

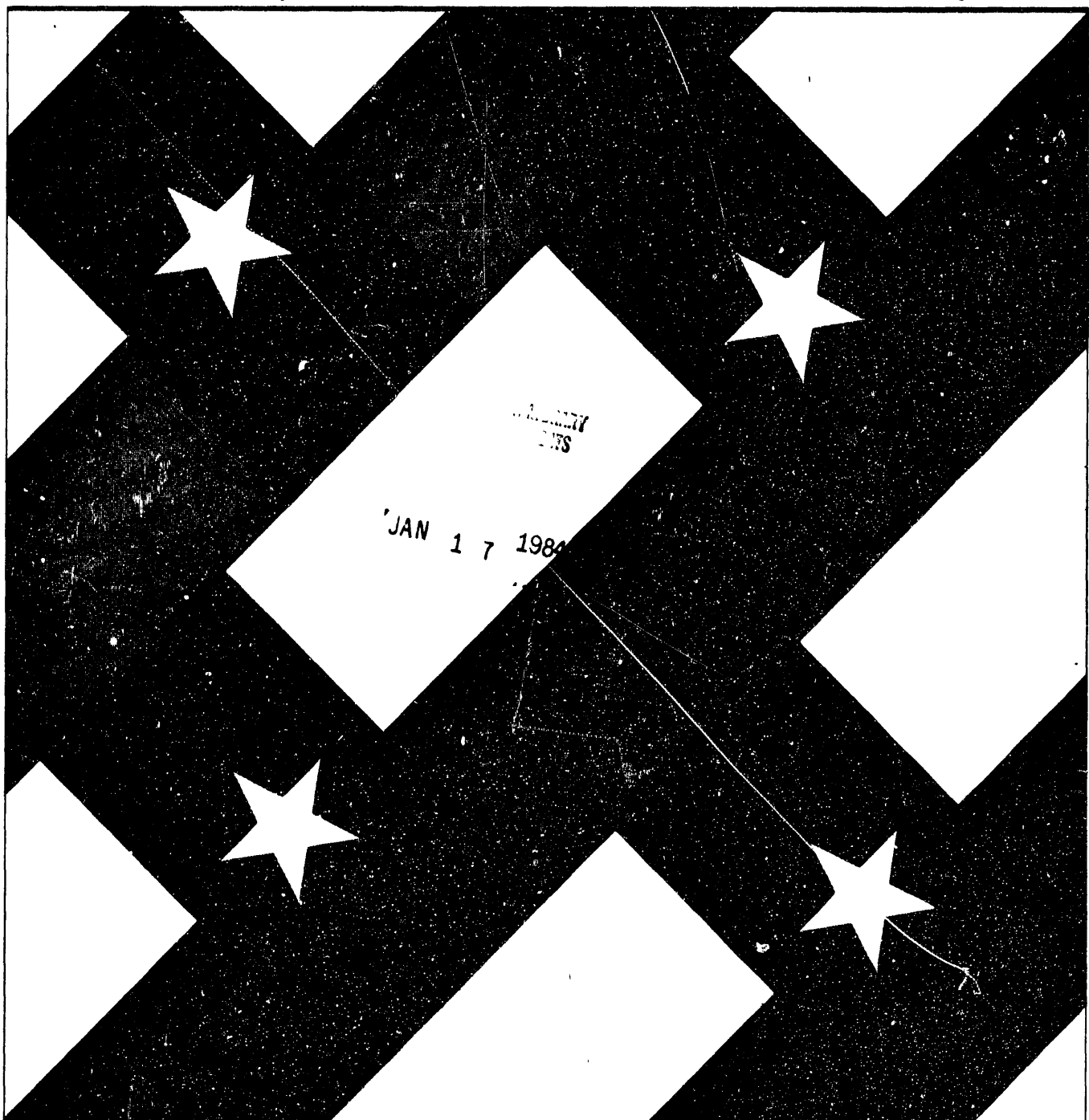
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Texas Register

Volume 9, Number 4, January 13, 1984

Pages 297 - 360



Highlights

The State Securities Board proposes amendments concerning guidelines for the registration of mortgage pools. Earliest possible date of adoption - February 13 page 308

The Texas Board of Examiners in the Fitting and Dispersing of Hearing Aids proposes to adopt by

reference a new section in a chapter concerning continuing education. Earliest possible date of adoption - February 13 page 322

The Comptroller of Public Accounts proposes amendments in a subchapter concerning the Bingo Regulation Division. Earliest possible date of adoption - February 13 page 327

**Office of
the Secretary
of State**

How To Use the Texas Register

Texas Register

The *Texas Register* (ISN 0362-4781) is published twice a week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1984 with the exception of January 28, July 10, November 27, and December 28, by the Office of the Secretary of State, 201 East 14th Street, P O Box 13824, Austin, Texas 78711-3824, (512) 475-7886.

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

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

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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

How To Cite: Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which

that document was published. For example, a document published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402.

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

How To Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, 503E Sam Houston Building, Austin. Material can be found by using *Register* indexes, the *Texas Administrative Code* (explained below), 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* (a listing of all the titles appears below).

TAC stands for the *Texas Administrative Code*,
27.15 is the section number of the rule (27 indicates that the rule is under Chapter 27 of Title 1, 15 represents the individual rule within the chapter).

Latest Texas Code Reporter
(Master Transmittal Sheet) No. 10, December 1982

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

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

The Governor

Appointments Made November 21

Governor's Advisory Committee on Minority Business Enterprise

For terms to continue at the pleasure of this governor:

Dr. Beverly A. Grisby—Chairman
2815 Arbor
Houston, Texas 77004

Ann W. Richards
State Treasurer
P.O. Box 12608
Austin, Texas 78711

Jess Thomas Hay
1736 Lupton Circle
Dallas, Texas 75225

Lionel Aguirre
1802 A Hether
Austin, Texas 78704

C. G. Hardy
2416½ A Deschaumes
Houston, Texas 77026

Bert Okoye
5915 Pinewilde Drive
Houston, Texas 77066

Raymond Donald Nasher
4701 Niron Drive
Dallas, Texas 75220

Kennie Nelson Sneed
3628 Quette Drive
Austin, Texas 78754

Susan Hass Hatch
521 San Saba
El Paso, Texas 79912

Gilberto Dominguez
812 South Missouri
Mercedes, Texas 78570

Guadalupe Trevino
2302 West Gramercy
San Antonio, Texas 78201

Laurine H. Merten
4223 Harvest Hill
Dallas, Texas 75234

Charlie L. Bertani
1330 Del Norte
Houston, Texas 77018

Tony G. Reyes
307 Grand Oaks
Houston, Texas 77015

James J. Cunningham
15307 Paladora Drive
Houston, Texas 77083

Issued in Austin, Texas, on November 21, 1983.

TRD-840119

Mark White
Governor of Texas

Appointment Made November 29

Nueces River Authority

To the Board of Directors for a term to expire February 1, 1989:

Edward Morris Jones
538 Handover
Corpus Christi, Texas 78412

Mr. Jones is replacing James C. Storm of Corpus Christi, whose term expired.

Issued in Austin, Texas, on November 29, 1983.

TRD-840120

Mark White
Governor of Texas

Appointments Made December 1

Board of Pardons and Paroles

For a term to expire January 31, 1987:

Antonio Gil Morales
3417 South Main
Fort Worth, Texas

For a term to expire January 31, 1985:

Winona Wilson Miles
7204 Marywood Circle
Austin, Texas 78723

For a term to expire January 31, 1989:

Albert Neal Pfeiffer
210 East Eighth Street
Elgin, Texas 78621

Mr. Morales, Ms. Miles, and Mr. Pfeiffer are being appointed to these newly created positions on the board pursuant to Senate Bill 396, 68th Legislature, 1983.

Issued in Austin, Texas, on December 1, 1983.

TRD-840121- Mark White
840123 Governor of Texas

Appointment Made December 2

Texas Alcoholic Beverage Commission

For a term to expire August 31, 1989:

Morris Atlas
1600 Iris
McAllen, Texas 78501

Mr. Atlas is being reappointed.

Issued in Austin, Texas, on December 2, 1983.

TRD-840124 Mark White
Governor of Texas

Appointment Made December 5

Industrial Accident Board

For a term to expire September 1, 1987:

N. J. "Nick" Huestis
3302 Floyd
Corpus Christi, Texas 78411

Mr. Huestis is replacing Truman Graham of Houston, who was not confirmed by the senate.

Issued in Austin, Texas, on December 5, 1983.

TRD-840125 Mark White
Governor of Texas

Appointments Made December 6

Sabine Bar, Pass, and Tributaries

To the Pilot Commission for terms to expire August 22, 1985:

Sam Aquilina
100 Eddingston Court
Port Arthur, Texas 77640

C. W. Hubbard
1305 Shadowdale
Bridge City, Texas

J. Lynn Harden
525 Yount
Beaumont, Texas 77706

Mr. Aquilina, Mr. Hubbard, and Mr. Harden are being reappointed.

Kenneth L. Pigg
13 Stradford
Orange, Texas 77630

Mr. Pigg is replacing John Smith of Orange, whose term expired.

Issued in Austin, Texas, on December 6, 1983.

TRD-840126- Mark White
840129 Governor of Texas

Appointments Made December 9

Gulf Coast Waste Disposal Authority

For a term to expire August 31, 1985:

Clyde R. Bickham
12402 Boheme
Houston, Texas 77024

Mr. Bickham is replacing Dr. William Thomas Arnold of Houston, whose term expired.

Issued in Austin, Texas, on December 9, 1983.

TRD-840131 Mark White
Governor of Texas

Structural Pest Control Board

For a term to expire August 30, 1985:

Jim Burns
3703 Finchley Drive
Houston, Texas 77082

Dr. Burns is replacing Perfecto Rodriguez of Houston, whose term expired.

Issued in Austin, Texas, on December 9, 1983.

TRD-840130 Mark White
Governor of Texas

Appointments Made December 12

Long-Term Care Coordinating Council for the Elderly

Representing providers of long-term care services for the elderly, for a term to continue at the pleasure of this governor:

Reverend Bob Greene
P.O. Box 4736
Austin, Texas 78765

Representing consumers, for a term to continue at the pleasure of this governor:

Johnnie Cavanaugh
3707 Breeze Terrace
Austin, Texas

To be chairman, for a term to continue at the pleasure of this governor:

David Maldonado
3612 Yorkshire
Arlington, Texas 76013

Reverend Greene, Ms. Cavanaugh, and Dr. Maldonado are being appointed to this newly created council pursuant to Senate Bill 711, 68th Legislature, 1983.

Issued in Austin, Texas, on December 12, 1983.

TRD-840133, Mark White
840136, Governor of Texas
840134

Canadian River Compact Commission

For a term to expire December 31, 1985:

John C. Sims
4407 15th Street
Lubbock, Texas 79416

Effective December 31, 1983, Mr. Sims is replacing Robert D. Lemon of Perryton, whose term expired.

Issued in Austin, Texas, on December 12, 1983.

TRD-840135 Mark White
Governor of Texas

Bastrop County Criminal District Attorney

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

Charles D. Penick
Route 1, Box 138
Smithville, Texas 78957

Mr. Penick is replacing Neal Pfeiffer of Elgin, who resigned.

Issued in Austin, Texas, on December 12, 1983.

TRD-840132 Mark White
Governor of Texas

Appointments Made December 13

Texas Commission on the Arts

For terms to expire August 31, 1989:

Louann Temple
2606 Escondido Cove
Austin, Texas 78703

Ms. Temple is replacing Steven C. Oaks of Houston, whose term expired.

Nancy Hearrell Nelson
8441 San Benito Way
Dallas, Texas 75218

Ms. Nelson is being reappointed.

Terrylin G. Neale
3760 Chevy Chase
Houston, Texas 77019

Ms. Neale is replacing Tieman H. Dippel, Jr., of Brenham, whose term expired.

E. J. Grivetti
503 Ramblewood
Houston, Texas 77079

Mr. Grivetti is replacing Harriet D. Herd of Midland, whose term expired.

Adan Medrano
1828 Grandstand Drive
San Antonio, Texas 78238

Mr. Medrano is replacing Arnold Swartz of San Antonio, whose term expired.

Nancy Ann Davis
900 Rivercrest Road
Fort Worth, Texas 76107

Ms. Davis is being reappointed.

Issued in Austin, Texas, on December 13, 1983.

TRD-840137- Mark White
840140, Governor of Texas
840142,
840143

Texas Board on Aging

For a term to expire August 30, 1989:

Eustolio Gonzales
777 West Yturria Avenue
Raymondville, Texas 78580

Mr. Gonzales is replacing Estella L. Trevino of Edinburg, whose term expired.

Issued in Austin, Texas, on December 13, 1983.

TRD-840141 Mark White
Governor of Texas

Appointments Made December 14

Temporary Emergency Relief Legislative Study Review Committee

For two-year terms pursuant to House Bill 1732, 68th Legislature, 1983:

Ray Holbrook
Route 2, Box 87U
Alto Loma, Texas 77510

Octavio Figueroa, Jr.
P.O. Drawer 3229
Alice, Texas 78333

Lieutenant Colonel John Milkles
Salvation Army
Texas Division Headquarters
P.O. Box 2608
Dallas, Texas 75221

Don Cyphers
2008 Palo Pinto
Austin, Texas 78723

Robert Fuentes
1125 Second Street
Clute, Texas 77531

Harry Hubbard
President
Texas AFL-CIO
P.O. Box 12727
Austin, Texas 78711

Mattie Nash
1939 Denison
Dallas, Texas 75231

David Austin
University of Texas
School of Social Work
Austin, Texas 78712

William S. (Bill) Link
Executive Vice-President
United Way of Texas
P.O. Box 1487
Austin, Texas 78767

Issued in Austin, Texas, on December 14, 1983.

TRD-840146 Mark White
Governor of Texas

Texas Commission on Alcoholism

For a term to expire June 8, 1989:

Barbara Kritser
3809 Linda Drive
Amarillo, Texas 79109

Ms. Kritser is being reappointed.

Issued in Austin, Texas, on December 14, 1983.

TRD-840145 Mark White
Governor of Texas

Texas Conservation Foundation

For a term to expire June 13, 1987, and at the pleasure of this governor:

George Bristol
1106 West Avenue
Austin, Texas 78701

Mr. Bristol is replacing Albert B. Fay of Houston.

Issued in Austin, Texas, on December 14, 1983.

TRD-840144 Mark White
Governor of Texas

Appointment Made December 19

Coordinating Board, Texas College and University System

For a term to expire August 31, 1989:

M. Harvey Weil
3535 Santa Fe, #40
Corpus Christi, Texas 78411

Mr. Weil is being reappointed.

Issued in Austin, Texas, on December 19, 1983.

TRD-840147 Mark White
Governor of Texas

Appointments Made December 20

Good Neighbor Commission

For a term to expire June 18, 1989:

David L. Garza, Jr.
#3 Memorial Point
Houston, Texas 77024

Mr. Garza is replacing Pic Rivers of Houston, whose term expired.

For a term to expire June 18, 1987:

Nathan Safir
2910 Belvoir
San Antonio, Texas 78230

Mr. Safir is replacing Arthur C. Troilo, Jr., of San Antonio, whose appointment was not confirmed by the senate.

Issued in Austin, Texas, on December 20, 1983.

TRD-840148, Mark White
840149 Governor of Texas

Appointments Made December 21

349th Judicial District

To be judge of the 349th Judicial District, Houston and Anderson Counties, until the next general election and until his successor shall be elected and duly qualified:

Melvin D. Whitaker
P.O. Box 1445
Palestine, Texas 75801

Mr. Whitaker is being appointed to a new district court effective January 1, 1984, created by House Bill 1473, 68th Legislature, 1983.

To be district attorney of the 349th Judicial District, Houston County, until the next general election and until his successor shall be elected and duly qualified:

Donald J. Gordon
1110 East Houston
Crockett, Texas 75835

Mr. Gordon is being appointed to this newly created position, effective January 1, 1984, pursuant to House Bill 1473, 68th Legislature, 1983.

Issued in Austin, Texas, on December 21, 1983

TRD-840151, Mark White
840152 Governor of Texas

30th Judicial District

To be district attorney for the 30th Judicial District, Wichita County, until the next general election and until his successor shall be duly elected and qualified:

Harold Lerew
1649 Ardath
Wichita Falls, Texas 76301

Mr. Lerew is replacing R. Harold White, Jr., of Wichita Falls, who resigned, effective January 2, 1984.

Issued in Austin, Texas, on December 21, 1983.

TRD-840150 Mark White
Governor of Texas

Appointments Made December 23

350th Judicial District

To be judge of the 350th Judicial District, Taylor County, until his successor shall be duly elected and qualified:

William A. Thomas, Jr.
2302 North Mockingbird Lane
Abilene, Texas 79603

Mr. Thomas is being appointed to a new district court effective January 1, 1984, pursuant to House Bill 1473, 68th Legislature, 1983.

Issued in Austin, Texas, on December 23, 1983

TRD-840153 Mark White
Governor of Texas

83rd Judicial District

To be judge of the 83rd Judicial District, Brewster, Jeff Davis, Pecos, Presidio, Reagan, and Upton Counties, until the next general election and until his successor shall be elected and duly qualified:

Alex R. Gonzalez
305 South Main
Fort Stockton, Texas 79735

Effective January 31, 1984, Mr. Gonzalez is replacing William H. Earney of Marfa, Presidio County, who resigned.

Issued in Austin, Texas, on December 23, 1983.

TRD-840154 Mark White
Governor of Texas

Appointments Made December 29

173rd Judicial District

To be district attorney for the 173rd Judicial District, Henderson County, until the next general election and until his successor shall be elected and duly qualified:

Billy M. Bandy
309 East Tyler Street
Athens, Texas 75751

Mr. Bandy is replacing Melvin D. Whitaker of Palestine, who resigned.

Issued in Austin, Texas, on December 29, 1983.

TRD-840155 Mark White
Governor of Texas

Texas Housing Agency

For a term to expire January 31, 1989:

J. Stanley Stephen
2514 Memorial Drive
Bryan, Texas 77801

Mr. Stephen is replacing Mr. Peters of Bryan, whose term expired.

Issued in Austin, Texas, on December 29, 1983.

TRD-840156 Mark White
Governor of Texas

Appointment Made January 2

214th Judicial District

To be judge of the 214th Judicial District, Nueces County, until the next general election and until his successor shall be elected and duly qualified:

Mike Westergren
2033 18th Street
Corpus Christi, Texas 78404

Mr. Westergren is replacing Steven W. Fieldcamp of Corpus Christi, who resigned.

Issued in Austin, Texas, on January 2, 1984.

TRD-840157 Mark White
Governor of Texas

The Secretary of State

Under provisions of the Texas Election Code (Article 1.03), the secretary of state, as chief elections officer, is responsible for maintaining uniformity in the application, operation, and interpretation of the election laws, and for advising the state's election officers in this regard. In carrying out this responsibility, the secretary of state is authorized to issue opinions based on the election laws.

Under provisions of Texas Civil Statutes (Article 6252-9c, §14A), the secretary of state is authorized to issue advisory opinions in response to written requests based on a real or hypothetical situation that relates to Article 6252-9c.

These opinions are summarized for publication in the *Register*.

Questions on particular submissions should be addressed to the Office of the Secretary of State, Elections Division, P. O. Box 12887, Austin, Texas 78711, 1 (800) 252-9602 or (512) 475-3091.

Opinion Issued January 4

Election Law Opinion JWF-23. Request from Chip Staniswalis, Texas State Representative, Amarillo, regarding the filling of a vacancy in the office of county chairman when there is no county executive secretary.

Summary. If a vacancy occurs in the office of county chairman and there is no

county executive committee secretary at the time that the vacancy occurs, the chairman of the State Executive Committee, upon receiving a written request from any member of the county committee, is the proper authority to call a meeting of the committee to fill the vacancy. If a county executive committee chooses to name a secretary for the committee, the appointment must be made by the county executive committee.

TRD-840109



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

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

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

Emergency Rules

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter D. Minerals Tax Division—Occupation Tax on Sulphur Producers

34 TAC §3.42

The Comptroller of Public Accounts is renewing the effectiveness of the emergency adoption of new §3.42 for a 60-day period effective January 9, 1984. The new section was originally adopted on an emergency basis in the September 20, 1983, issue of the *Texas Register* (8 TexReg 3729).

Issued in Austin, Texas, on January 9, 1984.

TRD-840228 Mark Weiss
Director of Hearings
Comptroller of Public Accounts

Effective date: January 9, 1984
Expiration date: March 9, 1984
For further information, please call (512) 475-7000

amended §§85.6001, 85.6003, 85.6004, 85.6007, 85.6009-85.6015, and 85.6018 for a 60-day period effective January 27, 1984. The amendments were originally adopted on an emergency basis in the October 7, 1983, issue of the *Texas Register* (8 TexReg 3951).

Issued in Austin, Texas, on January 6, 1984.

TRD-840229 Susan L. Johnson
Administrator
Policy Development Support
Division
Texas Department of Human
Resources

Effective date: January 27, 1984
Expiration date: March 27, 1984
For further information, please call (512) 441-3355, ext. 2037.

40 TAC §§85.6019-85.6026

The Texas Department of Human Resources is renewing the effectiveness of the emergency adoption of new §§85.6019-85.6026 for a 60-day period effective January 27, 1984. The sections were originally adopted on an emergency basis in the October 7, 1983, issue of the *Texas Register* (8 TexReg 3955).

Issued in Austin, Texas, on January 6, 1984.

TRD-840230 Susan L. Johnson
Administrator
Policy Development Support
Division
Texas Department of Human
Resources

Effective date: January 27, 1984
Expiration date: March 27, 1984
For further information, please call (512) 441-3355, ext. 2037.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 85. General Licensing Procedures

Subchapter III. Social Work Certification

40 TAC §§85.6001, 85.6003, 85.6004, 85.6007, 85.6009-85.6015, 85.6018

The Texas Department of Human Resources is renewing the effectiveness of the emergency adoption of

Proposed Rules

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

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

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

TITLE 7. BANKING AND SECURITIES

Part VII. State Securities Board Chapter 117. Real Estate Programs

7 TAC §§117.1, 117.3-117.5, 117.9

The State Securities Board proposes amendments to §§117.1, 117.3-117.5, and 117.9, concerning guidelines for the registration of mortgage pools.

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

Mr. Latham also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is increased uniformity with other states in applying standards for the registration of public offerings of mortgage pools in this state. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Denise Voigt Crawford, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

The amendments are proposed under Texas Civil Statutes, Article 581-28-1, which provide that the board may adopt rules and regulations governing registra-

tion statements and applications and may classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes.

§117.1. Introduction.

(a) (No change.)

(b) Definitions.

(1) (No change.)

(2) Acquisition fee—The total of all fees and commissions paid by any party in connection with the **making or investing in mortgage loans or the purchase** or development of property by a program, except a development fee paid to a person not affiliated with a sponsor in connection with the actual development of a project after acquisition of the land by the program. Included in the computation of such fees or commissions shall be any real estate commission, selection fee, development fee, nonrecurring management fee, or any fee of a similar nature, however designated.

(3)-(14) (No change.)

(15) Investments in properties—The amount of capital contributions **used to make or invest in mortgage loans or the amount** actually paid or allocated to the purchase, development, construction, or improvement of properties acquired by the program, including the purchase of properties, working capital reserves allocable thereto (except that working capital reserves in excess of 5.0% shall not be included), and other cash payments such as interest and taxes, but excluding front-end fees.

(16)-(20) (No change.)

(21) Program—A limited or general partnership, joint venture, unincorporated association, or similar or-

ganization other than a corporation formed and operated for the primary purpose of investment in and the operation of or gain from an interest in real property, including such entities formed to make or invest in mortgage loans.

(22)-(27) (No change.)

§117.3. Suitability of the Participant.

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

(d) Minimum investment. A minimum initial cash purchase of \$2,500 per investor shall be required **except for tax qualified plans for which no minimum investment is required.** Subsequent transfers of such interests shall be limited to no less than a minimum unit equivalent to an initial minimum purchase, except for transfers by gifts, inheritance, intrafamily transfers, family dissolutions, and transfers to affiliates.

§117.4. Fees—Compensation—Expenses.

(a) Fees, compensation, and expenses to be reasonable.

(1) The total amount of consideration of all kinds which may be paid directly or indirectly to the sponsor or its affiliates shall be reasonable, considering all aspects of the syndication program and the investors. Such consideration may include, but is not limited to:

(A)-(H) (No change.)

(I) **mortgage servicing fee, but only in programs which make or invest in mortgage loans.**

(2)-(3) (No change.)

(b) Organization and offering expenses.

(1) (No change.)

(2) Offering expenses. All offering expenses shall be reasonable and shall not in the aggregate exceed 20% of the gross proceeds of the offering[, regardless of who paid such expenses]. The offering expenses paid by the program must be reasonable and ordinarily shall not exceed 15% of the gross proceeds of the offering.

(c) Investment in properties.

(1) (No change.)

(2) At a minimum, the sponsor shall commit a percentage of the capital contributions to investment in properties which is equal to **82% for programs which make or invest in mortgage loans and for all other programs is equal to the greater of:**

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

(3) (No change.)

(4) For programs whose total capital contributions do not exceed \$2 million, the securities commissioner may reduce the required amount of investment in properties to that permitted by paragraph (2)(B) of this subsection notwithstanding the level of **indebtedness encumbering** [financing of] the program's properties. To calculate the percent of financing of program properties in paragraph (2), divide the amount of financing by the purchase price of property, excluding front-end fees. The quotient is multiplied by 0.1625% to determine the percentage to be deducted from 80%. The following are examples of application of the formula using capital contributions of \$1 million in each case:

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

(5) (No change.)

(d)-(h) (No change.)

(i) **Mortgage servicing fee. The sponsor or his affiliate may provide mortgage services in programs which**

make or invest in mortgage loans for which he may be paid a fee, which, when added to all other fees paid in connection with the servicing of a particular mortgage, does not exceed the lesser of the customary, competitive fee for the provision of such mortgage services on that type of mortgage, or ¼ of 1.0% of the principal outstanding in such loan.

§117.5. Conflicts of Interest and Investment Restrictions.

(a) Sales, leases, and loans.

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

(3) Loans. No loans may be made by the program to the sponsor or affiliate. **Programs which make or invest in mortgage loans may provide such loans to programs formed by or affiliated with such persons in those circumstances in which such activities have been fully justified to the securities commissioner. These affiliated transactions must, at the minimum, meet the following conditions:**

(A) **The circumstances under which the loans will be made and the actual terms of the loans must be fully disclosed in the prospectus; or**

(B) **An independent and qualified adviser must issue a letter of opinion to the effect that any proposed loan to an affiliate of the program is fair and at least as favorable to the program as a loan to an unaffiliated borrower in similar circumstances. In addition, the sponsors will be required to obtain a letter of opinion from the independent adviser in connection with any disposition, renegotiation, or other subsequent transaction involving loans made to a sponsor or an affiliate of the sponsor. The adviser's compensation must be paid by the sponsor and not reimbursable by the program.**

(4) (No change.)

(b)-(l) (No change.)

(m) **Mortgage loan programs. A program will not be permitted to invest in or make mortgage loans unless a real property appraisal is obtained as provided for in paragraph (1) of this section for each mortgage loan, and a mortgagee's or owner's title insurance policy or commitment as to the priority of a mortgage or the condition of title is obtained. Further, the sponsor of mortgage loan programs shall observe the following policies in connection with investing in or making mortgage loans:**

(1) **The program may not invest in or make mortgage loans on any one property which would exceed, in the aggregate, an amount equal to 20% of the capital contributions to be raised by the program.**

(2) **The program may not invest in or make mortgage loans to or from any one borrower which would exceed, in the aggregate, an amount greater than 20% of the capital contributions to be raised by the program.**

(3) **The program shall not invest in real estate contracts of sale otherwise known as land sale contracts unless such contracts of sale are in recordable form and are appropriately recorded in the chain of title.**

(4) **The program may not invest in or make mortgage loans on unimproved real property in an amount in excess of 25% of the capital contributions to be raised by the program.**

(5) **The program shall not make or invest in mortgage loans on any one property if the aggregate amount of all mortgage loans outstanding on the prop-**

Subchapter B describes the essential elements for subjects in kindergarten through grade six. These subjects are English language arts; other languages; mathematics; science; health; physical education; fine arts; and social studies, Texas, and U.S. history.

Subchapter C describes the essential elements for subjects in grades seven and eight. These subjects are English language arts; other languages; mathematics; science; health; physical education; fine arts; social studies, Texas, and U.S. history; business education; vocational education; and computer literacy.

Subchapter D describes the essential elements for subjects in grades nine through 12. These subjects are English language arts; other languages; mathematics; science; health; physical education; fine arts; social studies, Texas, and U.S. history; economics with emphasis on the free enterprise system and its benefits; business education; vocational education; and other courses.

Subchapter E is called "Well-Balanced Curriculum." At this time only one section in the subchapter is proposed. This §75.141 contains the description of a well-balanced elementary curriculum, including time requirements for the elementary grades.

Additional subchapters and sections within Chapter 75 will be proposed at a later date. These will include provisions which address school district responsibility, well-balanced secondary curriculum, graduation requirements, and provisions concerning implementation of the new curriculum requirements.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rules.

Mr. Bennett and Dr. Beverly J. Bardsley, director for policy development, also have determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is a clear and detailed statement of what every child in Texas should have the opportunity to learn in each subject at each grade level. The curriculum is designed to provide students not only the basic skills of reading, writing, and mathematics, but also the competencies for practicing good citizenship, thinking precisely, and communicating clearly. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing on these proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposal has been published in the *Texas Register*.

Subchapter D. Essential Elements — Grades Nine-12

19 TAC §§75.89-75.122

These new sections are proposed under the authority of the Texas Education Code, §21.101, which specifies the subjects to be included in a well-balanced curriculum and which directs the State Board of Education by rule to designate the essential elements of necessary subjects, and to require school districts to provide instruction in those elements at appropriate grade levels.

§75.89. *Office Education.*

(a) Office education (two-three units) shall include the following essential elements:

(1) Concepts and skills related to all office occupations. The student shall be provided opportunities to:

(A) identify and practice ethical business procedures;

(B) develop an understanding concerning careers in office occupations and levels of competency;

(C) apply the basic concepts of human relations in all types of interpersonal relationships;

(D) identify components of personal development as they relate to career plans;

(E) prioritize and organize work efficiently;

(F) identify and use resources and references available;

(G) identify the different types of business forms and reports and procedures for processing them; and

(H) demonstrate basic knowledge and usage of business machines.

(2) Concepts and skills involved in financial responsibilities. The student shall be provided opportunities to:

(A) demonstrate the ability to add, subtract, multiply, and divide whole numbers, fractions, and numbers containing decimals;

(B) maintain a checking account, including making deposits, writing checks, reconciling bank statements and filing canceled checks; and

(C) apply the principles of record keeping.

(3) Concepts and skills necessary for effective communication. The student shall be provided opportunities to:

(A) identify and use correct techniques when using the telephone for business purposes;

(B) prepare effective written communication;

(C) identify and apply correct language usage skills in business; and

(D) become familiar with word processing and computer terminology.

(4) Concepts and skills related to safety and safe working conditions. The student shall be provided opportunities to identify, understand, and apply safe working practices and procedures to all office training situations.

(5) Specific occupations being taught.

(b) Secretarial and general office (two to three units) shall include office education core elements and the following essential elements:

(1) Concepts and skills involved in keyboarding in secretarial and general office. The student shall be provided opportunities to:

(A) recognize proofreader's marks and use them in editing;

(B) select appropriate tools for correcting errors and use them correctly;

(C) demonstrate procedures necessary in preparing mailable letters, envelopes, and packages; and

(D) understand methods of transmitting information electronically.

(2) Concepts and skills necessary for records control and management in secretarial and general office. The student shall be provided opportunities to:

(A) identify correct usage in applying terminology and procedures for indexing, coding, and filing, using the alphabetic, numeric, subject, and geographic systems;

(B) understand procedures for controlling manual and automated records; and

(C) understand and demonstrate the procedures of handling incoming and outgoing mail.

(3) Concepts and skills necessary for the operation of office machines in secretarial and general office. The student shall be provided opportunities to:

(A) employ the touch system for computation of simple and complex mathematical problems using the electronic calculator;

(B) understand and demonstrate skills needed in operating copy machines; and

(C) demonstrate the process required in operating data/word processing equipment.

(4) Concepts and skills involved in financial responsibilities. The student shall be provided opportunities to:

(A) maintain a checking account, including making deposits, writing checks, reconciling bank statements, and filing canceled checks; and

(B) apply the principles of record keeping.

(c) Word processing (two to three units) shall include office education core elements, secretarial and general office elements, and the following essential elements:

(1) Concepts and skills related to word processing. The student shall be provided opportunities to:

(A) demonstrate proficiency in business English;

(B) identify and apply correct format for business correspondence and documents,

(C) demonstrate proficiency in spelling and proofreading;

(D) demonstrate proficiency in dictation and transcription;

(E) identify and understand terminology used in word processing,

(F) demonstrate proficiency in using word processing equipment;

(G) demonstrate, classify, and sequence procedures in word processing;

(H) understand computer terminology as it relates to word processing;

(I) update word processing and computer terminology; and

(J) identify new and current developments in equipment.

(d) Office duplicating practices (two to three units) shall include office education core elements and the following essential elements:

(1) Concepts and skills related to general safety needs and regulations. The student shall be provided opportunities to recognize and demonstrate general safety in the laboratory.

(2) Concepts and skills related to office duplication. The student shall be provided opportunities to:

(A) understand and demonstrate image processing for duplicating;

(B) demonstrate the procedures and equipment used in completing layouts and masters for duplication; and

(C) demonstrate the procedures used in operating duplicators.

(3) Concepts and skills related to supplementary machines. The student shall be provided opportunities to understand and demonstrate the use of the machines used in bindery operations.

(4) Concepts and skills related to typewriting. The student shall be provided opportunities to demonstrate the ability to keyboard materials for duplication.

(5) Concepts and skills related to electronic calculator. The student shall be provided opportunities to demonstrate the ability to solve mathematical problems using the touch method.

(6) Concepts and skills related to filing. The student shall be provided opportunities to identify the correct procedures in alphabetic filing.

(e) Bookkeeper (two to three units) shall include office education core elements and the concepts and skills in handling general bookkeeping duties. The student shall be provided opportunities to:

(1) enter and verify details of transactions in chronological order in journals;

(2) summarize details on separate ledgers and transfer data to general ledger using manual or automated procedures;

(3) balance books and compile statistics to prepare required financial reports;

(4) identify terms, characteristics, and procedures in maintaining a petty cash fund;

(5) maintain a checking account, including making deposits, writing checks, endorsing checks, reconciling bank statements, and filing canceled checks;

(6) prepare a payroll including computing gross and net pay, withholding social security, and other payroll forms;

(7) prepare required tax reports; and

(8) maintain customer ledger cards and handle monthly billings

(f) Stock inventory clerk (two to three units) shall include office education core elements and the concepts and skills related to stock inventory clerk. The student shall be provided opportunities to:

(1) identify stock inventories and records systems;

(2) understand procedures in compiling, comparing, checking, and verifying orders;

(3) understand procedures for stock ordering and reordering;

(4) demonstrate procedures for completing purchase requisitions;

(5) understand procedures for materials inspection and recording shortages, errors, or damages; and

(6) understand procedures in handling credits, returns, and back orders.

(g) Office education. In addition to the courses described in subsections (a)-(f) of this section, schools may offer office education in any of the occupations listed in this section or in those justified by employment needs through a cooperative arrangement. The following may be offered:

- (1) medical secretary;
- (2) legal secretary;
- (3) insurance clerk; and
- (4) banking and related financial employee.

§75.90. Technical.

(a) Data processing (one unit) shall include the following essential elements:

(1) Concepts and skills related to general data processing. The student shall be provided opportunities to:

(A) demonstrate comprehension of data processing terms;

(B) understand aspects of input and output; and

(C) understand the major components of data processing systems.

(2) Concepts and skills related to data entry. The student shall be provided opportunities to understand and demonstrate the use of data entry equipment.

(3) Concepts and skills related to programming and languages. The student shall be provided opportunities to:

(A) apply the concepts of logic to programming problems;

(B) translate the applied solution into a common programming language; and

(C) demonstrate the ability to debug and audit a solution.

(4) Concepts and skills related to data representation and storage. The student shall be provided opportunities to:

(A) demonstrate knowledge of computer numbering systems, data codes, and basic concepts of data storage; and

(B) establish random and sequential file structures.

(5) Concepts and skills related to computer operations. The student shall be provided opportunities to:

(A) demonstrate the use of computer equipment;

(B) demonstrate the use of job control language, and

(C) schedule and process requests to minimize the operational steps and run time.

(b) Computer programmer I (two to three units) shall be a laboratory-oriented course which includes the following essential elements:

(1) Concepts and skills related to general data processing. The student shall be provided opportunities to:

(A) demonstrate comprehension of data processing terms;

(B) understand the major components of data processing systems;

(C) understand aspects of input and output; and

(D) demonstrate knowledge of computer numbering systems and addressing techniques.

(2) Concepts and skills related to hardware component utilization. The student shall be provided opportunities to:

(A) become familiar with terminal keyboard;

(B) categorize hardware according to size, application, and configuration;

(C) practice turn on, sign on, and uploading procedures; and

(D) explore future hardware developments.

(3) Concepts and skills associated with programming and languages. The student shall be provided opportunities to:

(A) understand what a computer program is;

(B) distinguish between batch and online systems;

(C) acquire understanding of computer language constructs;

(D) translate problems into logical steps using graphic techniques;

(E) apply graphic solutions to a common programming language;

(F) demonstrate the ability to debug and audit a solution;

(G) become acquainted with job control language; and

(H) demonstrate the ability to predict output of a given program.

(4) Concepts and skills associated with data storage. The student shall be provided opportunities to:

(A) differentiate between various types of permanent data storage devices;

(B) understand methods of storage within devices;

(C) create a program to retrieve data from an existing file; and

(D) maintain a data file.

(c) Computer programmer II (two to three units) shall be a laboratory-oriented course which includes the following essential elements:

(1) Concepts and skills related to application system development. The student shall be provided opportunities to:

(A) demonstrate comprehension of the system development process;

(B) analyze a problem;

(C) design a solution;

(D) program and test the solution; and

(E) develop an understanding of the implementation process.

(2) Concepts and skills related to language application. The student shall be provided opportunities to:

(A) establish random and sequential files;

(B) develop an understanding of procedure, subroutine, and function;

(C) translate graphic solutions into major structural elements of a program;

(D) translate graphic solutions into language statements for the input, editing, processing, and output procedures; and

(E) develop facility in use of job control language.

(3) Concepts and skills related to testing. The student shall be provided opportunities to:

(A) develop test data and testing techniques;

(B) run tests on programs and on the system; and

(C) demonstrate the ability to debug and audit programs and the system.

(4) Concepts and skills associated with implementation and maintenance of the system. The student shall be provided opportunities to:

(A) write documentation for maintaining the system;

(B) develop an understanding of preparing user documentation;

(C) gain an awareness of the implementation of a system into production status;

(D) develop understanding of the programmer responsibilities involved in system maintenance; and

(E) understand various input and output media (mark sense sheets, microfiche, etc.) and their appropriate use.

(d) Computer programmer III (two to three units) shall be an internship training program that includes the following essential elements:

(1) Concepts and skills related to advanced programming techniques. The student shall be provided opportunities to:

(A) develop skills in writing structured code;

(B) understand the concepts of modular programming;

(C) develop data entry screens and menus for online systems;

(D) gain knowledge of advanced file access methods; and

(E) develop a small application using a data base management system.

(2) Concepts and skills associated with program development tools. The student shall be provided opportunities to:

(A) become familiar with the functions of an operating system;

(B) develop facility in the use of other programming development tools and utilities; and

(C) investigate tools, information, and other services provided by the systems programmer function.

(3) Concepts and skills related to other functions of the data processing and user organizations. The student shall be provided opportunities to:

(A) become familiar with other support functions of the data processing organization;

(B) understand how the user organization collects data input and uses system output; and

(C) gain knowledge of project management techniques related to system development.

(e) Industrial electronics (two to three units) shall include the essential trade and industrial education elements described in subsection (a) of §75.91 of this title (relating to Trade and Industrial Education) and the concepts and skills associated with industrial electronics. The student shall be provided opportunities to:

(1) understand the science of electronics;

(2) understand the source of electricity;

(3) apply the principles of mathematics and physics to electronics;

(4) read schematic diagrams;

(5) understand the application and use of conductors, semiconductors, and insulators;

(6) understand voltage, current, resistance, scientific notation, metric prefixes, and Ohm's law;

(7) analyze various types of circuits;

(8) understand voltage dividers and power;

(9) understand the theory and application of alternating currents;

(10) understand electronic theory and application as it applies to generators, electric motors, power supplies, electron amplifiers, electronic oscillators, radio transmitters, radio receivers, and television;

(11) understand electronic theory and application as it relates to integrated circuits;

(12) understand electronic theory and its application to computers and micro-computers; and

(13) analyze malfunctions in electronic circuitry.

§75.91. Trade and Industrial Education.

(a) Trade and industrial education (two to three units) shall include the following essential elements:

(1) Concepts and skills associated with safe working practices. The student shall be provided opportunities to:

(A) identify safe working practices;

(B) understand safe working practices;

(C) demonstrate skills in working safely; and

(D) apply safe working practices to all job-training situations.

(2) Care and use of hand tools and equipment. The student shall be provided opportunities to develop proper techniques for the use, maintenance, and storage of tools and equipment related to vocational industrial education.

(3) Concepts and skills associated with the specific occupation being taught.

(b) Air conditioning and refrigeration (two to three units) shall include the essential trade and industrial education elements and the concepts and skills associated with air conditioning and refrigeration. The student shall be provided opportunities to:

(1) understand the fundamentals of refrigeration and basic refrigeration systems;

(2) service and repair compressors and compression systems;

(3) understand the fundamentals and applications of refrigerants;

(4) service and repair refrigerant controls;

(5) understand the basic fundamentals of electrical circuits and controls;

(6) understand domestic and commercial refrigeration systems applications, including heat loads and piping;

(7) install, service, and repair domestic and commercial refrigeration systems;

(8) understand the fundamentals of air conditioning and basic air conditioning systems;

(9) install, service, and repair heating and humidifying systems, cooling and dehumidifying systems, distributing and cleaning systems, and complete air conditioning systems;

(10) perform maintenance and repair operations on air conditioning controls, circuits, and instruments; and

(11) perform maintenance and repair operations on automobile air conditioning systems.

(c) Auto body repair (two to three units) shall include the essential trade and industrial education elements and the concepts and skills associated with auto body repair. The student shall be provided opportunities to:

(1) understand automobile body construction;

(2) develop proper techniques for the application of oxyacetylene welding, cutting, brazing, soldering, and electric welding processes;

(3) understand the basic operations in collision repair;

(4) repair auto body sheet metal;

(5) straighten and align frames and bodies;

(6) repair damaged sheet metal panels using various body fillers;

(7) repair damage to fiberglass and plastic bodies and parts;

(8) adjust body panels;

(9) repair and adjust doors, tailgates, liftgates, and sun roofs;

(10) repair auto body trim and glass;

(11) repair automobile seats, seat belts, and interior trim;

(12) repair and replace vinyl roofs;

(13) identify and understand the proper application of automotive paint and paint products;

(14) prepare surfaces for painting;

(15) mix, match, apply, and finish automotive paint;

(16) analyze automotive paint problems; and

(17) estimate costs of auto body repairs.

(d) Auto mechanics (two to three units) shall include the essential trade and industrial education elements and the concepts and skills associated with automobile mechanics. The student shall be provided opportunities to:

(1) understand the functions of the major automobile components;

(2) analyze malfunctions in automobile components;

(3) read and interpret appropriate repair manuals;

(4) estimate parts and labor costs on repair orders;

(5) understand the basic fundamentals of the automobile engine;

(6) remove, repair, and replace automobile engine components;

(7) understand the fundamentals of automobile engine systems;

(8) service and repair carbureted fuel systems, engine lubricating systems, and engine cooling systems;

(9) understand the fundamentals of gasoline engine fuel-injection systems and diesel engine fuel-injection systems;

(10) understand the fundamentals of automotive electrical and electronic equipment and systems;

(11) service and repair automotive electrical and electronic units and systems;

(12) service and repair automotive emission control systems;

(13) understand the fundamentals of automotive power trains;

(14) service and repair automotive power train components;

(15) understand the fundamentals of the automobile chassis;

(16) service and repair automotive chassis components; and

(17) service and repair automotive heating and air conditioning systems.

(e) Building trades (two to three units) shall include the essential trade and industrial education elements and the following essential elements:

(1) Concepts and skills associated with carpentry. The student shall be provided opportunities to:

(A) understand the basic fundamentals of carpentry;

(B) read blueprints and work drawings;

(C) apply basic mathematics to carpentry measurement processes;

(D) identify and estimate costs of various building materials;

(E) utilize appropriate framing techniques, including walls, floors, and ceilings;

(F) demonstrate proper techniques in roof construction;

(G) understand and demonstrate proper techniques in rafter measuring, cutting, assembling, and installing;

(H) install cornice trim and gutters;

(I) install roof flashing and covering;

(J) understand and demonstrate proper techniques in door and window installation;

(K) identify and install various exterior and interior wall covering and trim; and

(L) understand and demonstrate proper techniques in stair construction.

(2) Concepts and skills associated with bricklaying. The student shall be provided opportunities to:

(A) identify and understand the use of brick and masonry products;

(B) construct simple brick walls; and

(C) understand construction processes utilized in the construction of footings, piers, pilasters, chimneys, fireplaces, and arches.

(3) Concepts and skills associated with electrical trades. The student shall be provided opportunities to:

(A) understand the basic fundamentals of residential electrical construction;

(B) read schematic diagrams; and

(C) understand the installation of electrical controls, wiring, and fixtures.

(4) Concepts and skills associated with plumbing. The student shall be provided opportunities to:

(A) understand the basic fundamentals of residential plumbing operations; and

(B) understand the process and sequence of installing external and internal plumbing in residential construction.

(f) Commercial art (two to three units) shall include the essential trade and industrial education elements and the concepts and skills associated with commercial art. The student shall be provided opportunities to:

(1) understand, create, and design graphic material for use as ornamentation, illustration, advertising on manufactured materials, and packaging;

(2) receive assignments from customer or supervisor to create, draw, or modify to achieve desired effect;

(3) understand traditional, period, and contemporary design styles to obtain perspective,

(4) review marketing trends and preferences of target and related markets;

(5) perform related duties, such as fabricating silk screen, drawing full size patterns, or cutting stencils;

(6) make illustrations for advertising, display and instructional manuals;

(7) comprehend advertising theory and preparation of copy, lettering, poster design, fashion illustration, silk screen, airbrush and touchup, inks and color dynamics, package and product design, drawing for half-tone reproduction and other display devices and exhibits; and

(8) fabricate specific items, such as signs, packaging, wallpaper, ceramics, tile, glassware, monograms, crests, emblems, or embroidery

(g) Cosmetology (two to three units) shall include the essential trade and industrial education elements and the concepts and skills associated with cosmetology. The student shall be provided opportunities to

(1) understand the fundamentals of cosmetology;

(2) understand and utilize required sterilization and sanitation processes and procedures,

(3) prepare patrons for various cosmetic services,

(4) shampoo and rinse hair,

(5) apply specialized reconditioning, medicated cream, and color rinses;

(6) analyze various scalp and hair conditions;

(7) apply various scalp and hair treatments in accordance with identified conditions,

(8) understand and practice the basic fundamentals of manicuring;

(9) shape and trim hair using thinning shears, scissors, and razor;

(10) understand and utilize various curls in the hairstyling process,

(11) practice proper comb-out, blow drying, and finishing techniques,

(12) recognize appropriate hairstyles to complement various facial and neck types;

(13) understand and properly utilize the chemicals, procedures, and processes associated with permanent waving;

(14) utilize appropriate processes and procedures in chemical hair relaxing;

(15) apply basic massage manipulations to the scalp, face, and neck;

(16) understand and utilize proper procedures to bleach, dye, and color hair;

(17) apply accepted procedures for the removal of superfluous facial hair;

(18) understand and demonstrate proper procedures in applying facial make-up; and

(19) analyze facial types and determine appropriate facial treatment to compliment the type.

(h) Drafting (two to three units) shall include the essential trade and industrial education elements and the concepts and skills associated with drafting. The student shall be provided opportunities to:

(1) develop skills in sketching, lettering, dimensioning, and line development;

(2) exercise manual skill in manipulation of drafting tools;

(3) develop ink drawing;

(4) apply appropriate industrial techniques to the development of multiview drawings, sectional views, and pictorial drawings;

(5) understand and demonstrate skills in the use of descriptive geometry relating to auxiliary views, revolutions, intersections, and developments;

(6) utilize knowledge of various machines, engineering practices, mathematics, building materials, and other physical sciences to complete drawing;

(7) develop proper techniques in technical drafting;

(8) apply appropriate techniques to the development of architectural drawings, electrical and electronic drawings, welding drawings, map drawings, structural and technical illustrations;

(9) understand and apply the various processes of drawing reproduction;

(10) understand the fundamentals of computer graphics,

(11) utilize knowledge to draft detailed working drawings of machinery and mechanical devices;

(12) draft multiple-view assembly and sub-assembly drawings, and

(13) draw and correct topographical maps from appropriate source data.

(i) Electrical trades (two to three units) shall include the essential trade and industrial education elements and the following essential elements:

(1) Concepts and skills associated with residential wiring. The student shall be provided opportunities to:

(A) develop a basic understanding of the theory of electricity;

(B) understand the processes of generating and distributing electrical power;

(C) identify and apply electrical codes regulating residential electrical construction,

(D) plan and install residential electrical service entrance and individual and general-purpose branch circuits;

(E) understand and properly install electrical anchoring systems, boxes, meters, controls, and circuit protective devices;

(F) understand and demonstrate proper techniques in the installation of various cables, switch boxes, and connectors;

(G) install internal and external lights, controls, and service;

(H) read blueprints and schematic diagrams;

(I) estimate labor and material costs; and

(J) troubleshoot residential electrical problems

(2) Concepts and skills associated with industrial wiring. The student shall be provided opportunities to:

(A) understand and utilize electric metallic tubing, rigid and flexible conduit on commercial installations;

(B) service single phase, split phase, capacitor start, and repulsion type motors;

(C) install and repair three phase motors;

(D) install and repair electric motor controls; and

(E) troubleshoot single phase motors, three phase motors, and motor controls.

(j) Machine shop (two to three units) shall include the essential trade and industrial education elements and the concepts and skills associated with machine shop. The student shall be provided opportunities to:

(1) understand the basic metal cutting processes including drilling, turning, boring, milling, shaping, and broaching;

(2) demonstrate proper precision measuring skills;

(3) read blueprints and work drawings;

(4) utilize basic mathematics in precision measuring operations;

(5) demonstrate proper drilling and reaming procedures on the drill press;

(6) understand and utilize various work mounting procedures and devices on the engine lathe;

(7) turn metal to specified tolerances on the engine lathe;

(8) demonstrate proper procedures to cut threads, turn tapers, drill, ream, polish, knurl, and bore on the engine lathe;

(9) mill flat surfaces, bevels, chamfers, grooves, keyseats, and gears, utilizing proper milling machine procedures;

(10) understand the types of abrasives and their uses;

(11) utilize proper machines and procedures for surface and cylindrical grinding operations;

(12) recognize special machining processes and applications including electrical discharge machining, electrochemical machining, and numerically controlled machining;

(13) machine and fit precision pieces; and

(14) understand the processes of hardening, tempering, annealing, normalizing, and case hardening steel.

(k) Metal trades (two to three units) shall include the essential trade and industrial education elements and the following essential elements:

(1) Concepts and skills associated with machine shop. The student shall be provided opportunities to:

(A) understand the basic metal cutting processes, including drilling, turning, boring, milling, shaping, and broaching;

(B) demonstrate proper precision measuring skills;

(C) reading blueprints and working drawings;

(D) utilize basic mathematics in precision measuring operations;

(E) demonstrate proper drilling and reaming procedures on the drill press;

(F) understand and utilize various work mounting procedures and devices on the engine lathe;

(G) demonstrate proper procedures to turn, cut threads, turn tapers, drill, ream, polish, knurl, and bore on the engine lathe;

(H) utilize proper procedures to mill flat surfaces, bevels, chamfers, grooves, keyseats, and gears;

(I) understand the types of abrasives and their uses;

(J) machine and fit precision pieces; and

(K) understand the various heat treating processes.

(2) Concepts and skills associated with welding. The student shall be provided opportunities to:

(A) understand the basic theory of oxy-fuel welding and cutting including types and use of flames and types of fuels;

(B) utilize the oxy-fuel cutting process to produce freehand, straight line, pierce, and beveled cuts;

(C) weld metal plate, with the oxy-fuel process, in flat, vertical, horizontal and overhead positions;

(D) braze various joints on mild steel and cast iron with the oxy-fuel process;

(E) understand the basic theory of shielded metal arc welding;

(F) understand and identify common types of electrodes and their uses;

(G) utilize the shielded metal arc process to weld various points on metal plate in all appropriate positions;

(H) utilize the shielded metal arc process to weld various pipe joints in vertical and horizontal positions;

(I) inspect and test welds; and

(J) read welding symbols.

(l) Mill and cabinetmaking (two to three units) shall include the essential trade and industrial education elements and the concepts and skills associated with mill and cabinetmaking. The student shall be provided opportunities to:

(1) understand the fundamentals of cabinetmaking including design and function;

(2) identify and understand the uses of woods, fasteners, hardware, glass, and mirrors;

(3) read blueprints and work drawings;

(4) plan material needs and estimate costs;

(5) apply principles of mathematics to measurements;

(6) understand and demonstrate proper procedures in sawing, planing, shaping, turning, boring, mortising, and sanding various types of woods;

(7) identify and construct common cabinetmaking joints;

(8) understand and demonstrate proper procedures in gluing, clamping, laminating, veneering, and inlaying;

(9) utilize proper procedures to construct and install cabinet doors, furniture doors, drawers, drawer guides, shelves, cabinet interiors, legs, posts, table tops, and cabinet tops;

(10) construct and install kitchen cabinets;

(11) understand and demonstrate proper procedures in finishing including staining, filling, distressing, glazing, and applying protective coatings; and

(12) identify and understand industrial production processes and procedures.

(m) Offset printing (two to three units) shall include the essential trade and industrial education elements and the concepts and skills associated with offset printing. The student shall be provided opportunities to:

(1) understand the basic theory of offset printing;

(2) identify typeface designs and sizes;

(3) plan, lay out, and copyfit jobs;

(4) understand the use of hot and cold type composition for reproduction;

(5) compose type using mechanical, impact, and phototypesetting processes;

(6) understand and use proofreaders' marks;

(7) prepare line copy, halftone copy, and color copy for camera reproduction;

(8) understand and practice the basic fundamentals of camera reproduction;

(9) understand and properly utilize halftone photography;

(10) understand the color reproduction process;

(11) develop film utilizing proper darkroom procedures;

(12) understand and practice proper layout and stripping processes;

(13) prepare direct image, presensitized, wipe-on, and electrostatic plates utilizing appropriate platemaking procedures;

(14) understand paper characteristics and uses;

(15) understand the basic fundamentals of sheetfed and web offset presses and duplicators;

(16) demonstrate proper set-up, operation, and maintenance procedures on offset presses;

(17) estimate job costs;

(18) schedule jobs to meet deadlines;

(19) troubleshoot offset presswork; and

(20) understand legal restrictions on reproduction.

(n) Piping trades (two to three units) shall include the essential trades and industrial education elements and the concepts and skills associated with piping trades. The student shall be provided opportunities to:

(1) understand the fundamentals of the piping trades;

(2) understand the installation and maintenance of high and low pressure process piping;

(3) fabricate, assemble, install, and maintain piping and piping systems;

(4) read blueprints and work drawings;

(5) install, repair, and service steam and hot water systems, heating, cooling, sprinkling, and industrial processing systems;

(6) cut pipe using various procedures;

(7) thread pipe using threading machine;

(8) bend pipe by hand or with pipe-bending machine;

(9) assemble and install a variety of metal and nonmetallic pipe;

(10) joint piping by various accepted methods;

(11) understand the installation and maintenance of refrigeration and air conditioning systems including compressors, pumps, meters, pneumatic and hydraulic controls and piping;

(12) demonstrate the proper utilization of welding, soldering, and brazing; and

(13) install and service air conditioning systems, heating systems, fuel burning equipment, and boiler room piping systems.

(o) Sheetmetal (two to three units) shall include the essential trade and industrial education elements and the concepts and skills associated with sheetmetal. The student shall be provided opportunities to:

(1) understand the basic fundamentals of sheetmetal construction;

(2) utilize the principles of mathematics in measuring;

(3) draw sheetmetal layouts and patterns utilizing current accepted methods;

(4) understand types, sizes, and properties of sheetmetal material;

(5) identify and construct common sheetmetal seams;

(6) understand and demonstrate proper techniques in constructing ducts, elbows, transitions, offsets, and connections;

(7) estimate material and labor costs;

(8) understand and practice the basic fundamentals of oxy-fuel welding, brazing, soldering, and cutting;

(9) understand and practice the basic fundamentals of shielded metal arc welding;

(10) understand and properly utilize the gas tungsten arc welding process in sheetmetal construction; and

(11) apply the principles of sheetmetal construction to the fabrication and installation of ventilation and air conditioning ducts.

(p) Small engine repair (two to three units) shall include the essential trade and industrial education elements and the concepts and skills associated with small engine repair. The student shall be provided opportunities to:

(1) understand the function of the small gasoline engine and its components;

(2) understand the reciprocating piston engine and rotary combustion engine;

(3) identify types of small gasoline engines;

(4) clean and inspect small engine cooling systems;

(5) service various types of carburetor air cleaners;

(6) repair and service fuel systems, crankcase breather (four-cycle engines);

(7) understand and repair various types of lubrication systems;

(8) refuel small engines, select the proper fuel and prepare the fuel mixtures;

(9) adjust and repair the carburetor;

- (10) evaluate engine compression;
- (11) service and check batteries, rope-wind starters, and wind-up starters;
- (12) repair alternating current starter and generating systems;
- (13) maintain and repair ignition systems, magnets and solid state ignition systems;
- (14) repair governors, valves, cylinders, and piston-and-rod assemblies;
- (15) inspect, remove, repair, and install camshaft and crankshaft assemblies; and
- (16) troubleshoot and repair engines.

(q) Vocational electronics (two to three units) shall include the essential trade and industrial education elements and the concepts and skills associated with vocational electronics. The student shall be provided opportunities to:

- (1) understand direct current electronics related to current flow and voltage development related to resistance;
- (2) understand Ohm's law and power;
- (3) understand magnetism as it relates to inductance;
- (4) design and build direct current circuits using bread board and printed circuit;
- (5) understand alternating currents as related to measurements, wave forms, capacity and inductive circuits, transformer and tuned circuits as used in radio and television;
- (6) identify generators, determining values of sinusoidal and nonsinusoidal waves;
- (7) determine resistance in AC circuits;
- (8) determine effects of resistors, capacitors, inductors on alternating current;
- (9) understand and apply the characteristics of series parallel resonant circuits as found in radio and television;
- (10) investigate the frequency response of band-pass, band-stop, high-pass, and low-pass filters, related to radio and television;
- (11) understand semiconductors' structure and operation;
- (12) develop a practical method of testing semiconductor diodes and transistors using volt-Ohm meters;
- (13) investigate zener diodes as they apply to voltage regulation;
- (14) demonstrate the operation of transistors by observing and measuring electrical characteristics;
- (15) investigate basic theory of frequency modulation (FM);
- (16) apply frequency modulation as related to modulation percentage; side band; radiated power; modulator systems including direct FM, indirect FM, reactance tube modulator, and sarrasoid modulator and stereophonic multiplexing;
- (17) understand television systems and subsystems;
- (18) understand digital electronic circuits; and
- (19) understand microprocessor theory and logic.

(r) Welding (two to three units) shall include the essential trade and industrial education elements and the concepts and skills associated with welding. The student shall be provided opportunities to:

- (1) understand the basic theory of oxy-fuel welding and cutting;
- (2) utilize the oxy-fuel cutting process to produce freehand, straight line, pierce, and beveled cuts;
- (3) weld metal plate with the oxy-fuel process in flat, vertical, horizontal, and overhead positions on common joints;
- (4) weld pipe joints in horizontal and vertical fixed positions with the oxy-fuel process;
- (5) braze various joints on mild steel and cast iron with the oxyfuel process;
- (6) understand the basic theory of shielded metal arc welding;
- (7) utilize the shielded metal arc process to weld edge, lap, butt, tee, outside corner and grooved butt joints on metal plate in all appropriate positions;
- (8) utilize the shielded metal arc process to weld various pipe joints in vertical and horizontal positions;
- (9) practice basic plate welding procedures utilizing the gas tungsten arc and gas metal arc welding processes;
- (10) inspect and test welds;
- (11) read welding symbols;
- (12) understand the applications of specialized welding and cutting processes; and
- (13) understand and utilize metal heat treating processes.

(s) Trade and industrial education.

(1) In addition to the occupations described in subsections (b)-(r) of this section, schools may offer trade and industrial education in any of the occupations listed in this section or in other industrial occupations justified by supply/demand data. The following may be offered:

- (A) aircraft mechanics;
- (B) cleaning and pressing;
- (C) heavy equipment repair;
- (D) industrial engine repair;
- (E) industrial media technology;
- (F) iron worker;
- (G) leather trades;
- (H) marine engine repair;
- (I) painting and decorating;
- (J) petrochemical laboratory technician;
- (K) radio and television repair;
- (L) television production;
- (M) vocational plastics;
- (N) commercial photography;
- (O) diesel mechanics;
- (P) major appliance repair;
- (Q) upholstery;
- (R) CVAE building maintenance;
- (S) CVAE commercial display and decoration;
- (T) CVAE general construction trades;
- (U) CVAE general marine repair;
- (V) CVAE general mechanical repair;
- (W) VEH electronic assembly;
- (X) VEH laundry service; and
- (Y) VEH service station attendant.

(2) Schools offering training in these occupations shall provide a program that includes the basic trade and industrial education elements and also the concepts and skills associated with the specific occupation or cluster of occupations involved.

Other Courses

§75.121. *Dance.*

(a) Dance I (one-half to one unit). Dance I shall include the following essential elements:

(1) Vocabulary of dance movement and a knowledge of factors that influence movement. The student shall be provided opportunities to:

(A) acquire fundamental skills in any or all of the following dance techniques:

- (i) ballet;
- (ii) modern;
- (iii) jazz;
- (iv) tap;
- (v) folk;
- (vi) character; and
- (vii) ethnic; and

(B) develop kinesthetic awareness.

(2) Creative expression through movement. The student shall be provided opportunities to:

(A) develop creative potential through improvisation; and

(B) explore basic concepts and movement problems through improvisation.

(3) Awareness of space, time, and energy as design factors in dance technique or composition. The student shall be provided opportunities to:

(A) explore space, time, and energy in dance technique and improvisational studies;

(B) develop awareness of tempo, meter, accent, and phrasing in movement; and

(C) introduce spatial concepts and floor patterns in dance technique and improvisational studies.

(4) Development of self-confidence through the use of the body as an expressive instrument. The student shall be provided opportunities to participate in dance technique, presenting self in movement.

(5) Appreciation of dance as an art form. The student shall be provided opportunities to:

(A) explore work of dance artists; and

(B) view dance performances on tape or film or in live performances.

(b) Dance II (one-half to one unit). Dance II shall include the following essential elements:

(1) Vocabulary of dance movement and a knowledge of factors that influence movement. The student shall be provided opportunities to:

(A) acquire intermediate skills in any or all of the following dance techniques:

- (i) ballet;
- (ii) modern;
- (iii) jazz;
- (iv) tap;
- (v) folk;
- (vi) character; and
- (vii) ethnic;

(B) increase kinesthetic awareness; and

(C) develop movement memory.

(2) Creative expression through movement. The student shall be provided opportunities to:

(A) conceptualize movement ideas through improvisation and composition; and

(B) compose movement motifs.

(3) Awareness of space, time, and energy as design factors in dance technique or composition. The student shall be provided opportunities to:

(A) explore Laban efforts or qualities of movement such as:

- (i) swinging;
- (ii) percussion;
- (iii) suspension;
- (iv) sustained;
- (v) collapsing; and
- (vi) vibratory;

(B) develop a sensitivity to tempo, meter, accent, and phrasing in dance technique and in compositional studies; and

(C) develop spatial concepts and floor patterns in dance technique and improvisational studies.

(4) Development of self-confidence through the use of the body as an expressive instrument. The student shall be provided opportunities to:

(A) increase ability to perform technical skills in dance; and

(B) present movement ideas in informal studio or class showings.

(5) Appreciation of dance as an art form. The student shall be provided opportunities to:

(A) identify styles of dance; and

(B) view dance performances on tape or film or in live performances.

(c) Dance III (one-half to one unit). Dance III shall include the following essential elements:

(1) Vocabulary of dance movement and a knowledge of factors that influence movement. The student shall be provided opportunities to:

(A) acquire advanced skills in any or all of the following dance techniques:

- (i) ballet;
- (ii) modern;
- (iii) jazz;
- (iv) tap;
- (v) folk;
- (vi) character; and
- (vii) ethnic; and

(B) utilize kinesthetic awareness and movement memory to enrich movement vocabulary.

(2) Creative expression through movement. The student shall be provided opportunities to:

(A) analyze movement ideas through improvisation and composition; and

(B) compose movement studies based on compositional ideas, musical, or dance forms.

(3) Awareness of space, time, and energy as design factors in dance technique or composition. The student shall be provided opportunities to:

(A) manipulate Laban efforts or qualities of movement in designing dance studies;

(B) respond to tempo, meter, accent, and phrasing;

(C) identify spatial concepts and utilize floor patterns;

(D) understand the shape of dance movement; and

(E) develop musicality in performing dance techniques and compositional studies.

(4) Development of self-confidence through the use of the body as an expressive instrument. The student shall be provided opportunities to:

- (A) audition for performances;
- (B) rehearse for performances; and
- (C) perform in public performances.

(5) Appreciation of dance as an art form. The student shall be provided opportunities to:

- (A) analyze dance styles and works of dance artists;
- (B) appreciate dance as presented in concerts and theatre; and
- (C) understand the relationship of the art forms.

(d) Dance IV (one-half to one unit). Dance IV shall include the following essential elements:

(1) Vocabulary of dance movement and a knowledge of factors that influence movement. The student shall be provided opportunities to:

(A) acquire advanced skills in any or all of the following dance techniques:

- (i) ballet;
- (ii) modern;
- (iii) jazz;
- (iv) tap;
- (v) folk;
- (vi) character; and
- (vii) ethnic; and

(B) increase efficiency of movement through kinesthetic awareness, muscle memory, and visual recall.

(2) Creative expression through movement. The student shall be provided opportunities to:

- (A) choreograph a complete movement statement;
- (B) present movement study in performance;
- (C) evaluate movement ideas and forms through viewing dance compositions; and
- (D) express concrete or abstract ideas in movement.

(3) Awareness of space, time, and energy as design factors in dance technique or composition. The student shall be provided opportunities to:

- (A) analyze Laban efforts or qualities of movement in dance technique or choreographic studies;
- (B) use rhythmical elements of tempo, meter, and accent in composition and choreographic studies;
- (C) manipulate negative and positive space in compositional studies;
- (D) manipulate floor patterns in dance technique and compositional studies;
- (E) identify spatial concepts and utilize floor patterns, understanding the shape of dance movement;
- (F) develop musicality in performing dance technique and compositional studies;
- (G) understand musical terminology as it relates to dance; and
- (H) understand the underlying principles of all art forms.

(4) Development of self-confidence through the use of the body as an expressive instrument. The student shall be provided opportunities to choreograph and perform in public performances.

(5) Appreciation of dance as an art form. The student shall be provided opportunities to:

- (A) explore history of dance as it relates to other art forms;
- (B) analyze and evaluate dance concerts; and
- (C) read critiques by established critics.

§75.122. Driver Education. Courses offered in driver education must meet the standards for an approved course in driver education in Chapter 77, Subchapter W of this title (relating to Driver Education).

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

Issued in Austin, Texas, on December 9, 1983.

TRD-8310918 Raymon L. Bynum
Commissioner of Education

Proposed date of adoption.

March 10, 1984

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



Subchapter E. Well-Balanced Curriculum

19 TAC §75.141

This new section is proposed under the authority of the Texas Education Code, §21.101, which specifies the subjects to be included in a well-balanced curriculum and which directs the State Board of Education by rule to designate the essential elements of necessary subjects, and to require school districts to provide instruction in those elements at appropriate grade levels.

§75.141. Description of a Well-Balanced Elementary Curriculum.

(a) Essential elements. Within the time allocations described in this section, the school district shall provide instruction in the essential elements described in Subchapter B of this chapter (relating to Essential Elements—Kindergarten-Grade Six).

(b) Kindergarten

(1) No less than 40% of the instructional day shall be devoted to teaching English language arts. Instruction shall include primary language development and English as a second language (ESL) as appropriate for limited English proficiency students.

(2) No less than 20% of the instructional day shall be devoted to teaching mathematics.

(3) The daily schedule shall include instruction in physical education.

(4) The weekly schedule shall include instruction in fine arts, health, science, and social studies.

(5) The essential elements in all subjects are the same for half-day and full-day kindergarten programs. Time restrictions in half-day programs will limit the depth of instruction.

(6) The school district shall develop and implement a written instructional plan detailing how the essential elements will be addressed in physical education, fine arts, health, science, and social studies.

(c) Grades one-three.

(1) No less than 120 minutes per day shall be devoted to teaching English language arts. Instruction shall include primary language development and English as a second language (ESL) as appropriate for limited English proficiency students.

(2) No less than 60 minutes per day shall be devoted to teaching mathematics.

(3) Within each semester, the equivalent of at least 100 minutes per week shall be devoted to the teaching of science.

(4) Within each semester, the equivalent of at least 100 minutes per week shall be devoted to the teaching of social studies.

(5) The daily schedule shall include instruction in physical education.

(6) The weekly schedule shall include instruction in fine arts and health.

(7) The school district shall develop and implement a written instructional plan detailing how the essential elements will be addressed in physical education, fine arts, health, science, and social studies.

(8) Each school district is encouraged to offer other languages to the extent possible.

(d) Grades four-six

(1) No less than 90 minutes per day shall be devoted to teaching English language arts. Instruction shall include primary language development and English as a second language (ESL) as appropriate for limited English proficiency students.

(2) No less than 60 minutes per day shall be devoted to teaching mathematics. For a school district, with sixth grade in a middle school structure, a 55-minute class period satisfies this time requirement.

(3) No less than 45 minutes per day for each subject shall be devoted to teaching science and social studies.

(4) The equivalent of 60 minutes per day shall be devoted to teaching health.

(5) The equivalent of 120 minutes per week shall be devoted to teaching physical education.

(6) The equivalent of 120 minutes per week shall be devoted to teaching fine arts.

(7) Each school district is encouraged to offer other languages to the extent possible.

(e) Special instructional activities. Some instructional activities such as science field trips, visits to museums or historical sites, and resource speakers may necessitate occasional deviations from the elementary time requirements. However, in scheduling such activities the district shall use professional discretion to assure that they

are kept to a minimum and have a specified instructional purpose.

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

Issued in Austin, Texas, on December 19, 1983

TRD-8310919 Raymon L. Bynum
Commissioner of Education

Proposed date of adoption:

March 10, 1984

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

TITLE 22. EXAMINING BOARDS

Part VII. Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids

Chapter 145. Continuing Education

22 TAC §145.1

The Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids proposes new §145.1, concerning continuing education as mandated by Texas Civil Statutes, Article 4566-1.04(i), and Article 4566-1.13(g), as amended by Senate Bill 901, 68th Legislature, 1983. The Act allows the board to approve specific courses of instruction to establish minimum content requirements of courses and to provide programs for continuing education.

Wanda F. Stewart, executive director, has determined that there will be fiscal implications as a result of enforcing or administering the rule. The effect on state government for the first five-year period the rule will be in effect will be an estimated additional cost of \$5,000 in 1984, and \$1,000 each year in 1985-1988. There will be no effect on local government or small businesses.

Ms. Stewart also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is that the licensed fitter and dispenser will be taking courses annually which will cover current methods and technology as related to fitting and dispensing hearing aids. Continuing education will increase his/her knowledge and help the licensee to better serve the public and assure the public's health and welfare. The anticipated economic cost to individuals who are required to comply with the rule as proposed will be \$200 each year in 1984-1988. These estimated expenses are based on the cost to the licensee to acquire six hours of continuing education courses.

Comments on the proposal may be submitted to Wanda F. Stewart, Executive Director, Texas Board of Examiners in the Fitting and Dispensing of Hearing

Aids, 105 West Riverside Drive, Suite 124, Austin, Texas 78704, (512) 475-3429.

The new section is proposed under Texas Civil Statutes, Article 4566, §1.04(a), which provide the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids with the authority to promulgate procedural rules and regulations.

§145.1. General Requirements for Continuing Education.

(a) The Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids requires each fitter and dispenser licensed in this state to take six hours of continuing education per fiscal year. The fiscal year is considered to begin September 1 and run through August 31.

(b) The board accepts for continuing education credit courses approved by the Continuing Education Committee pertaining to fitting and dispensing hearing aids sponsored by the Texas Hearing Aid Association, National Hearing Aid Society, National Institute of Hearing Instruments Studies, Texas Speech and Hearing Association, American Speech-Language Hearing Association, American Conference of Audioprosthology, and such other programs or courses of other organizations.

(c) On written request, a licensee has the option to take and pass the state examination given by the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids in lieu of the six hours continuing education courses. The current examination fee will be applicable.

(d) Six credit hours will be given for published books and articles which contribute to the professional competence of the licensee.

(e) Six credit hours will be given for each year of full-time research.

(f) Credit will not be given toward approved continuing education coursework which is substantially similar to coursework which was successfully completed within the preceding three years and used to meet the continuing education requirements of this Act. Example: If the same or similar course is taken three consecutive years, it would not qualify.

(g) Licensees who have not complied with the education requirements may not be issued a renewal license unless such person is entitled to an exception under this Act. The following persons are exempt:

(1) a licensee who served in the regular armed forces of the United States during part of the 12 months immediately preceding the annual renewal date;

(2) a licensee who submits medical proof from his or her attending physician that he or she suffered a serious or disabling illness or physical disability which prevented him or her from complying with the requirements of this section during the 12 months immediately preceding the annual license renewal date; or

(3) a licensee who is first licensed within the 12 months immediately preceding the annual renewal date.

(h) Summaries of the courses and resumes of those teaching must be submitted to the board's Continuing Education Committee for approval. This information must be received 30 days prior to the date the course is to take place.

(1) Description of course content of all courses to be offered. The course content shall be related to the use of hearing aids for aiding or compensating the hearing impaired and shall present subject matter related to current developments in the practice of hearing aid dispensing. As used in this section, "current developments" means those subjects, issues, topics, theories, or findings which in recent time have been investigated, studied, or researched, or which have recently evolved or been made known in the fields of hearing loss or impairment, and testing therefor, or hearing aid recommendation, evaluation, and dispensing.

(2) Method of instruction and evaluation for course(s) offered. Teaching methods for each course or program shall be described, e.g., lecture, seminar, audiovisual, simulation, pre-test, post-test, etc.

(3) Education objectives. Each course or program shall clearly state the educational objective that can be realistically accomplished within the course and the number of hours of continuing education credit which may be obtained by completion of a specified course.

(4) Qualifications of instructors. Instructors shall be qualified to teach the specified course content by virtue of their prior education, training, and experience. A resume of each instructor shall be forwarded with the application for approval 30 days prior to the occurrence of the course.

(i) Licensees must provide written proof of attendance and completion of approved courses for renewal of license. Information such as the following will be required: sponsoring organizations; location and dates; course names; instructor; name of attendee; number of clock hours completed; and any other information deemed necessary by the board. Forms must be properly signed by the course instructor and licensee verifying attendance at the particular course. Applicable forms will be available from the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids.

(j) Forms to be used.

(1) The Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids hereby adopts by reference the following forms:

(A) "Application for Conducting Continuing Education Courses"; and

(B) "Verification of Continuing Education Courses."

(2) Copies of these forms may be obtained by contacting Wanda F. Stewart, Executive Director, Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids, 510 South Congress Avenue, Suite 104, Austin, Texas 78704.

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 January 6, 1984

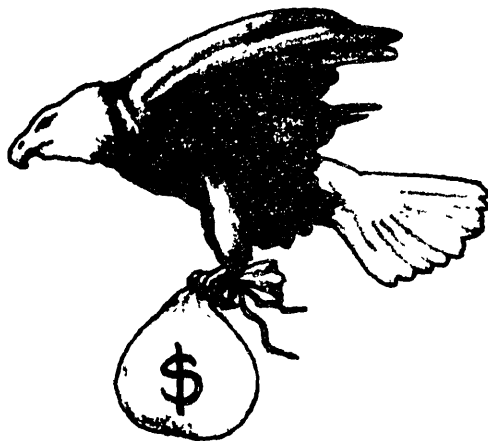
TRD-840221

Wanda F. Stewart
Executive Director
Texas Board of Examiners in the
Fitting and Dispensing of
Hearing Aids

Earliest possible date of adoption

February 13, 1984

For further information, please call (512) 475-3429.



TITLE 34. PUBLIC FINANCE
Part I. Comptroller of Public
Accounts
Chapter 3. Tax Administration
Subchapter B. Minerals Tax Division—
Natural Gas Taxes

34 TAC §3.16

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Comptroller of Public Accounts, Room 806, 111 East 17th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Comptroller of Public Accounts proposes the repeal of §3.16, concerning the due date for reports and payments, so that a substantially revised section may be adopted. The new section is necessitated by the enactment of Senate Bill 988, 68th Legislature, 1983, which provides for prepayment of gas production tax in August of each odd-numbered calendar year. This rule was previously repealed on an emergency basis and is now proposed for permanent repeal.

Billy Hamilton, director of revenue estimating, has determined that for the first five year period the repeal will be in effect there will be fiscal implications as a result of the repeal. The fiscal effect on state government will be an estimated gain of \$90.45 million for 1985 and \$91.554 million for 1987. There will be an estimated loss of \$90.45 million in 1986 and \$91.554 million in 1988. There is no impact on units of local government. This rule is promulgated under the authority of Texas Tax Code, Title 2; therefore no analysis of the effect on small businesses is required.

Mr. Hamilton has also determined that the public benefit anticipated as a result of the repeal is that the additional state income to be collected in the 1984-1985 biennium through "speeding up" collections may prevent the need to implement new financing programs at expense to taxpayers. Costs may be incurred by natural gas taxpayers to the extent that they may lose interest on money for one month every two years.

It is likely, however, that the loss will be made up the next month, when only the difference between the estimated tax amount and a higher-than-estimated actual amount on July production is due.

Comments should be submitted to G. C. Edgar, P.O. Box 13528, Austin, Texas 78711.

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

§3.16. Due Date for Reports and Payments.

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 January 9, 1984

TRD-840231

Bob Bullock

Comptroller of Public Accounts

Earliest possible date of adoption

February 13, 1984

For further information, please call (512) 475-3341.

The Comptroller of Public Accounts proposes new §3.16, concerning the due date for reports and payments, to replace the current section which simultaneously is being proposed for repeal. The purpose of the new section is to implement the provisions of Senate Bill 988, 68th Legislature, 1983, effective September 1, 1983. That Act requires that an estimated payment be made by August 15 for production of gas in July of each odd-numbered calendar year and provides penalties for failure to make this payment. It does not change the due date for other reports and payments.

The comptroller's present rule extends the due date for reports and payments for gas production tax from the last day of the month for which the report is made to the 20th day of the second month after the month for which the report is made. This extension is continued in effect except for the periods for which an estimated payment is required. This section was adopted in a substantially similar version on an emergency basis and is now proposed for permanent adoption.

Billy Hamilton, director of revenue estimating, has determined that for the first five-year period the rule will be in effect there will be fiscal implications as a result of enforcing or administering the rule as proposed. The fiscal effect on state government will be an estimated gain of \$90.45 million for 1985 and \$91.544 million for 1987. There will be an estimated loss of \$90.45 million in 1986 and \$91.544 million in 1988. There is no impact on units of local government. This rule is promulgated under the authority of the Texas Tax Code, Title 2; therefore no analysis of the effect on small businesses is required.

Mr. Hamilton also has determined that for each year of the first five years the rule as proposed is in effect

the public benefit anticipated as a result of enforcing the rule as proposed is that the additional state income to be collected in the 1984-1985 biennium through "speeding up" collections may prevent the need to implement new financing programs at expense to taxpayers. Costs may be incurred by natural gas taxpayers to the extent that they may lose interest on money for one month every two years. It is likely, however, that the loss will be made up the next month, when only the difference between the estimated tax amount and a higher-than-estimated actual amount on July production is due.

Comments should be submitted to G. C. Edgar, P.O. Box 13528, Austin, Texas 78711.

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

§3 16 Due Date for Reports and Payments.

(a) Due dates extended.

(1) The due date for all reports and payments required for the Gas Production Tax, Texas Tax Code, Chapter 201, is extended to the 20th day of the second month following the month of production, except for the periods set forth as follows.

(2) The due date for the reports and payments for the production month of June of each odd-numbered

calendar year is extended to the 15th day of August of that year.

(3) An estimated payment of tax is required on or before August 15 for the production month of July of each odd-numbered calendar year.

(b) Payment of estimated tax required.

(1) An amount equal to a reasonable estimate of the tax due for production during July of each odd-numbered calendar year must be remitted to the comptroller on or before August 15 of that year.

(2) A reasonable estimate of the tax due for July is equal to the tax due for June of the same year or the actual tax due for July, whichever is less.

(3) Any additional tax due for July in excess of the reasonable estimate is due on or before September 20 of that year.

(c) Penalties

(1) If the amount paid pursuant to subsection (b) of this section is less than the required amount, a penalty of 10% will accrue on the difference between the required amount and the amount actually remitted.

(2) If an estimated payment is not timely or no estimated payment is made, a 10% penalty will accrue on the entire amount required to be paid by August 15.

(3) A penalty of 5.0% will accrue on the additional tax due for the month of July or any other regular monthly report if it is not paid when the report is due. An additional 5.0% penalty will accrue 30 days after the due date of the report if the tax is still not paid.

(d) Examples:

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Tax Due for June 1985	\$10,000	\$10,000	\$10,000	\$10,000
Reasonable Estimate for July 1985	\$10,000	\$10,000	\$10,000	\$10,000
Estimated Payment Remitted for July	\$10,000	\$ 8,000	\$ 8,000	\$ 0
Actual Tax Due for July	\$12,000	\$ 8,000	\$12,000	\$12,000
Amount Delinquent	\$ 0	\$ 0	\$ 2,000	\$10,000
Penalty on Delinquent Amount	\$ 0	\$ 0	\$ 200	\$ 1,000
Additional Tax Due with July report	\$ 2,000	\$ 0	\$ 4,000	\$12,000

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 January 9, 1984

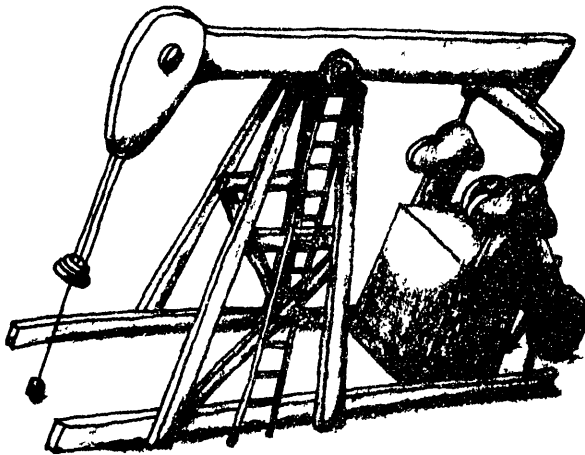
TRD-840232

Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption

February 13, 1984

For further information, please call (512) 475-3341



Subchapter L. Fuels Tax Division

34 TAC §3.185

The Comptroller of Public Accounts proposes amendments to §3.185, concerning diesel tax prepaid user permit. The amendments are proposed to reflect changes in the law enacted by the legislature in Senate Bill 614, 68th Legislature, 1983. A permit is now valid for one year after the date it is issued. Renewals must now be made when a permit expires rather than in December of each year.

Billy Hamilton, revenue estimating director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Mr. Hamilton also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated is more efficient issuance and processing of diesel prepaid user permits. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed. This rule is promulgated under the authority of the Texas Tax Code, Title 2; therefore, no analysis of the effect on small businesses is required.

Comments on the proposal may be submitted to Jim Ray, P.O. Box 13528, Austin, Texas 78711.

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

§3.185. Diesel Tax Prepaid User Permit.

(a) (No change.)

(b) Qualifications.

(1) The **person's** [persons] use of diesel fuel must be at least 50% for nonhighway purposes.

(2) (No change.)

(3) The person must have his own diesel bulk storage facility from which to make deliveries into those passenger cars or light trucks. [and] Any other purchases or deliveries of fuel from suppliers or dealers into the fuel

supply tanks of the **permittee's** [permittees] diesel-powered vehicles are taxable.

(c) Application.

(1) **Qualified persons who make this election** must submit an annual application to the comptroller for each vehicle **when it is acquired**. [for each calendar year. Applications will be processed in December of each calendar year for the succeeding year.]

(2) **An application for renewal of a permit must be submitted during the month of expiration of the current permit.**

(d) Rate schedule. The following rate schedule as set out in the Texas Tax Code, §153.210, applies:

VEHICLE CLASS	REGISTERED GROSS WEIGHT	TAX
CLASS A	Less than 2,500 lbs.	[(RGW)*] . . . \$20
CLASS B	2,500 to 3,500 lbs.	[(RGW)*] . . . 36
CLASS C	3,501 to 4,500 lbs.	[(RGW)*] . . . 45
CLASS D	4,501 to 7,000 lbs.	[(RGW)*] . . . 54

[*Registered Gross Weight]

(e) Prorated permits. A person who puts into use a diesel powered passenger car or light truck at any time during a calendar year after January 31 will be required to pay in advance an amount equal to one-twelfth of the permit class rate shown in the Texas Tax Code, §153.210, for each month remaining in the calendar year, including the month in which the purchase occurs. If the vehicle is put into use during the month of January, the full annual payment for the permit class rate must be made.]

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 January 9, 1984

TRD-840233 Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption
February 13, 1984

For further information, please call (512) 475-1930.

Subchapter Q. Business Tax Division— Franchise Tax

34 TAC §3.392

The Comptroller of Public Accounts proposes amendments to §3.392, concerning optional short form reports. The statute allowing use of the short form report and the accompanying schedule of tax was repealed by the 68th Legislature, 1983, by Senate Bill 531, effective August 29, 1983. Short form reports may be filed for regular and amended annual returns based on accounting years ending on or before December 31, 1982. The Comptroller of Public Accounts is proposing the amendments to inform taxpayers of the change in this law.

Billy Hamilton, revenue estimating director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state

or local government as a result of enforcing or administering the rule.

Mr. Hamilton also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is easier processing of the franchise tax reports. Short form filers had been required to submit a copy of their federal income tax return, which created an inconvenience for them and slowed down processing by the comptroller when the federal returns were omitted.

There was a difference of \$20 between the minimum rates charged under each form. There will be a cost to corporations now required to pay the higher minimum tax.

Comments on the proposal may be submitted to Charles Bailey, P.O. Box 13528, Austin, Texas 78711.

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

§3.392. Optional Short Form Report.

(a) **Use of short form repealed.** The short form report provided for under this section may not be filed for a report based on an accounting year ending after December 31, 1982.

(b)(a) **Eligibility to use optional short form report.** A corporation qualifying for and electing to use the alternate rates provided in the Texas Tax Code, § 171.004 (Texas Taxation General, Article 12.19), may do so by filing an optional short form report. A short form annual franchise tax report may be filed by a corporation whose total assets are less than \$1 million. The optional short form may not be used in a corporation's first-year report.

(c)(b) **Income tax return must accompany report.** A signed copy of the corporation's federal income tax return (i.e., Form 1120 or 990) which contains a balance sheet showing total assets and liabilities, must be furnished with the short form report. If a consolidated federal income tax return is filed, the corporation also must furnish copies of all supporting schedules pertaining to the ending balance sheet for each corporation included in the consolidated return. The phrase "total assets" includes all items that are reportable in the balance sheet on the federal return, or in the balance sheet schedule filed with a consolidated return, as of the last day of the corporation's income tax reporting period ending in the preceding calendar year. In computing such total assets for short form reporting purposes, a cash deficit balance or some other asset account with a credit balance, may not be used to reduce total assets.

(d)(c) **Amended reports.** A corporation may file an amended report for the purpose of changing a long form report to an optional short form report or vice versa. The comptroller will require the filing of an amended report on the long form by a corporation which has used the short form in its first-year franchise tax report, or whose total assets are \$1 million or more, or in instances in which the corporation fails or refuses to submit with

its short form report a copy of the federal income tax return and/or schedules as required in subsection (c) [(b)] of this section.

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 January 9, 1984.

TRD-840234 Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption:

February 13, 1984

For further information, please call (512) 475-1933.

Subchapter V. Bingo Regulation [Tax] Division

34 TAC §3.541

The Comptroller of Public Accounts proposes amendments to §3.541, concerning determination of local option status, imposition of gross receipts tax, notice to comptroller, and collection and transmittal of tax. The purpose of the amendment is to reflect changes in the Bingo Enabling Act, Texas Civil Statutes, Article 179d, made by Senate Bill 741, 68th Legislature, 1983, effective September 1, 1983. If both a county and a municipality have imposed a bingo gross receipts tax for the same geographical area, each entity will now receive half of the tax rather than the county receiving the entire amount. Additionally, several parts of the rule have been reworded for clarity. This section was amended on an emergency basis in October 1983, and is now proposed for permanent adoption.

Billy Hamilton, revenue estimating director, has determined that for the first five-year period the rule will be in effect there will be fiscal implications as a result of enforcing or administering the rule. The fiscal effect of this amendment for units of local government will be to redistribute bingo gross receipts tax revenues from counties to cities in the areas where both have imposed the tax. The actual impact will depend on the number of cities and counties electing to impose the tax in the future, which cannot be predicted. The rule changes will not affect the overall level of gross receipts taxes statewide or the state's fees for administering the tax.

This rule is promulgated under the authority of the Texas Tax Code, Title 2; therefore, no analysis of the effect on small businesses is required.

Mr. Hamilton also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is increased efficiency as a result of specifying deadlines and procedures for notifying the comptroller. The increased clarity of other sections of the amendment is expected to further enhance efficiency. There are no additional costs to the public. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to George Garland, P.O. Box 13528, Austin, Texas 78711.

The amendments are proposed under the authority of Texas Civil Statutes, Article 179d, which provide that the comptroller may prescribe, adopt, and enforce rules relating to the enforcement and administration of the Bingo Enabling Act

§3.541. Determination of Local Option Status; Imposition of Gross Receipts Tax; Notice to Comptroller; Collection and Transmittal of Tax.

(a) Local option status

(1) (No change.)

(2) **Bingo** [The] games are permitted in an area only after [as the result of] a successful legalization election held under the Bingo Enabling Act, **except for bingo games which do not require licensing** [Texas Civil Statutes, Article 179d (Supp. 1981)].

(3) If [To the extent that] the results of local option elections held by different types of political subdivisions conflict with regard to the same territory, the relative dates of the elections are of no consequence and the following rules apply:

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

(4) If [To the extent that] two or more local option elections held at the justice precinct level apply to the same territory, the most recent election prevails.

(5) (No change.)

(6) The addition of territory to or detachment of territory from a justice precinct does not affect the status under the Act of the added or detached territory, **except that in a county with a population of more than two million according to the most recent federal census, the added or detached territory assumes the status of the justice precinct of which it becomes a part.** The abolition of a justice precinct does not affect the status under the Act of the territory formerly within the justice precinct.

(7) In a legalization election, if a majority of the qualified voters **voting on the question** vote in favor of legalization, the holding of bingo games as authorized by the Act is legalized throughout the political subdivision effective the 10th day after the date the result of the election is officially declared, except that the legalization does not apply to any part of the political subdivision for which subsection (a)(3)-(6) of this section requires a contrary status.

(8) In a prohibitory election, if a majority of the qualified voters **voting on the question** vote in favor of prohibition, the holding of bingo games as authorized by the Act is prohibited throughout the political subdivision effective the 10th day after the date the result of the election is officially declared, except that the prohibition does not apply to any part of the political subdivision for which subsection (a)(3)-(6) of this section requires a contrary status.

(9) (No change.)

(b) Imposition of gross receipts tax.

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

(4) **If a county and a municipality have both imposed a gross receipts tax on the conduct of bingo games on the same gross receipts, then the tax is imposed by the county at the rate of 1.0% of the taxable gross receipts**

and by the municipality at the rate of 1.0% of the taxable gross receipts instead of the rate provided by paragraphs (1)-(3) of this subsection. If the city or the county abolishes the gross receipts tax on the conduct of bingo, then the gross receipts tax imposed by the other entity is at the rate provided in paragraph (1)-(3), of this subsection. [Any gross receipts otherwise subject to tax by a county are exempt from the municipal tax if a tax has been imposed on the gross receipts by the county. Imposition of tax by a county on gross receipts from bingo in either a county or justice precinct always supercedes a municipal tax on the same area.]

(c) Notification requirements.

(1) **The governing body (the commissioners court with regard to a county or justice precinct, or the city council or other chief legislative body with regard to an incorporated city or town) of a political subdivision must, within 10 days after ordering an election to legalize or prohibit bingo, forward to the comptroller, by registered or certified mail, a certified copy of the order, ordinance, or resolution of the governing body ordering the election.** [If a majority of the qualified voters vote to legalize or to prohibit bingo in a political subdivision, the governing body (the commissioners court with regard to a county or justice precinct or the city council or other chief legislative body with regard to an incorporated city or town) must within 10 days of the election forward to the comptroller by registered or certified mail a certified copy of the order, ordinance, or resolution of the governing body canvassing the returns and declaring the result of the election. The certified copy must reflect the date of the election, the proposition voted on, the total number of votes cast for and against the proposition, and the number of votes by which the proposition was approved, and must be accompanied by a map of the political subdivision clearly showing the boundaries.]

(2) **The governing body of a political subdivision in which a bingo election has been held must, within 10 days after the election, forward to the comptroller by registered or certified mail a certified copy of the order, ordinance, or resolution of the governing body canvassing the returns and declaring the result of the election. The certified copy must reflect the date of the election, the proposition voted on, the total number of votes cast for and against the proposition, and the number of votes by which the proposition was approved or defeated, and, if the proposition was approved, the certified copy must be accompanied by a map of the political subdivision clearly showing the boundaries.**

(3)[(2)] If the gross receipts tax is imposed on the conduct of bingo games within a political subdivision or is later abolished, the appropriate governing body must forward to the comptroller **within 10 days** by registered or certified mail a certified copy of the order or ordinance imposing or abolishing the tax and reflecting the effective date. If the tax is imposed, licensees will be notified by the comptroller that their games are subject to tax beginning on the effective date of the imposition.

(4)[(3)] If any municipality or justice precinct in which the tax has been imposed changes or alters its boundaries, the appropriate governing body must forward to the comptroller by registered or certified mail a certified copy of the order or ordinance adding or detaching

territory, the effective date of the change, and a map of the municipality or justice precinct clearly showing the territory added or detached.

(d) Collection and transmittal of tax.

(1) (No change.)

(2) Before transmitting funds under paragraph (1) of this subsection, the comptroller will deduct 2.0% of the sum collected from each political subdivision and [must] deposit the funds **deducted** in the state treasury to the credit of a special fund to be known as the bingo enforcement fund. The fund may be used only for the administration and enforcement of the Act.

(3) The comptroller **may** [is authorized to] retain in the suspense account of any political subdivision a portion of the subdivision's share of the tax collected. The balance retained in the suspense account may not exceed 5.0% of the amount remitted to the political subdivision. The comptroller **may** [is authorized to] make refunds from the suspense account for any overpayments and to redeem dishonored checks and drafts deposited to the credit of the suspense account of the political subdivision.

(4) When any political subdivision imposes the gross receipts tax and later abolishes the tax, the comptroller may retain in the suspense account of that political subdivision for one year 5.0% of the final remittance to each political subdivision at the time of termination of collection of the tax to cover possible refunds for overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of the account. After one year has elapsed after the effective date of abolition of the tax in the political subdivision, the comptroller **must** [shall] remit the balance in the account and close the account.

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 January 9, 1984

TRD-840235

Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption

February 13, 1984

For further information, please call (512) 475-2386.

Adopted Rules

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

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

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

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter S. Transportation Division Subchapter X. Agricultural Permits

16 TAC §§5.534-5.538

The Railroad Commission of Texas adopts new §§5.534-5.538, without changes to the proposed text published in the November 8, 1983, issue of the *Texas Register* (8 TexReg 4641).

One version of the rules was published in the August 19, 1983, issue of the *Texas Register* (8 TexReg 3220). The initial rules were withdrawn and an alternate text adopted on an emergency basis and published in the September 6, 1983, issue of the *Texas Register* (8 TexReg 3485). This alternate text was withdrawn and the present rules were adopted on an emergency basis and published in the November 8, 1983, issue of the *Texas Register* (8 TexReg 4641). The commission has considered all comments filed in response to each proposed rule and construes each such comment in light of the rule adopted by this order.

The new sections implement the provisions of House Bill 593, relating to the powers and duties of the Railroad Commission of Texas.

Those comments submitted in response to the rules are summarized as follows: that the rule goes beyond

legislative intent; that the exemption be limited for the sole and exclusive benefit of the initial, first, and earliest member of the chain of agricultural commerce, that the category of eligible agricultural commodities as defined is overbroad; that the definition of original producer or grower is impossible to enforce; that the rule does not set forth with sufficient clarity those remaining regulations applicable to transportation under this title; that the definition of the points of production, processing, storage, and first manufacture are so broad as to allow persons other than the original producer or grower to gain benefit from the exemption, that milk should be excluded as an eligible commodity; that grass sod and horticultural products be included as eligible commodities; that all products be deregulated to any destination; that the commission was adopting an overly restrictive interpretation of House Bill 593; that all trucking be deregulated; that independent storage be accorded the same status as co-ops; that all terms be defined as broadly as possible; that cotton seed and raw milk be excluded; that horticultural plants be included; that the bill of lading and the waybill requirements and the burden of proof in enforcement actions are unduly burdensome; that the definitions be made more restrictive; that animal feed and supplements be included; that the definition of original producer or grower is too restrictive; that sugar cane and raw sugar be included as commodities and sugar mill be included as a point of processing; that black strap molasses be included as an eligible commodity; that seed for planting be included as an eligible commodity and that a seed conditioning facility be included as a point of processing; that sod grass should not be included as an eligible commodity; that

application and fees should be required only of those carriers not presently authorized to perform this transportation; that the definition of original producer or grower is too broad; that the definition of original producer or grower is too narrow; that the original producer or grower should be anyone who holds title or partial title to the commodity while it is being produced; that the "continuing substantial identity test" should be the standard for point of first manufacture; that the rules should be narrowly construed to grant a benefit only to the farmer or rancher; that the original producer or grower of livestock can only be the one who owned the livestock when the livestock came from a farm or ranch, that commercial feed lots be excluded as a point of production; that point of storage should not be limited only to commodities in bulk; that the commission is beyond its legislative authority in defining terms not specifically set forth in House Bill 593; that cotton burrs should be included as an eligible commodity, that the definition "transportation for the original producer or grower" is too restrictive; that the definition of point of processing is too narrow; that the definition of point of first manufacture is too broad.

The following persons submitted comments in favor of the rules: The Grain Sorghum Producers Association; GroAgri Seed Company, Kelley Green Seeds, Inc.; J. H. Latham; Northrup King Company; Richardson Seed Company, SEEDTEC; Shelley Seed & Supply, Southland Corporation, Texas Cattle Feeders Association, Texas Citrus Vegetable Association, Triumph Seed Company, Inc.; Texas Rice Traffic Association; Doguet's Grain & Seed Company, Foster Feed & Seed Company; Funk Seeds International; Texas Cotton Ginners Association, Texas Poultry Federation; Texas Seed Crushers Association, and Texas Seed Trade Association.

The following persons submitted comments against the rules: RAN-PRO Farms, Inc., Wolfe Nursery, Central Freight Lines, Inc., Hollingsworth Grain & Trucking, Long Transport, Inc., George L. Morrow Trucking Company, Inc., Patton Transportation, Inc., G. P. Burrous Trucking Company, Inc., Oles Grain Company, Roming & Green Trucking, Inc.; Gulf Coast Express, Inc.; Shultz Brothers, Inc., Autry & Sons, Harry Herzik, Max M. Kimbrough, Winburn Milk Company, Inc., Leibham Milk Transport, Inc.; L. R. Cole Trucking Company, Immel's Dairy Service; Texas-Oklahoma Milk Transport, Inc., Flemens, Inc.; Texas Agricultural Distributors Association, Frank Bailey Grain Company, Inc., Dairy Products Institute of Texas, Rio Bravo Cattle Company, Schepp's Dairy, Inc.; Wayne Cudd, Senator Ray Farabee, International Minerals and Chemical Corporation, Livestock Carriers Association of Texas, and the Texas Association of Nurserymen.

The following persons submitted comments favoring the rules and suggesting modifications in the text: Anne Anderson, Angelina County Farm Bureau; Associated Milk Producers, Inc., Astascosa Farm Bureau; Edwin Beaver, Billie Beene, Troy Berry; Big Country Co-operative; Ken Bond; Bill Bonner; Frank Bragg;

Brown County Farm Bureau; W. T. Brumlow; Kenneth Butler; Donald Calame; John Clark; Ray Connor; Sandra Covington; Cranfill Dairy Farms, Inc., James Cromer; Crosby County Farm Bureau; DeWitt County Farm Bureau; E. G. Durgin, David Froehner, Rankin Gilpin; Charles Gregory; G. B. Hardcastle; Hardin County Farm Bureau, Tommy Head; Ben Hill, John R. Hogue; W. J. Hopper; Houston County Farm Bureau; Dan Huff; Jones County Farm Bureau, L. H. Knight; David Liere; Harold Lord; Hood Summerville Farm Bureau; Mason County Farm Bureau; Patty McCasland; Bill McGee; Milton Meier; Jerry Don Myers; Mike O'Dell; Pecan Producers, Inc.; R. P. Pillans; Ewell Priddy; Jerry Robinson; Robert Rothe, Carole Ann Sagebiel; San Augustine County Farm Bureau; Blaine Schorp; Marvin Schwarz Produce, Representative Don Shaw; Richard Siemonsma, Southland Corporation; Betty Strohacker, Paul Swensen, Texas Citrus and Vegetable Association, Texas Seed Trade Association; Ellen Tischler; VanDeWalle Farms, Inc., Elmo Watson; James Weils, Bobby Wilson; Anderson Clayton Foods; Barett-Fisher Company, Frank Brooks, Frito-Lay, Inc., The Kroeger Company, Joseph LaMantia; LaMantia-Collum-Collier Enterprises, Inc., LaMantia-Collum-Collier and Company, Inc., Needmore Ranch, Inc.; River Farm Pecan Company, Regal Pecan Company; Spencer Farms Pecan Company, Las Vegas Pecan and Cattle Company, Dr. Noon & LaMantia Pecan Company, Charles B. McGregor, City of Munday, Rio Grande Valley Sugar Growers Association, Inc., Representative Bob Simpson, David W. Smith, Text-Aid; Texas Cattle Feeders Association; Texas Cotton Ginners Association; Texas Cotton Seed Crushers Association; Texas Department of Agriculture, Texas Farm Bureau, Texas Pork Producers Association, Inc.; Texas Poultry Federation, Texas Rice Traffic Association; and the Texas Seed Trade Association.

In response to the submitted comments, the commission states as follows that the new rules adopted by this order give effect on both to the spirit and to the letter of legislative intent as embodied in the text of House Bill 593 and its legislative history, to the extent that such was recorded and available for consideration by the commission.

The new rules are adopted under Texas Civil Statutes, Article 911b, §4 and §5b, which provide the Railroad Commission of Texas with the authority to prescribe reasonable regulations for the governance of motor carriers and for a limited exemption for transportation of eligible agricultural commodities, respectively.

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 January 3, 1984

TRD-840183 Mack Wallace, Chairman
Buddy Temple, Commissioner
Railroad Commission of Texas

Effective date January 27, 1984

Proposal publication date November 8, 1983

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

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

**Chapter 3. Tax Administration
Subchapter R. Metropolitan Transit
Authority Sales and Use Tax**

34 TAC §3.425

The Comptroller of Public Accounts adopts amendments to §3.425, without changes to the proposed text published in the November 15, 1983, issue of the *Texas Register* (8 TexReg 4739)

The rule was amended to exclude references to specific authorities so that, as new authorities are created, they will be covered by the rule without need for rule amendment. The Dallas Area Rapid Transit Metropolitan Transit Authority (MTA) tax is effective January 1, 1984. The Fort Worth MTA is effective April 1, 1984.

No comments were received regarding adoption of the amendments.

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

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

Issued in Austin, Texas, on January 9, 1984

TRD-840236 Bob Bullock
Comptroller of Public Accounts

Effective date: January 30, 1984
Proposal publication date: November 15, 1983
For further information, please call (512) 475-3825

**Subchapter T. Motor Vehicle Sales Tax
Division—Manufactured Housing
Sales and Use Tax**

34 TAC §3.483

The Comptroller of Public Accounts adopts an amendment to §3.483, concerning exemption certificates, without changes to the proposed text published in the October 25, 1983, issue of the *Texas Register* (8 TexReg 4400). This section is being amended to reflect the change made in the Texas Tax Code by Senate Bill 594, 68th Legislature, 1983, effective May 10, 1983. The purpose of this amendment is to allow a resident of another state who purchases a new manufactured home from a Texas retailer to give the retailer an exemption certificate in lieu of paying the manufactured housing sales tax.

No comments were received regarding adoption of the amendment.

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

comptroller may prescribe, adopt, and enforce rules relating to the enforcement and administration of the Tax Code.

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

Issued in Austin, Texas, on January 9, 1984

TRD-840237 Bob Bullock
Comptroller of Public Accounts

Effective date: January 30, 1984
Proposal publication date: October 25, 1983
For further information, please call (512) 475-1935.

34 TAC §3.485

The Comptroller of Public Accounts adopts an amendment to §3.485, concerning interstate sales of manufactured housing, without changes to the proposed text published in the October 18, 1983, issue of the *Texas Register* (8 TexReg 4268).

The amendment reflects the change in the Tax Code enacted in Senate Bill 594, 68th Legislature, 1983, effective May 10, 1983. The effect of this amendment is to exempt from sales tax any manufactured home which is sold to a retailer for resale to a resident of another state if the home is then transported and installed on a homesite located in another state.

No comments were received regarding adoption of the amendment.

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

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

Issued in Austin, Texas, on January 9, 1984

TRD-840238 Bob Bullock
Comptroller of Public Accounts

Effective date: January 30, 1984
Proposal publication date: October 18, 1983
For further information, please call (512) 475-1935.

**TITLE 37. PUBLIC SAFETY AND
CORRECTIONS**

**Part III. Texas Youth Commission
Chapter 91. Programs for Dependent
and Neglected Children
Family Services Program**

**37 TAC §§91.200, 91.223, 91.261, 91.270,
91.271**

The Texas Youth Commission (TYC) adopts new §§91.200, 91.223, 91.261, 91.270, and 91.271,

without changes to the proposed text published in the September 27, 1983, issue of the *Texas Register* (8 TexReg 3856).

The new sections set standards for the TYC foster homes administered by the Family Services Program. The standards provide clear requirements for services foster parents provide to the students in their care. This ensures that only foster parents who maintain quality care will keep TYC students in their homes.

These standards will be attached to the contracts of the service providers. Foster parents will be monitored by TYC staff to ensure that the terms of the contracts are met. These changes will upgrade the quality of care but will not significantly alter the services to students now placed in foster homes.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Human Resources Code, §61.037, which provides the Texas Youth Commission with the authority to enter into agreements with appropriate public or private agencies for the separate care and treatment of persons subject to the control of the commission.

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 January 5, 1983

TRD-840084 Ron Jackson
Executive Director
Texas Youth Commission

Effective date January 26, 1984
Proposal publication date September 27, 1983
For further information, please call (512) 452-8111.



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part X. Texas Employment Commission

Chapter 301. Unemployment Insurance

40 TAC §301.31

The Texas Employment Commission adopts new §301.31, with changes to the proposed text published

in the November 18, 1983, issue of the *Texas Register* (8 TexReg 4806).

This new section clarifies for the public the procedures the agency will use to implement House Bill 896 and the effect of this new legislation upon the unemployment tax collections by the agency. Changes to the proposed text were adopted by substituting a new subsection (b). The new subsection (b) deletes the work sheet headed "Computation of Ineffective Charges Due to the Maximum Rate by the Loop Method," which was proposed to be adopted by reference.

The new section concerns computation of contribution rates under the Texas Unemployment Compensation Act, Texas Civil Statutes, Article 5221b, and will implement procedures for House Bill 896, 68th Legislature, 1983, for calendar year 1984 and succeeding years.

Opposition was expressed to the "loop method" proposed by the agency as a means of computing the replenishment ratio and set out in subsection (b) of the proposed rule.

Those commenting against the rule were the Texas Association of Business, Texas Building Branch of the Associated General Contractors, Texas Retailers Association, Texas Automobile Dealers Association, Texas Restaurant Association, Texas Association of Taxpayers, and State Representative Lloyd Criss, chairman, Committee on Labor and Employment Relations, Texas House of Representatives. The agency concurred in the comments submitted by these parties, and their suggestion was adopted.

The new section is adopted under Texas Civil Statutes, Article 5221b, which provide the Texas Employment Commission with authority to adopt, amend, or rescind rules as it deems necessary for the effective administration of the Texas Unemployment Compensation Act.

§301.31. Computation of Contribution Rates

(a) Computations of contribution rates under the Act, §7, will be made in accordance with work sheets which are herein adopted by reference and may be obtained from the Texas Employment Commission, TEC Building, Austin, Texas 78778.

(b) In calculating the replenishment ratio and replenishment rate for a calendar year, the commission must determine the amount of benefits that are paid during the 12 months ending September 30 of the preceding year that are charged to employers' accounts after the employers have reached maximum liability because of the maximum tax rate. An employer who, at the computation date at the beginning of said 12-month period, was eligible for an experience tax rate, and who had a general tax rate of 6.0% as of January 1 of the 12-month period, will be included in the calculation of benefits charged after employers have reached maximum liability, and will be included for the entire 12-month period. Any other employer with a general tax rate of 6.0% for one or more calendar quarters within the 12-month period will be included in said calculation, but only for the quarters for which said employer has a general tax rate of 6.0%. For

any employer included in this calculation, the amount charged to the employer's account after the employer has reached maximum liability because of the maximum tax rate will be the amount by which the benefits charged to the employer's account exceed 6.0% of the employer's wages (as defined in the Act, §19(n)), with both the benefits charged and the wages being for the period for which the employer is included in the calculation as previously defined.

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 January 5, 1984

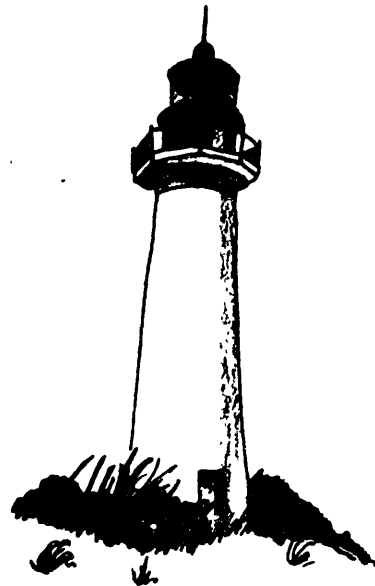
TRD-840100

Helen S. Anderson
Administrative Assistant
Texas Employment Commission

Effective date: January 26, 1984

Proposal publication date: November 18, 1983

For further information, please call (512) 397-4400.



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

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

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

Open Meetings

Texas Adult Probation Commission

Friday, January 13, 1984, 1:30 p.m. The Audit Review Committee of the Texas Adult Probation Commission will meet in emergency session in Suite 400, 812 San Antonio Street, Austin. Items on the agenda summary include fiscal audit reports and final and initial reviews. The emergency status is necessary to meet the deadline of the commission meeting.

Contact: Virginia Grote, 812 San Antonio Street, Suite 400, Austin, Texas 78701, (512) 475-1374.

Filed: January 6, 1984, 10:37 a.m.
TRD-840177

Texas Animal Health Commission

Tuesday, January 10, 1984, 1:30 p.m. The Texas Animal Health Commission met in emergency session at the AmFac Hotel, Dallas-Fort Worth Regional Airport, Dallas. According to the agenda summary, the commission discussed imposing a quarantine on several states for highly pathogenic avian influenza in poultry and hatching eggs

and authorized the commission chairman to impose quarantines on states or parts of states for highly pathogenic avian influenza. The emergency status was necessary because highly pathogenic avian influenza infection has been confirmed in flocks of poultry in the States of Pennsylvania and New Jersey. To avoid the spread or possible spread of this disease into Texas poultry flocks, it has been deemed advisable to quarantine all poultry and hatching eggs in those two states. Likewise, it has been deemed advisable to place the same quarantine on poultry and hatching eggs in the States of Delaware, Maryland, Virginia, New York, and West Virginia, which are in close proximity to Pennsylvania and New Jersey.

Contact: Jo Anne Conner, 210 Barton Springs Road, Austin, Texas 78711, (512) 475-4111.

Filed: January 9, 1984, 10:12 a.m.
TRD-840244

State Banking Board

Monday, January 16, 1984, 2 p.m. The State Banking Board will meet at 2601

North Lamar Boulevard, Austin. Items on the agenda include applications for charter for Texas Commerce Bank-Irving Boulevard, Irving, and Waco State Bank, Waco; interim charter applications for new LaMarque Bank, LaMarque, the new Harlingen State Bank, Harlingen, the new Texas State Bank, McAllen, new Spring Woods Bank, Houston, interim Rose Capital Bank, Tyler, new Oak Forest Bank, Houston, and new Doctor's Center Bank; domicile changes for First City Bank-Gulfgate, Houston, and Texas Commerce Bank-Irving, Irving; motions for rehearing on Mayde Creek Bank, Harris County, and First State Bank, Chilton (domicile change); consideration of point of sale and unmanned teller machine rules; and a review of applications approved, but not yet open.

Contact: O. A. Cassity III, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Filed: January 6, 1984, 3:06 p.m.
TRD-840212

Monday, January 16, 1984, 2 p.m. The State Banking Board made an emergency addition to the agenda of a meeting to be

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held at 2601 North Lamar Boulevard, Austin. According to the agenda, the board will consider an interim charter application for new First State Bank of Poteet, Poteet. The emergency status is necessary to more efficiently and economically implement the proposed application

Contact: O. A. Cassity, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Filed: January 9, 1984, 3:08 p.m.
TRD-840279

Texas Board of Chiropractic Examiners

Wednesday-Saturday, January 18-21, 1984, 8 a.m. daily. The Texas Board of Chiropractic Examiners will meet at the John H. Reagan Building, 105 West 15th Street, Austin, and in Suite 245, Building C, 1300 East Anderson Lane, Austin. According to the agenda summary, the board will meet in the Reagan Building on Wednesday at 8 a.m. to register applicants taking the licensure exam, which begins at 9 a.m. On Thursday, the board will meet again at the Reagan Building at 8 a.m. for orientation, then continue exams. At 10 a.m. on Thursday, the board will meet at 1300 East Anderson Lane to conduct enforcement hearings. On Friday, the board will meet at 8:30 a.m. at the Reagan Building to continue written licensure exams, and will meet at 9:15 a.m. on Friday and again on Saturday in the board office on Anderson Lane to continue enforcement hearings and consider general board business.

Contact: Edna A. Parsons, 1300 East Anderson Lane, Austin, Texas 78752, (512) 835-2006.

Filed: January 9, 1984, 3:06 p.m.
TRD-840281

Texas Department of Community Affairs

Thursday and Friday, January 19 and 20, 1984, 9 a.m. daily. The Governor's Older Workers Task Force of the Texas Department of Community Affairs will meet in the Hyatt Regency Hotel, 208 Barton Springs Road, Austin. According to the agenda summary, the committee members will discuss potential programs in the private sector. The staff will then present options for program design, including discussion of who is to be served, the mix of activities, and where provided. Resource allocations

and expected outcomes will also be discussed. Recommendations will be developed for forwarding to the State Job Training Coordinating Council on the second day.

Contact: Mary Jane Leahy, P.O. Box 13166, Austin, Texas 78711, (512) 443-4100, ext. 280.

Filed: January 10, 1984, 9:04 a.m.
TRD-840297

Texas Conservation Foundation

Friday, January 20, 1984, 11 a.m. The Board of the Texas Conservation Foundation will meet in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will approve the minutes of the previous meeting and consider the operating budget, the future of Steadman-Adair Archaeological Site, the support organization for the conservation foundation, goals for 1984, formation of an advisory committee, and a revision of investment strategy.

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

Filed: January 9, 1984, 10:28 a.m.
TRD-840278

Credit Union Department

Tuesday January 13, 1984, 2 p.m. The Credit Union Commission of the Credit Union Department will meet in the Madison Room, lobby level, Lincoln Radisson Hotel, 5410 LBJ Freeway at the Dallas North Tollway, Dallas. According to the agenda, the commission will elect a chairman for 1984 and finalize rules proposed for adoption at the November 29, 1983, meeting.

Contact: Harry L. Elliott, 914 East Anderson Lane, Austin, Texas 78752, (512) 837-9236.

Filed: January 9, 1984, 8:27 a.m.
TRD-840224

Texas School for the Deaf

Saturday, January 14, 1984, 10 a.m. The Governing Board of the Texas School for the Deaf will meet in the board room, Texas School for the Deaf, 1102 South Congress Avenue, Austin. According to the agenda

summary, the board will approve the December 10, 1983, minutes; and consider and act on consultant contracts, Policy BFH governing board and administrative relations, Policy DBB concerning physical examinations for employees, personnel and legal matters, a health services report, a UIL update, the 100-day budget report, and committee appointments.

Contact: Sheila C. Leary, 1102 South Congress Avenue, Austin, Texas 78704, (512) 442-7821, ext. 303.

Filed: January 6, 1984, 3:50 p.m.
TRD-840227

Texas State Board of Dental Examiners

Thursday-Saturday, January 26-28, 1984, 8:30 a.m. daily. The Texas State Board of Dental Examiners will meet in the Duncan A & B Meeting Room, Hyatt Regency Hotel, 300 Reunion Boulevard, Dallas. Items on the agenda summary include disciplinary hearings; a committee report on dental hygienists working in nursing homes; appointments to the Anesthesia Committee; a request from a doctor to announce as a specialist; a request for an anesthesia application reevaluation; the meeting with the Texas Dental Association council; and discussion of the dental laboratory registration form, proposed rule amendments, 1984 dental and dental hygiene examination dates, a committee report on examination guidelines, motions for rehearings, proposed legislation for the 1985 session, a request for identification of those dentists approved to administer IV sedation and general anesthesia, amalgam fillings and the effects of mercury, general business, and miscellaneous items.

Contact: William S. Nail, P.O. Box 13165, Austin, Texas 78711, (512) 475-2443.

Filed: January 6, 1984, 2:47 p.m.
TRD-840210

Interagency Council on Early Childhood Intervention

Wednesday, January 18, 1984, 9:30 a.m. The Interagency Council on Early Childhood Intervention will meet in Room T-407, Texas Department of Health, 1100 West 49th Street, Austin. Items on the agenda summary include introduction of the new administrator, public comments, approval of the October minutes, a staff report, a

retreat follow-up, budget requests, and a review of recommendations and/or appointment of an advisory committee member. The council will also meet in executive session.

Contact: Louise Iscoe, 1100 West 49th Street, Austin, Texas, (512) 458-7342.

Filed: January 9, 1984, 10:29 a.m.
TRD-840239

Select Committee on Public Education

Monday, January 16, 1984, 9 a.m. The Subcommittee on Educating the Child of the Select Committee on Public Education will meet in the Whitney Room, Four Seasons Hotel, Houston Center, 1300 Lamar, Houston. Items on the agenda include discussions concerning core curriculum, electives, and extracurricular activities.

Contact: Sally Williams, Electronic Data Systems, 7171 Forest Lane, Dallas, Texas 75230, (214) 661-6526.

Filed: January 6, 1984, 3:24 p.m.
TRD-840214

Texas Education Agency

Friday, January 13, 1984, 7:30 a.m. The State Board of Education Committee for Internal Rules of the Texas Education Agency (TEA) made emergency additions to the agenda of a meeting to be held in Room 101-E, TEA North Building, 1200 East Anderson Lane, Austin. The additions concerned 19 TAC §29.2, concerning the structure, duties, and responsibilities of the Texas Education Agency; and State Board of Education Operating Rule §5.5, concerning agendas for State Board of Education meetings. The emergency status was necessary to enable the board to review rules concerning State Board of Education and agency organization prior to the February meeting of the board.

Contact: Raymon L. Bynum, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: January 6, 1984, 3:24 p.m.
TRD-840213

Wednesday, January 18, 1984, 10 a.m. The Proprietary School Advisory Commission of the Texas Education Agency will meet in the conference room, fourth floor, Teacher Retirement Building, 10th and

Trinity Streets, Austin. Items on the agenda include new member orientation; a status report concerning Texas proprietary schools; reports on recommendations of the Texas Association of Private Schools and rules for proprietary schools hearings and appeals; review of the Texas Administrative Code, Title 19, §§69.1-69.3, 69.101, and 69.121-69.124, relating to guidelines and minimum standards for operation of Texas proprietary schools; an overview of House Bill 246, concerning curriculum revision; and recommendations of the Texas Association of Private Schools for changes to the guidelines and minimum standards for operation of Texas proprietary schools

Contact: Janice Boyd, 201 East 11th Street, Austin, Texas 78701, (512) 475-2246.

Filed: January 6, 1984, 8:29 a.m.
TRD-840116

Texas Employment Commission

Tuesday, January 17, 1984, 9 a.m. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission will discuss prior meeting notes, internal procedures of the Office of Commission Appeals, consider and act on higher level appeals in unemployment compensation cases on Docket 3, and set a date for the next meeting.

Contact: Courtenay Browning, TEC Building, Room 608, 15th Street and Congress Avenue, Austin, Texas 78778, (512) 397-4415.

Filed: January 9, 1984, 4:04 p.m.
TRD-840289

Commission on Fire Protection Personnel Standards and Education

Tuesday, January 17, 1984. Committees and the board of the Commission on Fire Protection Personnel Standards and Education will meet in Suite 406, 510 South Congress Avenue, Austin. Times, committees, and agendas follow

9 a.m. The Budget Committee will consider budget problems with regard to insufficient travel funding for fiscal year 1984. The transfer of funds and other alternatives will be discussed.

10 a.m. The Fire Suppression Committee will consider proposed changes in subjects

required for basic recruit fire fighter training. The input received from public hearings will be considered by the committee.

11 a.m. The Aircraft Crash and Rescue Committee will consider input received from public hearings regarding proposed training standards for aircraft crash and rescue fire fighters.

2 p.m. The Board will receive reports from standing committees, consider old business and hear any new business, hear a report from the International Association of Fire Fighters on the National Fire Fighter Apprentice Training Program.

Contact: Ray L. Goad, 510 South Congress Avenue, Suite 406, Austin, Texas 78704, (512) 474-8066.

Filed: January 9, 1984, 10:52 a.m.
TRD-840246-840249

Good Neighbor Commission

Friday, January 13, 1984, 8 a.m. The Administrative Committee of the Good Neighbor Commission will meet in the Live Oak Room North, Americana Hotel, Fort Worth. According to the agenda, the committee will consider personnel matters.

Contact: Bob Watson, P. O. Box 12007, Austin, Texas 78711, (512) 475-3581.

Filed: January 5, 1984, 4:50 p.m.
TRD-840111

Friday, January 13, 1984, 9 a.m. The Good Neighbor Commission will meet in the Live Oak Room North, American Hotel, Fort Worth. According to the agenda summary, the commission will approve the 1983 fourth quarterly meeting minutes; hear guest speakers; consider proposals concerning the Sesquicentennial Commission and Mexico's participation in the Sesquicentennial celebration; review the Texas voters registration project; hear reports of committees, the commissioner, staff, and chairman; elect officers; and select a date and place for the next quarterly meeting. The commission will also meet in executive session.

Contact: Bob Watson, P.O. Box 12007, Austin, Texas 78711, (512) 475-3581.

Filed: January 5, 1984, 4:50 p.m.
TRD-840112

Texas Department of Health

Thursday, January 19, 1984, 10 a.m. The Advisory Committee on Nursing Home Af-

fairs of the Texas Department of Health will meet in Room G-107, 1100 West 49th Street, Austin. According to the agenda summary, the committee will approve the minutes; hear subcommittee report on procedures on long-term care; and consider freedom of choice of a pharmacy, nutritional assessment procedures, a synthesis of Alzheimer's disease, licensing standards for facilities for the autistic, an emergency rule on decertification procedures, and the next scheduled meeting date.

Contact: Howard C. Allen, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7706.

Filed: January 10, 1984, 9:40 a.m.
TRD-840298

Friday, January 20, 1984, 10 a.m. The Sanitarian Advisory Committee of the Texas Department of Health will meet in Room T-803, 1100 West 49th Street, Austin. According to the agenda summary, the committee will elect officers, discuss departmental activities and their effect on the Sanitarian Program, approve the June 24, 1983, minutes, consider the status of the revised sanitarian job classification, suggested revisions in the Sanitarian Registration Act, discuss work experience considered acceptable for registration, review pending applications, consider a budget and activity report, and discuss examination used for registration.

Contact: David M. Cochran, P.E., 1100 West 49th Street, Austin, Texas 78756, (512) 458-7541.

Filed: January 9, 1984, 10:30 a.m.
TRD-840240

Texas Department of Human Resources

Tuesday, January 17, 1984, 9 a.m. The Vendor Drug Formulary Subcommittee for the Medical Care Advisory Committee of the Texas Department of Human Resources (DHR) will meet in the DHR board room, 706 Banister Lane, Austin. According to the agenda, the committee will discuss the definition of acquisition cost.

Contact: Bob Harriss, P.O. Box 2960, Austin, Texas 78769, (512) 835-0440, ext. 2586.

Filed: January 9, 1984, 9:19 a.m.
TRD-840241

Friday, January 20, 1984, 8:30 a.m. The Advisory Council for Child Care Administration of the Texas Department of Human

Resources will meet at the Howard Johnson's Motor Lodge, 7800 IH 35 North, Austin. Items on the agenda include approval of the previous meeting minutes, reports on the program, public response to proposed rules changes, the administrators roster, and a summary.

Contact: Michael O. Doughty, P.O. Box 2960, Austin, Texas 78769, (512) 441-3355, ext. 6055.

Filed: January 9, 1984, 9:19 a.m.
TRD-840242

Task Force on Indigent Health Care

Friday, January 13, 1984, 1 p.m. The Executive Committee of the Task Force on Indigent Health Care will meet in emergency session in the commissioner's board room, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the committee will discuss the time schedule and the subcommittee structure of the task force. The emergency status is necessary to go over the subcommittee structure.

Contact: Shanna Igo or Bryan Sperry, P.O. Box 12068, Austin, Texas 78711, (512) 475-1051.

Filed: January 6, 1984, 10:09 a.m.
TRD-840176

State Board of Insurance

Tuesday, January 17, 1984, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 7483—whether the Group I, combination or industrial insurance agent's license held by Juan J. Garza, Jr., Dallas, should be canceled or revoked.

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

Filed: January 9, 1984, 11:29 a.m.
TRD-840259

Tuesday, January 17, 1984, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will consider reports of the commissioner and fire marshal; board orders on several different matters as itemized on the complete agenda; final adoption of amendments

to Rule 059.21.49.006 as published in the December 9, 1983, issue of the *Texas Register* (8 TexReg 5100); and proposed new Rules 059.03.28.011 and .012, concerning requirements for valuation standards for certain life insurance contracts, and annuity contracts and riders. The board will also meet in executive session to consider personnel matters.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: January 9, 1984, 4:22 p.m.
TRD-840295

The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 342, 1110 San Jacinto Street, Austin. Days, times, and dockets follow.

Tuesday, January 17, 1984, 1:30 p.m. Docket 7484—whether the certificate of authority of Southwestern General Life Insurance Company, Dallas, should be revoked.

Contact: Tom I. McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: January 9, 1984, 11:29 a.m.
TRD-840260

Wednesday, January 18, 1984, 9 a.m. Docket 7539—application for original charter of Laurel Life Insurance Company, Fort Worth.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: January 9, 1984, 11:29 a.m.
TRD-840261

Wednesday, January 18, 1984, 11 a.m. Docket 7516—whether the surplus lines agent's license held by Bank Plan Insurance Agency, Inc., Kemah, should be canceled or revoked.

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

Filed: January 9, 1984, 11:29 a.m.
TRD-840262

Wednesday, January 18, 1984, 1:30 p.m. Docket 7524—application for original charter of Underwriters Indemnity, Inc., Houston.

Contact: Tom I. McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: January 9, 1984, 11:29 a.m.
TRD-840263

Wednesday, January 18, 1984, 3:30 p.m. Docket 7517—whether the surplus lines agent's license held by Jerry Alvin Blackburn, Houston, should be canceled or revoked.

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

Filed: January 9, 1984, 11:28 a.m.
TRD-840264

Friday, January 20, 1984, 11 a.m. Docket 7518—whether the surplus lines agent's license held by Burke-Daniels Company, Inc., Houston, should be canceled or revoked.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: January 9, 1984, 11:28 a.m.
TRD-840265

Friday, January 20, 1984, 3:30 p.m. Docket 7519—whether the surplus lines agent's license held by Ronald Henry Cheshire, Richardson, should be canceled or revoked.

Contact: Tom I. McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: January 9, 1984, 11:28 a.m.
TRD-840266

Monday, January 23, 1984, 1:30 p.m. Docket 7545—application by Republic National Life Insurance Company for an extension of time within which to sell real estate.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: January 9, 1984, 11:28 a.m.
TRD-840267

Texas Advisory Commission on Intergovernmental Relations

Friday, January 20, 1984. Committees of the Texas Advisory Commission on Intergovernmental Relations and the full commission will meet in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Times, rooms, committees, and agendas follow.

8:30 a.m. In Room 119, the Special Committee on Operations and Funding will review the status of fiscal year 1984 finances of the agency and consider potential new projects and contracts, as well as the agency's publication sales policy.

9:30 a.m. In Room 119, the New Federalism Committee will consider the status of research on federal grant formulas and review a new project for the Texas Low-Level

Radioactive Waste Authority and the community data profile project.

9:30 a.m. In Room 118, the State-Local Issues Committee will consider approval of a study and questionnaire on property tax appraisal districts, progress reports on the property tax/local revenue project, and the indigent health care project; and will review an intergovernmental fiscal trends report.

10:30 a.m. In Room 118, the commission will consider the executive director's report; committee reports, including the Operations and Funding Committee, the New Federalism Committee, and the State-Local Issues Committee; the intergovernmental fiscal trends report; the handbook for board and commission members; and new business.

Contact: Jay G. Stanford, P.O. Box 13206, Austin, Texas 78711, (512) 475-3728.

Filed: January 9, 1984, 4:01 p.m.
TRD-840290-840293

Texas Board of Irrigators

Friday, January 13, 1984, 11 a.m. The Texas Board of Irrigators will meet in the Grand Ballroom, Loews Anatole Hotel, Dallas. According to the agenda summary, the board will consider approval of the October 26 and 27, 1983, minutes; the budget report; reports regarding expiration of licensed irrigators and installers; the fiscal year 1983 annual report; progress reports on complaints for C. A. Siemenn, Bernabee Perez, Fontana Brothers and Watkins and Percy Jeane, and Jorge Muro and Tony Barrera; reconsider Dell Clements' case to determine whether appropriate restitution has been made to Jan K. G. Dunn; a complaint against Phil Stover; assignment of complaints; a report on the status of various matters of interest to the board; and conduct an open forum.

Contact: Joyce Watson, P.O. Box 12337, Austin, Texas 78711, (512) 475-8161.

Filed: January 5, 1984, 4:24 p.m.
TRD-840110

Texas Juvenile Probation Commission

Friday, January 27, 1984, 10 a.m. The Texas Juvenile Probation Commission will meet in the Hyatt Regency Hotel, 123 Losoya, San Antonio. Items on the agenda include approval of the October 14, 1983, minutes; the director's report; approval of a vehicle identification exemption request

and discretionary fund criteria; and appointments to the Texas Advisory Council on Juvenile Services.

Contact: Bill Anderson or Judy Culpepper, P.O. Box 13547, Austin, Texas 78711, (512) 443-2001.

Filed: January 10, 1984, 9:40 a.m.
TRD-840299

Texas Legislative Council

Thursday, January 19, 1984, 9 a.m. The Advisory Committee for Revising Certain Criminal Procedure Statutes of the Texas Legislative Council will meet in Room 510, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the commission will conduct an organizational meeting.

Contact: Gary Kansteiner, P.O. Box 12128, Austin, Texas 78711, (512) 475-2736

Filed: January 6, 1984, 11:05 a.m.
TRD-840167

Legislative Study Committee on Temporary Emergency Relief Programs

Friday, January 13, 1984, 10:30 a.m. The Review Committee of the Legislative Study Committee on Temporary Emergency Relief Programs will meet in the board room, Texas Department of Human Resources (TDHR), 706 Banister Lane, Austin. Items on the agenda include reports concerning: the purpose and role of the committee, Dr. Patricia Otis, Office of the Governor; a review of the state need for temporary emergency assistance, Senator Brooks and Representative Polumbo, current status and efforts, Liz Silbernagel, TDHR; and evaluation strategy, Dr. Murray Newman, TDHR; and committee operations, including a timetable and travel reimbursement.

Contact: Dr. Patricia Otis, P.O. Box 13561, Austin, Texas 78711, (512) 475-2427.

Filed: January 5, 1984, 4:38 p.m.
TRD-840118

State Board of Morticians

Tuesday-Thursday, January 17-19, 1984, 9 a.m. daily. The State Board of Morticians will meet at the Executive Inn, 3232 Mockingbird Lane, Dallas. According to the agenda summary, on Wednesday, the board

will consider applicants for reinstatement of licenses and apprenticeships, persons requesting interviews to discuss the operating chapel and the Federal Trade Commission rule, a request for reinstatement of licenses and waiver of appearance; a request for approval of compliance forms; a review of a management letter from the auditor's office, complaints to be reviewed, and reports. The board also will meet in executive session to interview for Investigator II positions. On Thursday, the board will meet with a person who requested a meeting concerning rules, conduct a public hearing on the contents and dissemination of a consumer brochure, and consider any items not discussed on Wednesday. The board also will meet in executive session to interview for Investigator II positions. On Friday, the board will conduct a formal hearing on action of licensees, select persons for two Investigator II positions, and consider any items not discussed on Wednesday or Thursday.

Contact: John W. Shocklee, 1513 IH 35 South, Austin, Texas 78741, (512) 442-6721.

Filed: January 6, 1984, 1:41 p.m.
TRD-840180

Natural Fibers and Food Protein Commission

Monday, January 23, 1984, 9 a.m. The Industry Advisory Committee of the Natural Fibers and Food Protein Commission will meet at the Texas A&M Agricultural Research and Extension Center, 17360 Coit Road, Dallas. According to the agenda summary, the committee will review and hear progress reports on the research and development projects from the cooperating research centers and discuss new projects and/or changes of existing projects by the two subcommittees.

Contact: Robert N. Manley, 17360 Coit Road, Dallas, Texas 75252, (214) 231-0852 or (512) 231-5362, ext. 254

Filed: January 6, 1984, 9:42 a.m.
TRD-840158

Board of Pardons and Paroles

Monday-Friday, January 23-27, 1984, 9 a.m. daily. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will meet to review cases of inmates for parole consideration, take ac-

tion on requests for executive clemency, review and act upon reports regarding administrative releasees, review procedures affecting the daily operation of staff, consider and act regarding needed administrative rule changes, take action upon gubernatorial directives, take action concerning certifying and contracting with community residential facilities, and consider and act in personnel matters.

Contact: John W. Byrd, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2716.

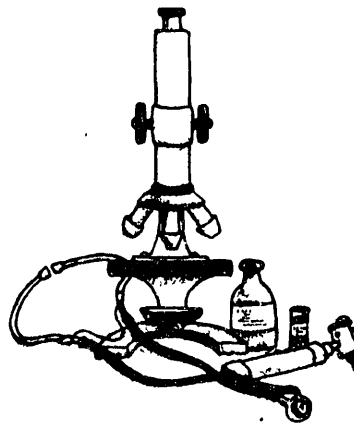
Filed: January 9, 1984, 10:23 a.m.
TRD-840243

Texas Parks and Wildlife Department

Wednesday, January 11, 1984, 7:30 p.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department met in emergency session at 1205 North Lamar Boulevard, Austin. Members of the commission planned to have dinner. Although this function was primarily a social event and no formal action was planned, the commission could have discussed items on the public hearing agenda scheduled for 9 a.m. on January 12, 1984. The emergency status was necessary because the time and location of the meeting were changed.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744 (512) 479-4802

Filed: January 6, 1984, 2:08 p.m.
TRD-840187



Texas State Board of Pharmacy

Tuesday and Wednesday, January 24 and 25, 1984, 7:45 a.m. and 8 a.m. respectively. The Texas State Board of Pharmacy will meet at the City Coliseum, Dawson Road at West Riverside Drive, Austin. According to the agenda, the board will be conducting

examinations for licensure of pharmacists and administering the Texas Jurisprudence Examination and conducting reciprocity hearings for licensure as pharmacists.

Contact: Priscilla Jarvis, 211 East Seventh Street, Suite 1121, Austin, Texas, (512) 478-9827

Filed: January 9, 1984, 10:29 a.m.
TRD-840245

Texas State Board of Examiners of Psychologists

Thursday-Saturday, January 19-21, 1984, 9 a.m. daily. The Texas State Board of Examiners of Psychologists will meet in Suite C-270, 1700 East Anderson Lane, Austin. According to the agenda, the board will consider items concerning jurisprudence exam items, complaint files, rules, interviews and hearings, application files, opinion letters, FAHRB, supervision guidelines for industrial/organization and school psychology, an oral exam project, the AASPB budget project, a policies and procedures manual, and the minutes.

Contact: Patti Bizzell, 1300 East Anderson Lane, Suite C-270, Austin, Texas 78752, (512) 835-2036

Filed: January 9, 1984, 3:07 p.m.
TRD-840282

Texas Department of Public Safety

Tuesday, January 17, 1984, 10 a.m. The Public Safety Commission of the Texas Department of Public Safety (DPS) will meet in the commission room, DPS headquarters, 5805 North Lamar Boulevard, Austin. Items on the agenda include approval of the minutes, budget matters, personnel matters, and other unfinished business.

Contact: James B. Adams, 5805 North Lamar Boulevard, Austin, Texas, (512) 465-2000, ext. 3700

Filed: January 6, 1984, 3:23 p.m.
TRD-840219

Public Utility Commission of Texas

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

Monday, January 23, 1984, 10 a.m. A pre-hearing conference in Docket 5511—application of City Water Board of San Antonio to amend a certificate of convenience and necessity within Bexar County.

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

Filed: January 6, 1984, 9:43 a.m.
TRD-840159

Tuesday, January 24, 1984, 10 a.m. A pre-hearing conference in Docket 5543—petition of Diamond Shamrock Chemicals Company for an investigation into Houston Lighting and Power Company's proposal invitation for 600 megawatts of cogeneration firm capacity and energy and Docket 5553—petition of Capitol Cogeneration Company, Ltd., against Houston Lighting and Power Company.

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

Filed: January 10, 1984, 9:41 a.m.
TRD-840300

Wednesday, January 25, 1984, 1:30 p.m. A rescheduled hearing in Docket 5482—application of MHI Water System, Inc., for a certificate of convenience and necessity within Johnson County. The hearing was originally scheduled for January 11, 1984, at 1:30 p.m.

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

Filed: January 6, 1984, 9:43 a.m.
TRD-840160

Friday, February 17, 1984, 9 a.m. A rescheduled hearing in Docket 5477—application of Magic Valley Electric Cooperative, Inc., for authority to change rates. The hearing was originally scheduled for February 15, 1984, as published at 8 TexReg 5192.

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

Filed: January 9, 1984, 10:29 a.m.
TRD-840250

Wednesday, February 29, 1984, 10 a.m. A rescheduled hearing in Docket 5500—application of General Telephone Company of the Southwest to eliminate extended service between the Bonham and Ector exchanges.

The hearing was originally scheduled for February 14, 1984

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

Filed: January 9, 1984, 10:29 a.m.
TRD-840251

Thursday, March 1, 1984, 10 a.m. A rescheduled hearing in Docket 5501—application of General Telephone Company of the Southwest to eliminate extended area service between the Pilot Point and Tioga exchanges. The hearing was originally scheduled for February 15, 1984

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

Filed: January 9, 1984, 10:26 a.m.
TRD-840252

Tuesday, March 6, 1984, 10 a.m. A hearing in Docket 5509—application of Palo Pinto Water Supply Corporation for an amended certificate of convenience and necessity within Palo Pinto County

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

Filed: January 9, 1984, 10:26 a.m.
TRD-840253

Railroad Commission of Texas

Monday, January 9, 1984, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas made emergency additions to the agenda of a meeting held in Room 309, 1124 IH 35 South, Austin. The additions concerned consideration of Docket 3-79,532—Thurmond, Windham & Bernath Concrete MIPA, Bryan (Woodbine) Field, Brazos County; Docket 4-80,338—Hill, John H., exception to SWR 69, Russell Pierce Well 1, Haldeman, S., (Zone 21-A) Field, Jim Wells County; Docket 6-79,349—Hill International Production Company, tight gas sand, Travis Peak formation, Nacogdoches and Rusk Counties, and Docket 9-80,940—Crawford Oil Company, to inject fluid into a reservoir productive of oil or gas, Kempner "B" Lease, Well 5, Wichita County regular field, Wichita County. The emergency status was necessary because the items had to be considered on less than seven days' notice as a matter of urgent public necessity. The items were properly noticed

for the meeting of January 3, 1984, and were passed.

Contact: Norman Bonner, (512) 445-1292; Pearl Mays-Taborn, (512) 445-1292; Bob Rago, (512) 445-1363; and Greg Waner, (512) 445-1293, respectively, P.O. Drawer 12967, Austin, Texas 78711.

Filed: January 6, 1984, 1:46 p.m.
TRD-840184

Monday, January 9, 1984, 9 a.m. The Transportation Division of the Railroad Commission of Texas made emergency additions to the agenda of a meeting held in Room 309, 1124 IH 35 South, Austin. The additions concerned consideration of final orders in Docket 035615A7D—application of Caravan Refrigerated Cargo, Inc., 1620 East Sixth Street, Irving, Texas 75060, to divide SMC Certificate 35615 to create a new certificate to be numbered 36489; and Docket 036489A1S—application of Caravan Refrigerated Cargo, Inc., 1620 East Sixth Street, Irving, Texas 75060, to sell SMC Certificate 36489 to Dan Clark, Inc., doing business as Clark Transportation Co., Route 2, Box 215, Decatur, Texas 76234. The emergency status was necessary because the items had to be considered on less than seven days' notice as a matter of urgent public necessity. The items were properly posted for consideration on January 3, 1984, and were passed.

Contact: Sandy Yates, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: January 6, 1984, 1:46 p.m.
TRD-840185

Monday, January 16, 1984, 9 a.m. Divisions of the Railroad Commission of Texas will meet at 1124 IH 35 South, Austin. Divisions, meeting rooms, and agendas follow.

The Administrative Services Division will meet in Room 309 to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1211.

Filed: January 6, 1984, 1:40 p.m.
TRD-840189

The Automatic Data Processing Division will meet in Room 309 to consider and act on the division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

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

Filed: January 6, 1984, 1:42 p.m.
TRD-840190

Texas Register

The Flight Division will meet in Room 309 to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

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

Filed: January 6, 1984, 1:45 p.m.
TRD-840191

The Gas Utilities Division will meet in Room 309 to consider various matters falling within the division's regulatory jurisdiction

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0461.

Filed: January 6, 1984, 1:41 p.m.
TRD-840192

The Office of Information Services will meet in the third floor auditorium to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711.

Filed: January 6, 1984, 1:44 p.m.
TRD-840193

The LP-Gas Division will meet in Room 309 to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Hugh F. Keepers, P.O. Drawer 12967, Austin, Texas 78711

Filed: January 6, 1984, 1:43 p.m.
TRD-840194

The Oil and Gas Division will meet in Room 309 to consider various matters falling within the division's regulatory jurisdiction.

Contact: Liz Nauert, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: January 6, 1984, 1:43 p.m.
TRD-840195

Additions to the above agenda:

The division will consider category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108

Contact: Madalyn I. Girvin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1209.

Filed: January 6, 1984, 1:44 p.m.
TRD-840196

The division will consider Docket 94,822—application of John H. Hendrix Corporation for an exception to SWR 37 and 38, Sterling Williams Lease, Well 1, Borden (Spraberry) Field, Borden County; and Docket 93,269—application of Amoco Pro-

duction Company for an exception to SWR 37, Levelland Unit Lease, Well 773, Levelland Field, Hockley County.

Contact: Norman Bonner, P.O. Drawer 12967, Austin, Texas 78711 (512) 445-1292.

Filed: January 6, 1984, 1:44 p.m.
TRD-840197

The Personnel Division will meet in Room 309 to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Herman L. Wilkins, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120.

Filed: January 6, 1984, 1:46 p.m.
TRD-840198

The Office of Special Counsel will meet in the conference room, third floor, to consider and act on the division director's report relating to pending litigation, state and federal legislation and other budget, administrative, and personnel matters.

Contact: Walter Earl Lilie, 1124 IH 35 South, Austin, Texas 78704 (512) 445-1186.

Filed: January 6, 1984, 1:45 p.m.
TRD-840199

The Surface Mining and Reclamation Division will meet in Room 309 to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: J. Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751.

Filed: January 6, 1984, 1:43 p.m.
TRD-840200

The Transportation Division will meet in Room 309 to consider various matters falling within the division's regulatory jurisdiction.

Contact: Sandy Yates, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1330.

Filed: January 6, 1984, 1:45 p.m.
TRD-840201

Addition to the above agenda:

The division will consider final adoption of §§5.612-5.615, concerning railroad transportation and safety, and the repeal of §5.481, concerning telephone reports of a railroad accident/incident.

Contact: Mike Calhoun, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1183.

Filed: January 6, 1984, 1:44 p.m.
TRD-840202

Texas Real Estate Commission

Monday, January 16, 1984, 9:30 a.m. The Texas Real Estate Commission (TREC) will meet in the conference room, TREC headquarters office, 1101 Camino La Costa, Austin. Items on the agenda summary include the December 5, 1983, minutes; staff reports for the month of November 1983; the appearance of Robert D. Jones; consideration of motions for rehearing and/or probation, a proposed amendment to 22 TAC §535.14, concerning use of business names by licensees, and approval of a residential condominium earnest money contract and condominium resale certificate for field testing; a proposed videotape on the commission by the Research Center; and education matters. The commission will also meet in executive session to discuss pending litigation.

Contact: Camilla S. Shannon, P.O. Box 12188, Austin, Texas 78711, (512) 459-1123.

Filed: January 6, 1984, 9:44 a.m.
TRD-840161

Texas Real Estate Research Center

Saturday, January 14, 1984, 10 a.m. The Advisory Committee of the Texas Real Estate Research Center will meet in the Sundance Room, Marriott Hotel, Austin. Items on the agenda include approval of the minutes, progress and current budget reports, the date of the next meeting, and other business.

Contact: Richard L. Floyd, Texas A&M University, College Station, Texas, (409) 845-2031.

Filed: January 5, 1984, 2:17 p.m.
TRD-840101

Texas Rehabilitation Commission

Thursday, January 12, 1984, 10 a.m. The Governor's Committee for Disabled Persons (GCDP) met in emergency session in Room 163, 118 East Riverside Drive, Austin. According to the agenda, the committee traveled by private auto to inspect possible sites for the GCDP communications award event. The emergency status was necessary to meet the deadline by January 13, 1984, for the communications program.

Contact: Virginia Roberts, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8272.

Filed: January 5, 1984, 11:19 a.m.
TRD-840099

State Rural Medical Education Board

Sunday, January 15, 1984, 9 a.m. The State Rural Medical Education Board will meet in Room 310, Southwest Tower Building, 211 East 7th Street, Austin. Items on the agenda include a discussion of the executive director's position and consideration of supplemental loan requests.

Contact: Duane Keeran, 211 East 7th Street, Austin, Texas 78701, (512) 475-0801.

Filed: January 6, 1984, 2:47 p.m.
TRD-840223

School Land Board

Tuesday, January 17, 1984, 10 a.m. The School Land Board will meet in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda include approval of the previous meeting minutes; a lease suspension application; pooling applications; a briefing on a proposed rule change to 31 TAC §3.10; consideration and approval of nominations, terms, conditions, and procedures for the April 3, 1984, oil, gas, and other minerals lease sale; coastal public lands easement applications, cabin permit transfer requests, a cabin permit rebuilding request, and cabin permit terminations; a briefing on issues and objectives, the status, and pending action, concerning Lake Texana fresh water inflow.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 835, Austin, Texas 78701, (512) 475-4307

Filed: January 9, 1984, 4:09 p.m.
TRD-840294

State Securities Board

The Securities Commissioner of the State Securities Board will conduct hearings at 1800 San Jacinto Street, Austin. Days, times, and agendas follow.

Wednesday, January 18, 1984, 10 a.m. A hearing to determine whether a cease and desist order should be issued prohibiting the sale of securities issued by the Life Science, College of Life Science, Life Science Associates, Resort Associates, Ecological Land Development Corporation, T. C. Fry, and John D. Moore.

Wednesday, January 25, 1984, 1 p.m. A rescheduled hearing to determine whether a cease and desist order should be issued prohibiting the sale of securities issued by

Murphy Petroleum Corporation and Ray Murphy. The hearing is rescheduled from January 4, 1984, at 1 p.m., as published at 8 TexReg 5539.

Friday, January 27, 1984, 10 a.m. A rescheduled hearing to determine whether a cease and desist order should be issued prohibiting the sale of securities issued by Southeastern Fuels, Inc. The hearing is rescheduled from January 4, 1984, 10 a.m., as published at 8 TexReg 5432.

Contact: Sue B. Roberts, 1800 San Jacinto Street, Austin, Texas 78701.

Filed: January 5, 1984, 4:48 p.m.
TRD-840114, 840113, 840115

Texas State Soil and Water Conservation Board

Thursday, January 19, 1984, 8 a.m. The Texas State Soil and Water Conservation Board will meet at 1006 First National Building, Temple. Items on the agenda include approval of the November 17, 1983, minutes, district director appointments, planning priorities under the PL 83-566 Watershed Program; district matching fund allocations; changing subdivision boundaries of the Webb SWCD 337, proposals for sunset legislation; a budget request for the biennium beginning September 1, 1985, the Technical Assistance Program; a discussion of the lease of agency office space; the agricultural land preservation meeting on January 26, 1984; a review of a management letter from the state auditor, and a report on the salinity study.

Contact: Harvey Davis, 1002 First National Building, Temple, Texas, (817) 773-2250 or STS 820-1250

Filed: January 6, 1984, 2:46 p.m.
TRD-840211

University System of South Texas

Wednesday, January 11, 1984, 1 p.m. The Board of Directors of the University System of South Texas will meet in Board Room 286, La Posada Hotel, McAllen. According to the agenda summary, the board will review functions of the board, orientation of the system, board policy, the institutional budgetary process, consider fiscal reports and related matters, board liability, pending legal issues, the state appropriations process, academic program proposals, and procedures of repair and renovation of physical facilities of state institutions for the benefit of three new board members.

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

Filed: January 6, 1984, 9:34 a.m.
TRD-840162

Thursday, January 12, 1984. Committees of the Board of Directors of the University System of South Texas and the full board will meet at the Texas A&I Citrus Center, Weslaco. Times, committees, and agendas follow.

8:15 a.m. The Academic Programs Review Committee will consider new programs for institutions within the University System of South Texas.

8:30 a.m. The Building Committee will reevaluate the Rhode Hall Project at Texas A&I University because the bids exceeded estimates by more than 10% and consider authorization of the administration at Texas A&I University to develop plans and solicit bids for the refurbishing of Lynch Hall and the student family apartments with bids to be ready for the April board meeting and construction needs within the system.

9 a.m. The Board of Directors will administer the oath of office; consider the October 13, 1983, minutes; reorganize the Board of Directors; consider resolutions of appreciation to William H. Baker, Joseph W. Bishop, and Henry W. Finck; gifts and donations; budget changes; proposed rules governing the relationship between private support organizations and the system and its institutions; a proposed modification in admission criteria for entering freshman at Texas A&I University, a change in room and board rates for 1984-1985 at Texas A&I University; personnel action, the sale of Mamie Kleberg Hall at Texas A&I University; reports from standing committees, presidents, and the chancellor; discussion of personnel matters, acquisition of real estate and legal matters within the system; the naming of board committees; and setting the time and location of the next meeting.

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

Filed: January 6, 1984, 9:34 a.m.
TRD-840163-840165

Boards for Lease of State-Owned Lands

Thursday, January 19, 1984. The Board for Lease of the Texas Department of Mental Health and Mental Retardation and the

Texas Register

Board for Lease of the Texas School for the Blind of the Boards for Lease of State-Owned Lands will meet at 8 a.m. and 1:30 p.m., respectively, in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the boards will approve minutes of the previous board meeting and consider and approve nominations, terms, conditions, and procedures for the April 3, 1984, oil, gas, and other minerals lease sale.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 835, Austin, Texas 78701, (512) 475-4307

Filed: January 6, 1984, 11:47 a.m.
TRD-840178, 840179

Friday, January 20, 1984, 8:30 a.m. The Board for Lease of State Park Lands of the Boards for Lease of State-Owned Lands will meet in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda include approval of the previous meeting minutes; consideration and approval of nominations, terms, conditions, and procedures for the April 3, 1984, oil, gas, and other minerals lease sale; an easement application; and a geophysical permit application.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 835, Austin, Texas 78701, (512) 475-4307

Filed: January 10, 1984, 8:39 a.m.
TRD-840296

State Commission on Standards for the Teaching Profession

Committees of the State Commission on Standards for the Teaching Profession and the full commission will meet at the Texas Education Agency North Building, 1200 East Anderson Lane, Austin. Days, times, rooms, committees, and agendas follow.

Thursday, January 19, 1984, 10 a.m. In Room 101-E, the Interim Reports Committee will review interim reports from Austin College, Concordia College, the University of Texas at Dallas, and the University of Texas of the Permian Basin.

Thursday, January 19, 1984, 1:30 p.m. In Room 101-E, the Committee on Certification Programs and Requirements will discuss options for certification tests, a proposed timeline for the study of professional certificates, and individual programs.

Friday, January 20, 1984, 8 a.m. In Room 105, the Executive Committee will discuss

agenda items with the committee chairmen and discuss committee appointments.

Friday, January 20, 1984, 9 a.m. In Room 101-E, the commission will consider informational items concerning the recommendation of institutional and provisional program standards to the State Board of Education; individual programs concerning Baylor University, Bishop College, and Trinity University, visiting team reports concerning Condordia College, Howard Payne University, the University of Mary Hardin-Baylor, and Incarnate Word College; interim reports concerning Austin College, Concordia College, the University of Texas at Dallas, and the University of Texas of the Permian Basin, and committee reports from the Committee on Certification Programs and Requirements, the Interim Reports Committee, and the Executive Committee.

Contact: Dr. Edward M. Vodicka, 201 East 11th Street, Austin, Texas 78701, (512) 834-4042.

Filed: January 6, 1984, 3:24 p.m.
TRD-840215-840218

Advisory Council for Technical-Vocational Education in Texas

Wednesday, January 18, 1984, 8:30 a.m. Committees of the Advisory Council for Technical-Vocational Education in Texas will meet in the Texas Employment Commission Annex, 12th and Trinity Streets, Austin. Committees, rooms, and agendas follow.

The Planning and Evaluation Committee will meet in Room 304T to review the status of vocational education evaluation activities, hear a status report on the development of the annual state plan for vocational education and the accountability report, review linkages with the Job Training Partnership Act, work on a project to evaluate the effectiveness of the present vocational education delivery system, review the 14th annual report of the council to the State Board of Education, and review the status of other program of work items of the committee.

The Industry/Education Committee will meet in Room 424T to review vocational education promotional materials, hear a summary report on community conferences held in 1983, review a brochure promoting council materials, work on a project to evaluate public and private sector input in planning for vocational education at the state and

local levels, review the 14th annual report of the council to the State Board of Education, and receive a progress report on other program of work items of the committee.

Contact: Val Blaschke, P.O. Box 1886, Austin, Texas 78767, (512) 475-2046.

Filed: January 5, 1984, 2:16 p.m.
TRD-840108, 840107

Wednesday, January 18, 1984, 8:30 a.m. The Adult Education and Special Services Committee of the Advisory Council for Technical-Vocational Education in Texas will meet in the La Espada Room, Ramada Inn, 11th and San Jacinto Streets, Austin. According to the agenda summary, the committee will discuss adult education issues and updating of the council analysis of adult education, review a project to evaluate the flow/use of occupational information for use in making career decisions, review and discuss possibilities of the Texas Education Agency providing resources to strengthen the council's role as the State Advisory Committee for Adult Education, review the 14th annual report of the council to the State Board of Education, and receive a status report on other program of work items of the committee.

Contact: Val Blaschke, P.O. Box 1886, Austin, Texas 78701, (512) 475-2046.

Filed: January 5, 1984, 2:16 p.m.
TRD-840106

University Interscholastic League

Wednesday, January 11, 1984, 1:30 p.m. The State Executive Committee of the University Interscholastic League met in Room 2.110, Joe Thompson Conference Center, University of Texas campus, Austin. Items on the agenda summary included decisions on recruiting allegations made regarding misconduct during two high school football playoff games.

Contact: Bailey Marshall, P.O. Box 8028, Austin, Texas 78712, (512) 471-5883.

Filed: January 6, 1984, 1:56 p.m.
TRD-840207

Board of Veterinary Medical Examiners

Sunday and Monday, February 5 and 6, 1984, 1 p.m. and 8 a.m., respectively. The Board of Veterinary Medical Examiners will meet in the Hilton LBJ, 4801 LBJ Freeway, Dallas. According to the agenda, the board will conduct informal discussions concern-

ing specific complaints and general business.

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

Filed: January 9, 1984, 3:07 p.m.
TRD-840283

Board of Vocational Nurse Examiners

Monday-Wednesday, January 30 and 31, 1984, and February 1, 1984, 8 a.m., daily. The Board of Vocational Nurse Examiners will meet in the Sunrise Motor Hotel, 7622 IH 35 North, Austin. According to the agenda summary, on Monday, January 30, 1984, the board will approve minutes and hear reports of the executive director and the director of education, concerning program contacts, school matters, rules and regulations concerning a request for rule changes on 22 TAC §§235.15, 235.17, and 233.22, old and new business, and administrative hearings. The board will also meet in executive session. On Tuesday, January 31, 1984, the board will continue with the business meeting and conduct administrative hearings. On Wednesday, February 1, 1984, the board will meet in executive session to consider a draft review in the board office.

Contact: Linda Kent, 1300 East Anderson Lane, Building C, Suite 285, Austin, Texas 78752, (512) 835-2071.

Filed: January 9, 1984, 3:05 p.m.
TRD-840284

Texas Water Commission

Tuesday, January 10, 1984, 3:30 p.m. The Texas Water Commission met in emergency session in Room 124A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, at the request of the Sunset Advisory Commission, the Texas Water Commission met with staff of the Sunset Advisory Commission to discuss the status and upcoming hearings. The emergency status was necessary because inasmuch as the commissioners are involved in hearings, this conference was scheduled as an emergency meeting to accommodate everyone's schedule.

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

Filed: January 9, 1984, 2:44 p.m.
TRD-840286

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

Tuesday, January 17, 1984, 10 a.m. According to the agenda summary, the commission will consider water district bond issues, release from escrow, setting a creation hearing date, appointment of directors, water quality proposed permits, amendments and renewals, examiner's proposals on water use applications, commission action on water use permits, and the filing and setting of a hearing date.

Tuesday, January 24, 1984, 2 p.m. Application 4353 of Allen D. Lay and wife, Nell Lay, for a Water Code, §11.121, permit to authorize diversion of 1,050 acre-feet of water from Goldenrod Creek, tributary of Sandy Creek, tributary of Navidad River, tributary of Lavaca River, Lavaca River Basin, for irrigation purposes in Jackson and Wharton Counties.

Wednesday, January 25, 1984, 2 p.m. Application of Herman B. Taylor for proposed Water Quality Permit 12772-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 30,000 gallons per day from the Acorn Mobile Home Park sewage treatment plant, Harris County, San Jacinto River Basin.

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

Filed: January 5, 1984, 2:30 p.m.
TRD-840102-840104

Wednesday, February 15, 1984, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will conduct a hearing on a petition for the creation of First Colony Municipal Utility District 8 containing 579,189.9 acres of land.

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

Filed: January 6, 1984, 1:47 p.m.
TRD-840203

Thursday, February 16, 1984, 10 a.m. The Texas Water Commission will meet in the Emergency Medical Services Training Building, 7411 Park Place, Houston. According to the agenda summary, the commission will consider an application of Houston Lighting and Power Company, P.O. Box 1700, Houston, Texas 77001, to the Texas Department of Water Resources for an amendment to Permit 01050 to authorize an increase in the temperature of cooling water

discharged via Outfall 001 from 95°F to 110°F maximum. The increase is due to the removal of cooling towers from the cooling water system at the P. H. Robinson Steam Electric Station. The currently authorized volume not to exceed an average flow of 1,728 million gallons per day plus low volume wastes will remain the same. The proposed amendment would also replace free available chlorine limits with total residual chlorine limits effective July 1, 1987, to comply with the Clean Water Act, amended 1977, and reduce the daily average limit for copper from 1.0 milligrams per liter to 0.5 milligrams per liter to comply with commission rules regarding hazardous metals.

Contact: Chester E. Ehret, Jr., P.O. Box 13087, Austin, Texas 78711, (512) 475-1418.

Filed: January 5, 1984, 2:32 p.m.
TRD-840105

Thursday, February 23, 1984, 10 a.m. The Texas Water Commission will meet in the Classroom, Rolling Hills Water Treatment Plant, 2500 Southeast Loop 820, Fort Worth. According to the agenda summary, the commission will consider the following applications to the Texas Department of Water Resources:

Application of Charles Jackson, Jim Justice, Sr., and Calvin A. Barker, Jr., doing business as Dove Estates Joint Venture, 1204 Ross Avenue, Dallas, Texas 75202, for proposed Permit 12801-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 37,000 gallons per day from the proposed Dove Estates Wastewater Treatment Plant which is to serve the needs of a proposed single-family subdivision.

Application of the International Church of the Word of Faith, Inc., 2601 Scott Avenue, Fort Worth, Texas 76103, for proposed Permit 12810-01 to authorize the disposal by irrigation of treated domestic wastewater effluent at a volume not to exceed an average flow of 10,000 gallons per day from the proposed Eagle Mountain Lake Wastewater Treatment Plant. The applicant proposes to provide waste treatment facilities to meet the needs of church office workers. An existing facility consisting of an Imhoff tank, trickling filter, and a combined settling and disinfection tank will be renovated. The irrigated acreage shall be an 11.2 acre field on the applicant's property. Application rates for the irrigated land shall not exceed 1.35 acre-feet/acre/year. No discharge of

pollutants to the waters of the state is authorized.

Contact: Teresa B. Salamone, P.O. Box 13087, Austin, Texas 78711, (512) 475-1418.

Filed: January 6, 1984, 1:48 p.m.

TRD-840204, 840205

Thursday, February 23, 1984, 10 a.m. The Texas Water Commission will meet in Rooms B and C, Weatherford Community Center, 701 Narrow Street, Weatherford. According to the agenda summary, the commission will consider the application of Willowglen, Inc., 308 North Broadway, Brownwood, Texas 76801, to the Texas Department of Water Resources for proposed Permit 12790-01, to authorize the disposal by irrigation of treated domestic sewage effluent at a volume not to exceed an average flow of 55,000 gallons per day from a proposed wastewater treatment plant which is to serve the needs of a housing development. The waste disposal system will consist of a package plant containing an aeration basin, clarifier, aerobic digester and chlorine contact unit followed by a holding pond. The irrigation acreage shall be 30 acres of coastal bermuda. The application rates for the irrigated land shall not exceed 2.65 acre-feet/acre/year. No discharge of pollutants to the waters of the state is authorized.

Contact: Diana L. Granger, P.O. Box 13087, Austin, Texas 78711, (512) 475-1418.

Filed: January 9, 1984, 2:45 p.m.

TRD-840287

West Texas State University

Monday, January 16, 1984, 4 p.m. The Presidential Search Committee of West Texas State University will meet in the offices of Mesa Petroleum Company, One Mesa Square, Amarillo. According to the agenda, the committee will meet in executive session as authorized by Texas Civil Statutes, Article 6252-17, §2g, concerning a preliminary investigation of presidential candidates.

Contact: Texas Smith, WT Box 997, Canyon, Texas 79016, (806) 656-3962.

Filed: January 6, 1984, 9:36 a.m.

TRD-840168

Regional Agencies

Meetings Filed January 5

The Lower Colorado River Authority, Ad Hoc Committee on the Colorado Coastal

Plains Project of the Board of Directors, met in emergency session in the bank community room, La Grange State Bank, 202 West Colorado, La Grange, at 9:30 a.m. The Water and Flood Control Committee will meet at 3700 Lake Austin Boulevard, Austin, on Friday, January 13, 1984, at 8:30 a.m. Information may be obtained from Eloy H. Soderberg, P.O. Box 220, Austin, Texas 78767, (512) 473-3200.

TRD-840098

Meetings Filed January 6

The Brazos River Authority, Oil and Gas Leasing Committee, will meet at 4400 Cobbs Drive, Waco, on January 16, 1984, at 8:30 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441.

The Brazos Valley Development Council, Executive Committee, met at 3006 East 29th Street, Bryan, on January 12, 1984, at 1:30 p.m. Information may be obtained from Glenn J. Cook, P.O. Drawer 4128, Bryan, Texas 77805-4128, (713) 822-7421.

The Callahan County Appraisal District will meet at the district office, Callahan County Courthouse, Baird, on January 17, 1984, at 7 p.m. Information may be obtained from Jane Ringhoffer, P.O. Box 1055, Baird, Texas 79504, (915) 854-1165.

The Concho Valley Council of Governments, Executive Committee, met at 5002 Knickerbocker Road, San Angelo, on January 11, 1984, at 7 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666

The Deep East Texas Council of Governments, Regional Aging Advisory Council, will meet at the Angelina County Senior Citizens Center, 2801 Valley Avenue, Lufkin, on January 13, 1984, at 1:30 p.m. Information may be obtained from Martha Jones, P.O. Drawer 1170, Jasper, Texas 75951, (409) 384-5704.

The Region XI Education Service Center, Board of Directors, will meet at 3001 North Freeway, Fort Worth, January 24, 1984, at noon. Information may be obtained from R. P. Campbell, Jr., 3001 North Freeway, Fort Worth, Texas 76106, (817) 625-5311, ext. 102

The Ellis County Tax Appraisal District met at 406 Sycamore Street, Waxahachie, on January 10, 1984, at 7 p.m. Information

may be obtained from Gray Chamberlain, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

The Hale County Appraisal District, Appraisal Review Board, will meet at 302 West Eighth Street, Plainview, on January 17, 1984, at 9:30 a.m. Information may be obtained from Linda Jaynes, P.O. Box 29, Plainview, Texas 79072, (806) 293-4226.

The Houston-Galveston Area Council, Project Review Committee, met in the large conference room, 3701 West Alabama Street, Houston, on January 10, 1984, at 9:30 a.m. Information may be obtained from Geraldine McCray, 3701 West Alabama Street, Houston, Texas 77027, (713) 627-3200.

The Central Appraisal District of Johnson County, Appraisal Review Board, will meet at 109 North Main Street, Cleburne, on January 30 and 31, 1984, at 9 a.m. daily. Information may be obtained from Don Gilmore, 109 North Main Street, Cleburne, Texas 76031, (817) 645-3986.

The Lone Star Municipal Power Agency will meet at city hall, 1101 Texas Avenue, College Station, on January 16, 1984, at 6:30 p.m. Information may be obtained from Donald L. Howell, 2835 First City Tower, Houston, Texas 77002, (713) 651-2318.

The Parmer County Tax Appraisal Office met at 305 Third Street, Bovina, on January 9, 1984, at 7:30 p.m. Information may be obtained from Ron Procter or Lanis Graham, P.O. Box 56, Bovina, Texas 79009, (806) 238-1405.

The San Patricio County Appraisal District, Board of Directors, met in Room 226, courthouse annex, Sinton, on January 12, 1984, at 9:30 a.m. Information may be obtained from Bennie L. Stewart, P.O. Box 938, Sinton, Texas 78387, (512) 364-5402.

The Trinity River Authority of Texas, Onalaska Regional Wastewater System Right-Of-Way Committee, met via conference call originating at 5300 South Collins, Arlington, on January 12, 1984, at 9 a.m. Information may be obtained from J. Sam Scott, P.O. Box 60, Arlington, Texas 76004-0060, (817) 467-4343.

TRD-840175

Meetings Filed January 9

The Angelina and Neches River Authority and the Angelina and Neches River Au-

thority Industrial Development Corporation, Boards of Directors, met at 1801 North Street, Nacogdoches County Chamber of Commerce, Nacogdoches, on January 12, 1984, at 3 p.m. Information may be obtained from Angela Quillin, P.O. Box 387, Lufkin, Texas 75901, (713) 632-7795.

The Bexar Appraisal District, Board of Directors, will meet at 535 South Main, San Antonio, on January 16, 1984, at 5:30 p.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Brazos River Authority, Audit Committee, will meet at 4400 Cobbs Drive, Waco, on January 16, 1984, at 8 a.m. The Board of Directors will meet at the same location at 9 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441.

The Eastland County Appraisal District, Board of Directors, will meet in the commissioners courtroom, Eastland County Courthouse, Eastland, on January 18, 1984, at 3 p.m. Information may be obtained from Steve Thomas, Box 914, Eastland, Texas 76448, (817) 629-8597.

The East Texas Council of Governments, Executive Committee, met at the Holiday Inn, Estes Parkway, Longview, on January 12, 1984, at 1:45 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas, (214) 984-8641.

The Region XV Education Service Center, Board of Directors, will meet at 612 South Irene Street, San Angelo, on January 19, 1984, at 1:30 p.m. Information may be obtained from Clyde Warren, Box 5199, San Angelo, Texas 76902, (915) 658-6571.

The Ellis County Tax Appraisal District met at 406 Sycamore Street, Waxahachie, on January 12, 1984, at 7 p.m. Information may be obtained from Gray Chamberlain, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

The Central Appraisal District of Erath County, Appraisal Review Board, met at 1191 South Loop, Stephenville, on January 12, 1984, at 7 p.m. Information may be obtained from Trecia Perales, 1191 South Loop, Stephenville, Texas 76401, (817) 965-5434.

The Gray County Appraisal District, Board of Directors, met in Suite 196-A, Hughes Building, 400 West Kingsmill, Pampa, on January 12, 1984, at 5:30 p.m. Information

may be obtained from Charles Buzzard, P.O. Box 836, Pampa, Texas 79065, (806) 665-0791.

The Henderson County Appraisal District, Board of Directors, will meet at 101 East Corsicana, Athens, on January 20, 1984, at 7:30 p.m. Information may be obtained from Linda Hagar, 101 East Corsicana, Athens, Texas 75751, (214) 675-9296.

The Jasper County Appraisal District, Board of Directors, met at Kirbyville City Hall, 107 South Elizabeth, Kirbyville, on January 12, 1984, at 7 p.m. Information may be obtained from David W. Luther, Jasper County Courthouse Annex, Jasper, Texas 75951, (409) 384-2544.

The Central Appraisal District of Johnson County, Board of Directors, will meet at 109 North Main Street, Cleburne, on January 25, 1984, at 7:30 p.m. Information may be obtained from Don Gilmore, 109 North Main Street, Cleburne, Texas 76031, (817) 645-3986.

The Jones County Appraisal District, Board of Directors, will meet at 1137 East Court Plaza, Anson, on January 19, 1984, at 9 a.m. Information may be obtained from John Steele, P.O. Box 348, Anson, Texas 79501, (915) 823-2422.

The Lamar County Appraisal District, Board of Directors, met in emergency session at 1523 Lamar Avenue, Paris, on January 9, 1984, at 4 p.m. Information may be obtained from L. F. Ricketson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822.

The Lampasas County Appraisal District will meet at 403 East Second, Lampasas, on January 13, 1984, at 3 p.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76650, (512) 556-8058.

The Lower Neches Valley Authority, Board of Directors, will meet at 7850 Eastex Freeway, Beaumont, on January 17, 1984, at 10:30 a.m. Information may be obtained from J. D. Nixon, P.O. Drawer 3464, Beaumont, Texas 77704, (713) 892-4011.

The Nolan County Central Appraisal District, Board of Directors, met in emergency session in Suite 305B, Nolan County Courthouse, Sweetwater, on January 11, 1984, at 1:30 p.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421.

The Nortex Regional Planning Commission, General Membership Committee, will meet at McBride Seafood & Steak, 5400 Seymour Highway, Wichita Falls, on January 19, 1984, at noon. The North Texas State Planning Region Consortium will also meet at the same location on the same date at 1 p.m. Information may be obtained from Edwin B. Daniel, 2101 Kemp Boulevard, Wichita Falls, Texas 76309, (817) 322-5281.

The Central Appraisal District of Rockwall County, Board of Directors, met in emergency session at 106 North San Jacinto, Rockwall, on January 10, 1984, at 7:30 p.m. Information may be obtained from Eugene "Bo" Daffin, 106 North San Jacinto, Rockwall, Texas 75087.

The San Antonio River Authority, Board of Directors, will meet in the conference room, 100 East Guenther Street, San Antonio, on January 18, 1984, at 2 p.m. The Employees Retirement Trust, Board of Trustees, will also meet at the same location on the same date at 3:15 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, San Antonio, Texas 78204, (512) 227-1373.

The Tarrant County Appraisal District, Board of Directors, rescheduled a meeting held in Suite 300, 1701 River Run, Fort Worth, on January 12, 1984, at 10 a.m. The meeting was originally scheduled for December 22, 1983. Information may be obtained from Cecil Mae Perrin, 1701 River Run, Suite 300, Fort Worth, Texas 76107, (817) 332-8522.

The Texas Municipal Power Agency, (TMPA) Budget and Audit Committee, met in emergency session in the conference room, City of Bryan Municipal Utility Building, Bryan, on January 11, 1984, at 7:30 p.m. The Board of Directors also met in emergency session at the TMPA Acme Building, 2½ miles north of Carlos, on FM Road 244, on January 12, 1984, at 9 a.m. Information may be obtained from Jim Bailey, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013.

The Upshur County Appraisal District, Board of Directors, will meet in the Upshur County Appraisal District office, Trinity and Warren Streets, Gilmer, on January 16, 1984, at 7 p.m. Information may be obtained from Louise Stracener, P.O. Box 31, Gilmer, Texas 75644, (214) 843-3041.

TRD-840227

Meetings Filed January 10

The Atascosa County Appraisal District, Board of Directors, will meet at 1010 Zanderson, Jourdanton, on January 19, 1984, at 1:30 p.m. Information may be obtained from Vernon A. Warren, 1010 Zanderson, Jourdanton, Texas 78026, (512) 769-2730

The Dallas Area Rapid Transit, Legal Committee, met in emergency session in the

Strasburger Room, Belo Mansion, 2101 Ross Avenue, Dallas, on January 11, 1984, at 4 p.m. Information may be obtained from Michael Miles, Lock Box 12, Love Field Terminal Building, Dallas, Texas 75235, (214) 358-3217

The Dallas Area Rapid Transit, Communication and Community Involvement Committee, will meet in Suite 406, Love Field Terminal Building, Dallas, on January 13, 1984, at 10 a.m. Information may be

obtained from Michael Miles, Lock Box 12, Love Field Terminal Building, Dallas, Texas 75235, (214) 358-3217.

The Houston-Galveston Area Council, Board of Directors, will meet in the large conference room, 3701 West Alabama, Houston, on January 17, 1984, at 9:30 a.m. Information may be obtained from Charlene McCarthy, P.O. Box 22777, Houston, Texas 77027, (713) 627-3200.

TRD-840301

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

In order to aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows. This often includes applications for construction permits (filed by the Texas Air Control Board), applications for amendment, declaratory ruling, and notices of intent (filed by the Texas Health Facilities Commission), applications for waste disposal permits (filed by the Texas Water Commission), and notices of public hearing

In Addition

Texas Air Control Board Contested Case Hearing

Pursuant to the authority provided in the Texas Clean Air Act, Texas Civil Statutes, Article 4477-5, §§3.15, 3.16, and 3.17, and 31 TAC §§103.11(3), 103.31, and 103.41 of the procedural rules of the Texas Air Control Board (TACB), an examiner for the TACB will conduct a hearing to consider whether a construction permit should be issued to the Lower Colorado River Authority (LCRA) for the construction of a lignite railcar load-out facility to be located west of State Highway 95, approximately five miles north of Bastrop, Bastrop County

The LCRA is directed to appear at the following time and place and demonstrate by preponderance of evidence that the LCRA, based upon Permit Application C-9362, has satisfied the requirements of the TACB and the Act for the issuance of a construction permit.

The record of this hearing will be used by the TACB in determining the appropriate actions to take concerning Permit Application C-9362.

Information regarding the application and copies of the board's rules and regulations are available at the central office of this agency located at 6330 Highway 290 East, Austin, and the Office of the County Clerk, Bastrop County Courthouse, 804 Pecan Street, Bastrop

The examiner has set the hearing to begin at 6 p.m. on February 8, 1984, in the county courtroom, Bastrop County Courthouse, 804 Pecan Street, Bastrop. At this time parties to the hearing are the TACB staff and the LCRA. Any other persons desiring to be made a party must specifically apply in writing for party status to Examiner Ramon Dasch, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723. No other persons will be admitted as parties unless the request is actually received at the previously stated address by January

17, 1984. Previous correspondence with the TACB is not effective for this purpose. A final determination regarding party status will be made at the prehearing conference on the following date. At the hearing on the merits, only those persons admitted as parties will be permitted to present evidence and argument and to cross-examine witnesses. Any person who desires to give testimony at the hearing, but who does not desire to be a party may call the legal division of the TACB at (512) 451-5711, ext. 358, to determine the names and addresses of all admitted parties. These parties may then be contacted about the possibility of presenting testimony

Pursuant to 31 TAC §103.46 of the procedural rules of the TACB, the examiner has scheduled a prehearing conference on January 18, 1984, at 7 p.m. in the county courtroom, Bastrop County courthouse, 804 Pecan Street, Bastrop. All persons wishing to be admitted as parties must attend the conference. Proposed written disputed issues for consideration at the hearing on the merits and written requests for official notice should be made at the prehearing conference. At this conference a specific date prior to the hearing on the merits will be established for the exchange of witness lists, short summaries of their prospective testimony, and copies of written and documentary evidence pursuant to 31 TAC §103.46(2).

Members of the general public who plan to attend the hearing are encouraged to telephone the central office of the TACB in Austin, at (512) 451-5711, ext. 358, a day or two prior to the hearing date in order to confirm the setting, since continuances are granted from time to time.

Issued in Austin, Texas, on January 4, 1984

TRD-840169

Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Filed: January 6, 1984

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

Texas Department of Community Affairs Contract Awards

The Texas Department of Community Affairs (TDCA) announces that the following units of general local government have each been selected as a contract recipient under the Texas Community Development Program, established pursuant to Texas Civil Statutes, Article 4413(201), §4A.

The program area from which each contract will be funded and the proposed amount of funding for each contract is indicated. A contract is not effective until executed by the unit of general local government and the executive director of the TDCA.

Community Development

City of Beckville	\$290,500
City of Eden	150,000
City of Jacksonville	205,000
City of Kilgus	334,000
City of Mason	94,200
City of Mount Pleasant	165,500
City of Palestine	275,000
City of Pittsburg	270,500
City of Sonora	94,365
Bowie County	438,338
Coke County	86,000
Lamar County	314,450
Grand total	\$2,717,853

Jobs Bill

City of Brady	\$200,000
City of Gilmer	131,528
City of Naples	368,000
Camp County	238,488
Henderson County	275,000
Morris County	161,100
	\$1,374,116

Issued in Austin, Texas, on January 6, 1984

TRD-840220 Douglas C. Brown
General Counsel
Texas Department of Community
Affairs

Filed: January 6, 1984
For further information, please call (512) 443-4100,
ext. 210.

Comptroller of Public Accounts Decision 13,397

For copies of the following opinion, contact Bob Bullock, Comptroller of Public Accounts, Attention: Administrative Law Judges, 111 East 17th Street, Austin, Texas 78774. Copies will be furnished without charge and edited to comply with confidentiality statutes.

Summary of Decision. The taxpayer, a foreign corporation, argued that it should not include all payments received for the operation of nursing homes in Texas as receipts from business done in Texas for franchise tax allocation purposes, since a portion of the services necessary to operate the homes was performed in another state. The comptroller disagreed, holding that those services were auxiliary to the primary service of running each home in Texas on a daily basis.

Issued in Austin, Texas, on January 6, 1984

TRD-840170 Bob Bullock
Comptroller of Public Accounts

Filed: January 6, 1984
For further information, please call (512) 475-1938.

Decision 13,687

For copies of the following opinion, contact Bob Bullock, Comptroller of Public Accounts, Attention: Administrative Law Judges, 111 East 17th Street, Austin, Texas 78774. Copies will be furnished without charge and edited to comply with confidentiality statutes.

Summary of Decision. The comptroller held that a taxpayer, who was engaged in business in 21 states, including Texas, who failed to collect use tax on sales made to Texas residents, and who neglected to remit to the state use tax voluntarily added to the sales price by a Texas buyer, had not exercised reasonable diligence in complying with the Sales and Use Tax Act so as to warrant a waiver of penalty on its tax liability.

Issued in Austin, Texas, on January 6, 1984

TRD-840171 Bob Bullock
Comptroller of Public Accounts

Filed: January 6, 1984
For further information, please call (512) 475-1938.

Office of Consumer Credit Commissioner Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽¹⁾ Agricul- tural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 01/16/84-01/22/84	18.25%	18.25%
Monthly Rate— Article 1.04(c)(1) 01/01/84-01/31/84	18.31%	18.31%

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricul- tural/Commercial ⁽⁴⁾ thru \$250,050	Commercial ⁽⁴⁾ over \$250,000
Standard Quarterly Rate—Article 1.04(a)(2)		
01/01/84-03/31/84	18.00%	18.00%
Retail Credit Card Quarterly Rate— Article 1.11⁽³⁾		
01/01/84-03/31/84	18.00%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d)⁽³⁾		
01/01/84-03/31/84	17.92%	N/A
Standard Annual Rate— Article 1.04(a)(2)⁽²⁾		
01/01/84-03/31/84	18.00%	18.00%
Retail Credit Card Annual Rate— Article 1.11⁽³⁾		
01/01/84-03/31/84	18.00%	N/A
Annual Rate Applica- ble to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from		
01/01/84-03/31/84	18.00%	N/A
Judgment Rate— Article 1.05, §2		
01/01/84-01/31/84	10.00%	10.00%

- (1) For variable rate commercial transactions only
(2) Only for open-end credit as defined in Texas Civil Statutes, Article 5069-1.01(f)
(3) Credit for personal, family, or household use
(4) Credit for business, commercial, investment, or other similar purpose

Issued in Austin, Texas, on January 9, 1984

TRD-840226 Sam Kelly
Consumer Credit Commissioner

Filed, January 9, 1984
For further information, please call (512) 475-2111.

Texas Department of Health Licensing Actions for Radioactive Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the following table. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License #	City	Amend- ment #	Date of Action
Cameron	St Edward Hospital	06-3523	Cameron	0	12/08/83
Grapevine	Granite Construc- tion Company	05-3528	Grapevine	0	12/21/83
Houston	SDS Biotech Corporation	11-3521	Houston	0	12/09/83
Throughout Texas	McCormick Con- struction Company, Inc	03-3529	El Paso	0	12/23/83
Throughout Texas	Tracer Service, Inc	07-3526	Kilgore	0	12/13/83
Throughout Texas	Turley & Williams, Inc	06-3522	Temple	0	12/09/83
Throughout Texas	B W Henderson	10-3519	Nacogdoches	0	12/09/83
Throughout Texas	William John Porter	11-3520	Richmond	0	12/09/83

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amend- ment #	Date of Action
Anson	Anson General Hospital	04-3417	Anson	1	12/06/83
Austin	Scientific Measurements Systems, Inc	06-2696	Austin	9	12/09/83
Austin	St David's Com- munity Hospital	06-740	Austin	34	12/14/83
Austin	Brackenridge Hospital	06-268	Austin	39	12/14/83
Austin	South Austin Com- munity Hospital	06-3273	Austin	6	12/14/83
Beaumont	Mobil Chemical Company	10-2316	Beaumont	10	12/12/83
Corpus Christi	Tubular Inspectors, Inc	08-3083	Corpus Christi	4	12/21/83
Corpus Christi	Spohn Hospital	08-2495	Corpus Christi	7	12/06/83
Dallas	Braniff International	05-1792	Dallas	4	12/22/83
Dallas	Medical City Dallas Hospital	05-2199	Dallas	4	12/12/83
Denton	North Texas State University	05-99	Denton	19	12/14/83
Denton	North Texas State University	05-101	Denton	24	12/14/83
Dinero	Everest Minerals Corporation	08-3068	Corpus Christi	3	12/28/83
Fort Worth	Consultants in Radiology	05-1711	Fort Worth	29	12/14/83
Grand Saline	Cozby Germany Hospital	07-3338	Grand Saline	1	12/14/83
Hamlin	Hamlin Memorial Hospital	04-3418	Hamlin	1	12/06/83
Hebbronville	Everest Minerals Corporation	08-2929	Corpus Christi	4	12/20/83
Hobson	Everest Minerals Corporation	09-2663	Corpus Christi	10	12/20/83
Houston	Peckman In- struments, Inc	11-1728	Houston	4	12/21/83
Houston	Commercial Metals Company	11-3101	Houston	1	12/21/83
Houston	Tubular Inspectors, Inc	08-3083	Corpus Christi	4	12/21/83
Houston	The University of Texas System Cancer Center	11-317	Houston	33	12/12/83
Houston	Texas Heart In- stitute St Luke's Episcopal Hospital	11-1798	Houston	12	12/06/83
Houston	Spring Branch Memorial Hospital	11-2473	Houston	8	12/06/83
Irving	Pioneer Park Medical Center, Inc	05-3004	Irving	4	12/14/83
Katy	Katy Community Hospital	11-3052	Katy	7	12/09/83
Kaufman	Presbyterian Hospital of Kaufman	05-3337	Kaufman	1	12/06/83
Kingsville	Texas A & I University	08-1821	Kingsville	11	12/14/83

Lone Star	Lone Star Steel Company	07-1720	Lone Star	14	12/21/83
Lubbock	Medical Arts Clinic	02-1452	Lubbock	10	12/08/83
McAllen	Ivan W. Kuhl, M.D.	08-852	McAllen	9	12/08/83
Mineola	Mineola General Hospital	07-3292	Mineola	2	12/14/83
Mount Pleasant	Dorchester Refining Company	07-1880	Mount Pleasant	6	12/12/83
North Richland Hills	North Hills Medical Center	05-2271	North Richland Hills	7	12/14/83
Orange	Polysar Gulf Coast, Inc.	10-976	Orange	19	12/12/83
Paris	Babcock & Wilcox	07-157	Paris	28	12/21/83
Pasadena	San Jacinto College	11-2675	Pasadena	3	12/14/83
Port Arthur	Gulf Refining and Marketing Company	10-54	Port Arthur	23	12/23/83
Port Neches	Synpol, Inc.	10-77	Port Neches	17	12/21/83
Rotan	Fisher County Hospital District	04-3379	Rotan	1	12/06/83
Silsbee	Temple-Eastex, Inc.	10-1095	Silsbee	17	12/23/83
Terrell	Colonial Hospital	05-2934	Terrell	3	12/06/83
Throughout Texas	Temperature Evaluation Logging Company, Inc.	12-2219	Odessa	7	12/28/83
Throughout Texas	Accurate Testing International, Inc.	11-2028	Houston	19	12/22/83
Throughout Texas	NDT Systems, Inc.	12-2031	Odessa	21	12/21/83
Throughout Texas	Holmes Wireline Service, Inc.	12-2562	Odessa	12	12/12/83
Throughout Texas	Mobil Exploration and Producing Services, Inc.	05-1627	Dallas	22	12/12/83
Throughout Texas	Berger Materials Engineering, Inc.	06-3332	Bryan	3	12/21/83
Throughout Texas	Pengo Wireline	05-1079	Fort Worth	12	12/23/83
Throughout Texas	Spinning Pipe Service	12-1884	Odessa	12	12/23/83
Throughout Texas	Espey, Huston, & Associates, Inc.	06-2937	Austin	5	12/23/83
Throughout Texas	Beard Energy Group, Inc.	09-3417	Pearshall	1	12/21/83
Throughout Texas	Houston Inspection Laboratories, Inc.	11-2011	Houston	11	12/20/83
Throughout Texas	Four A Logging & Perforating Company	01-2100	Borger	4	12/09/83
Throughout Texas	Goolsby Testing Laboratories Inc.	11-3115	Humble	4	12/09/83
Vidor	North Star Steel Texas, Inc.	10-2122	Beaumont	6	12/23/83
Weslaco	Texas A & I University Citrus Center	08-1044	Weslaco	8	12/14/83
Wichita Falls	Howmet Turbine Components Corporation	04-2687	Wichita Falls	3	12/09/83

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Abilene West	Texas Medical Center	04-2434	Abilene	11	12/06/83
Houston	PPG Industries, Inc.	11-2439	Houston	5	12/23/83
Houston	Houston Northwest Radiotherapy Center	11-2416	Houston	8	12/14/83
Port Neches	Synpol, Inc.	10-77	Port Neches	16	11/30/83
Throughout Texas	City of Arlington	05-2899	Arlington	2	12/21/83
Throughout Texas	Mangalux Tubular Inspection	11-2393	Channelview	6	12/23/83
Throughout Texas	Exxon Research & Engineering Co.	11-1132	Baytown	24	12/23/83
Throughout Texas	Texasgulf Chemicals Company	12-2919	Fort Stockton	3	12/23/83
Throughout Texas	Chemical Waste Management, Inc.	10-2907	Port Arthur	3	12/09/83

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Dallas	Key Laboratories, Inc.	05-2277	Dallas	2	12/23/83
El Paso	Highland Park Hospital	03-2427	El Paso	6	12/16/83
Fort Worth	METPATH, Inc.	05-2211	Fort Worth	3	12/20/83
Pasadena	Pasadena Chemical Company	11-2422	Pasadena	5	12/12/83
Temple	Scott and White Clinic	06-3104	Temple	3	12/12/83

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or 'person affected' within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the 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 or economic damage due to emissions of radiation. A licensee, applicant, or "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.

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.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m. Monday through Friday (except holidays).

Issued in Austin, Texas, on January 6, 1984.

TRD-840181 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: January 6, 1984
For further information, please call (512) 835-7000.

Public Hearings

The City of Alice presently holds Solid Waste Permit 262 issued by the Texas Department of Health for the operation of a Type I municipal solid waste site, located approximately two miles north of the Alice city limits, and 0.25 mile northwest of the junction of County Road 241 and U.S. Highway 281 in Jim Wells County.

An application has been filed by the permit holder to amend the permit to add a 15.09-acre extension to the western side of the existing disposal site. The total site will consist of 30.54 acres of land and is to receive daily 60 tons of solid waste.

The public hearing will be held on Tuesday, February 7, 1984, in the council chambers, city hall, 500 West Main Street, Alice.

Issued in Austin, Texas, on January 6, 1984

TRD-840182 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed January 6, 1984

For further information, please call (512) 458-7271

The Texas Department of Health will conduct a public hearing on proposed new 25 TAC §§157.61-157.75, concerning emergency medical services. The new rules cover minimum requirements for personnel certification, vehicle registration by permit, categorization of vehicles, suspension and revocation of vehicle permits, requests for emergency care attendant training, requests for variances, and fees. The proposed rules were published in the December 23, 1983, issue of the *Texas Register* (8 TexReg 5398).

The hearing will be held on Friday, January 27, 1984, at 10 a.m. in the auditorium, Texas Department of Health, 1100 West 49th Street, Austin. The hearing officer may limit each speaker to 10 minutes, and each group, association, or organization should have one spokesperson.

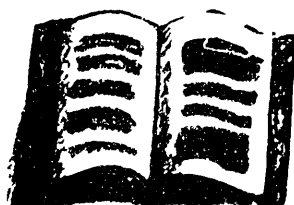
For further information, contact Charles H. Gregory, M.D., Chief, Bureau of Emergency Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7551.

Issued in Austin, Texas, on January 4, 1984

TRD-840088 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: January 5, 1984

For further information, please call (512) 458-7551



Texas Health Facilities Commission Applications Accepted for Amendment, Declaratory Ruling, and Notices of Intent

The Texas Health Facilities Commission gives notice of applications accepted as of the date of this publication. In the following list, the applicant is listed first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling; AMD indicates amendment of previously issued commission order; CN indicates certificate of need; PFR indicates petition for reissuance; NIE indicates notice of intent to acquire major medical equipment; NIEH indicates notice of intent to acquire existing health care facilities; NIR indicates notice of intent regarding a research project; NIE/HMO indicates notice of intent for exemption of HMO-related project; and EC indicates exemption certificate.

Should any person wish to become a party to any of the previously-stated applications, that person must file a proper request to become a party to the application within 15 days after the date of this publication of notice. If the 15th day is a Saturday, Sunday, state or federal holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, state or federal holiday. A request to become a party should be mailed to the chair of the commission at P.O. Box 50049, Austin, Texas 78763, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party.

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

Chillicothe Hospital District for Chillicothe
Hospital, Chillicothe
AH82-1231-325A(122983)

CN/AMD—Request for an extension of the completion deadline from September 30, 1985, to September 30, 1986, in Certificate of Need AH82-1231-325, which authorized the certificate holder to construct a 10,634 square foot building addition which will establish physical therapy as a new service.

Quality Care, Inc., doing business as Francis
Convalescent Center, Fort Worth
AN81-0320-029A(123083)

CN/AMD—Request for an extension of the completion deadline from December 31, 1983, to February 29, 1984, in Certificate of Need AN81-0320-029, as amended by AN81-0320-029A(061882), AN81-0320-029A(121582), and AN81-0320-029A(101483), which authorized the certificate holder to construct an 11,288 square foot building addition to provide 52 new skilled beds and to expand dietary, laundry, living, dining, and parking areas.

Convalescent Services, Inc., a Georgia corporation,
Atlanta, Georgia
AN83-1230-479
NIEH—Request for a declaratory ruling that a certificate of need is not required for Convalescent Services, Inc., a Georgia corporation, to acquire by purchase Bayou Glen Northwest Nursing Center, an existing 180-bed nursing facility with 120-ICF and 60 skilled beds located in Houston, from Pitts, Greebon Joint Venture

Convalescent Services, Inc., a Georgia corporation,
Atlanta, Georgia
AN83-1230-478
NIEH—Request for a declaratory ruling that a certificate of need is not required for Convalescent Services, Inc., a Georgia corporation, to acquire by purchase Bayou Glen Nursing Center, an existing 180-bed private pay nursing facility located in Houston, from Pitts, Greebon Joint Venture.

Galveston County for Memorial Hospital of
Galveston County, Texas City
AH83-1221-456
DR—Request for a declaratory ruling that a certificate of need is not required for Galveston County for Memorial Hospital of Galveston County, Texas City, to renovate and remodel its pediatric unit and its fifth floor in a manner different from that authorized in Certificate of Need AH80-0103-003. The applicant proposes to remodel the approved 20-bed pediatric unit to a 13-bed pediatric unit with two semi-private and nine private rooms, and to remodel the 29-bed medical/surgical floor to provide a 35-bed medical/surgical unit with two semi-private and 31 private patient rooms and one nurse's station. The waiting room, satellite physical therapy room, dining, and recreation areas would be remodeled to provide space for outpatient day surgery which is currently being performed in the special procedures room in the emergency suite. One private medical/surgical patient room on the fourth floor would be converted to a semi-private room. The proposed changes would result in a net 310 patient beds within the hospital, as authorized in Certificate of Need AH80-0103-003. The categories of beds would change from those authorized in that the total number of medical/surgical beds would increase from 193 to 200 and the authorized number of pediatric beds would decrease from 20 to 13. The total project cost is \$154,000

Convalescent Services, Inc., a Georgia corporation,
Atlanta, Georgia
AN83-1230-480
NIEH—Request for a declaratory ruling that a certificate of need is not required for Convalescent Services, Inc., a Georgia corporation, to acquire by purchase Bayou Glen Jones Road Nursing Center, an existing 120-bed nursing facility with 60 ICF and 60 skilled beds located in Houston, from Jones Road Joint Venture

Valley Community Hospital, Inc., Brownsville
AH83-1230-481
NIEH—Request for a declaratory ruling that a certificate of need is not required for Valley Community Hospital, Inc., a Texas nonprofit corporation, to transfer the title of Valley Community Hospital to Cameron County. Simultaneously with the transfer of title from Valley Community Hospital, Inc., to Cameron County, the county will transfer title to Valley Community Hospital to the Southmost Texas Health Facilities Finance Agency, and at the same time, Southmost Texas Health Facilities Finance Agency will lease Valley Community Hospital back to Valley Community Hospital, Inc. Valley Community Hospital is an existing 117-bed general acute care hospital located in Brownsville.

Galveston County for Memorial Hospital of
Galveston County, Texas City
AH80-0103-003A(122183)
CN/AMD—Request to extend the completion deadline from December 31, 1983, to June 30, 1984, in Certificate of Need AH80-0103-003, which authorized the certificate holder to construct 52,000 square foot addition to the hospital for a 65-bed psychiatric unit; convert the present 62-bed psychiatric unit into an additional medical/surgical unit with 29 private beds; decrease the pediatric unit from 30 to 20 beds; and decrease the obstetrical unit from 32 to 16 beds for a net increase of six beds

Issued in Austin, Texas, on January 9, 1984

TRD-840254 John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed, January 9, 1984
For further information, please call (512) 475-6940.



Texas Department of Human Resources Correction of Error

Two proposals by the Texas Department of Human Resources contained an error as submitted in the January 6, 1984, issue of the *Texas Register* (9 TexReg 172). References to 1.07% in the preamble and subsection (d) of both 40 TAC §23.9801 and 40 TAC §27.9801 should be 1.07. Because of this error, the department extends the public comment period on these rules to January 27, 1984.

Intended Use Report

The Texas Department of Human Resources (DHR) has published reports outlining its intended use of block grant funds in fiscal year 1984 for programs funded by Title XX and the Low-Income Home Energy Assistance Program (HEAP).

The proposals for these reports were available to the public in June 1983. The Office of the Governor conducted eight hearings in Texas during June and July to receive public comments. The comments are summarized as follows.

Title XX. Several commenters were concerned about the DHR allocation formulas. Some thought that the process should be decentralized so regions could decide what services to fund. Others believed that the formulas for allocation of funds among regions were unfair. Some suggested that services were unevenly distributed, with no services available in some counties and too many in others.

Many commenters supported increased funding for the following services: community care for the adult and disabled, family planning, adult protective services contracts, preventive services in child protection, family violence services, and day-care services.

Some commenters suggested changes in eligibility for day care services, while some were dissatisfied with the department's planning and the lack of specific information about the budgeting and allocation process used by the department. Others had concerns about the operation of specific programs rather than the intended use reports.

Low-Income Home Energy Assistance. Several commenters were concerned about the program design of energy crisis intervention (ECI) and weatherization. Specifically, the commenters stated that the cut-off notice requirement is ineffective and unfair; more outreach is needed, more consumer education is needed; more allowance is needed for labor and repair of homes; and the \$90 limit in ECI is insufficient.

Three commenters suggested that HEAP funds should not be given directly to clients. They suggested a voucher system. Several commenters suggested that too much of the funding is allocated for HEAP and not enough to ECI and weatherization.

The commenters generally discussed implementation issues and increased funding in the various services. Comments to change priorities were balanced across program areas; therefore, the department decided not to change the budget priorities. The final intended use reports contain content similar to the proposed versions. The department will consider comments as it continues to develop the programs. The department will publish a schedule for budget planning activities in a separate announcement in the *Texas Register*. This will allow early public participation in planning block grant expenditures.

People may review the intended use reports in a DHR office near them. The addresses for these offices are in the telephone directory. Free copies of the reports may be obtained from the Special Services Division—427-B,

Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769. Written comments or questions may be sent to the same address.

A report describing the actual expenditures of block grant funds for fiscal year 1983 also is available free of charge from the Special Services Division.

For further information about these block grant programs, please call (512) 441-3355, ext. 2094.

Issued in Austin, Texas, on January 9, 1984

TRD-840258

Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed January 9, 1984

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

Task Force on Indigent Health Care Correction of Error

An open meeting notice submitted by the Task Force on Indigent Health Care contained an error as published in the January 3, 1984, issue of the *Texas Register* (9 TexReg 81). The agenda of the March 8, 1984, meeting at 2 p.m. should have stated that the task force would receive testimony concerning eligibility, services, administration, and financing of indigent health care and concerning problems in the El Paso area.

State Board of Insurance Hearing on Workers' Compensation Insurance

The State Board of Insurance gives notice of a public hearing to be held on Thursday, January 26, 1984, at 9 a.m. in the hearing room, DeWitt Greer Building, 11th and Brazos Streets, Austin. The purpose of the hearing is to consider two proposals.

The first proposal, by the National Council on Compensation Insurance, is to amend Rule V of the *Texas Basic Manual of Rules, Classifications, and Rates for Workers' Compensation and Employers' Liability Insurance* (Rule 059 05 55.001) by eliminating the present \$300 weekly payroll limitation and substituting total payroll for use in premium determination, with appropriate rate-reducing offsets so as not to influence the overall premium volume. The following classifications would be excluded from use of total payroll.

- (1) executive officers of corporations (see Rule IV B 2 3.)—8809,
- (2) athletic team or park contact sports—9179;
- (3) athletic team or park noncontact sports—9178;
- (4) carnival, circus, or amusement device operator—traveling—all employees and drivers—9186.

The classifications previously referenced would be subject to a formula of four times the average weekly wage in Texas, rounded to the nearest \$100, to be used in determining the maximum payroll in lieu of a dollar amount.

The second proposal, by the Associated General Contractors—Texas Building Branch (AGC), is that if the board decides to use actual payroll, the board issue its order mandating a change to the use of total payroll as the premium basis for workers' compensation insurance, to be effective on the fourth anniversary date of this order. The AGC would further propose that during the four-year interim period, total payroll data, as well as limited payroll data, be reported to the State Board of Insurance, which will then promulgate manual rates with experience modifiers based on the total payroll. This data and the promulgations of the board would be available to employers and other interested parties for information purposes, study, and revision during the transition years.

Issued in Austin, Texas, on January 5, 1984

TRD-840172 James W. Norman
 Chief Clerk
 State Board of Insurance

Filed January 6, 1984

For further information, please call (512) 475-2950

Commission on Jail Standards Correction of Error

Proposed rules submitted by the Commission on Jail Standards contained six errors as submitted in the January 3, 1984, issue of the *Texas Register* (9 TexReg 38).

The text of §259.27 should read

§259.27. *Processing Area.* Jails shall have a processing area located inside the security perimeter [inmate occupied area], but away from the inmate living areas and day rooms. The processing area shall be designed to readily permit the booking, shakedown, identification, and dressing of inmates. A telephone shall be available for detainees to make the constitutionally recognized phone calls. Processing areas should be provided with drinking fountains and water closets. Panels or partitions may be erected at booking desk, counter, or area to insure privacy and increase separation of males, females, juveniles, and adults during a multiple booking operation.

The text of §259.64 should read.

259.64 *Holding Rooms (or Cells).*

(a) One or more holding rooms shall be provided to detain inmates pending booking, court appearance, identification, housing assignment or discharge. Holding rooms shall include the following features and equipment:

(1) Floor areas. Minimum floor area of a holding room shall be 40 square feet (for single occupancy). For occupancy by more than one person, add a minimum of 18 square feet per additional person. The floor shall be constructed of material which is durable and easily cleaned. **Bunk(s) may be included in the holding cell.**

(2) Seating. Seating shall be sufficient to provide not less than 24 linear inches per person at capacity. **Seating elevation shall be normal seating height.**

(3)-(4) (No change.)

(b) (No change.)

The text of §259.229 should read:

§259.229. *Exercise Area.* An exercise area shall be provided. This may be a rooftop exercise area, an outside exercise area, or one included inside the facility. Outdoor exercise areas should be covered with expanded metal or some type of netting to prevent the passage of weapons/contraband. **The area should contain at least 1,500 square feet of space.**

The text of §261.42 should read:

§261.42. *Exercise Area.* A secure exercise area shall be provided for all jails. This may be a rooftop exercise area, an outside exercise area, or one included inside the facility. Outdoor exercise areas should be covered with expanded metal or some type of netting to prevent introduction of weapons/contraband. A water closet and drinking fountain should be readily available. **The area should contain at least 1,500 square feet of space.**

The text of §261.53 should read.

§261.53. *Holding Rooms (or Cells).*

(a) One or more holding rooms should be provided to temporarily detain inmates pending booking, court appearance, identification, housing assignment, or discharge. Holding rooms shall include the following features and equipment:

(1) Floor areas. Minimum floor area of a holding room shall be 40 square feet (for single occupancy). For occupancy by more than one person, add a minimum of 18 square feet per additional person. The floor shall be constructed of material which is durable and easily cleaned. **Bunk(s) may be included in the holding cell.**

(2) Seating. Seating shall be sufficient to provide not less than 24 linear inches per person at capacity. It shall be fire resistive and anchored securely to the floor. **Seating elevation shall be normal seating height.**

(3)-(4) (No change.)

(b) (No change.)

The text of §261.149 should read:

§261.149. *Holding Rooms (or Cells).*

(a) One or more holding rooms may be provided to temporarily detain inmates pending booking, court appearance, identification, housing assignment, or discharge. Holding rooms shall include the following features and equipment:

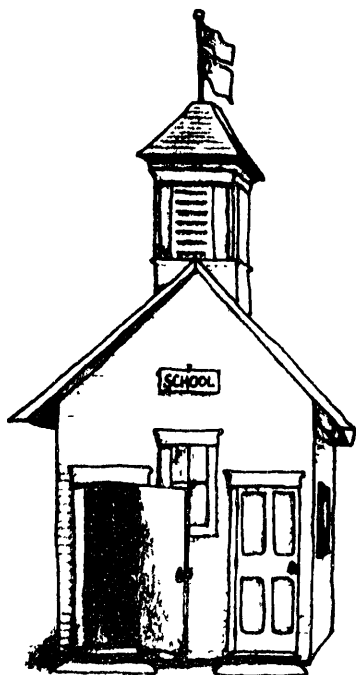
(1) Floor areas. Minimum floor area of a holding room shall be 40 square feet (for single occupancy). For occupancy by more than one person, add a minimum of 18 square feet per additional person. The floor shall be constructed of material which is durable and easily cleaned. **Bunk(s) may be included in the holding cell.**

(2) Seating. Seating shall be sufficient to provide not less than 24 linear inches per person at capacity. It shall be fire resistive and anchored securely to the floor. **Seating elevation shall be normal seating height.**

(3)-(4) (No change.)

(b) (No change.)

Also, the serialization note that appeared in the *Texas Register* incorrectly stated that \$259.53 and \$259.127 would appear in the *Register*. These rules will be proposed for amendment at a later date.



Texas State Library and Archives Commission Consultant Contract Award

The Texas State Library and Archives Commission has awarded a private consultant contract. The consultant proposal request was filed under the provisions of Texas Civil Statutes, Article 6252-11c, and was published in the August 5, 1983, issue of the *Texas Register* (8 TexReg 3047)

Description. The consultant will provide research, compilation, drafting, consultation, and editing services required to produce publications setting forth, and explaining the use of, records retention guidelines for Texas municipalities and special district offices.

Contractor. The name and address of the contractor are Dr. Michael W. Heskett, 9617 Great Hills Trail, #1113, Austin, Texas 78759

Contract Value and Period. Total costs of the contract are not to exceed \$38,167. The beginning date of the contract is December 1, 1983, and completion date is August 31, 1985.

Due Date for Reports. The preparation and editing of records manuals are due on or before August 31, 1985.

Issued in Austin, Texas, on January 5, 1984.

TRD-840256 Dorman H. Winfrey
Director and Librarian
Texas State Library and Archives
Commission

Filed: January 9, 1984

For further information, please call (512) 475-2186.

Consultant Contract Reports

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

Following is the list of reports received for the fourth quarter of 1983. The reports may be examined in Room 300, Texas State Library and Archives Commission, 12th and Brazos Streets, Austin.

Agency: Texas Department On Aging
Consultant: Hal Geldon
Title: *Texas Senior Games for Fun and Fitness.*

Agency: Economic Development Commission
(Texas Industrial Commission).
Consultant: Luis Morales, Graciela Letayf.
Titles: *Monthly Reports of State of Texas Trade Office, Mexico City, May-September, 1983.*
Quarterly Report, International Division, Texas Economic Development Commission

Agency: Texas Education Agency
Consultant: Gallaudet College, Center for Assessment and Demographic Studies.
Title: *Survey of Hearing Impaired Children and Youth: Final Report, 1982-1983*

Agency: Texas Energy and Natural Resources Advisory Council (10 Reports)
Consultant: Travis-Braun & Associates, Inc.
Title: *Feasibility Study for Application of Solar Energy to Supply Industrial Process Heat for the Spreckles Sugar Division of Amstar Corporation.*

Consultant: Southwest Research Institute
Title: *Comal County Mental Health and Mental Retardation Center Passive Solar Demonstration Program.*

Consultant: Espey, Huston & Associates, Inc.
Titles: *Community Impacts of Lignite and Coal Development in Texas: Legislative Report*
Impacts of Lignite Development in Texas: An Environmental Primer

Consultant: Applied Solar Engineering.
Title: *Conceptual Study of a Salt Gradient Solar Pond in the Crude Oil Production Industry.*

Consultant: SumX Corporation
Title: *Demonstration of Biomass-Derived Fuels for Integrated Energy Farm*

Consultant: MICON Engineering, Inc
Title: *Energy Conservation through Microprocessor-Based Controls*

Consultant: Rice Center.
Title: *Onshore Impacts of Offshore Oil and Gas Activities*. Four volumes.
Consultant: SV&G Energy Resources, Inc.
Title: *Preliminary Evaluation of Swine Manure as Alternative Feedstock for the Del Valle Hog Farm*.

Consultant: Radian Corporation.
Title: *Trace Elements in Texas Lignite*.

Agency: State Department of Highways and Public Transportation.

Consultant: Jeanneret and Associates, Inc.
Title: *Final Report of a Job Analysis and Job Evaluation Study Using the Position Analysis Questionnaire (PAQ) and the Professional and Managerial Position Questionnaire (PMPQ)*.

Agency: Houston-Galveston Area Council.
Consultant: Turner, Collie & Braden, Inc.
Title: *Local Street and Thoroughfare Funding in the H-GAC Region*.

Agency: Texas Department of Mental Health and Mental Retardation.
Consultant: Penelope Caragonne.
Title: *Comparison of Case Management Work Activity and Current Models of Work Activity within Texas Department of Mental Health and Mental Retardation*.

Agency: North Central Texas Council of Governments.
Consultant: Hoyle, Tanner & Associates, Inc.
Title: *NCTCOG Year 2000 Helipad System Plan*.

Agency: NORTEX Regional Planning Commission.
Consultant: Frank J. Leal & Associates.
Title: *Audit Report for the Year Ended September 30, 1983*.

Agency: Texas Department of Public Safety.
Consultant: Learning Services, Inc.
Title: *Flow Facts* (film).

Agency: Sam Houston State University.
Consultant: Americas Corporation.
Title: *Proposal to Develop Curriculum on Working with Hispanic Offenders*.

Agency: South Plains Association of Governments.
Consultant: Davis, Kinard and Company.
Title: *South Plains Association of Governments Employment and Training Programs: Financial Compliance Information and Auditor's Report*.

Agency: Texas Department of Water Resources.
Consultant: Espey, Huston & Associates.
Title: *Site Investigation Report, Highlands Acid Pit*.

Agency: University of Texas at Austin.
Consultant: Parking Specialists, Inc.
Titles: *Comprehensive Transportation and Parking Plan for the University of Texas at Austin*.

Comprehensive Transportation and Parking Plan for the University of Texas at Austin: Recommended Garage Sites.
Comprehensive Transportation and Parking Plan for the University of Texas at Austin: Incrementation Plan.

Issued in Austin, Texas, on January 5, 1984

TRD-840173 William D. Gooch
Assistant State Librarian
Texas State Library and Archives
Commission

Filed: January 6, 1984
For further information, please call (512) 475-2166.

Board of Pardons and Paroles Correction of Error

A consultant contract award submitted by the Board of Pardons and Paroles contained an error as published in the November 8, 1983, issue of the *Texas Register* (8 Tex-Reg 4697).

The information following "Contract Amount" should read: "The total value of the study is (not to exceed) \$50,000." Following that sentence should be the information on the contract period: "The duration of the contract will be from October 24, 1983, through August 31, 1984. The consultant will furnish the board with a final report no later than August 31, 1984."

Texas Parks and Wildlife Department Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, the Texas Parks and Wildlife Department invites offers of consulting services to assist in the development of a long-range plan for automated information systems. The consultant selected will be expected to review the department's present data processing operations; planned and pending automated information systems enhancements; and field office operations for possible automation opportunities for the purpose of determining and recommending computer and associated equipment requirements to support a long-range information systems plan.

Proposals are due by 5 p.m. on February 3, 1984. Selection criteria will include the firm's reputation with previous customers for similar work, the ability to perform within the time required, experience and qualifications of personnel assigned to the project, and projected cost. Since this is a continuation of work previously performed, it is the department's intention to award this contract to Arthur Young and Company unless a better offer is submitted. The project must be completed by April 15, 1984.

For further information, contact W. M. Anderson, Director of Data Processing, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4980.

Issued in Austin, Texas, on January 6, 1984.

TRD-840188 Charles D Travis
Executive Director
Texas Parks and Wildlife
Department

Filed: January 6, 1984

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

Public Utility Commission of Texas Consultant Proposal Requests

The Public Utility Commission of Texas (PUC) requests all interested parties to submit technical proposals to provide consulting services to the manager of technical services. This request is filed under the provisions of Texas Civil Statutes, Article 6252-11c.

Description of Services. The purpose of this contract is to assist the agency with the development of a five-year, long-range information systems plan. A complete description of the services and list of deliverables required by the agency are included in the consultant proposal request (CPR). Consultant proposal requests are available upon request.

Closing Date. Closing date for offers to provide these services is February 16, 1984.

Effective Date. The contract shall become effective on or about March 1, 1984, and will terminate on or about June 1, 1984.

Procedure for Selecting Contractor. The PUC shall select the contractor through recommendation of a review committee established for the purpose of evaluating the proposals. The evaluation will consist of two phases: technical evaluation and cost evaluation.

Cost. The cost of these consulting services is not expected to exceed \$30,000.

Contact Person. Any offeror interested in providing the described services may obtain the CPR by contacting Rex Crowder, Manager of Technical Services, Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, (512) 458-0260.

Issued in Austin, Texas, on January 5, 1984.

TRD-840087 Rhonda Colbert Ryan
Secretary of the Commission
Public Utility Commission of
Texas

Filed: January 5, 1984

For further information, please call (512) 458-0100.

In accordance with Texas Civil Statutes, Article 6252-11c, the Public Utility Commission of Texas publishes this in-

itation for proposals for consulting services. The commission seeks proposals from qualified firms and institutions for the development, production, and release of a statewide multimedia campaign designed to inform residential consumers on specific methods for controlling their energy usage. Electronic and printed materials should be released during the spring months of 1984. Four to six specific energy-saving topics will be covered in the series, each as a separate release.

For further information and materials on bid specifications, contact the Energy Efficiency Division, Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, (512) 458-0301. Proposals must be submitted not later than noon on February 6, 1984.

Issued in Austin, Texas, on January 6, 1984

TRD-840174 Rhonda Colbert Ryan
Secretary of the Commission
Public Utility Commission of
Texas

Filed: January 6, 1984

For further information, please call (512) 458-0100.

Railroad Commission of Texas Public Hearing Notice

The Railroad Commission of Texas will conduct a public hearing on 16 TAC §§5.534-5.538, concerning the exemption of eligible agricultural commodities from certain commission regulations. The issues to be considered in the hearing include, but are not limited to: what commodities are considered "horticultural products"; and what horticultural products, if any, should be defined as eligible agricultural commodities.

The public hearing will commence at 10 am on February 15, 1984, and continue on February 16, 1984, if necessary. The hearing will be held in Room 309 of the Railroad Commission Building at 1124 IH 35 South, Austin.

This public hearing will be conducted in compliance with the *General and Special Rules of Practice and Procedure Before the Transportation Division*. Any interested member of the public may appear and offer comments. Cross-examination of witnesses will not be allowed, although the presiding examiner may ask questions of any person testifying.

For further information, please contact Terry Johnson, Hearings Examiner, Transportation Division, Railroad Commission of Texas, P O. Drawer 12967, Austin, Texas 78711, (512) 445-1331.

Issued in Austin, Texas, on January 6, 1984

TRD-840206 Walter Wendlandt
Acting Director
Transportation Division
Railroad Commission of Texas

Filed: January 6, 1984

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

Texas Savings and Loan Department Applications for Change of Control of Associations

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

On December 30, 1983, the savings and loan commissioner received an application for approval of the acquisition of control of Gulf Coast Savings Association, Richmond, by Mercury Savings Association of Texas, Wichita Falls.

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

Issued in Austin, Texas, on January 4, 1984

TRD-840077 Russell R. Oliver
General Counsel
Texas Savings and Loan
Department

Filed January 4, 1984

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

On December 30, 1983, the savings and loan commissioner received an application for approval of the acquisition of control of Lockhart Savings and Loan Association, Lockhart, by L. S. Financial Corporation, Dallas.

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

Issued in Austin, Texas, on January 4, 1984

TRD-840078 Russell R. Oliver
General Counsel
Texas Savings and Loan
Department

Filed January 4, 1984

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

Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of January 2-6, 1984.

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

discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

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

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

Period of January 2-6, 1984

City of Clute; wastewater treatment plant; approximately 800 feet east of the intersection of Lake Jackson Road and State Highway 228 on the north side of the Missouri Pacific Railroad in the City of Clute, Brazoria County; 10044-01; renewal

City of Nome; wastewater treatment plant, adjacent to Cotton Creek, approximately ½ mile north of the City of Nome, at the junction of Third Street and Cotton Creek in Jefferson County; 11564-01; renewal

Asbury Development Corporation, Dallas; mobile home park; approximately ½ mile southwest of the intersection of IH 35 East and FM Road 2181, approximately 3,700 feet west northwest of the intersection of IH 35 East and Turbeville Road in Denton County; 12846-01; new permit

Block House Development Corporation, Austin, sewage treatment plant, north of the City of Cedar Park, approximately 2.5 miles southeast of the intersection of FM Road 2243 with State Highway 183 and approximately 2.3 miles northeast of the intersection of FM Road 1431 with State Highway 183 in Williamson County; 11972-01, renewal

City of Dawson, wastewater treatment plant; in southeast Dawson, approximately ¼ mile southwest of FM Road 709 in Navarro County, 10026-01; renewal

Pilar Tiampo, Houston; wastewater treatment plant; on the south side of FM Road 1960, approximately 7,500 feet west of the intersection of FM Road 1960 and U.S. Highway 59 in Harris County, 02684; new permit

Jamie C. Tiampo Trust of 1980 and James John Tiampo, Houston; wastewater treatment plant; approximately 5,500 feet west of the intersection of U.S. Highway 59 and FM Road 1960 on the north side of FM Road 1960 in Harris County; 02685; new permit

Issued in Austin, Texas, on January 6, 1984

TRD-840257 Mary Ann Hefner
Chief Clerk
Texas Water Commission

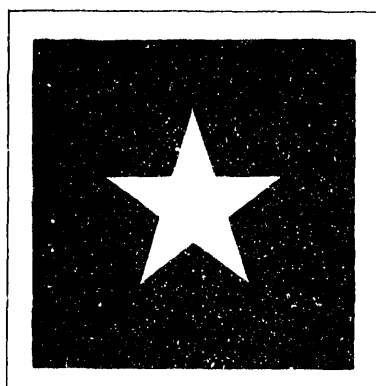
Filed January 9, 1984

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

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