 60-day period effective April 5, 1988. The text of new §15.28 was originally published in the December 15, 1987, issue of the *Texas Register* (12 TexReg 4667).

Issued in Austin, Texas on January 1, 1988.

TRD-8803434 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: April 5, 1988

Expiration date: June 4, 1988

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



Subchapter D. Surplus Lines Stamping Office of Texas

• 28 TAC §15.101

The State Board of Insurance is renewing the effectiveness of the emergency adoption of new §15.101, for a 60-day period effective April 7, 1988. The text of new §15.101 was originally published in the December 15, 1987, issue of the *Texas Register* (12 TexReg 4668).

Issued in Austin, Texas on January 1, 1988.

TRD-8803462 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: April 7, 1988

Expiration date: June 6, 1988

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



TITLE 43.

TRANSPORTATION

Part I. State Department of Highways and Public Transportation

Chapter 1. Administration

Contested Case Procedure

• 43 TAC §§1.21, 1.23, 1.26, 1.41, 1.43, 1.46, 1.48, 1.56, 1.59, 1.60, 1.62 and 1.63

The State Department of Highways and Public Transportation is renewing the effectiveness of the emergency adoption of amended §§1.21, 1.23, 1.26, 1.41, 1.43, 1.46, 1.48, 1.56, 1.59, 1.60, 1.62 and 1.63, for a 60-day period effective April 20, 1988. The text of amended §§1.21, 1.23, 1.26, 1.41, 1.43, 1.46, 1.48, 1.56, 1.59, 1.60, 1.62 and 1.63 was originally published in the January 1, 1988, issue of the *Texas Register* (13 TexReg 30).

Issued in Austin, Texas on April 4, 1988.

TRD-8803412 Robert E. Shaddock
General Counsel
State Department of
Highways and Public
Transportation

Effective date: April 20, 1988

Expiration date: June 19, 1988

For further information, please call: (512) 463-8630



• 43 TAC §1.68

The State Department of Highways and Public Transportation is renewing the effectiveness of the emergency adoption of new §1.68, for a 60-day period effective April 20, 1988. The text of new §1.68 was originally published in the January 1, 1988, issue of the *Texas Register* (13 TexReg 32).

Issued in Austin, Texas on April 4, 1988.

TRD-8803411 Robert E. Shaddock
General Counsel
State Department of
Highways and Public
Transportation

Effective date: April 20, 1988

Expiration date: June 19, 1988

For further information, please call: (512) 463-8630



• 43 TAC §9.5

The State Department of Highways and Public Transportation is renewing the effectiveness of the emergency adoption of repealed §9.5, for a 60-day period effective April 20, 1988. The text of repealed §9.5 was originally published in the January 1, 1988, issue of the *Texas Register* (13 TexReg 32).

Issued in Austin, Texas on April 4, 1988.

TRD-8803410 Robert E. Shaddock
General Counsel
State Department of
Highways and Public
Transportation

Effective date: April 20, 1988

Expiration date: June 19, 1988

For further information, please call: (512) 463-8630



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 1. ADMINISTRATION Part III. Office of the Attorney General Chapter 59. Collections

1 TAC §59.1

The Office of the Attorney General of Texas proposes new §59.1, concerning the procedure by which local taxing authorities authorize the Attorney General's Office to be included as plaintiffs in lawsuits brought by the State of Texas to recover delinquent sales and use taxes, penalties, and interest. Specific authority for this procedure can be found in the Texas Tax Code, Title 3, Subtitle C, §321.309 for municipalities, §322.206 for special purpose taxing authorities, and §323.309 for counties.

Under the Tax Code, Chapters 321, 322, and 323, the comptroller of public accounts sends each appropriate local taxing authority a certification notice of every person who is delinquent in the payment of the taxes authorized by the referenced chapters. A copy of each certification is also sent to the Collections Division of the Attorney General's Office. Historically, the Attorney General's Office has routinely included local taxing authorities as party plaintiffs in any suit brought by the State of Texas to recover delinquent sales taxes. The new section obviates the need for a local taxing authority to authorize the Attorney General's Office to include it in a collection suit each time the taxing authority receives a certification of delinquency under these chapters. The attorney general proposes that once a local taxing authority has given authorization, this authorization shall be considered a blanket authorization.

Ronald R. Del Vento, assistant attorney general and chief of the attorney general's Col-

lection 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. Del Vento 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 this enactment will benefit the public by clarification of the responsibilities of local taxing authorities by establishing a simplified and uniform procedure to authorize suit, and by eliminating unnecessary and repetitive authorization letters. 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 Mr. Del Vento, Assistant Attorney General, Chief, Collections Division, Office of the Attorney General of Texas, P.O. Box 12548,

Attorney General of Texas
Collections Division
P. O. Box 12548
Capitol Station
Austin, Texas 78711-2548

Re: Sales and Use Tax Suit Authorization
Taxing Authority of _____

Dear Sirs:

The above identified taxing authority hereby authorizes the Attorney General of Texas to include it as a Plaintiff in any suit brought by the Attorney General on behalf of the State of Texas to collect sales and use taxes, penalties and interest, which may be owed to this taxing authority.

It is understood and acknowledged that this authorization will continue in effect unless written revocation is delivered to the above address by certified mail.

Taxing Authority of _____

By: _____

Date: _____

This new section is proposed under the Texas Tax Code, Title 3, Chapters 321, 322, and 323, which necessarily imply such power from the duties imposed upon the attorney general by such enactments. (*Stauffer v. San Antonio*, 162 Texas 13, 344 S.W.2d 158, 160 (1961)).

§59.1 Lawsuit Authorization by Local Taxing Authorities.

(a) For the purposes of this section, authority means a municipality, a rapid transit authority, a regional transit authority, including a subregional transportation authority, a municipal mass transit department, or a county empowered to adopt a sales and use tax pursuant to the Texas Tax Code, Title 3.

(b) An authorization by an authority to the attorney general of Texas or include such authority as a plaintiff in a suit seeking a recovery of delinquent sales and/or use taxes, penalties, and interest due under the Texas Tax Code, Title 2, Chapter 151, and under Title 3, Chapters 321, 322, and 323, shall constitute a blanket authorization to the attorney general to include such authority in any suit brought by the attorney general pursuant to said chapters. The blanket authorization shall remain in effect unless a written notice of revocation of authority is sent by United States certified or registered mail to the Office of the Attorney General of Texas, Collections Division, P.O. Box 12548, Capitol Station, Austin, Texas, 78711-2548.

(c) The authorization to the attorney general of Texas should be substantially in the form of the sample set out following:

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 31, 1988.

TRD-8803458

Lou McCreary
Executive Assistant
Attorney General

Earliest possible date of adoption: May 13, 1988

For further information, please call: (512) 463-2040

◆ ◆ ◆
TITLE 19. EDUCATION
Part III. Teachers
Professional Practices
Commission

Chapter 177. Standards, Ethics,
and Practices

• **19 TAC §177.1**

The Teachers Professional Practices Commission proposes an amendment to §177.1, concerning the code of ethics and standard practices for Texas Educators.

The amendment to Principle I, professional

ethical conduct, adds provisions prohibiting falsification of records and accepting or offering gifts, favors, or things of value that might impair professional judgment. The amendment to Principle III, concerning ethical conduct toward professional colleagues, adds references to evaluation and provisions concerning not interfering with a colleague's exercise of political and citizenship rights and responsibilities (moved from subsection (f)), not discriminating on the bases listed in the section, and not interfering with academic freedom. The amendment to Principle IV, ethical conduct toward students, adds provisions concerning nondiscrimination and not unreasonably retraining students from independent action in pursuit of learning and not denying students access to varying points of view.

Lynn M. Moak, deputy commissioner for research and information, 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. Moak and Dr. Beverly Bardsley, director for policy development, have 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 expansion and refinement of the code of ethics for Texas educators. 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 Dr. Beverly Bardsley, Director for Policy Development, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9682.

The amendment is proposed under the Texas Education Code, §13.210, which directs the Teachers Professional Practices Commission to adopt a code of ethics and standard practices to regulate and govern the conduct of members of the profession.

§177.1. Code of Ethics and Standard Practices for Texas Educators.

(a) (No change.)

(b) **Principle I. Professional ethical conduct.**

[(1)] The Texas educator should endeavor to maintain the dignity of the profession by respecting and obeying the law, demonstrating personal integrity, and exemplifying honesty.

(1)[(2)] **Standard 1.** The educator shall not intentionally misrepresent official policies of the [his] school district or educational institution [organization] and shall clearly distinguish those views from [his] personal attitudes and opinions.

(2)[(3)] **Standard 2.** The educator shall honestly account for all funds committed to his charge and shall conduct his financial business with integrity.

(3)[(4)] **Standard 3.** The educator shall not use institutional or professional privileges for personal or partisan advantage.

(4) **Standard 4.** The educator shall accept no gratuities, gifts, or favors

that impair or appear to impair professional judgment.

(5) **Standard 5.** The educator shall not offer any favor, service, or thing of value to obtain special advantage.

(6) **Standard 6.** The educator shall not falsify records, or direct or coerce others to do so.

(c) **Principle II. Professional practices and performance.**

[(1)] The Texas educator, after qualifying in a manner established by law or regulation, shall assume responsibilities for professional teaching practices and professional performance and shall continually strive to demonstrate competence.

(1)[(2)] **Standard 1.** The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications and shall adhere to the terms of a contract or appointment.

(2)[(3)] **Standard 2.** The educator shall possess mental health, physical stamina, and social prudence necessary to perform the duties of his professional assignment.

(3)[(4)] **Standard 3.** The educator shall organize instruction that seeks to accomplish objectives related to learning.

(4)[(5)] **Standard 4.** The educator shall continue professional growth.

(5)[(6)] **Standard 5.** The educator shall comply with written local school board policies, Texas Education Agency regulations, and applicable state and federal laws.

(d) **Principle III. Ethical conduct toward professional colleagues.**

[(1)] The Texas educator, in exemplifying ethical relations with colleagues, shall accord just and equitable treatment to all members of the profession.

(1)[(2)] **Standard 1.** The educator shall not reveal confidential information concerning colleagues unless disclosure serves professional purposes or is required by law.

(2)[(3)] **Standard 2.** The educator shall not willfully make false statements about a colleague or the school system.

(3)[(4)] **Standard 3.** The educator shall adhere to written local school board policies and legal statutes regarding dismissal, evaluation, and employment processes.

(4) **Standard 4.** The educator shall not interfere with a colleague's exercise of political and citizenship rights and responsibilities.

(5) **Standard 5.** The educator shall not discriminate against, coerce, or harass a colleague on the basis of race, color, creed, national origin, age, sex, handicap, or marital status.

(6) Standard 6. The educator shall not intentionally deny or impede a colleague in the exercise or enjoyment of any professional right or privilege.

(7) Standard 7. The educator shall not use coercive means or promise special treatment in order to influence professional decisions or colleagues.

(8) Standard 8. The educator shall have the academic freedom to teach as a professional privilege, and no educator shall interfere with such privilege except as required by state and/or federal laws.

(e) Principle IV. Ethical conduct toward students.

[(1)] The Texas educator, in accepting a position of public trust, should measure success by progress of each student toward realization his potential as an effective citizen.

(1)[(2)] Standard 1. The educator shall deal considerately and justly with each student and shall seek to resolve problems including discipline according to law and school board policy.

(2)[(3)] Standard 2. The educator shall not intentionally expose the student to disparagement.

(3)[(4)] Standard 3. The educator shall not reveal confidential information concerning students unless disclosure serves professional purposes or is required by law.

(4)[(5)] Standard 4. The educator shall make reasonable effort to protect the student from conditions detrimental to the following: learning, physical [or] health, mental health, or safety.

(5)[(6)] Standard 5. The educator shall endeavor to present facts without distortion.

(6) Standard 6. The educator shall not unfairly exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, sex, handicap, national origin, or marital status.

(7) The educator shall not unreasonably restrain the student from independent action in the pursuit of learning or deny the student access to varying points of view.

(f) Principle V. Ethical conduct toward parents and community.

[(1)] The Texas educator, in fulfilling citizenship responsibilities in the community, should cooperate with parents and others to improve the public schools of the community.

[(2)] The educator shall not interfere with a colleague's exercise of political and citizenship rights and responsibilities.]

(1)[(3)] Standard 1. The educa-

tor shall make reasonable effort to communicate to parents information which should be revealed in the interest of the student.

(2)[(4)] Standard 2. The educator shall endeavor to understand community cultures and relate the home environment of students to the school.

(3)[(5)] Standard 3. The educator shall manifest a positive role in school public relations.

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

Issued in Austin, Texas, on April 5, 1988.

TRD-8803481 W. N. Kirby
Commissioner of Education

Earliest possible date of adoption: May 13, 1988

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

TITLE 22. EXAMINING BOARDS.

Part XXII. Texas State Board of Public Accountancy

Chapter 511. Certification as CPA

Certification by Examination • §511.21

(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 or in the Texas Register office, Room 503, Sam Houston Building, 201, East 14th Street, Austin.)

The Texas State Board of Public Accountancy proposes the repeal of §511.21, concerning application for certification. The repeal allows for the adoption of a new section that will set out the requirements for application for certification by examination.

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

Mr. Bradley has determined that for each year of the first five years the proposed repeal is in effect the public benefits anticipated as a result of enforcing the proposed repeal will be that the repeal will allow for the adoption of a new section which will clearly state the current requirements for application for certification by examination. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Requests for 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 deemed necessary to facilitate the application for certification by examination.

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

Issued in Austin, Texas, on April 4, 1988.

TRD-8803461 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption: May 13, 1988

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

The Texas State Board of Public Accountancy proposes the new §511.21, concerning application for certification. The new section sets out the requirements for application for certification by examination.

Bob E. Bradley, executive director, has determined that there will be no fiscal implications as a result of 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 provision of guidelines for the issuance of application for certification by examination. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

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 deemed necessary to facilitate the application for certification by examination.
§511.21. Application.

(a) All applications for certification by examination shall be made on forms prescribed by the board and shall also be in compliance with board rules and with all applicable laws. Each applicant must also submit authenticated copies of transcripts showing compliance with the applicable education requirements. Each applicant shall submit with his initial application, and as instructed thereafter, references from a minimum of three certified public accountants or other substantial and representative business or professional individuals residing in Texas who can attest to applicant's moral character. The applicant must provide at least one character reference form each county in which the applicant resides for as much as six months during the five years preceding the filing with the board of the applicant's initial application for examination. Each reference (name and current mailing address) must be a person who:

(1) resided in the same county as the applicant; and

(2) was personally acquainted

with the applicant during the period when the applicant resided in that county.

(b) Character references will not be accepted by the board from the following individuals:

- (1) relatives of the applicant;
- (2) students;
- (3) university or college instructor, unless they have had significant contact with the applicant outside the classroom; or
- (4) persons having a financial or business connection with the applicant, other than that of client or employer.

(c) Responses to the board inquiries of character references submitted must be in English and must be received by the board not less than 10 days prior to the applicant's initial examination; otherwise that application will be deemed incomplete and will be denied. It is the responsibility of the applicants to inform their character references of these requirements and to take such measures as are appropriate to insure that their character references make prompt and timely responses to the board's inquiries.

(d) Applicants who are not citizens of the United States must provide all of the documentation in subsection (c) of this section, and in addition, must provide evidence satisfactory to the board that either they have:

- (1) lived in Texas at least 90 days immediately preceding the date of application to take the written examination conducted by the board for the purpose of granting a certificate of certified public accountant; or
- (2) maintained permanent legal residence in Texas for at least six months immediately preceding the date of submission to the board of their initial application to take the written examination conducted by the board for the purpose of granting a certificate of certified public accountant.

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

Issued in Austin, Texas, on April 4, 1988.

TRD-8803460

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

Earliest possible date of adoption: May 13, 1988

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



TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part III. Texas Air Control Board

Chapter 103. Procedural Rules

• 31 TAC §103.87

The Texas Air Control Board (TACB) proposes new §103.87, concerning gifts and grants. This new section will establish procedures for the receipt and management of any grant or gift the TACB might receive, and will establish guidelines to define the relationship between TACB staff and donors to eliminate the potential for any conflict of interest.

Bennie Engelke, director of management and staff services, 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. Engelke 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 increased assurance of compliance with Texas statutes. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

A public hearing on this proposal is scheduled for 2 p.m. on April 28, 1988, in the auditorium of the TACB located at 6330 United States Highway 290 East, Austin, Texas 78723.

Copies of the proposed section are available from Ms. Betty Rogers at the TACB central office and at all TACB regional offices. Public comment, both oral and written, is invited at the hearing. Written testimony received by 4 p.m. on April 29, 1988, at the TACB central office will be included in the hearing record. The TACB would appreciate receiving five copies of testimony prior to or at the hearing. Written comments should be addressed to the Control Strategy Division.

This amendment is proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§103.87. Gifts and Grants.

(a) Authorization. The Texas Clean Air Act, §2.11, Texas Civil Statutes, Article 4477-5, establishes the authority of the Texas Air Control Board (TACB) to apply for, request, solicit, contract for, receive, and accept money and other assistance from any source for use in carrying out its duties.

(b) Distribution of funds. Gifts or grants of money or other items of value awarded to the TACB shall be processed through the Fiscal Section after delivery. Any funds derived from such gift or grant shall be deposited in the state treasury and credited to a special fund established for that purpose. The TACB may use this fund

for salaries, wages, professional and consulting fees, travel expenses, equipment, and other necessary expenses in carrying out its duties, as provided by legislative appropriation, but money shall be disbursed from this fund only for the purposes and in accordance with any terms of the various gifts and grants.

(c) Accounting. Accounting shall be made of a gift or grant as required by statute and the terms of the grant. The TACB must show in its records the source of all monies or items of value it receives from such sources. If the gift or grant is non-monetary, the Fiscal Section must assess its dollar value.

(d) Administration of funds of an organization. The TACB will not authorize any organization to receive, administer, or invest any funds that are designated for the benefit of the TACB without the prior approval of the board, or the executive director, and without a written agreement between the organization and the TACB specifying the organization's responsibilities in receiving, administering, or investing the funds.

(e) Use of TACB employee or property. An employee shall not provide any service for which the employee is being compensated by the TACB to any organization or donor who is providing funds or other items of value to the TACB, or from whom the TACB is seeking funds or other items of value, except as part of a written contract between the organization or donor and the TACB. Property of the TACB shall not be used for the benefit of any such organization or donor except as part of a written contract between the organization or donor and the TACB. However, TACB employee services and property may be used in preparing and submitting grant and gift applications, and in any other reasonably relating to the administration of a gift or grant.

(f) Service by TACB member or employee in organization. TACB members or employees shall not serve, for compensation other than payment or repayment of expenses connected to such service, as an officer or director of any organization that is providing funds or other items of value to the TACB or from whom the TACB is seeking funds or other items of value. Any member or employee who serves without compensation as an officer or director of an organization (other than an organization which exists solely to serve the public interest) must disqualify himself or herself from service to the organization during its consideration of any matter in which the TACB may be directly or indirectly involved. Any member who serves without compensation as an officer or director of such an organization must also disqualify himself or herself when the board considers any matter involving that organization.

(g) Enrichment of TACB member

or employee. TACB members or employees shall not accept any monetary or other enrichment from any organization or donor that is providing funds or other items of value to the TACB, except:

(1) in accordance with the terms and conditions of a grant, if the board or executive director has approved those terms and conditions;

(2) in accordance with a written contract between the TACB and the organization or donor;

(3) as payment or repayment of expenses connected to service performed for the organization or donor for which the TACB has not compensated the member or employee; or

(4) as payment of a bona fide honorarium, consultation fee, or other fee customarily paid for services rendered to the organization or donor for which the TACB has not compensated the member or employee.

(h) Interpretation not to conflict. Nothing in this section shall be interpreted to conflict with or supersede a requirement of any statute regulating the conduct of any employee of the TACB or regulating the procedures of the TACB.

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

Issued in Austin, Texas, on April 6, 1988.

TRD-8803501 Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: July 1, 1988

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 27. Intermediate Care Facility for Mentally Retarded

Subchapter X. Housekeeping and Maintenance Services

• 40 TAC §27.2301

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.

§27.2301. *Provision of Housekeeping and Maintenance Services.*

(a) The facility [institution] provides sufficient housekeeping and maintenance

personnel to maintain the interior and exterior of the ICF-MR [intermediate care MR section] in a safe, clean, orderly, and attractive manner.

(b) Housekeeping personnel, using accepted practices and procedures, keep the ICF-MR [section] free from offensive odors, accumulation of dirt, rubbish, dust, and safety hazards.

(c) (No change.)

(d) Walls and ceilings are maintained free from cracks and falling plaster and are cleaned and painted regularly with lead-free paint.

(e)-(f) (No change.)

(g) The grounds are kept free from refuse and litter. Areas around buildings, sidewalks, gardens, and patios are kept clear of [dense] undergrowth.

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

Issued in Austin, Texas, on April 6, 1988.

TRD-8803478 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Proposed date of adoption: June 27, 1988

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

Subchapter Y. Physical Environment

• 40 TAC §27.2409

(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 Department of Human Services or in the Texas Register office, Room 503, Sam Houston Building, 201, East 14th Street, Austin.)

The Texas Department of Human Services (DHS) proposes the repeal of §27.2409, concerning attendant stations, and an amendment to §27.2301, concerning provision of housekeeping and maintenance services, in its intermediate care facility for mentally retarded (ICF-MR) chapter. The repeal of §27.2409 eliminates a requirement that has no basis in federal regulations and that is no longer applicable in the department's ICF-MR program. The amendment to §27.2301 updates terminology and incorporates federal regulations requiring the use of lead-free paint.

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

Mr. Packard also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a

result of enforcing the repeal will be to inform providers of current regulations and to delete obsolete regulations. There is no anticipated economic cost to individuals who are required to comply with the repeal.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-163, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

The repeal 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.

§27.2409. *Attendant Stations.*

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

Issued in Austin, Texas, on April 6, 1988.

TRD-8803477 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Proposed date of adoption: June 27, 1988

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

Chapter 85. General Licensing Procedures

Subchapter JJJ. Court-Ordered Social Studies

• 40 TAC §§85.6050-85.6052

The Texas Department of Human Services proposes new §§85.6050-85.6052 in its general licensing procedures chapter. The new sections establish minimum qualifications for people who conduct social studies and minimum standards and guidelines for conducting studies and writing reports. The minimum standards require people who are qualified to conduct social studies to be licensed/certified in their professional fields. The appropriate licensing/certifying entity will maintain an up-to-date register of members, investigate complaints against members, and act on the investigation findings. The licensing/certifying entity is responsible for compiling a register of members and for updating the register annually. The department is responsible for compiling a complete register and for initially providing it to all appropriate court jurisdictions. At their discretion, the courts may use the register to appoint people to conduct the studies. If the department receives a complaint, it informs the complainant whether or not the person concerned is registered. If the person is registered, the department informs the complainant of the appropriate regulatory agency to handle the complaint.

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

Mr. Packard 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 a register for courts to use when appointing people to conduct studies. The new sections also provide protection to children affected by lawsuits because of the quality of information available to the court. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

The department has scheduled public hearings across the state to accept comments on the proposed sections. All hearings are being held from 6 to 8 p.m. They are scheduled as follows: May 2, 1988, at Texas Tech University Health Science Center Auditorium, 1400 Wallace Boulevard, Amarillo; May 9, 1988, Department of Human Services Public Hearing Room, 701 West 51st Street, Austin; May 10, 1988, Department of Human Services Regional Office, 1300 East 40th (Corner of Airline Drive and East 40th), Houston; May 24, 1988, Department of Human Services regional Office, 631 106th Street, Arlington; May 25, 1988, City Council Chambers - 2nd Floor, 2 Civic Center Plaza, El Paso; June 1, 1988, Department of Human Services Regional Office, 2520 North Clossner, Edinburg. Written comments may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-193, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

The new sections 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.

§85.6050. Definitions. The following term, when used in this subchapter, has the following meaning unless the context clearly indicates otherwise.

Experience in conducting social studies—Experience evaluating a person's physical, intellectual, social, and psychological functioning and needs and evaluating the ability of the social and physical environment (present and/or prospective) to meet these needs.

§85.6051. Minimum Qualifications.

(a) A person qualified to conduct a court-ordered social study in a suit affecting the parent-child relationship must:

(1) be licensed or certified according to statutory requirements as a mental health professional in a field regulated under these statutes, and

(2) meet, as a minimum, one of the following conditions:

(A) have a master's degree from an accredited college or university and two years of experience in conducting social studies;

(B) have a bachelor's degree from an accredited college or university and five years of experience in conducting social studies.

(b) A person with a bachelor's degree from an accredited college or univer-

sity may conduct court-ordered social studies if he is directly supervised by a person meeting one of the minimum qualifications. Both persons must sign the studies.

(c) If by August 31, 1988, a person has at least two years of experience in conducting social studies in suits affecting the parent-child relationship, he is not required to meet these minimum qualifications. To be included in the department's register of qualified persons, the person must register with the department by August 31, 1988.

§85.6052. Conducting the Social Study and Writing the Report. Investigators must meet the following requirements when conducting the study and writing the report.

(1) If the investigator has a conflict of interest with any person in the suit or if he may be biased by previous knowledge of or contact with any person in the court, he must disqualify himself.

(2) If the investigator needs to discuss substantive issues about a case, he must communicate (orally or in writing) with both attorneys.

(3) The investigator must immediately report to the department evidence that a child may be in danger of abuse or neglect. The investigator must immediately report to the court evidence of violations of state or federal law.

(4) The investigator must verify, to the extent possible, all statements of fact pertinent to the study. Sources of information and verification must be noted in the study.

(5) The basis for the investigator's conclusion or recommendation must be stated in the study.

(6) When the court requests that a part of a study be conducted by an investigator outside of the court's jurisdiction, the activity is subject to the same requirements as the social study as a whole. All relevant information and specific directions must be included in the request. The name and qualifications of the person(s) conducting any part of the study also must be included in the report.

(7) The investigator's name and license or certification must be noted in the study.

(8) The social study must be conducted according to the "Guidelines for Court Connected Child Custody Evaluation," published by the Association of Family and Conciliation Courts and reprinted with permission by the Texas Department of Human Services. A social study conducted in relation to an adoption must be conducted according to department guidelines for these studies. The department may develop and distribute other applicable guidelines in the future.

This agency hereby certifies that the proposal has been reviewed by legal counsel and

found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 6, 1988.

TRD-8803480

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Proposed date of adoption: June 1, 1988

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

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**Part IV. Texas
Commission for the
Blind
Chapter 174. Endowment Loan
Fund**

• 40 TAC §174.5

The Texas Commission for the Blind proposes an amendment to §174.5, concerning endowment loan fund of the commission. The amendment allows for loans to carry an interest rate lower than 10% when economic conditions are such that the average rate of return on the commission's funds held in the State Treasury during the month preceding the closing of a loan to a client is less than 10%.

Pat D. Westbrook, 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.

Ms. Westbrook 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 possibility of a lower interest rate on loans to clients for the purchase of technological aids, depending on the economic conditions of the state. 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 Pat Westbrook, Executive Director, Texas Commission for the Blind, P.O. Box 12866, Austin, Texas 78711.

The amendment is proposed under the Texas Human Resources Code, §91.0301, which provides the Texas Commission for the Blind with the authority to establish and make rules for a program to make loans to finance the purchase of technological aids for visually handicapped persons.

§174.5. Interest. Loans shall carry an interest rate equal to the average depositary interest rate the agency receives from funds on deposit with the State Treasury during the month immediately preceding the date that the loan agreement is approved and signed by both parties, or a 10% simple interest rate, whichever interest rate is the lesser.

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 31, 1988.

TRD-8803421

Pat D. Westbrook
Executive Director
Texas Commission for the
Blind

Earliest possible date of adoption: May 13,
1988

For further information, please call: (512)
459-2600



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 28. INSURANCE

Part I. State Board of Insurance

Chapter 9. Title Insurance

Subchapter A. Basic Manual of Rules, Rates and Forms for the Writing of Title Insurance in the State of Texas

• 28 TAC §9.1

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed amendment to §9.1, submitted by the State Board of Insurance has been automatically withdrawn, effective April 5, 1988. The amendment as proposed appeared in the October 2, 1987 issue of the *Texas Register* (12 TexReg 3524).

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.

TRD-8803474

Filed: April 5, 1988



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 19. EDUCATION Part II. Texas Education Agency

Chapter 61. School Districts

Subchapter I. Hearings Before Local Boards

19 TAC §61.232

The Texas Education Agency adopts new §61.232 with changes to the proposed text published in the January 26, 1988, issue of the *Texas Register* (13 TexReg 437). The section concerns grievance procedures for local school districts. The purpose of the new section is to ensure that all school districts have legally sufficient grievance procedures that provide employees with a reasonable opportunity to present complaints without imposing unworkable procedural burdens on administrators and boards of trustees.

The section requires each district to have a written policy establishing a grievance procedure. Minimum procedural requirements include a specific process to inform employees of the grievance procedure, administrative levels and reasonable timelines for presentation of a grievance and for response, and provision of a reasonable opportunity for presentation to the local board of trustees if not satisfied with the response at the final administrative level. In subsection (c), the word "unlawful" has been changed to "retaliatory" in the phrase "no retaliatory action shall be taken..." and the end of the sentence has been edited for clarity. There are no other changes from the proposed text.

Most of the comments on this new section were received on early drafts of the section, before its publication as a proposed rule. The Texas Association of School Boards and several individual school districts noted that most school districts already have grievance procedures in place and saw no need for the State Board of Education to promulgate the rule. If such a section were to be adopted, the association and several districts urged that it not contain the very specific, detailed provisions in early drafts. The Texas Classroom Teachers' Association, Texas State Teachers Association, Texas Federation of Teachers' Association, Texas State Teachers Association, Texas Federation of Teachers, Association of Texas Professional Educators, and several individuals stressed the need for a statewide grievance procedure. The Texas Association of Community Schools requested that the section require a local policy and set general guidelines for areas to be addressed by local policy. The agency's response is that because not all districts have a grievance procedure, the section is needed. The section

as adopted requires that each district have a grievance procedure but leaves considerable local flexibility to determine the details of the procedure. The Association of Texas Professional Educators requested the addition of specific timelines for initial filing of a grievance and a requirement that there be action or a response from the local board for each grievance taken to the board. The agency's response is that timelines should be left to local discretion. Current statutes and case law require local boards to stop, look, and listen to a grievance. The board may respond, but a response is not required. A response in kind is required at every administrative level. One individual expressed concern about permitting employees to be represented by a representative of their choice at administrative levels of the process. The agency's response is that such representation is permitted by current statutes and case law. One individual expressed concern that the requirement for a response in kind would be burdensome. The agency's response is that the requirement is simply that a written grievance have a written response and an oral grievance have an oral response and that this should not be burdensome to school districts. Several individuals expressed concern about the meaning of the term "unlawful" in the phrase "no unlawful action shall be taken" in subsection (c). One individual suggested substitution of the word "retaliatory," and this substitution was made in the adopted section. The Colorado Chapter of the Texas Classroom Teachers Association expressed concern about the requirement that a representative not claim the right to strike. The agency's response is that this language is consistent with state statutes concerning grievances. The Texas Association of Community Schools requested that the section clarify that necessary supervisory conference initiated by an administrator should not be construed as grievance conferences requiring rights to representation. The agency's response is that such supervisor initiated conferences are clearly not covered by the new section, and that additional language is not necessary. The association also urged that the agency not create new grievance rights not contemplated by the legislature or the courts. This is not the intent of the agency in this new section. The Texas Classroom Teachers Association urged that provision for publicizing the district grievance policy be included in the section. The adopted section does include such a requirement.

The new section is adopted under the Texas Education Code, §11.24, which gives the State Board of Education authority for adopting policies, enacting regulations, and establishing general rules for carrying out the duties placed regulations, and establishing general rules for carrying out the duties placed on it or on the Central Education

Agency by the legislature; §11.26, which makes the State Board of Education the primary policy-making body for public education; §11.13(a), which gives certain aggrieved persons the right of appeal to the commissioner of education; Texas Civil Statutes, Article 5154(c), §6, which gives public employees the right to grieve; and the Texas Constitution, Article I, §27, which establishes the right for individuals to petition, address, or renounce their elected officials.

§61.232. *Grievance Procedures for Local School Districts.*

(a) Each public school district in Texas shall adopt a written policy establishing a grievance procedure for employees to present complaints concerning wages, hours, or conditions of work. The purpose of this grievance procedure is to secure prompt and equitable resolution of employee grievances at the lowest possible administrative level, and a district may require an employee to attempt informal resolution prior to filing a grievance. The policy shall at least meet the following procedural requirements, which shall ensure that an employee has a reasonable opportunity to present a grievance.

(1) It shall provide a specific process to inform employees of the local district grievance procedure.

(2) It shall provide administrative levels and guarantee reasonable timelines for the presentation of and response in kind to a grievance at each such level of the grievance procedure.

(3) It shall provide a reasonable opportunity for presentation to the local board of trustees if the employee is not satisfied with the response to the grievance at the final administrative level.

(4) It shall require a response in kind at each administrative level of the grievance process.

(b) An employee, or a group of employees where appropriate, may present a grievance individually, through an attorney, or through any other representative of his or her choice that does not claim the right to strike.

(c) No retaliatory action shall be taken by the board or by any administrator against an employee or other participant in a grievance proceeding because of participation in the grievance procedure.

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

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

Issued in Austin, Texas, on April 5, 1988.

TRD-8803482

W. N. Kirby
Commissioner of Education

Effective date: April 27, 1988

Proposal publication date: January 26, 1988

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 48. Community Care for Aged and Disabled

Eligibility

40 TAC §48.2931

The Texas Department of Human Services (DHS) adopts new §48.2931, concerning respite care services, with changes to the proposed text published in the January 15, 1988, issue of the *Texas Register* (13 TexReg 293).

The new section is justified to give aged and disabled clients short-term services while allowing their caretakers temporary relief from caregiving responsibilities.

The new section will function by establishing client eligibility requirements for respite care services.

During the public comment period, the department received comments from the Texas Health Care Association. The commenter was in favor of the proposal. Although the commenter offered no comments about the section material, he did ask several questions related to the program operation. The department responded directly to the commenter to answer these questions.

Although the department received no comments directly related to the section text, the department made several editorial changes. In subsection (a)(4), the words "care attendant" replace the words "health aide." In subsection (b)(2), the words "other obligation" are added to the list of reasons for a caretaker's inability to provide care. In subsection (g), the DHS staff procedures should not have been included in the text and are therefore deleted. In subsection (h), the word "may" is added to clarify that DHS staff has the option of allowing the provider agency staff to determine eligibility for applicants who are not already receiving APS or CCAD services.

The department also changed subsection (g) to specify that the provider agency must notify the caseworker when respite care services are terminated, as well as when those services are initiated.

The new section is adopted 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.

§48.2931. Respite Care.

(a) Respite care services include the following.

(1) Services provided in nursing homes or hospitals. Tasks include personal care, nursing services, supervision, meal preparation, and room provision.

(2) Services provided in personal-care homes or adult foster homes. Tasks include personal care, housekeeping, supervision, transportation, meal preparation, and room provision.

(3) Services provided in an adult day health care facility. Tasks include personal care, nursing services, supervision, meal preparation, and transportation.

(4) Services provided by a home care attendant in a client's home. Tasks include personal care, housekeeping, meal preparation, transportation, and supervision.

(5) Services provided by a sitter in a client's home. Tasks include housekeeping, meal preparation, and supervision.

(6) Supportive services of education and counseling for caretakers as a component of any of these services. Tasks include arranging and facilitating peer support groups and conducting educational programs.

(b) Elderly and disabled adults who meet the following criteria are eligible to receive respite care services. An applicant must:

(1) need care or supervision, or both;

(2) have a caretaker who needs relief from his caregiving responsibilities because of severe physical or mental stress or who is temporarily unable to provide care because of illness, hospitalization, family emergency, or other obligation; and

(3) be an adult protective services (APS) client or a community care for aged and disabled (CCAD) services client or declare his total gross income to be equal to or less than 200% of the Federal Poverty Income Guidelines.

(c) Clients receiving services in hospitals, nursing homes, personal care homes, or adult foster homes must need at least 24 continuous hours of respite care services.

(d) A client is eligible for no more than 336 hours of respite care services every 12 months. Prior approval to exceed the limit in exceptional circumstances must be obtained from the regional director for aged and disabled services.

(e) If DHS staff determine that immediate services are needed, they notify the provider at the time of referral. The provider must initiate services within 24 hours of receipt of the referral when DHS staff identifies a need for immediate services.

(f) If the caretaker is a paid attendant, his pay is suspended if the respite care attendant assumes the tasks that the caretaker is being paid to provide. The caretaker may continue to receive payment if he continues to complete the designated tasks and the respite care attendant provides relief during the caretaker's off-duty hours.

(g) The provider agency staff must complete a response to the written referral and mail one copy to the DHS caseworker within seven calendar days of the initiation of services. Provider agency staff must also notify the caseworker in writing when respite care services are terminated.

(h) If the applicant for respite care services is not receiving APS or CCAD services, provider agency staff may determine his eligibility for respite care services. Provider agency staff consult with the client and his caretaker to determine the service initiation date, the quantity of services, and the tasks to be provided. Provider agency staff complete a referral form documenting the client's eligibility for services and the services delivered. Provider agency staff must retain the referral form in their records for the time frame specified in §69.202 of this title (relating to Contractors' Records).

(i) If the provider agency in an eligible client's area is operating at capacity, the client may not be able to receive services at the time he is determined eligible. In this situation, the provider agency notifies DHS, which places the client's name on a waiting list. Waiting lists are kept in order of clients' dates of eligibility certification, with priority given to clients receiving adult protective services.

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

Issued in Austin, Texas, on April 6, 1988.

TRD-8803479

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: May 1, 1988

Proposal publication date: June 15, 1988

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

Notification Pursuant to the Insurance Code, Chapter 5, Subchapter L

(Editor's note: As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act, and the final actions printed in this section have not been previously published as proposals.

These actions become effective 15 days after the date of publication or on a later specified date.

The text of the material being adopted will not be published, but may be examined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin.)

The State Board of Insurance has adopted a filing by CUMIS Insurance Society, Inc., of an endorsement to be used with the credit union discovery bond.

In accordance with the provisions of the Insurance Code, Article 5.97, a text of the rate filing has been filed in the Office of the Chief Clerk of the State Board of Insurance since October 26, 1987. The filing has been available for public inspection for 15 days and a public hearing was not requested by any party.

The endorsement, designated 255-CDB-A447, provides a means for an insured credit union to apply a deductible on losses caused by or involving a named officer or employee. Use of the endorsement can prevent the termination of coverage on an individual causing or involved in a loss recoverable under the bond. The board of directors of the credit union would have to agree to the imposition of the deductible.

There are no rate consequences associated with this filing.

This rate filing becomes effective at 12:01 a.m. on the 15th day after notice of this action is published in the *Texas Register*.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

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

Issued in Austin, Texas on April 4, 1988.

TRD-8803433 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Effective date: April 28, 1988

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



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 Adult Probation Commission

Thursday, April 7, 1988, 1 p.m. The Program Committee for the Texas Adult Probation Commission met for an emergency agenda revision in the Cancun Room, Embassy Suites, 4250 Ridgemont Drive, Abilene. According to the agenda, the committee discussed and acted on the ISP funding plan for fiscal year 1989; supplemental findings for Howard and Midland Counties; deobligation on surveillance probation for Harris and Taylor counties, restitution centers for Bastrop and San Patricio counties, and specialized caseloads for Montgomery County, grant adjustments; specialized caseloads in San Patricio County; restitution centers for Cass, El Paso, Jefferson, Midland, Montgomery, Tarrant, and Taylor counties; and court residential treatment center for Harris County, and waivers.

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

Filed: April 5, 1988, 4:51 p.m.

TRD-8803500

Friday, April 8, 1988, 9 a.m. The Texas Adult Probation Commission met for an emergency agenda revision in the Baja/Cancun Rooms, Embassy Suites, 4250 Ridgemont Drive, Abilene. According to the agenda, the commission discussed deobligations in surveillance probation for Harris and Taylor counties; restitution center for Bastrop and San Patricio counties; and specialized caseloads in Montgomery County.

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

Filed: April 5, 1988, 4:51 p.m.

TRD-8803499

Texas Aeronautics Commission

Tuesday, April 19, 1988, 11:30 a.m. The Texas Aeronautics Commission will meet at

Louie B's Restaurant, 601 East Sixth Street, Austin. According to the agenda, the commission will have lunch and although no formal action is planned, the commissioner's may discuss items on the commission meeting agenda scheduled for April 19, 1988, at 1:30 p.m.

Contact: Lydia Scarborough, Texas Aeronautics Commission, Austin, Texas, (512) 476-9262.

Filed: April 6, 1988, 9:20 p.m.

TRD-8803485

Tuesday, April 19, 1988, 1:30 p.m. The Texas Aeronautics Council will meet in Room 221, Anson Jones State Office Building, 410 East Fifth Street, Austin. According to the agenda, the council will hear the air carrier administration report considering commission action on Docket 87-3, Conquest Airlines Corporation for a certificate of operating authority to serve the points of Austin, Beaumont, and Dallas Love Field; and Docket 88-1, Laredo Air, Inc., for a certificate of operating authority to serve the points of Harlingen and Laredo. The council will also hear the director's report for consideration of attorney general opinion JM-868, and other matters.

Contact: Lydia Scarborough, Texas Aeronautics Commission, Austin, Texas, (512) 476-9262.

Filed: April 6, 1988, 9:10 a.m.

TRD-8803497

Texas Department of Agriculture

The Produce Recovery Fund Board of the Texas Department of Agriculture will conduct administrative hearings in the Conference Room, Ninth Floor, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Dates, times, and agendas follow.

Tuesday, April 26, 1988, 10:30 a.m. The board will consider alleged violation of Texas Agriculture Code, §103.001, by Sun Valley Foods, Inc., as petitioned by Rene Ortega.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: April 6, 1988, 1:52 p.m.

TRD-8803513

Tuesday, April 26, 1988, 1 p.m. The board will consider alleged violation of Texas Agriculture Code, §103.001, by Pat Womack, Jeffrey Womack, Donna Adams, Pat Womack, Inc., and Quality Valley Growers, as petitioned by Tex-Sun Produce, Inc.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: April 6, 1988, 1:52 p.m.

TRD-8803512

Tuesday, April 26, 1988, 3 p.m. The board will consider alleged violation of Texas Agriculture Code, §103.001, by Esparza and Esparza Farms, Inc., as petitioned by Roberto Perez.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: April 6, 1988, 1:52 p.m.

TRD-8803509

Wednesday, April 27, 1988, 10:30 a.m. The board will consider alleged violation of Texas Agriculture Code, §103.001, by Tex-Sandia, Inc., Joe Mahan, and E.C. Mahan, as petitioned by Cary D. Cochran.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: April 6, 1988, 1:52 p.m.

TRD-8803508

Thursday, April 27, 1988, 1 p.m. The board will consider alleged violation of Texas Agriculture Code, §103.001, Tex-Sandia, Inc., Joe Mahan, and E.C. Mahan, as petitioned by Bill Cochran.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: April 6, 1988, 1:52 p.m.

TRD-8803507

Automated Information and Telecommunications Council (AITC)

Friday, April 15, 1988, 10 a.m. An open meeting for the Automated Information and Telecommunications Council will be held in Room 101, John H. Reagan Building, 15th Street and Congress Avenue, Austin. According to the agenda, the council will approve minutes, hear the statewide telecommunications status report and technical forum status report, and consider other business.

Contact: Tina J. Turner, (512) 463-5530.

Filed: April 6, 1988, 10:30 a.m.

TRD-8803502

Texas Commission for the Blind

Tuesday, April 12, 1988, 10 a.m. The Houston District Office of the Texas Commission for the Blind will meet in the Seventh Floor Conference Room, Heights Medical Tower, 427 West 20th Street, Houston. According to the agenda summary, the district will hear comments on the state plan for vocational rehabilitation services in Texas during 1988. Such public meetings are called for in a requirement contained in the Rehabilitation Act amendments of 1986, which stipulates state agencies must hold public meetings throughout the state to allow comment on the plan. Those who are unable to attend may send comments to the Public Information Office of the commission, 4800 North Lamar Boulevard, Suite 320, Austin, Texas 78756.

Contact: Claroneete Green or Sharon Wellslager, (713) 880-0721, or Betty Huffman, Coordinator of Consumer Affairs, (512) 459-2611.

Filed: April 5, 1988, 2:07 p.m.

TRD-8803457

Tuesday, April 19, 1988, 6:30 p.m. The Fort Worth District Office will meet in Room A, Fort Worth Public Library, 300 Taylor Street, Fort Worth. According to the agenda summary, the district office will hear comments on the state plan for vocational rehabilitation services in Texas during 1988. Such public meetings are called for in a requirement contained in the Rehabilitation Act Amendments of 1986, which stipulates state agencies must hold public meetings throughout the state to allow comment on the plan. Those who are unable to attend may send comments to the Public Information Office of the commission, 4800 North Lamar Boulevard, Suite 320, Austin, Texas 78756.

Contact: Ron Chilton (817) 926-4646 or Betty Huffman, (512) 459-2611.

Filed: April 5, 1988, 1:56 p.m.

TRD-8803456

Friday, April 22, 1988, 2 p.m. The Dallas District Office of the Texas Commission for the Blind will meet in Suite 450, 6301 Gaston Avenue, East Tower, Dallas. According to the agenda summary, the district office will hear comments on the state plan for vocational rehabilitation services in Texas during 1988. Such public meetings are called for in a requirement contained in the Rehabilitation Act Amendments of 1986, which stipulates state agencies must hold public meetings throughout the state to allow comment on the plan. Those who are unable to attend may send comments to the Public Information Office of the commission, 4800 North Lamar Boulevard, Suite 320, Austin, Texas 78756.

Contact: Ann Barron, (214) 823-1700 or Betty Huffman, (512) 459-2611.

Filed: April 5, 1988, 1:57 p.m.

TRD-8803455

Texas Bond Review Board

Friday, April 8, 1988, 9 a.m. A staff planning meeting for the Texas Bond Review Board was held for an emergency agenda revision in the Lt. Governors Committee Room, State Capitol, Austin. According to the agenda, the staff considered proposed lease-purchase of four pre-release facilities for the Texas Department of Corrections. The emergency status was necessary to allow timely consideration by the staff of applications submitted unexpectedly to the board for approval at the board's regular monthly meeting on April 19, 1988.

Contact: Tom K. Pollard, Room 711-G, Sam Houston Building, Austin, Texas 78701, (512) 463-1741.

Filed: April 6, 1988, 1:06 p.m.

TRD-8803503

Employees Retirement System of Texas

Wednesday, April 20, 1988, 9 a.m. The Group Insurance Advisory Committee for the Employees Retirement System of Texas will meet in Room 332, Texas Air Control Board, 6330 US 290 East, Austin. According to the agenda, the committee will recognize visitors and guests; approve minutes from the previous meeting; discuss staff update; and consider other related insurance matters.

Contact: James W. Sarver, 18th and Brazos Streets, Austin, Texas 78701-3207, (512) 476-6431, ext. 217.

Filed: April 6, 1988, 1:22 p.m.

TRD-8803504

Texas Employment Commission

Wednesday, April 13, 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 summary, the commission will consider internal procedures, tax liability cases and higher level appeals in unemployment compensation cases listed on docket 15, and set date of next meeting. The commission will also meet in executive session to discuss Cuellar v. TEC.

Contact: C. Ed Davis, 101 East 15th Street, Austin, Texas 78778, (512) 463-2291.

Filed: April 5, 1988, 1:39 p.m.

TRD-8803454

General Land Office

Friday, April 8, 1988, 3:30 p.m. The Veterans Land Board of the General Land Office met in emergency session in Room 831, Stephen F. Austin Building, Austin. According to the agenda summary, the board approved minutes of the February 23, 1988, meeting; considered reinstatement of the Farm and Ranch Finance Program, adopted amended rules for the farm and ranch finance program, adopted a rule authorizing a program to sell Type II forfeited land tracts through real estate brokers, and adopted permanent rule concerning delinquencies and forfeiture procedures; and considered August 31, 1988, as the date for the next forfeited land sale. The board also met in executive session to discuss litigation to the Fred Graves Subdivision, Brazoria County, involving the veterans land program. The emergency status was necessary because potential litigation affecting the board must be discussed before its next meeting, item 18 on the agenda.

Contact: Jack Gibersorn, Stephen F. Austin Building, Room 836-A, (512) 463-5340.

Filed: April 5, 1988, 4:06 p.m.

TRD-8803467

Texas Department of Health

Friday, April 15, 1988, 10 a.m. The Texas Emergency Medical Services Advisory Council (TEMSAC) of the Texas Department of Health will meet in the Austin Airport Hilton, 6000 Middle Fiskville Road, Austin. According to the agenda, the council will approve minutes from the previous meeting; hear the associate commissioner's report, bureau chief's report, staff and

chairman's reports; consider EMS recordkeeping, rules, and other business on future goals and tasks assignments; and discuss messages and communications to the TEMSAC.

Contact: Gene Weatherall, 1100 West 49th Street, Austin, Texas 78756, (512) 465-2601.

Filed: April 6, 1988, 9:14 a.m.

TRD-8803494

Sunday, May 1, 1988, 9 a.m. The Texas Radiation Advisory Board for the Texas Department of Health will meet in the Bureau's Conference Room, 1212 East Anderson Lane, Austin. According to the agenda, the board will approve minutes; hear the chairman's report; consider an update on Texas low-level radioactive waste disposal authority activities; hear committee reports (executive, x-ray, medical, and fees); rules and regulatory guidelines update; program activities; general activity; division of compliance and inspection, division of licensing, registration, and standards; and determine the next meeting date and location.

Contact: David Cochran, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7538.

Filed: April 6, 1988, 9:14 a.m.

TRD-8803493

Texas Department of Health and Human Services Coordinating Council

Various committees for the Texas Department of Health and Human Services Coordinating Council will meet in the Sam Houston Building, 201 East 14th Street, Austin. Times, dates, and agendas follow.

Wednesday, April 13, 1988, 1:30 p.m. The Health Committee will meet in the Fourth Floor Conference Room to hear a report on the status of Medicaid initiatives, a report on the status on catastrophic health care bill and the long term home care catastrophic protection bill, reports on other health related committees, and discuss new business.

Contact: Patricia O. Thomas, 311-A East 14th Street, Austin, Texas 78701, (512) 463-2195.

Filed: April 5, 1988, 4:37 p.m.

TRD-8803472

Wednesday, April 13, 1988, 3 p.m. The Task Force on Service Delivery will meet in the Fourth Floor Conference Room to approve minutes, review service delivery principles, discuss task force objectives, objectives for the next meeting, and old and new business.

Contact: Patricia O. Thomas, 311-A East 14th Street, Austin, Texas 78701, (512)

463-2195.

Filed: April 5, 1988, 4:37 p.m.

TRD-8803471

Monday, April 18, 1988, 2 p.m. The Immigration Committee will meet in the Seventh Floor Conference Room to discuss adoption of minutes, SLIAG implementation, application, and old and new business.

Contact: Patricia O. Thomas, 311-A East 14th Street, Austin, Texas 78701, (512) 463-2195.

Filed: April 5, 1988, 4:37 p.m.

TRD-8803470

Texas Historical Commission

Thursday, April 21, 1988, 7:30 a.m. The Main Street Committee for the Texas Historical Commission will meet in the Dining Room of Fort Brown Hotel, 1900 East Elizabeth, Brownsville. According to the agenda, the committee will discuss Main Street progress, urban Main Street hearing, and the 1990-1991 budget.

Contact: Anice Read, P.O. Box 12276, Austin, Texas 78711, (512) 463-6092.

Filed: April 7, 1988, 8:59 a.m.

TRD-8803559

Texas Hospital Equipment Financing Council

Monday, April 11, 1988, 10 a.m. The Texas Hospital Equipment Financing Council met in Room 103, John H. Reagan Building, 15th Street and Congress Avenue, Austin. According to the agenda, the council discussed and considered redemption of the council's to reinvest amounts currently invested, pursuant to guaranteed investment contract, in securities which will comply with federal tax law guidelines, and other matters in connection therewith; discussed immediate action by council to employ counsel to render a tax opinion in connection with the sizing of the reserve fund of the council's series 1985 bonds and other matters in connection therewith, employment of Fulbright and Jaworski in connection with special projects relating to the series 1985 bonds and other matters in connection therewith, and other business.

Contact: Charles W. Bailey, P.O. Box 15587, Austin, Texas 78761, (512) 465-1000.

Filed: April 5, 1988, 11:02 a.m.

TRD-8803449

Texas Housing Agency

Wednesday, April 6, 1988, 2 p.m. The Board of Directors for the Texas Housing

Agency met for an agenda revision in the Conference Room, Suite 300, Texas Housing Agency, 811 Barton Springs Road, Austin. The board met in executive session to discuss contemplated litigation relating to THA and trustee relationship; staff evaluations; THA organizational structure; and personnel relationship with the state auditor. The revised agenda was needed to provide decent, safe, and sanitary housing for Texans of low and moderate income and to consider possible litigation.

Contact: Kenneth DeJarnett, P.O. Box 13941, Capitol Station, Austin, Texas 78711, (512) 474-2974.

Filed: April 5, 1988, 4:38 p.m.

TRD-8803473

Texas Department of Human Services

Wednesday, April 13, 1988, 10 a.m. The Advisory Committee Meeting for Aged and Disabled of the Texas Department of Human Services will meet in Conference Room 4W, Fourth Floor, 701 West 51st Street, West Tower, Austin. According to the agenda, the committee will approve minutes of the previous meeting; hear the deputy's report; review legislative appropriations request alternatives; hear report from subcommittee on delivery of services to disabled persons; consider model to lift the moratorium on contracting for nursing home beds in areas experiencing high occupancy rates, DAHS rate methodology and program changes, Medicaid payment of full Medicare part A deductibles and coinsurance, new Medicaid eligibility group, increase in personal needs allowance, Department of Health memorandum of understanding, other business, and plans for the next meeting.

Contact: Mary Ann Harvey, P.O. Box 2960, Austin, Texas, (512) 450-3194.

Filed: April 5, 1988, 3:58 p.m.

TRD-88-3466

Texas Industrial Accident Board

Monday, April 11, 1988, 9:30 a.m. The Texas Industrial Accident Board met in Room 107, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board approved board minutes, considered a proposal concerning use of SDS information (job injury statistics), discussed and considered form to request suspension of compensation under board rule 28 TAC §69.55 (failure to attend medical examination), technical changes of proposed board rule concerning failure to attend medical examination, reviewed board files (this portion of meeting closed pursuant to workers compensation statute),

and reviewed and discussed board activities.

Contact: Inez "Tippy" Foster, 200 East Riverside Drive, Room 107, Austin, Texas 78704, (512) 448-7960.

Filed: April 6, 1988, 3:27 p.m.

TRD-8803519

Board of Pardons and Paroles

Wednesday, April 13, 1988, 9:30 a.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider and act on a memorandum of understanding/tentative parole month, and the deputy director's position.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2749.

Filed: April 5, 1988, 4:21 p.m.

TRD-8803469

Texas State Board of Public Accountancy

The Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. Committees, dates, times, and agendas follow.

Friday, April 15, 1988, 9 a.m. A panel hearing will be conducted for the discussion of complaint 86-06-10L.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: April 6, 1988, 9:16 a.m.

TRD-8803491

Wednesday, April 20, 1988, 9 a.m. The Enforcement Committee will hear the status report, consider recommendations regarding specific complaints-licensees, and discuss standard and other agenda items.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: April 6, 1988, 9:16 a.m.

TRD-8803492

Wednesday, April 20, 1988, 9 a.m. Enforcement Informal Conferences will be held on complaints 87-10-72L, 87-07-15L, and 87-07-12.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: April 6, 1988, 9:16 a.m.

TRD-8803489

Thursday, April 21, 1988, 9 a.m. The TSR Committee will hear status report, consider

recommendations regarding specific complaints-licensees, and discuss standard and other agenda items.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: April 6, 1988, 9:16 a.m.

TRD-8803488

Thursday-Friday, April 21-22, 1988, 9 a.m. TSR Informal Conferences will discuss complaints 87-01-17L, 87-01-18L, 87-01-19L, 87-01-16L, 87-04-14L, 87-04-15L, 87-02-02L, 87-03-06L, 87-04-28L, 87-03-15L, and 87-04-12L; and 87-11-10L, 87-03-02L, 87-03-07L, 87-07-64L, 87-07-09L, 87-04-11L, 87-07-25L, and 87-07-45.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: April 6, 1988, 9:16 a.m.

TRD-8803490

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.

Tuesday, April 19, 1988, 10 a.m. The Hearings Division will consider Docket 8042-Complaint of International Telecharge, Inc. against AT&T Communications of the Southwest, Inc.

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

Filed: April 5, 1988, 3:03 p.m.

TRD-8803463

Monday, June 13, 1988, 10 a.m. The Hearings Division will consider Docket 8015-Application of Texas Utilities Company to amend its certificate for Comanche Peak Generating Station.

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

Filed: April 5, 1988, 3:02 p.m.

TRD-8803465

Monday, June 20, 1988, 10 a.m. The Hearings Division will consider Docket 8032-Application of Lower Colorado River Authority for authority to change rates.

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

Filed: April 5, 1988, 3:03 p.m.

TRD-8803464

Thursday, June 23, 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 §23.66(d).

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

Filed: April 6, 1988, 1:45 p.m.

TRD-8803516

Monday, August 15, 1988, 10 a.m. The Hearings Division will consider Docket 7330-Inquiry into intralata wats competition on multi-jurisdictional wats access lines.

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

Filed: April 6, 1988, 1:47 p.m.

TRD-8803514

Monday, August 22, 1988, 10 a.m. The Hearings Division will consider Docket 7330-Inquiry into intralata wats competition on multi-jurisdictional wats access lines.

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

Filed: April 6, 1988, 1:47 p.m.

TRD-8803515

Texas Low-Level Radioactive Waste Disposal Authority

Friday, April 15, 1988, 10 a.m. The Board of Directors of Texas Low-Level Radioactive Waste Disposal Authority, will meet in Suite 300, 7703 North Lamar Boulevard, Austin. According to the agenda, the board will consider interagency contracts for onsite studies at NTP-S34, Hudspeth County; consider contract to conduct onsite surveys and aerial photograph at NTP-S34 and contract with Rio Grande Council of Governments to establish Technical Advisory Panel; and discuss request to the General Land Office for access to NTP-S34, Hudspeth County, for the purpose of conducting technical studies.

Contact: L.R. Jacobi, Jr., 7703 North Lamar Boulevard, Suite 300, Austin, Texas 78752, (512) 451-5295.

Filed: April 5, 1988, 11:26 a.m.

TRD-8803452

Railroad Commission of Texas

The Oil and Gas Division of the Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. Dates, times, and agendas follow.

Wednesday, April 13, 1988, 9 a.m. The division will consider rule 37 case numbers

103,413, 103,414, and 103,415-Applications of Amoco Production Company for its Prentice Northeast Unit Lease, Well 265, 269 and 268, in the Prentice (6700) Field, Terry and Yoakum Counties.

Contact: Meredith Kawaguchi, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6924.

Filed: April 5, 1988, 11:04 a.m.

TRD-8803450

Thursday, April 14, 1988, 9 a.m. The division will consider rule 37 case numbers 103,413, 103,414, and 103,415-Applications of Amoco Production Company for its Prentice Northeast Unit Lease, Well Numbers 265, 269 and 268, in the Prentice (6700) Field, Terry and Yoakum Counties.

Contact: Meredith Kawaguchi, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6924.

Filed: April 5, 1988, 11:04 a.m.

TRD-8803451

Stephen F. Austin State University

Monday, April 18, 1988, 1:30 p.m. The Board of Regents Committees for Stephen F. Austin State University will meet in Room 307, Austin Building, Stephen F. Austin State University Campus, Nacogdoches. According to the agenda, the board will elect board officers; approve minutes; consider personnel matters; approve faculty workload; discuss policy relating to intellectual property, policy on honorary degrees, and revision of policy on regents professorships; consider regents professorships for 1988-1989; approve budget adjustments for fiscal year 1988, summer budget, and annual budget for 1989; discuss financial certification, revision of policy on investment of university funds, bid document for bank depositories, administration of cafeteria plan, policy on food purchases, policy on contracting authority, and policy on compensation in excess of base salary; review construction bids for security building addition project, budget for security building addition project, preliminary plan for Steen Library expansion, Boynton Building renovation, and early childhood lab re-roofing; and consider HPE complex renovation, asbestos removal, consulting engineer for small projects, and alumni association expansion. The committees also will meet in executive session.

Contact: William R. Johnson, P.O. Box 6078, SFA, Nacogdoches, Texas, (409) 568-2201.

Filed: April 6, 1988, 9:19 a.m.

TRD-8803486

Tuesday, April 19, 1988, 9 a.m. The Board of Regents for Stephen F. Austin

State University will meet in Room 307, Austin Building, Stephen F. Austin State University Campus, Nacogdoches. According to the agenda, the board will elect board officers; approve minutes; consider personnel matters; approve faculty workload; discuss policy relating to intellectual property, policy on honorary degrees, and revision of policy on regents professorships; consider regents professorships for 1988-1989; approve budget adjustments for fiscal year 1988, summer budget, and annual budget for 1989; discuss financial certification, revision of policy on investment of university funds, bid document for bank depositories, administration of cafeteria plan, policy on food purchases, policy on contracting authority, and policy on compensation in excess of base salary; review construction bids for security building addition project, budget for security building addition project, preliminary plan for Steen Library expansion, Boynton Building renovation, and early childhood lab re-roofing; and consider HPE complex renovation, asbestos removal, consulting engineer for small projects, and alumni association expansion. The committees also will meet in executive session.

Contact: William R. Johnson, P.O. Box 6078, SFA, Nacogdoches, Texas, (409) 568-2201.

Filed: April 6, 1988, 9:19 a.m.

TRD-8803487

Advisory Council for Technical-Vocational Education in Texas

Monday, April 18, 1988, 2 p.m. The Advisory Council for Technical-Vocational Education in Texas will meet in the Orchid Room, El Paso Airport Hilton Hotel, 2027 Airway Boulevard, El Paso. According to the agenda, the council will hear a presentation by the Upper Rio Grande Private Industry Council, El Paso ISD, and El Paso Community College on Economic Development, Literacy and School Dropout Prevention Programs; discuss issues impacting implementation of master plan for vocational education with state board member Maria Elena A. Flood; discuss strategies for the 1988-1989 Texas Vocational Education Awards Program, council evaluation topics findings/recommendations, and make plans for the council's June meeting; receive a report on the April 5 meeting of the Joint Committee; receive a report on the March 28, 1988, conference on special populations; discuss the council budget; and conduct other business.

Contact: Valeria Blaschke, Suite 500, 815 Brazos Street, Austin, Texas 78701, (512) 463-5490.

Filed: April 6, 1988, 9:11 a.m.

TRD-8803496

Tuesday, April 19, 1988, 9 a.m. The Advisory Council for Technical-Vocational Education in Texas will meet in the AV Theatre, El Paso Airport Hilton Hotel, 2027 Airway Boulevard, El Paso. The council will conduct a regional public hearing on vocational education to solicit local testimony on a regional basis as to the impact of the master plan for vocational education and other education reforms on public secondary and post-secondary vocational-technical education programs.

Contact: Val Blaschke, 815 Brazos Street, Suite 500, Austin, Texas 78701, (512) 463-5490.

Filed: April 6, 1988, 9:11 a.m.

TRD-8803495

University System of South Texas

Thursday, April 14, 1988. The University System of South Texas will meet in Room 136, Center for the Arts Building, 6300 Ocean Drive, Corpus Christi State University, Corpus Christi. Times and agendas follow.

8:30 a.m. The Finance and Development Committee, Board of Director will consider 1988-1989 budgets for system and component institutions.

Contact: Frederick Bigelow, P.O. Box 1238, Kingsville, Texas 78363, (512) 595-2208.

Filed: April 6, 1988, 9:26 a.m.

TRD-8803483

9:30 a.m. The Board of Directors will consider minutes of the January 14, 1988, meeting, small class reports, Spring 1988, gifts and donations, budget changes, resolution for Manuel Pacheco, professor emeritus appointments, master plan at Corpus Christi State, joint doctoral program in educational leadership; amendment to intellectual property policy, due process rights policy, personnel changes, 1988-1989 budgets, reports from standing committees, presidents, and chancellor; review report on NAACP concerns, presentation by representative of HUB Pharmaceutical Association; and presentation of strategic plan-Texas A&I. The board also will meet in executive session to discuss pending legal matters and personnel changes, and hear a presentation by Dr. Jon P. Reyniers, A&I faculty member.

Contact: Frederick Bigelow, P.O. Box 1238, Kingsville, Texas 78363, (512) 595-2208.

Filed: April 6, 1988, 9:26 a.m.

TRD-8803484

Texas Water Commission

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

Wednesday, April 13, 1988, 2 p.m. The commission will meet in Room 118, to consider application by City of Denison for request for authorization to construct pursuant to §26.027(c).

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

Filed: April 5, 1988, 4:51 p.m.

TRD-8803498

Wednesday, April 18, 1988, 9 a.m. The commission will meet in Room 118, to consider resetting the hearing date for Twinwood Municipal Utility District containing 890.53 acres of land.

Contact: Karen A. Phillips, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: April 6, 1988, 4:22 p.m.

TRD-8803551

Thursday, April 28, 1988, 9 a.m. The commission will meet in Room 1-111, to determine whether a temporary order, pursuant to Texas Water Code, §26.0191, and 31 TAC §§305.21-305.30 of the rules of the commission should be issued to Philip Mischel and Kenneth Jackson doing business as Pelican Bay J. V., 2012 Liberty School Road, Azle, Texas 76020. The proposed temporary order, if issued, would authorize the applicant to construct and operate a 7,500 gallon per day treatment plant and a 29,000 feet absorption bed. The treatment facility and absorption bed are to be just east of Liberty School Road, which is approximately 1 1/4 miles east of the intersection of Farm to Market Roads 730 and 1542 in Tarrant County. This location is near an unnamed tributary of Eagle Mountain Lake in Segment 0809 of the Trinity River Basin.

Contact: Mark Jordan, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

Filed: April 6, 1988, 4:22 p.m.

TRD-8803552

Tuesday, May 17, 1988, 10 a.m. The commission will meet in Room 118, to consider Fort Terrett Ranch, Inc., seeking to combine the water rights authorized by adj. 14-1483 and water use permit 3523, as amended under adj. 14-1483 and to amend adj. 14-1483 as combined. Permit 3523 and adj. 1483 authorize water rights in the Colorado River Basin, approximately 28 miles southeast of Sonora, Sutton County.

Contact: Gloria A. Vasquez, P.O. Box 13087, Austin, Texas 78711, (512) 463-7906.

Filed: April 6, 1988, 4:21 p.m.

TRD-8803555

Tuesday, May 17, 1988, 10 a.m. The commission will meet in Room 118, to consider City of Lancaster seeking a permit to maintain two existing off-channel reservoirs and to construct one off-channel reservoir and weir adjacent to Tenmile Creek, tributary of the Trinity River, Trinity River Basin. The applicant further seeks to divert directly from Tenmile Creek into Reservoir C not to exceed 120 acre-feet of water per annum for subsequent diversion from a point on Reservoir B. The three reservoirs are to be operated as an interconnecting system impounding a total of not to exceed 68 acre-feet of water to be used to irrigate a 90-acre golf course approximately 14 miles south-southeast of Dallas, Dallas County.

Contact: Gloria A. Vasquez, P.O. Box 13087, Austin, Texas 78711, (512) 463-7906.

Filed: April 6, 1988, 4:21 p.m.

TRD-8803556

Tuesday, May 17, 1988, 10 a.m. The commission will meet in Room 118 to consider Patrick Hughes Welder, Jr., and A.O. Gilliam, seeking a permit to maintain an existing dam and 548 acre-foot capacity reservoir (Big Alamo Tank) on an unnamed tributary of Green Branch, tributary of the Nueces River, Nueces River Basin, for domestic and livestock purposes on the applicant's land in the H&GN Railroad Company survey 47, abstract 223, approximately 27 miles east-southeast of Cotulla, La Salle County.

Contact: Gloria A. Vasquez, P.O. Box 13087, Austin, Texas 78711, (512) 463-7906.

Filed: April 6, 1988, 4:21 p.m.

TRD-8803557

Tuesday, May 31, 1988, 10 a.m. The commission will meet in Room 118 to consider Bent Tree Marsh Joint Venture, seeking a permit to maintain and rehabilitate an existing exempt dam and 7.7 acre-foot capacity reservoir on an unnamed tributary of Hutton Branch, tributary of Elm Fork Trinity River, tributary of the Trinity River, Trinity River Basin, for recreation and flood retention purposes in the Hiram Miller survey, abstract 847, approximately 22.5 miles southeast of Denton, Denton County.

Contact: Gloria A. Vasquez, P.O. Box 13087, Austin, Texas 78711, (512) 463-7906.

Filed: April 6, 1988, 4:21 p.m.

TRD-8803553

Tuesday, May 31, 1988, 10 a.m. The commission will meet in Room 118 to consider Mescalero Properties, James R. Leininger, seeking a permit to directly divert and use not to exceed 200 acre-feet of water per annum from the San Antonio River, San

Antonio River Basin, for the irrigation of 100 acres of land out of a 268.5 acre-tract of land in the Maria Calvillo Grant 22, abstract 6, approximately three miles south of Floresville, Wilson County.

Contact: Gloria A. Vasquez, P.O. Box 13087, Austin, Texas 78711, (512) 463-7906.

Filed: April 6, 1988, 4:21 p.m.

TRD-8803554

Regional Meetings

Meetings Filed April 5, 1988

The Education Service Center, Region III, Board of Directors, met at 1905 Leary Lane, Victoria, on April 11, 1988, at 1 p.m. Information may be obtained from Julius D Cano, 1905 Leary Lane, Victoria, Texas 77901.

The Edwards Underground Water District, Board of Directors, will meet at 1615 North St. Mary's San Antonio, on April 12, 1988, at 10 a.m. Information may be obtained from Thomas P. Fox, 1615 North St. Mary's, San Antonio, Texas 78215, (512) 222-2204.

The Hansford County Appraisal District, will meet at 709 West Seventh Street, Spearman, on April 13, 1988, at 9 a.m. Information may be obtained from Alice Peddy, 709 West Seventh Street, Spearman, Texas 79081.

The San Patricio County Appraisal District, will meet at the Courthouse Annex, Sinton, on April 14, 1988, at 9:30 a.m. Information may be obtained from Kathryn Vermillion, P.O. Box 938, Sinton, Texas 78387, (512) 364-5402.

TRD-8803453

Meetings Filed April 6, 1988

The Blanco County Appraisal District, Board of Directors, will meet in the Blanco County Courthouse Annex, Johnson City, on April 12, 1988, at 6 p.m. Information may be obtained from Hollis Petri, P.O. Box 338, Johnson City, Texas 78636, (512) 868-4624

The Ellis County Tax Appraisal District, met at 406 Sycamore Street, Waxahachie, on April 11, 1988, 10 a.m. Information may be obtained from Russell A. Garrison, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

The Gregg Appraisal District, Board of Directors, will meet at 2010 Gilmer Road, Longview, on April 14, 1988, at 10:30 a.m. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.

The Martin County Appraisal District, Board of Directors, will meet at 708 West

St. Anna, Stanton, on April 12, 1988, at 7 p.m. Information may be obtained from Elaine Stanley, P.O. Box 1349, Stanton, Texas 79782, (915) 756-2823.

The Permian Basin Regional Planning Commission, Board of Directors, will meet at the Midland International Airport, Midland, on April 13, 1988, at 1:30 p.m. Information may be obtained from Terri Moore, P.O. Box 6391, Midland, Texas 79711.

The Central Tax Authority of Taylor County, Board of Directors, will meet at 340 Hickory Street, Abilene, on April 13, 1988, at 10 a.m. Information may be obtained from Ralph D. Anders, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381.

TRD-8803475

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Meetings Filed April 7, 1988

The Burnet County Appraisal District, Board of Directors, met at 215 South Pierce Street, Burnet, on April 11, 1988, at 6:30 p.m. Information may be obtained from Amy Shrader, 215 South Pierce, Burnet, Texas 78611.

The Cass County Appraisal District, Board of Directors, met at 400 North Main Street, Linden, on April 11, 1988, at 6:30 p.m. Information may be obtained from Janelle Clements, P.O. Box 1150, Linden, Texas 75563, (214) 756-7545.

The Education Service Center, Region VI, Executive Committee and ESC Board, will meet at the Hilton Inn, College Station, on April 21, 1988, at 5 p.m. Information

may be obtained from M.W. Schlotter, 3332 Montgomery Road, Hunstville, Texas 77340, (409) 295-9161.

The Gregg Appraisal District, Board of Review, will meet at 2010 Gilmer Road, Longview, on April 15, 1988, at 1:30 p.m. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.

The Heart of Texas Region MHMR, Board of Trustees, will meet at 110 South 12th Street, Waco, on April 21, 1988, at 11:45 a.m. Information may be obtained from Helen Shedfield, 110 South 12th Street, Waco, Texas 76701, (817) 752-3451.

The Central Appraisal District of Rockwall County, Board of Directors, will meet at 106 North San Jacinto, Rockwall, on April 12, 1988, at 7:30 p.m. Information may be obtained from Ray E. Helm, 106 North San Jacinto Street, Rockwall, Texas 75087, (214) 771-2034.

The South Plains Association of Governments, Executive Committee and Board of Directors, will meet at 1323 58th Street, Lubbock, on April 12, 1988, at 9 a.m. and 10 a.m., respectively. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Lubbock, Texas 79452.

The Tarrant Appraisal District, Appraisal Review Board, will meet at 2309 Gravel Road, Fort Worth, on April 27, 1988, at 8:30 a.m. Information may be obtained from Linda Freeman, 2309 Gravel Road, Fort Worth, Texas 76118, (817) 284-8884.

TRD-8803549

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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.

Texas Air Control Board Public Hearing

Notice is given that pursuant to the requirements of the Texas Clean Air Act, Texas Civil Statutes, Article 4477-5, §3.09; the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5; and the Texas Air Control Board (TACB) procedural rules, §103.11(4), the TACB will conduct a public hearing to receive testimony concerning proposed revisions to its procedural rules.

The TACB proposes new §103.87, concerning gifts and grants. This new section will establish procedures for the receipt and management of any gift or grant the TACB might receive, and will establish guidelines to define the relationship between TACB staff and donors to eliminate the potential for any conflict of interest.

The hearing is scheduled for 2 p.m., on April 28, 1988, in the Auditorium, TACB, 6330 U. S. Highway 290 East, Austin, Texas 78723. The hearing is structured for the receipt of oral or written comments. Interrogation or cross-examination is not permitted; however, a TACB staff member will be available to answer questions informally.

Written testimony received by 4 p.m., April 29, 1988, at the TACB central office will be included in the hearing record. The TACB would appreciate receiving five copies of testimony prior to or at the hearing. Written comments should be addressed to the Control Strategy Division. For further information, call Betty Rogers at (512) 451-5711.

Issued in Austin, Texas, on this the 4th day of April 1988.

TRD-8803409 Allen Eli Bell
Executive Director
Texas Air Control Board

Filed: April 4, 1988

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

Texas Department of Banking Notice of Application

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 April 1, 1988, the banking commissioner received an application to acquire control of Citizens State Bank, Buffalo, by B. E. Lee and Charles L. Cadenhead, Jr., both of Buffalo.

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

Issued in Austin, Texas, on April 1, 1988.

TRD-8803422

William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: April 4, 1988

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

Texas Department of Health Intent To Revoke a Certificate of Registration

The Bureau of Radiation Control, Texas Department of Health, is seeking the revocation of Certificate of Registration Number R12228, issued to TexRay Medical Products, because the agency determined that the registrant is no longer located at 11306 Gracechurch, Houston, Texas 77066. The registrant has not notified the agency of a change of address and no forwarding address is available.

All attempts by the agency to contact the registrant by telephone, by certified mail, and by inspection have been unsuccessful. Therefore, the Texas Department of Health, Bureau of Radiation Control, recommends that the certificate of registration be revoked immediately.

In accordance with *Texas Regulations for Control of Radiation* 13.8, this notice affords the opportunity for a hearing to show cause why the certificate of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of publication of this notice to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 7856-3189. Should no request for a public hearing be timely filed, the certificate of registration will be revoked at the end of the 30-day period of notice.

Issued in Austin, Texas, on April 4, 1988.

TRD-8803430 Robert A. MacLean
Deputy Commissioner
Texas Department of Health

Filed: April 4, 1988

For further information, please call (512) 835-7000.

Proposed Radioactive Material License Amendment

Notice is given by the Texas Department of Health that it proposes to amend the following radioactive material license: License Number L03626 issued to Everest Exploration, Inc. (mailing address: Everest Exploration, Inc. P.O. Box 1339, Corpus Christi, Texas 78403), for their Hobson Tex-1 Project located in Karnes County, 4.3 miles south of Falls City. The amendment would authorize the acquisition and transfer of Caithness Mining Corporation's McBryde Joint Venture (L02922) deep disposal well facility located in Duval County near Hebronville, by Everest

Exploration, Inc. The facility would become a sub-site of the Everest Tex-1 Project located in Karnes County. This amendment does not allow operation and use of the disposal well for the disposal of fluids at this time. The proposed sub-site encompasses about 3.2 acres.

The division of Licensing, Registration, and Standards has determined that the amendment has no significant impact on the human environment; the applicant is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with these regulations in such a manner as to minimize danger to public health and safety, and the environment; the applicant's equipment, facilities, and procedures are adequate to minimize danger to public health and safety, and environment; the amendment of the license will not be inimical to public health and safety, or have a detrimental impact on the environment; and the applicant satisfies any applicable special requirements of the TRCR.

This notice affords the opportunity for the filing of written comments or for a public hearing upon written request within 30 days of the date of publication of this notice by a person affected as required by Texas Civil Statutes, Article 4590f, §11(b), as amended and as set out in TRCR 13.4. A person affected is defined as a person who is a resident of a county, or a county adjacent to a county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury. A person affected may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated. Should no request for a public hearing be timely filed, the license amendment will be issued. A copy of all material submitted is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin. Information relative to the amendment of this specific radioactive material license may be obtained by contacting David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756. For further information, please call (512) 835-7000.

Issued in Austin, Texas, on April 4, 1988.

TRD-8803429 Robert A. MacLean
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: April 4, 1988

For further information, please call (512) 835-7000.

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**State Department of Highways and
Public Transportation**
Public Hearing Notice

Pursuant to the Texas Coastal Waterway Act of 1975, Texas Civil Statutes, Article 5415e-2, §6(g), the State Highway and Public Transportation Commission will conduct a public hearing to receive data, evidence, comments, views, and/or testimony concerning the acquisition by donation, lease, or purchase of land environmentally suit-

able for use as disposal sites for materials dredged from the main channel of waterway. The location of the proposed sites for consideration by the commission is in Matagorda County and concerns five sites adjacent to the Intracoastal Waterway, and may be more specifically described as follows:

approximately 200 acres, referred to as DA101A, is adjacent to and on the north side of the Gulf Intracoastal Waterway and west of Caney Creek. The site is also identified by the U.S. Army Corp of Engineers as between their station numbers 343+000 and 347+000;

approximately 265 acres, referred to as DA102D, is adjacent to and on the north side of the Gulf Intracoastal Waterway and east of Boggy Bayou. The site is also identified by the U.S. Army Corps of Engineers as between their station numbers 356+000 and 361+000;

approximately 260 acres, referred to as DA102E, is adjacent to and on the north side of the Gulf Intracoastal Waterway and west of Boggy Bayou. The site is also identified by the U.S. Army Corps of Engineers as between their station numbers 364+600 and 370+000;

approximately 60 acres, referred to as DA104A Extension, is adjacent to and on the north side of the Gulf Intracoastal Waterway and west of Live Oak Bayou. The site is also identified by the U.S. Army Corps of Engineers as between their station numbers 383+000 and 386+900;

approximately 50 acres, referred to as DA105A, is adjacent to and on the north side of the Gulf Intracoastal Waterway and west of Big Boggy Bayou. The site is also identified by the U.S. Army of Engineers as between their station numbers 403+000 and 405+000.

The public hearing will be held at 10:15 a.m., Wednesday, April 27, 1988, First Floor Meeting Room, Dewitt C. Greer State Highway Building, 11th and Brazos Streets, Austin.

Any interested person may appear and offer comments or testimony, either orally or in writing; however, questioning of commenters or witnesses will be reserved exclusively to the commission as may be necessary to ensure a complete record. While any person with pertinent comments or testimony will be granted an opportunity to present them during the course of the hearing, the commission reserves the right to restrict testimony in terms of time or repetitive content.

For further information, please contact Alvin R. Luedecke, Jr., State Transportation Planning Engineer, P.O. Box 5051, Austin, Texas 78763-5051, (512) 465-7346; or Marcus L. Yancey, deputy director, Planning Policy, (512) 463-8627.

Issued in Austin, Texas, on April 6, 1988.

TRD-8803476 Diane L. Northam
Administrative Technician
State Department of Highways and Public
Transportation

Filed: April 6, 1988

For further information, please call (512) 463-8630.

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Request for Information

The Texas Department of Highways and Public Transportation, motor vehicle registration and title system (RTS) project, is requesting information on hardware/software alternatives that may be applicable to the implementation and operation of an automated point-of-sale system. The system must be capable of efficiently processing over 20

million transactions annually from approximately 2,500 points-of-sale in 254 Texas counties. Cash accounting, funds allocation, inventory control, and management information will be essential to the overall point-of-sale system. Contact the department at the address shown following to obtain the detailed request for information (RFI).

Response to the RFI must be received by the department prior to Friday, June 10, 1988.

On April 29, 1988, a briefing will be held in Austin, to answer questions regarding the RFI. Please respond in writing by April 22, 1988, if you are interested in attending. Respondents will be notified by April 25, 1988, of the meeting time and location.

For further information, please contact Bob Braden, 40th and Jackson Avenue, Austin, Texas 78779-0001, (512) 465-7970.

Issued in Austin, Texas, on April 4, 1988.

TRD-8803413 Diane L. Northam
Administrative Technician
State Department of Highways and Public
Transportation

Filed: April 8, 1988

For further information, please call (512) 465-7970.

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Texas State Board of Medical Examiners

Correction of Error

The Texas State Board of Medical Examiners submitted a proposed section which contained an error as published by the office of the Texas Register in the March 8, 1988, issue of the *Texas Register* (13 TexReg 1178).

In §196.5, the last sentence of subsection (b) should read: "Likewise, any controverting evidence may be introduced to show the licensees lack of competence or fitness."

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Joint Select Committee on Workers' Compensation Insurance

Request for Proposals

The Joint Select Committee on Workers' Compensation Insurance requests proposals for consulting services to perform studies related to occupational health and safety in Texas workplaces. These studies are a part of the comprehensive study of the Texas workers' compensation insurance system which will result in detailed recommendations to the legislature by January 1, 1989. The studies are conducted pursuant to House Concurrent Resolution 27, Second Called Session, 70th Legislature, 1987.

Proposals are requested for the following two component studies.

Job Safety Information System. The consultant shall complete a thorough review of existing studies and data sources on job-related injuries, illnesses, and accidents in Texas, and shall review and describe each source specifically, including the data collection methods, definitions, and other salient methodological issues. To the extent that these data permit methodologically sound comparisons of the incidence and severity of job-related injuries in Texas and other states, the consultant shall make the comparisons. Otherwise, the consultant shall state why such comparisons may not be drawn.

The consultant shall assess the need for additional information on job-related injuries and illnesses, and shall design a system for the collection, preservation, and retrieval of such information on a continuing basis. The information on a continuing basis. The information system should be designed to maximize its value to policymakers, state and local officials, private trade and voluntary associations, labor organizations, and others involved in positive efforts to prevent accidents and illnesses in Texas workplaces.

In designing the system, the consultant shall include recommendations, with options where appropriate, as to the information to be collected, the method of data collection, the appropriate agencies or entities to collect and maintain the data, the principal uses of the information for accident and illness prevention, and the storage, retrieval, and dissemination mechanisms.

The consultant shall provide an estimate of the start-up and continuing costs of the information system.

The consultant shall provide a written report to the committee and shall be prepared to present the proposal to the committee and to present testimony related to the study before the 71st Legislature.

Programs Inventory. The consultant shall prepare an inventory of innovative and successful methods of improving occupational health and safety. The inventory may include programs for use by individual employers, by business, trade, or labor associations, and by agencies of state and local governments.

The inventory may include, but need not be limited to, educational, incentive, special award, and other innovative programs. Each program should have demonstrated success in actual implementation. The inventory should include a brief description of each program and should report any available quantitative measures of the program's results. The inventory should be designed as an aid to persons and groups engaged in, or about to engage in, positive job safety efforts at the plant, association, or government level.

Interested persons may submit proposals for one or both of the study components. Proposals should be in the form of a proposal to enter into a contract and should contain the following information: name, address, and telephone number of the person or group submitting the proposal; a list of individuals comprising the consulting/research team and a description of the experience, education, and other qualification of each team member; the functions to be performed by each team member; a list of the major research projects completed by the consultant, the sponsor of the research, and copier (if available) of the research product for projects completed in the previous five years; a description of the work proposed to be performed for the committee, including specific deliverables; a description of services the consultant requires from the committee staff and other state agencies or entities; the total cost to the committee for services to be performed. Costs should be stated separately for each component study. Cost figures must include travel, expenses, and all other costs, including presentation of the consultant's work to the committee and testimony before the legislature. Cost figures should be in the form of a fixed or capped prices. The maximum funds available for both study components is \$25,000; a proposed time line for execution of the functions to be performed.

Proposals should be submitted to The Joint Select Committee On Workers' Compensation Insurance, P.O. Box 2910, Austin, Texas 78769, and must be received by 5 p.m., on May 6, 1988. A bidders conference will be held at the John H. Reagan Office Building, Room 223, April

25, 1988, 10 a.m. Proposals will be evaluated on methodological and conceptual soundness, the experience and background of the team members, and compatibility with the budgetary constraints of the committee. The committee may reject any or all proposals and may contract for the same or similar services with agencies of state government, including universities.

For further information, contact Bonny Gierisch, (512) 463-0814.

Issued in Austin, Texas, on April 4, 1988.

TRD-8803468

Bobby Gierisch
Executive Director
Joint Select Committee on Workers'
Compensation Insurance

Filed: April 4, 1988

For further information, please call (512) 463-0814.

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 (612) 228-2500

GERARD L. CAFESJIAN
 Vice President
 Marketing and Sales

Dear Texas Register Subscriber,

We at West Publishing are very pleased to announce that we have signed an agreement with the state of Texas to publish the Official Texas Administrative Code (TAC). Texas Secretary of State Jack Rains, in his February news release, said, "I am pleased to see a company with West's credentials and experience undertaking this job. Texans deserve to have access to the state's constantly changing rules and regulations. They cannot afford to wait more than a year for updates."

With West as the official publisher of the TAC, you will not have to wait more than a year for updates; we plan on supplementing the TAC as often as necessary to keep you current. In addition to regular updates, the West Official TAC will continue to be supplemented twice each week by the Texas Register.

As this letter is being written, the following TAC titles are being scheduled for publication:

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|----------|------------------------------------|
| Title 1 | Administration |
| Title 7 | Banking and Securities |
| Title 16 | Economic Regulation |
| Title 19 | Education |
| Title 25 | Health Services |
| Title 28 | Insurance |
| Title 31 | Natural Resources and Conservation |

We will be publishing the TAC in softbound pamphlet form, which is much easier to use and maintain than a looseleaf service. If you've ever subscribed to a looseleaf service, you know how easily material can be misfiled or important information can be discarded. And you know how expensive it can be! West also plans to immediately add a workable index.

We will be notifying you in the very near future as to the exact publication dates and prices of the TAC. We look forward to fulfilling your needs for accurate, easy-to-use and timely Texas Administrative Code Titles and updates. Please feel free to contact Myrna Currier at 1-800-328-9352 with any comments or questions that you might have.

Sincerely,

G. L. Cafesjian