

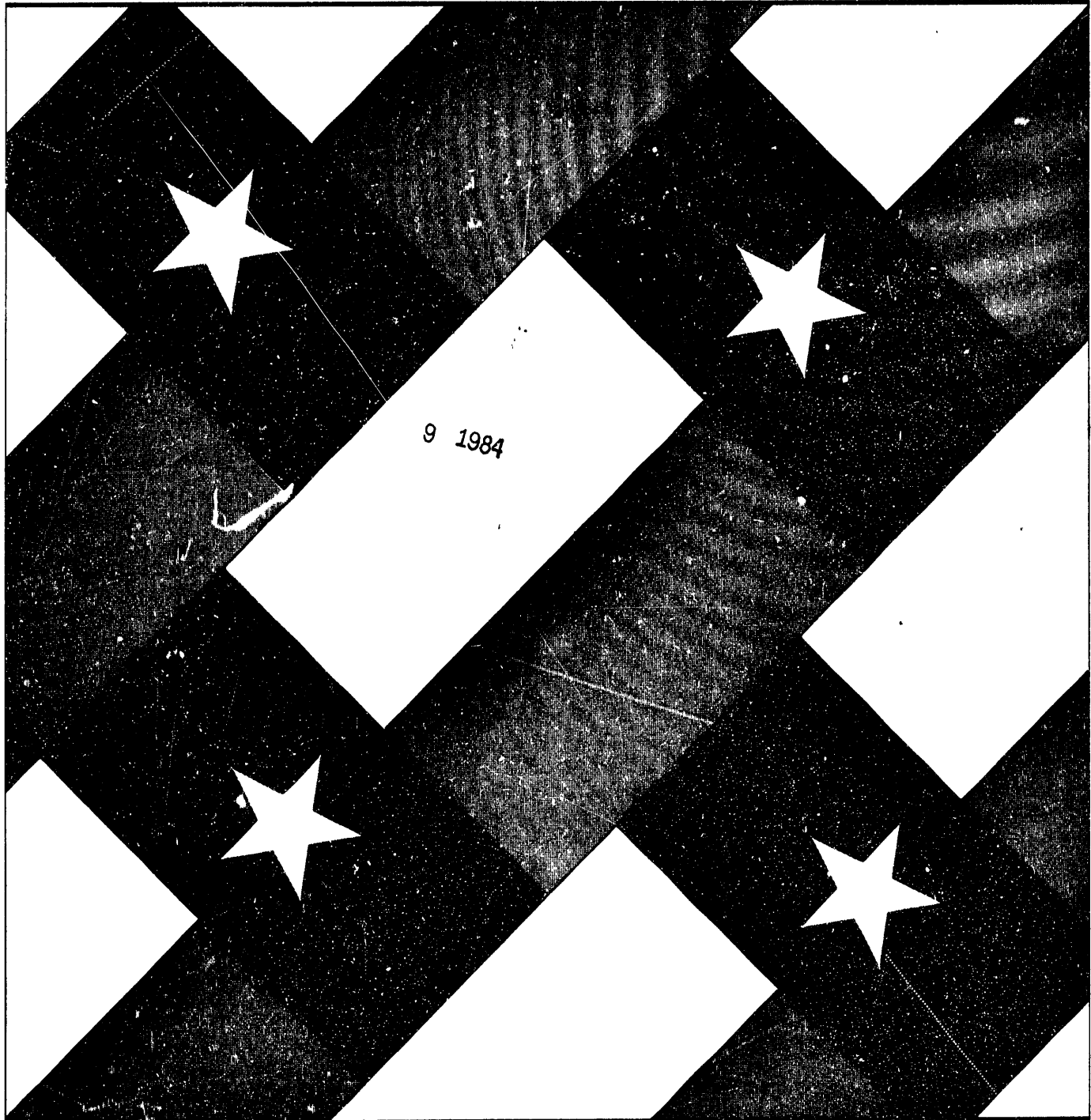
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Texas Register

Volume 9, Number 33, May 4, 1984

Pages 2409 - 2510



Highlights

The Texas Education Agency adopts on an emergency basis amendments concerning certification of teachers in general
 Effective date - April 24 page 2415

The Texas State Board of Plumbing Examiners

adopts on an emergency basis amendments in a chapter concerning examination
 Effective date - April 27 page 2416

The Texas Rehabilitation Commission proposes a new section in a chapter concerning general rules. Earliest possible date of adoption - June 4 page 2440

**Office of
 the Secretary
 of State**

Texas Register

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

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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

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

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

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

Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*.

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



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Open Meetings

2460 Texas Department of Agriculture
2460 State Bar of Texas
2460 State Commission for the Blind
2461 Texas Department of Community Affairs
2461 Credit Union Department
2461 Texas Commission for the Deaf
2461 Texas State Board of Dental Examiners
2461 Texas Diabetes Council
2461 East Texas State University
2462 Texas Employment Commission
2462 State Ethics Advisory Commission
2462 Office of the Governor
2462 Texas Grain Sorghum Producers Board
2463 Texas Health Facilities Commission
2463 Texas Health and Human Services
Coordinating Council
2463 Texas Historical Commission
2463 Texas Department of Human Resources
2463 State Board of Insurance
2464 Lamar University
2464 Texas Department of Mental Health and
Mental Retardation
2464 State Board of Morticians
2464 Texas Optometry Board
2465 Board of Pardons and Paroles
2465 Texas Parks and Wildlife Department
2465 Proprietary School Advisory Commission
2465 Texas State Board of Public Accountancy
2466 Public Utility Commission of Texas
2466 Railroad Commission of Texas
2467 Texas Rehabilitation Commission
2467 Texas Savings and Loan Department
2467 Office of the Secretary of State
2467 State Securities Board
2467 University System of South Texas
2468 State Committee of Examiners for
Speech Language Pathology and
Audiology
2468 Board of Tax Professional Examiners
2468 Texas Southern University
2468 University of Texas System
2468 University Interscholastic League
2468 Texas Water Commission
2470 Texas Department of Water Resources
2470 Texas Water Well Drillers Board
2470 Texas Youth Commission
2470 Regional Agencies

In Addition

Texas Department of Agriculture
2473 Amendment to Consultant Contract
Award
Texas Air Control Board
2473 Applications for Construction Permits
Texas Department of Community Affairs
2473 Comments Related to Proposed Final
Statement
2474 Consultant Contract Award
Comptroller of Public Accounts
2475 Decisions 14,325 and 14,352
Office of Consumer Credit Commissioner
2475 Rate Ceilings
Office of Court Administration
2476 Consultant Contract Award
Court Reporters Certification Board
2476 Certification of Court Reporters
Texas Education Agency
2476 Public Hearings
General Land Office
2480 Correction of Error
Texas Health Facilities Commission
2480 Applications Accepted for Amendment,
Declaratory Ruling, and Notices of
Intent
2481 Show Cause Hearing
Texas Housing Agency
2482 Public Hearing
State Board of Insurance
2482 Company Licensing
Public Utility Commission of Texas
2483 Consultant Proposal Requests
Texas Savings and Loan Department
2484 Applications for Change of Control of
Associations
2485 Charter Application and Hearing
Texas State Treasury Department
2485 Amendment to Request for Consulting
Services
Texas Department of Water Resources
2486 Consultant Proposal Request

Index

2487 Guide to Agency Activity—April
2505 TAC Titles Affected—April

Contents

The Governor

Appointment Made April 24

2413 Finance Commission of Texas

The Attorney General

Open Records Decision

2414 ORD-411 (RQ-256)

Emergency Rules

Texas Education Agency

2415 Teacher Certification

Texas State Board of Plumbing Examiners

2416 Examination

Proposed Rules

State Ethics Advisory Commission

2417 Advisory Opinions

Texas Department of Agriculture

2418 Herbicide Regulations

Texas State Library and Archives Commission

2419 Library Development

Texas Education Agency

2419 Planning and Accreditation

2420 Teacher Certification

2421 Hearings and Appeals

Board of Nurse Examiners

2424 Practice and Procedure

2425 Licensure and Practice

Texas State Board of Pharmacy

2426 Licensing Requirements for Pharmacists

2428 Pharmacies

Texas State Board of Plumbing Examiners

2431 Examination

Texas Health Facilities Commission

2432 Description of the Commission

2432 Rule-Making Procedures

2432 Terms and Phrases

2432 Certificate of Need Requirements

2433 Application and Petition Procedures

2433 Criteria

2433 Commission Review of Applications

2433 Commission Action on Applications and Other Matters

2433 Health Systems Agency Rules of Review

2434 Forfeiture

2434 Enforcement

2434 Miscellaneous Provisions

Texas Rehabilitation Commission

2434 General Rules

2435 Vocational Rehabilitation Services to Individuals

2435 Vocational Rehabilitation Services to Groups of Handicapped Individuals

2435 Economic Need

2435 Similar Benefits

2436 Eligibility, Ineligibility, and Certification

2436 Methods of Administration of Vocational Rehabilitation

2436 General Methods of Administration

2437 General Rules of Extended Services

2437 Eligibility and Ineligibility

2437 Client Participation

2437 Services Provided

2438 General Administration

2438 Service Centers for Displaced

Homemakers Program—General Rules

2438 Establishment of Centers

2439 Programs at Service Centers

2439 Funding and Fees at Service Centers

2439 Reports and Evaluations

2440 General Rules

2443 Vocational Rehabilitation Services Program

2448 Extended Rehabilitation Services Program

2449 Independent Living Services Program

Texas Department on Aging

2449 Support Documents

Withdrawn Rules

Railroad Commission of Texas

2452 Transportation Division

Adopted Rules

Texas Department of Labor and Standards

2453 Manufactured Housing

Coordinating Board, Texas College and University System

2454 Administrative Council

Texas Education Agency

2455 Student Attendance

2455 Rules and the Rule-Making Process

Comptroller of Public Accounts

2456 Tax Administration

Texas Adult Probation Commission

2457 Standards

2457 Fund Distribution

Texas Department of Human Resources

2458 Medicaid Eligibility

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

Appointment Made April 24

Finance Commission of Texas

To the Savings and Loan Section for a term to expire February 1, 1987.

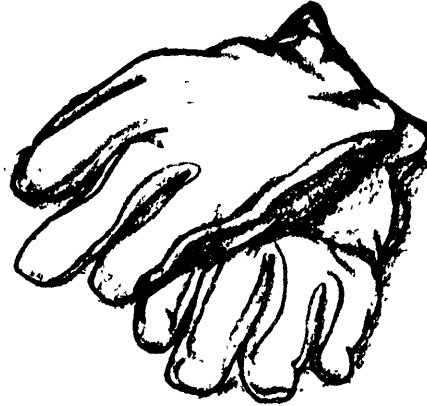
Henry Sauer, Jr
503 Westminster
Houston, Texas 77024

Mr. Sauer is replacing Harvey Ray Mitchell of Dallas, who resigned.

Issued in Austin, Texas, on April 24, 1984

TRD 844668

Mark White
Governor of Texas



The Attorney General

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

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

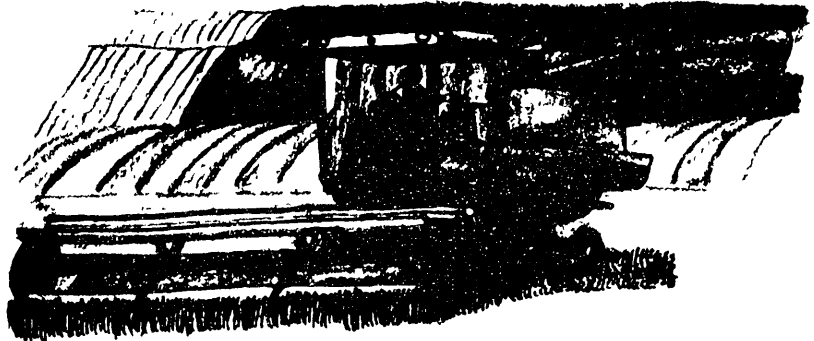
Questions on particular submissions, or requests for copies of opinion requests should be addressed to Susan L. Garrison, Opinion Committee chairwoman, Office of the Attorney General, Supreme Court Building, Austin, Texas 78711, (512) 475-5445. Published opinions and open records decisions may be obtained by addressing a letter to the file room, fourth floor, P.O. Box 12548, Austin, Texas 78711-2548, or by telephoning (512) 475-3744. A single opinion is free, additional opinions are \$1 00 a copy.

Open Records Decision

ORD-411 (RQ-256). Request from Rene Guerra, Hidalgo County criminal district attorney, Edinburg, concerning whether the names of individuals subpoenaed before a grand jury are available to the public under the Open Records Act.

Summary of Decision. The names of individuals subpoenaed to appear before a grand jury are excepted from disclosure as records of the judiciary, to which the Open Records Act is not applicable.

TRD-844717



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 19. EDUCATION Part II. Texas Education Agency Chapter 141. Teacher Certification Subchapter A. Certification of Teachers in General

19 TAC §141.5

The Texas Education Agency adopts on an emergency basis amendments to §141.5, concerning teaching certificates for persons with a criminal background. The amended section adds new subsection (b), which establishes guidelines to aid in determining whether a crime committed by any person who is either an educator or an applicant for any certificate or permit which would entitle that person to hold a position as an educator relates directly to the duties and responsibilities of the teaching profession. As a result of adding new subsection (b), subsequent subsections have been renumbered.

The amendments are adopted on an emergency basis to ensure that adequate guidelines and correct cross-references to other agency rules are in place for pending litigation.

The amendments are adopted on an emergency basis under the Texas Education Code, §13.032, which authorizes the State Board of Education to make rules concerning the issuance of teaching certificates, and Texas Civil Statutes, Article 6252-13c, which authorize state agencies with licensing authority to suspend or revoke an existing license and to disqualify a person from receiving a license or from being examined for a license because of a person's conviction of a felony or misdemeanor if the crime directly relates to the duties and responsibilities of the licensed occupation.

§141.5. Teaching Certificates for Persons with a Criminal Background.

(a) In accordance with Texas Civil Statutes, Article 6252-13c, the commissioner of education may suspend or revoke a teaching certificate, or refuse to issue a teaching certificate, for a person who has been convicted of a felony or misdemeanor for a crime which directly relates to the duties and responsibilities of the teaching profession.

(b) A crime committed by an educator or an applicant for any certificate or permit which would entitle that person to hold a position as an educator may be considered to relate directly to the duties and responsibilities of the teaching profession:

(1) when the crime involves moral turpitude or unprofessional conduct;

(2) when the crime is one which violates the Texas Education Code, Chapter 4 (relating to penal provisions);

(3) when the crime committed involves any form of sexual or physical abuse of a minor child or other illegal conduct with a minor child;

(4) when the crime committed involves conduct affecting students, parents of students, fellow employees, or professional colleagues;

(5) when the facts underlying the crime committed would support a felony conviction for use; possession; transfer; sale; distribution; or conspiracy to use, possess, transfer, sell, or distribute any controlled substance as defined in Texas Civil Statutes, Article 4476-15;

(6) when the crime involves school property or school funds;

(7) when the crime involves any attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit which would entitle any person to hold a position as an educator or to obtain a position as an educator;

(8) when the crime occurs wholly or in part on school property or at a school-sponsored activity; or

(9) when two or more crimes are committed within any 12-month period which involve public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct.

(c)[(b)] Before a certificate may be denied under the provisions of this section, the commissioner of education shall notify the applicant in writing of the intent to deny the certificate with reasons for the denial, and the applicant shall have an opportunity to be heard. The commissioner's denial of a certificate may be appealed to the State Board of Education.

(d)[(c)] **The procedure for suspension and cancellation of a certificate or permit shall be in accordance with Chapter 157 of this title (relating to Hearings and Appeals).** [Suspension and cancellation of a teaching certificate under this section shall be in accordance with the procedures in Chapter 141, Subchapter O, of this title (relating to Reprimand, Suspension, Cancellation, and Reinstatement of Certificates)]

Issued in Austin, Texas, on April 24, 1984

TRD-844609 Raymon L. Bynum
Commissioner of Education

Effective date April 24, 1984
Expiration date August 22, 1984
For further information, please call (512) 475-7077

TITLE 22. EXAMINING BOARDS Part XVII. Texas State Board of Plumbing Examiners Chapter 363. Examination

22 TAC §363.1

The Texas State Board of Plumbing Examiners adopts on an emergency basis amendments to §363.1, concerning an educational requirement for applicants for master plumber and plumbing inspector licenses. Application of the requirement as adopted in the January 27, 1984, issue of the *Texas Register* poses an imminent peril to the public welfare in that the section unfairly stipulates an educational qualification that was not in effect at the time that individuals entered the licensing process, whether as applicants for a Texas license or as current or former holders of a plumbing license from Texas or another state. The emergency amendments remove the requirement that applicants for a master plumber or plumbing inspector license be high school graduates or holders of a General Equivalency diploma. Amendments to this section that establish exemptions to the educational requirement

for certain classes of individuals and for hardship cases are proposed in this issue of the *Register*. The emergency amendments will remain in effect until the proposed amendments are brought into effect on September 1, 1984.

The emergency amendments are adopted under Texas Civil Statutes, Article 6243-101, as amended, which provide the board with the authority to prescribe, amend, and enforce all rules necessary to carry out the Act.

§363.1 Qualifications

(a) Master plumber. Each applicant must[:

[(1)] be at least 18 years of age[;] and

[(2)] hold a license either as a journeyman plumber in Texas or in another state, or as a master plumber in another state. An applicant must have held the journeyman license for at least one year before the master plumber application. An applicant with an expired Texas license must follow procedures specified in §365.6 of this part (relating to Expirations) to qualify as a current licensee, but an applicant holding a master plumber license in another state need not be currently licensed at the time of application[;]. **Furthermore, each applicant must**

[(3)] be a high school graduate or hold a General Equivalency diploma (G E D), and

[(4)] maintain a single registered mailing address which the board shall regard as the applicant's principal business address for purposes of communication and record keeping.

(b) Journeyman plumber. Each applicant must[

[(1)] be at least 17 years of age[;] and

[(2)] have either of the following

[(1)(A)] at least three years of experience working at the trade or a combination of such work experience and technical training equal to three years, as verified by former employers, or

[(2)(B)] a journeyman license from another state which need not be current at the time of application.

(c) Plumbing inspector. Each applicant must[

[(1)] be at least 18 years of age[;]

[(2)] be a high school graduate or hold a General Equivalency diploma (G E D),] and

[(3)] furnish to the board a written request from the city or political subdivision employing or considering employing him that he be allowed to take the examination.

Issued in Austin, Texas, on April 18, 1984

TRD-844720 Lynn Brown
Administrator
Texas State Board of Plumbing
Examiners

Effective date April 27, 1984
Expiration date August 25, 1984
For further information, please call (512) 458-2145

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

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

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

Proposed Rules

TITLE 1. ADMINISTRATION Part XI. State Ethics Advisory Commission

Chapter 231. Advisory Opinions

1 TAC §231.7

The State Ethics Advisory Commission proposes new §231.7, concerning the voting requirements for adopting new procedural rules. The members agreed that any rule adopted by the commission will require the affirmative vote of at least five voting members.

Karen C. Gladney, special assistant to the secretary of state, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Ms. Gladney 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 compliance with House Bill 2154, 68th Legislature, 1983, which provides for the creation and operation of the State Ethics Advisory Commission. 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 Page Keeton, Chairman, State Ethics Advisory Commission, P.O. Box 13485, Austin, Texas 78711-3485.

The new section is proposed under Texas Civil Statutes, Article 6252-9d, which provide the State Ethics Advisory Commission with the authority to adopt rules necessary to administer its functions.

§231.7 *Adoption of Rules.* Any rule adopted by the State Ethics Advisory Commission requires the affirmative vote of at least five voting members.

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

Issued in Austin, Texas, on April 24, 1984

TRD-844630

W. Page Keeton
Chairman
State Ethics Advisory
Commission

Earliest possible date of adoption
June 4, 1984

For further information, please call (512) 475-1429.

1 TAC §231.8

The State Ethics Advisory Commission proposes new §231.8, concerning the voting requirements necessary to accept an opinion request. The commissioners agreed that a majority of the members present must vote in the affirmative for an opinion request to be accepted for the issuance of an advisory opinion.

Karen C. Gladney, special assistant to the secretary of state, has determined that for the first five-year pe-

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

Ms. Gladney 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 compliance with House Bill 2154, 68th Legislature, 1983, which provides for the creation and operation of the State Ethics Advisory Commission. 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 Page Keeton, Chairman, State Ethics Advisory Commission, P.O. Box 13485, Austin, Texas 78711-3485.

The new section is proposed under Texas Civil Statutes, Article 6252-9d, which provide the State Ethics Advisory Commission with the authority to adopt rules necessary to administer its functions

§231.8. Accepting Opinion Requests. A majority of the members present must vote in the affirmative for an opinion request to be accepted for the issuance of an advisory opinion.

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

Issued in Austin, Texas, on April 24, 1984

TRD-844631 W Page Keeton
 Chairman
 State Ethics Advisory
 Commission

Earliest possible date of adoption
June 4, 1984

For further information, please call (512) 475-1429.

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

Chapter 11. Herbicide Regulations

4 TAC §11.1, §11.2

The Texas Department of Agriculture proposes amendments to §11.1 and §11.2, concerning counties regulated and county special provisions. The department is implementing changes to the designated regulations as a result of a commissioners court order promulgated effective January 1, 1984, from each affected county.

The amendments to §11.1, concerning counties regulated, remove Borden, Hunt, and Lamb Counties from the list of counties being subjected to all provisions of the Texas Agriculture Code, Chapter 75, 1981, unless specifically exempted by §11.2, concerning county special provisions. The amendment to §11.2 makes changes only in the boundaries of Runnels County.

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

Mr. Butler 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 enhanced public health, safety, and welfare. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Patrick D. Redman, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711.

The amendments are proposed under the Texas Agriculture Code, §§75.023(h), 75.018, and 75.109, 1981. The Texas Agriculture Code, §75.023(h), requires the commissioners court to notify the Texas Department of Agriculture of a change in the status of the exemption of a county or a portion of a county which has developed through a public hearing process. The Texas Agriculture Code, §75.018 and §75.019, 1981, provides the department with the authority necessary to promulgate rules to enforce the provisions of the Texas Agriculture Code, Chapter 75.

§11.1. Counties Regulated. The following counties shall be subject to all of the provisions of the Texas Agriculture Code, Chapter 75 (1981), unless specifically exempted by the provisions of §11.2 of this title (relating to County Special Provisions): Aransas, Austin, Bell, Bexar, [Borden,] Brazoria, Brazos, Burleson, Calhoun, Cochran, Collin, Collingsworth, Colorado, Cottle, Culberson, Dallas, Dawson, Delta, Denton, Dickens, Dimmitt, Donley, El Paso, Falls, Fannin, Fort Bend, Frio, Gaines, Galveston, Hall, H. rdin, Harris, Haskell, Hidalgo, Houston, Hudspeth, [Hunt,] Jackson, Jefferson, Karnes, Kaufman, King, Knox, Lamar, [Lamb,] Liberty, Loving, McLennan, Martin, Matagorda, Midland, Milam, Newton, Orange, Parmer, Rains, Reeves, Refugio, Robertson, Rockwall, Runnels, San Patricio, Travis, Tyler, Van Zandt, Waller, Ward, Washington, Wharton, Williamson, Wilson, and Wood.

§11.2. County Special Provisions.

(a)-(q) (No change.)

(r) Runnels. That portion of Runnels County beginning on the west county line at the point of intersection with the Colorado River, east-southeasterly along the Colorado River to its intersection with U.S. Highway 83, thence north along U.S. Highway 83 to its intersection with the north county line, [FM 382, thence north-easterly along FM 382 to its intersection with FM 2647, thence northerly along FM 2647 to its intersection with FM 1770, thence westerly along FM 1770 to the intersection with U.S. Highway 83, thence northerly along U.S. Highway 83 to its intersection with the north county line,] thence westerly along the north Runnels County line to the northwest corner of the county, thence southerly along the west county line to the Colorado River, the point of beginning, is regulated by the Texas Herbicide Law. In regulated areas, no permit is required from Octo-

ber 1 to May 28 of the year following. Use of regulated herbicides is prohibited between May 28 and October 1 of each year. And further, amine and other nonvolatile formulation may be used in the regulated area between the dates of May 28 and October 1 each year, provided that the user obtain a permit as prescribed by the law prior to such use.

(s)-(aa) (No change.)

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

Issued in Austin, Texas, on April 26, 1984.

TRD-844694 Patrick D. Redman
Agency Liaison
Texas Department of Agriculture

Earliest possible date of adoption:
June 4, 1984

For further information, please call (512) 475-6666.

TITLE 13. CULTURAL RESOURCES

Part I. Texas State Library and Archives Commission

Chapter 1. Library Development LSCA Annual Program and Long-Range Plan

13 TAC §1.21

The Texas State Library and Archives Commission proposes an amendment to §1.21, concerning the federal Library Services and Construction Act Annual Program and Long-Range Plan. The proposed amendment is necessary due to increased appropriations which made expanded service levels necessary in the Title III Grant Program, the Library Systems Literacy Program, and the Major Urban Resource Libraries Program.

Raymond Hitt, Library Development Division director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state government or small businesses as a result of enforcing or administering the rule. The effect on local government is an estimated increase in revenue of \$617,473 in 1984. There is no anticipated effect on local government in 1985-1988.

Mr. Hitt 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 enhanced services and additional materials provided by the libraries, since libraries in the state receive additional grants as a result of the amendment to this section. 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 Raymond Hitt, Library Development Division, Texas

State Library and Archives Commission, P.O. Box 12927, Austin, Texas 78711, (512) 475-4119.

The amendment is proposed under Texas Civil Statutes, Article 5436a, which provide the Texas State Library and Archives Commission with the authority to adopt a state plan for improving public library services.

§1.21. Adoption by Reference. The Texas State Library adopts by reference all rules contained in the LSCA Annual Program, 1984, and Long-Range Plan, 1984-1986, as amended in April 1984 [July 1983]. Copies may be obtained from the Library Development Division of the Texas State Library and Archives Commission, P.O. Box 12927, Austin, Texas 78711.

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

Issued in Austin, Texas, on April 26, 1984.

TRD-844695 William D. Gooch
Assistant State Librarian
Texas State Library and Archives
Commission

Earliest possible date of adoption:
June 4, 1984

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



TITLE 19. EDUCATION

Part II. Texas Education Agency

Chapter 97. Planning and Accreditation

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

Additional Accreditation Regulations

19 TAC §97.117

The Texas Education Agency proposes an amendment to §97.117, concerning requirements for the assignment of teachers. The proposed amendment provides for teachers who have been verified competent under procedures established by the commissioner of education to be assigned to teach computer literacy for grades 7 and 8.

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

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is clarification about the assignment of teachers for a new course for which there is no established certification or endorsement program. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

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

This amendment is proposed under the Texas Education Code, § 11 26(a)(5), which authorizes the State Board of Education to make rules for the accreditation of school districts.

§97.117. *Requirements for Assignment of Teachers.*
(a)-(b) (No change.)

(Editor's note: Proposed changes to the chart showing the Requirements for Assignment of Teachers, Grades 7 and 8 Departmentalized, are shown in the chart immediately following this section on page 2451.)

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

Issued in Austin, Texas, on April 26, 1984

TRD-844687 Raymon L. Bynum
 Commissioner of Education

Proposed date of adoption
June 9, 1984

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

Chapter 141. Teacher Certification Subchapter O. Reprimand, Suspension, Cancellation, and Reinstatement of Certificates and Permits

19 TAC §141.321, §141.322

The Texas Education Agency proposes amendments to §141.321 and §141.322, concerning the suspen-

sion or revocation of a certificate or permit which would entitle a person to hold a position as an educator. The proposed amendments define more specifically all of the procedures which may be employed in any hearing regarding requested suspension or revocation of a teaching certificate and refer the reader to the appropriate statutes and rules which govern such proceedings generally. The title of Subchapter O, as well as the rule text, is amended to address permits as well as certificates, since both are issued by the agency. Reference to professional certificates is deleted, since the agency also issues certificates for paraprofessionals. An internal agency procedure which is no longer applicable is deleted from § 141 322(f).

Richard Bennett, associate finance 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 or small businesses as a result of enforcing or administering the rules.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is clarification of the procedures which may be utilized concerning the suspension or revocation of a certificate which would entitle a person to hold a position as an educator. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

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

These amendments are proposed under the Texas Education Code, § 13.032(a), which authorizes the State Board of Education to make rules concerning the issuance of teacher certificates and standards and procedures for the approval or disapproval of colleges and universities offering programs of teacher education, and the Texas Education Code, § 13.046, which authorizes the state commissioner of education to reprimand a teacher or to suspend or cancel a teacher's certificate.

§141.321 *Policy.*

(a) A certificate or permit which would entitle a person to hold a position as an educator may be suspended or canceled by the commissioner of education for one or more of the circumstances prescribed by law, including, but not limited to, the Texas Education Code, Article 13.046, the Texas Education Code, Chapter 13, Subchapter D (relating to Teachers' Professional Practices), and Texas Civil Statutes, Article 6252-13(c) and (d). The holder of a certificate or permit shall be notified prior to the suspension or cancellation, shall have an opportunity to be heard by the commissioner of edu-

and, if the commissioner of education decides to suspend or cancel the certificate or permit, shall have the right to appeal to the State Board of Education under the procedures enumerated in Chapter 157 of this title (relating to Hearings and Appeals). [A teacher certificate may be suspended or canceled by the commissioner of education for one or more of the circumstances prescribed by law. The holder of a certificate shall be notified prior to the suspension or cancellation of the certificate and shall have an opportunity to be heard by the commissioner of education. If the certificate is suspended or canceled, the applicant shall have the right to appeal to the State Board of Education.]

(b) (No change.)

(c) Cancellation of a certificate [teacher's certification] shall be permanent, except as provided in subsection (d) of this section. Suspension of a [teacher] certificate or permit shall be for a specified time, not to exceed one year.

(d) The commissioner of education shall have the authority to reprimand an educator [a teacher,] rather than suspend or cancel a [teacher's] certificate or permit, in those cases the commissioner deems appropriate. A reprimand shall not be appealable.

(e) The commissioner of education shall have the authority to reinstate a canceled [teacher] certificate or permit upon the presentation of satisfactory evidence. If the state commissioner of education refuses to reinstate a certificate or permit, the applicant may appeal to the State Board of Education.

§141.322. Procedure for Implementation of Orders of Suspension or Cancellation of a Professional [Teacher] Certificate or Permit.

(a) Where the Professional Practices Commission has recommended suspension or cancellation of a certificate, and the commissioner of education has not dismissed the complaint on the basis of the record certified to him by the commission, the commissioner shall notify the holder of the certificate and the employing district of the recommendation and shall set a date for a hearing before the commissioner.]

(a)(b) When an order of suspension or cancellation is issued, it shall be transmitted to the holder of the certificate or permit and to his or her employing school district

(b)(c) When an order of suspension or cancellation becomes final, [Thirty days from the date of the commissioner's order, or at such time as all appeal processes have been exhausted by the holder,] the commissioner of education shall provide notice of the suspension, or cancellation, to the director of the Division of Teacher Certification and the director of the Teachers' Professional Practices Commission of Texas.

(c)(d) The director of the Division of Teacher Certification by certified mail shall demand that the holder surrender any and all copies of all [teaching] certificates or permits issued by the State of Texas.

(d)(e) A record of the action by the commissioner shall become a part of the individual's official certification records maintained by the Texas Education Agency.

(e)(f) The state department of education [Texas Education Agency] shall provide notification of the suspension or cancellation to all superintendents of all school

districts in the State of Texas and to certification officers in each state or territory of the United States.

(g) The director of the Division of Teacher Certification shall transmit the certificate identification number to the director of the Management Information Center for audit of personnel rosters of all public schools in the State of Texas.]

(f)(h) The director of the Management Information Center shall notify the director of the Division of State Funding and the director of the Division of School Accreditation of any teacher presently employed in a Texas public school whose certificate has been suspended or canceled.] The state department of education [Texas Education Agency] shall notify the superintendent of the employing school district that it stands in violation of an accreditation standard by the continual employment and payment of a noncertifiable individual. The state department of education [Texas Education Agency] shall make an appropriate adjustment in foundation school funds for the period of time which the educator is [teacher was] employed by the district following receipt of the notice.

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

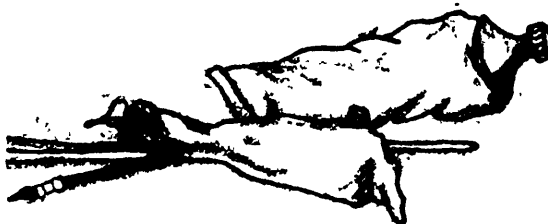
Issued in Austin, Texas, on April 27, 1984

TRD-844781 Raymon L Bynum
Commissioner of Education

Proposed date of adoption.

June 9, 1984

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



**Chapter 157. Hearings and Appeals
Subchapter A. Hearings and Appeals
Generally**

19 TAC §157.1, §157.7

The Texas Education Agency proposes amendments to §157.1 and §157.7, concerning hearings and appeals. The proposed amendments to Chapter 157 make more expedient certain hearing procedures and more clearly define others. The proposed amendments also streamline existing hearing procedures generally and clearly explain the specific procedures to be used in any complaint concerning suspension or revocation of a teaching certificate

Section 157.1(b) is amended to distinguish between proceedings which result from recommendations of the Teachers' Professional Practices Commission and those which do not. A reference to a Subchapter E, concerning proprietary schools, is deleted, since the

subchapter was never adopted Section 157.7 is amended to allow the commissioner of education to refuse to allow persons to appear in a proceeding if they fail to obey the agency's rules.

Richard Bennett, associate finance 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 or small businesses as a result of enforcing or administering the rules.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is clarification of the procedures which may be utilized concerning hearings and appeals. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

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

These amendments are proposed under the Texas Education Code, § 11.13, which provides that persons having any matter of dispute arising under the school laws of Texas or persons aggrieved by the school laws of Texas or by actions of a local board of education may appeal to the commissioner of education and then to the State Board of Education, the Texas Education Code, § 11.25(b), which authorizes the State Board of Education to pass on appeals from decisions of the commissioner of education, Texas Civil Statutes, Article 6252-13a, *passim*, which sets out minimum standards for agency practice in contested cases, and especially § 4(a)(1), which requires each agency to adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available; and the Texas Education Code, § 13.046, which authorizes the state commissioner of education to reprimand a teacher or to suspend or cancel a teacher's certificate.

§157.1. Nature of Hearings and Appeals.

- (a) (No change)
- (b) This chapter shall govern **the proceedings in all contested cases before the commissioner**, [appeals from actions] including, but not limited to, the following:
 - (1) **appeals from** actions or decisions by a district board of trustees or board of education;
 - (2) **appeals from** actions or decisions by a county superintendent,
 - (3) **proceedings concerning recommendations made to the commissioner by the Teachers' Professional Practices Commission** [actions or decisions regarding denial, suspension, or cancellation of a teacher's certificate];

(4) **any other proceedings concerning the suspension, revocation, or cancellation of a certificate or permit which would entitle a person to hold a position as an educator**; [Denial or revocation of a proprietary school certificate. Additional rules concerning hearings and appeals on the denial or revocation of a proprietary school certificate are contained in Subchapter E of this chapter (relating to Hearings and Appeals for Contested Cases Arising Under the Proprietary School Act).]

(5) **appeals brought pursuant to the Texas Proprietary School Act**; [Recommendations made to the commissioner by the Texas Professional Practices Commission.]

(6) **proceedings involving enforcement actions against a school district or other entity by the state department of education where the opportunity for a full evidentiary hearing must be afforded.**

(c) (No change.)

§157.7. Conduct and Decorum. All parties, witnesses, attorneys, or other representatives shall comport themselves in all proceedings with proper dignity, courtesy, and respect for the agency, the commissioner, the hearing officer, the board, and all other parties. Counsel shall remain seated at the tables designated for the parties at all times, except when standing to address the presiding officer, when introducing documentary evidence, or when permitted to do otherwise by the officer presiding over the proceedings. Disorderly conduct will not be tolerated. Attorneys and other representatives of any party shall observe and practice the standards of ethical behavior prescribed for attorneys at law by the State Bar of Texas. **The commissioner may refuse to allow any person to appear in any proceeding before the agency who fails to observe the agency's rules.**

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

Issued in Austin, Texas, on April 27, 1984.

TRD-844779 Raymon L. Bynum
 Commissioner of Education

Proposed date of adoption
June 9, 1984

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

Subchapter B. Hearings of Appeals to the Commissioner

19 TAC §§ 157.43, 157.65, 157.66

The Texas Education Agency proposes amendments to § 157.43, concerning notice of appeal; new § 157.65, regarding proceedings concerning recommendations made to the commissioner by the Teachers' Professional Practices Commission; and new § 157.66, regarding proceedings concerning the suspension or cancellation of a professional certificate not originally before the Teachers' Professional Practices Commission. The proposed amendments streamline existing hearing procedures generally and more clearly explain the specific procedures to be used in any com-

plaint concerning suspension or revocation of a teaching certificate

The amendment to § 157.43 clarifies that when a decision is announced at a hearing, the announced decision shall constitute communication to the petitioner. New § 157.65 concerns proceedings concerning recommendations of the Teachers' Professional Practices Commission. The rule indicates when the commission's findings may serve as the petition for review. When a hearing before the commission has been conducted in accordance with the Texas rules of evidence, a transcript and the evidence may be made a part of the record and be considered by the commissioner. Subsection (g) provides for intervention by the agency's Division of Teacher Certification.

Section 157.66 sets out procedures for cases concerning suspension or cancellation not based on recommendations of the Teachers' Professional Practices Commission.

Richard Bennett, associate finance 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 or small businesses as a result of enforcing or administering the rules.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is clarification of the procedures which may be utilized concerning hearings and appeals involving the suspension or revocation of a teaching certificate. 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 the proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

These amendments and new rules are proposed under the Texas Education Code, § 11.13, which provides that persons having any matter of dispute arising under the school laws of Texas or persons aggrieved by the school laws of Texas or by actions of a local board of education may appeal to the commissioner of education and then to the State Board of Education, the Texas Education Code, § 11.25(b), which authorizes the State Board of Education to pass on appeals from decisions of the commissioner of education, Texas Civil Statutes, Article 6252-13a, *passim*, which sets out minimum standards for agency practice in contested cases, and especially § 4(a)(1), which requires each agency to adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available, and the Texas Education

Code, § 13.046, which authorizes the state commissioner of education to reprimand a teacher or to suspend or cancel a teacher's certificate.

§ 157.43. Notice of Appeal.

(a) **Where a case involves an appeal from an action or decision by a district board of trustees, county superintendent, county board of education, county commissioners court, or the aforementioned bodies' failure to act, within 30 days after the decision, ruling, or failure to act complained of is communicated to the party making the appeal, notice of appeal shall be sent to the commissioner and to the board or officer rendering the decision or ruling or failing to act. In all cases (including appeals brought pursuant to the Term Contract Nonrenewal Act) when a decision is announced in the presence of the petitioner or the petitioner's counsel at a hearing of record, the announced decision shall constitute communication to the petitioner.**

(b) **This section is inapplicable to proceedings concerning the suspension or cancellation of a certificate or permit or to any other proceedings directly involving the Central Education Agency.**

§ 157.65. Proceedings Concerning Recommendations Made to the Commissioner by the Teachers' Professional Practices Commission.

(a) Proceedings concerning recommendations made by the Teachers' Professional Practices Commission to the commissioner shall be governed by the rules contained in this chapter and the Texas Education Code, §§ 13.213-13.215.

(b) Where the Teachers' Professional Practices Commission has made findings and recommendations on any complaint concerning a member of the teaching profession, the commissioner of education may dismiss the complaint or set the matter for hearing. The findings and recommendations shall be received by the commissioner in final form no more than six months after the Teachers' Professional Practices Commission accepts jurisdiction.

(c) Where the commissioner elects to proceed based on the recommendations of the Teachers' Professional Practices Commission, the commissioner shall notify the holder of the certificate or permit and the employing district. The findings made by the Teachers' Professional Practices Commission shall serve as the petition for review, and shall be filed in the record of hearing within 10 days of notification by the commissioner that the complaint has been set for a hearing.

(d) Where the commissioner elects to proceed based on the recommendations of the Teachers' Professional Practices Commission, the commissioner shall arrange for the appointment of counsel to represent the Teachers' Professional Practices Commission.

(e) Where the commissioner elects to proceed based on the recommendations of the Teachers' Professional Practices Commission, a transcript of the proceedings and all evidence offered before the Teachers' Professional Practices Commission shall be made a part of the record and shall be considered by the commissioner where the Teachers' Professional Practices Commission has conducted the hearing in accordance with the Texas rules of evidence, on the advice of an attorney assigned by the

commissioner to assist the Teachers' Professional Practices Commission.

(f) The commissioner shall have the authority to narrow the grounds for review at the time the commissioner decides to set the complaint for hearing.

(g) The Division of Teacher Certification may intervene at any time in proceedings governed by this section.

(h) Where the Division of Teacher Certification intervenes, the division may request leave of the commissioner to enlarge the grounds for review by way of a supplemental petition. Any supplemental petition requesting that the grounds for review be enlarged shall be filed within 30 days of the date leave to intervene is granted.

(i) In cases where the Teachers' Professional Practices Commission has recommended dismissal of the complaint, the commissioner of education remains empowered to set the matter for hearing and disposition by the commissioner of education under the procedures stated in §157.66 of this title (relating to Proceedings Concerning the Suspension or Cancellation of a Certificate or Permit Not Originally Before the Teachers' Professional Practices Commission).

§157.66. Proceedings Concerning the Suspension or Cancellation of a Certificate or Permit Not Originally Before the Teachers' Professional Practices Commission.

(a) This section shall apply to all proceedings concerning the suspension or cancellation of any certificate or permit issued by the commissioner of education and not originally brought before the Teachers' Professional Practices Commission. To the extent that this section conflicts with any other section governing proceedings before the commissioner, the provisions of this section shall prevail.

(b) A complaint may be filed at any time by a school district, or Division of Teacher Certification of the State Department of Education, as petitioner, requesting the commissioner to suspend or revoke a certificate or permit issued by the agency. Any such complaint must clearly set forth the facts which would justify the taking of such action. This complaint shall constitute and its contents be subject to the rules governing petitions for review.

(c) The respondent shall file an answer which complies with §157.45 of this title (relating to Answers). If the respondent fails to submit a timely answer, the commissioner may consider the allegations in the complaint to be true and may take whatever action the commissioner deems appropriate.

(d) The Division of Teacher Certification of the State Department of Education may intervene in any action brought pursuant to this section in behalf of either the petitioner or the respondent. If a division intervenes on behalf of the petitioner, the petitioner may be dismissed at the request of any party, if it appears that no substantial interest will be served by petitioner's continued participation in the proceedings. Such intervention shall be effected by the filing of a petition in intervention, the contents of which shall be subject to the rules governing petitions for review.

(e) Upon receipt of the respondent's answer, the commissioner shall schedule a hearing at which all parties shall have the opportunity to present evidence and argument concerning the merits of the complaint.

(f) The burden of proof at any such hearing will be on the petitioner or petitioner/intervenor to prove its allegations by a preponderance of the evidence.

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

Issued in Austin, Texas, on April 27, 1984.

TRD-844780 Raymon L. Bynum
Commissioner of Education

Proposed date of adoption.

June 9, 1984

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

**TITLE 22. EXAMINING BOARDS
Part XI. Board of Nurse Examiners
Chapter 213. Practice and Procedure
22 TAC §213.11**

The Board of Nurse Examiners proposes an amendment to §213.11, concerning subpoenas. The board is proposing the amendment due to the confusion posed by the present language.

Margaret Rowland, executive secretary, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Ms. Rowland 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 to clarify to the public that a subpoena can be issued prior to filing charges. 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 Margaret Rowland, Executive Secretary, Board of Nurse Examiners, 1300 East Anderson Lane, Building C, Suite 225, Austin, Texas 78752, (512) 835-4880.

The amendment is proposed under Texas Civil Statutes, Article 4514 and Article 4525(e), which provide the Board of Nurse Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties and conducting of proceedings before it, to establish standards of professional conduct for all persons licensed under the provisions of this law in keeping with its purpose and objectives, to regulate the practice of professional nursing, and to determine whether or not an act constitutes the practice of professional nursing, not inconsistent with this Act. Such rules and regulations shall not be inconsistent with the provisions of this law. The board shall have the power to issue subpoenas, compel the attendance of witnesses, administer oaths to persons giving testimony at hearings, and cause the prosecution of all persons violating any provisions of this chapter.

§213.11. *Subpoenas.*

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

(d) Notwithstanding any other provisions of these rules, the executive secretary may issue a subpoena prior to the filing of a complaint under §213.8 of this title (relating to Commencement of Disciplinary Proceedings and Filing of Complaint) if, in the opinion of the executive secretary, such subpoena is necessary to investigate any potential violation or lack of compliance with Texas Civil Statutes, Articles 4513-4518, or the rules, regulations, or orders of the board. The subpoena may be to compel the attendance of any person to appear for the purposes of giving sworn testimony and/or to compel the production of books, records, papers, or other objects.

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

Issued in Austin, Texas, on April 19, 1984.

TRD-844542 Margaret L. Rowland, R.N.
Executive Secretary
Board of Nurse Examiners

Earliest possible date of adoption:
June 4, 1984

For further information, please call (512) 835-4880.

Chapter 217. Licensure and Practice

22 TAC §217.13

The Board of Nurse Examiners proposes amendments to §217.13, concerning unprofessional conduct. The board is proposing these amendments to add new language and/or to clarify the definition of unprofessional conduct.

Margaret L. Rowland, R.N., executive secretary, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Ms. Rowland 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 a more inclusive definition of unprofessional conduct and clarification and addition of new language so that the nurse and the public have a better understanding of the board's interpretation of Texas Civil Statutes, Article 4525(9). 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 Margaret Rowland, Executive Secretary, Board of Nurse Examiners, 1300 East Anderson Lane, Building C, Suite 225, Austin, Texas 78752, (512) 835-4880.

The amendments are proposed under Texas Civil Statutes, Article 4514, §1, which provide the Board of Nurse Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties and conducting of proceedings

before it, to establish standards of professional conduct for all persons licensed under the provisions of this law in keeping with its purpose and objectives, to regulate the practice of professional nursing, and to determine whether or not an act constitutes the practice of professional nursing, not inconsistent with this Act. Such rules and regulations shall not be inconsistent with the provisions of this law.

§217.13. *Unprofessional Conduct.* The term "unprofessional conduct that is likely to injure the public" means any act, practice, or omission that fails to conform to the accepted standards of the nursing profession and which results from conscious disregard for the health and welfare of the public and of the patient/client under the nurse's care, and includes, but is not limited to, the conduct listed as follows:

- (1) (No change.)
- (2) [Knowingly or consistently] Failing to [accurately or intelligibly] report or document a patient's/client's symptoms, responses, progress, medications, and/or treatments, or failing to do so accurately or intelligibly.
- (3) [Knowingly or consistently] Failing to make entries, destroying entries, and/or making false entries in records pertaining to the giving of medications, treatments, [narcotics, drugs,] or nursing care.
- (4) Failing to follow the policy and procedure for the wastage of medications in effect at the facility at which the registered nurse is employed or working.
- (5)[(4)] Appropriating medications, supplies, equipment, or personal items of the patient/client, [or] employer, or any other person or entity.
- (6)[(5)] Failing to administer medications or treatments or both in a responsible manner.
- (7) Signing out for and/or administering medications without a doctor's order or in any manner not authorized by a doctor's order.
- (8) Passing or attempting to pass a forged, altered, or falsified prescription.
- (9)[(6)] Performing or attempting to perform nursing techniques or procedures or both in which the nurse is untrained by experience or education.
- (10)[(7)] Violating the confidentiality of information or knowledge concerning the patient/client, except where required by law.
- (11)[(8)] To cause, suffer, permit, or allow physical or emotional injury to the patient/client, or failing to report same in accordance with the incident reporting procedure in effect where the nurse is employed or working.
- (12)[(9)] Leaving a nursing assignment without notifying appropriate personnel.
- (13)[(10)] Failing to report to the board or the appropriate authority in the organization in which the nurse is working, within a reasonable time of the occurrence, any violation or attempted violation of the Texas Nurse Practice Act or duly promulgated rules, regulations, or orders.
- (14)[(11)] Expressly delegating nursing care functions or responsibilities to a person who lacks the ability or knowledge to perform the function or responsibility in question.

(15) Violating or failing to comply with any term, condition, or provision of any order of the board.

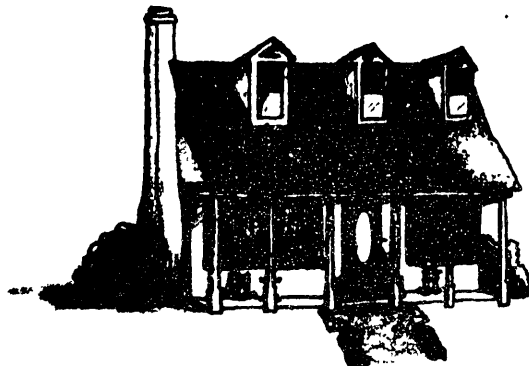
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 26, 1984.

TRD-844657 Margaret L. Rowland, R.N.
Executive Secretary
Board of Nurse Examiners

Earliest possible date of adoption:
June 4, 1984

For further information, please call (512) 835-4880.



Part XV. Texas State Board of Pharmacy Chapter 283. Licensing Requirements for Pharmacists

22 TAC §283.4

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas State Board of Pharmacy, Suite 1121, 211 East Seventh Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas State Board of Pharmacy proposes the repeal of §283.4, concerning the goals, competencies, and objectives of internship. This proposed repeal and simultaneous proposed new rule revise the objectives and competencies of internship necessary for a pharmacist-intern to attain to effectively practice pharmacy under the laws and regulations of the State of Texas.

Fred S. Brinkley, Jr., R.Ph., executive director/secretary, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Mr. Brinkley also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is insurance that the pharmacist-intern attains the knowledge, skills, and abilities to safely, efficiently, and effectively practice pharmacy under the laws

and regulations of the State of Texas. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Fred S. Brinkley, Jr., R.Ph., 211 East Seventh Street, Suite 1121, Austin, Texas 78701.

The repeal is proposed under Texas Civil Statutes, Article 4542a-1, which provide the Texas State Board of Pharmacy with the authority to establish standards for internship or any other program necessary to qualify an applicant for the licensing examination, and to determine the necessary qualifications of any preceptors used in internship or other program.

§283.4. Goal, Objectives, and Competencies of Internship.

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

Issued in Austin, Texas, on April 13, 1984

TRD-844671 Fred S. Brinkley, Jr., R.Ph.
Executive Director/Secretary
Texas State Board of Pharmacy

Earliest possible date of adoption:
June 4, 1984

For further information, please call (512) 478-9827.

The Texas State Board of Pharmacy proposes new §283.4, concerning goals and objectives of internship. This proposed new section revises the objectives of internship necessary for a pharmacist-intern to attain to effectively practice pharmacy under the laws and regulations of the State of Texas.

Fred S. Brinkley, Jr., R.Ph., executive director/secretary, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Brinkley 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 insurance that the pharmacist-intern attains the knowledge, skills, and abilities to safely, efficiently, and effectively practice pharmacy under the laws and regulations of the State of Texas. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Fred S. Brinkley, Jr., R.Ph., Executive Director/Secretary, 211 East Seventh Street, Suite 1121, Austin, Texas 78701.

The new section is proposed under Texas Civil Statutes, Article 4542a-1, which provide the Texas State Board of Pharmacy with the authority to establish standards for internship or any other program necessary to qualify an applicant for the licensing examination, and to determine the necessary qualifications of

any preceptors used in any internship or other program.

§283.4. Goal and Objectives of Internship.

(a) The goal of the internship is for the pharmacist-intern to attain the knowledge, skills, and abilities to safely, efficiently, and effectively practice pharmacy under the laws and regulations of the State of Texas.

(b) The following objectives are necessary to accomplish the goals in subsection (a) of this section.

(1) Drug ingredient selection competency. The pharmacist-intern shall acquire the ability to select appropriate ingredients in order to dispense drug products according to legal and professional standards.

(2) Prescription compounding competency. The pharmacist-intern shall acquire the ability to safely and accurately prepare prescription drugs requiring extemporaneous or bulk compounding, including sterile and nonsterile dosage forms.

(3) Prescription dispensing competency. The pharmacist-intern shall acquire the ability to properly interpret prescription orders accurately, select, identify, package, and label drug products to be dispensed.

(4) Evaluation and monitoring therapy competency. The pharmacist-intern shall acquire the ability to monitor and evaluate patients' drug therapy, recognize potentially significant drug interactions, evaluate the pharmacist's responsibility to maintain confidentiality, and process and file appropriate records.

(5) Communication competency. The pharmacist-intern shall be able to furnish timely and factual information to patients concerning the use and effects of drugs and exhibit knowledge of common disease states and the appropriate treatment for each condition.

(6) Selection competency. The pharmacist-intern shall be able to furnish factual information concerning the uses and effects of chemicals, prescription accessories, convalescent aids, sickroom supplies, and nonprescription drugs commonly available to the consumer in pharmacies.

(7) Health care professional communication competency. The pharmacist-intern shall be able to communicate and exercise professional judgment when interacting with other members of the health care team.

(8) Drug information competency. The pharmacist-intern shall be able to identify, locate, evaluate, utilize, and interpret pharmaceutical and medical literature.

(9) Professional and ethical standards competency. The pharmacist-intern is required to comply with legal requirements and professional standards relating to the practice of pharmacy and the operation of a pharmacy.

(10) Emergency pharmacy competency. The pharmacist-intern shall be able to furnish timely and factual information concerning the use and effects of poisons, and provide assistance when necessary in emergency patient care activities.

(11) General public health and civic responsibilities competency. The pharmacist-intern shall develop knowledge and skills as an effective civic leader and participate in public health programs.

(12) Pharmacy management competency. The pharmacist-intern shall:

(A) develop a general understanding of the business procedures of a pharmacy; and

(B) develop knowledge concerning the employment and supervision of pharmacy employees.

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

Issued in Austin, Texas, on April 13, 1984

TRD-844672 Fred S. Brinkley, Jr., R.Ph.
Executive Director/Secretary
Texas State Board of Pharmacy

Earliest possible date of adoption

June 4, 1984

For further information, please call (512) 478-9827.

22 TAC §§283.6, 283.8, 283.11

The Texas State Board of Pharmacy proposes amendments to §§283.6, 283.8, and 283.11, concerning the licensing requirements for pharmacists. Proposed amendments to §283.6 address that portion of the internship hours experience required for institutional and community pharmacy practice. Proposed amendments to §283.8 address the board approval of the Texas colleges of pharmacy internship programs. Proposed amendments to §283.11 address preceptor requirements.

Fred S. Brinkley, Jr., R.Ph., executive director/secretary, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Mr. Brinkley 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 assurance that the pharmacist-intern attains the knowledge, skills, and abilities to safely, efficiently, and effectively practice pharmacy under the laws and regulations of the State of Texas. 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 Fred S. Brinkley, Jr., R.Ph., Executive Director/Secretary, 211 East Seventh Street, Suite 1121, Austin, Texas 78701.

The amendments are proposed under Texas Civil Statutes, Article 4542a-1, §20 and §21, which provide the Texas State Board of Pharmacy with the authority to establish standards for internship or any other program necessary to qualify an applicant for the licensing examination, and to determine the necessary qualifications of any preceptors used in any internship or other program.

§283.6. 1,500 Hours Requirement.

(a) Effective September 1, 1981, the board requires 1,500 hours of internship for licensure.

(b) Pharmacist-interns completing a board-approved college-based structured internship divided equitably among community, institutional, and clinical pharmacy practice will be awarded 1,500 hours of internship experience. No credit shall be awarded for didactic experience.

(c) If a Texas college of pharmacy determines through evaluation and examination that an individual student is competent in institutional practice, the college may petition the board to allow such student to substitute any or all of the institutional practice component of the internship with practical experience substantially related to the practice of pharmacy, such as practical experience in pharmaceutical manufacturing, nuclear pharmacy, or pharmacy administration.

(d) If a Texas college of pharmacy determines through evaluation and examination that an individual student is competent in community practice, the college may petition the board to allow such student to substitute any or all of the community practice component of the internship with practical experience substantially related to the practice of pharmacy, such as practical experience in pharmaceutical manufacturing, nuclear pharmacy, or pharmacy administration.

§283.8. Texas Colleges of Pharmacy Internship Programs.

(a) The board shall review for approval Texas colleges [college] of pharmacy internship programs on or before September 1 of each fiscal year. The purpose of the board review will be to determine if such internship programs demonstrate that the competencies listed in §283.4 of this title (relating to Goal and Objectives of Internship) are capable of being met by each individual student completing the internship. The board reserves the right to set conditions relating to the approval of such programs.

(b) The Texas colleges of pharmacy shall determine through examinations that each individual student completing the college internship program meet the competencies listed in §283.4 of this title (relating to Goal and Objectives of Internship). [The programs submitted by the colleges of pharmacy shall demonstrate that the competencies listed in §283.4 of this title (relating to Goals, Objectives, and Competencies of Internship) are capable of being met by each individual student completing such internship program.]

(c)-(g) (No change.)

(h) It is the responsibility of the applicant to have in the board's office evidence of completion of the internship no less than three weeks prior to the date of the licensure [appropriate] examination

(i) Prior to taking the licensure examination, any applicant participating in a Texas college-based internship shall complete the requirements of such internship.

§283.11. Preceptor Requirements

(a) (No change.)

(b) The board shall approve and certify preceptors for a three-year period [annually].

(c) (No change.)

(d) No pharmacist may serve as a preceptor if his or her license to practice pharmacy has been the subject of an order of the board imposing any penalty set out in the Act, §28(a), during the period he or she is serving

as a preceptor or within the three-year period immediately preceding application for approval as a preceptor.

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

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

TRD-844673

Fred S. Brinkley, Jr., R.Ph.
Executive Director/Secretary
Texas State Board of Pharmacy

Earliest possible date of adoption:

June 4, 1984

For further information, please call (512) 478-9827.

Chapter 291. Pharmacies All Classes of Pharmacy

22 TAC §291.17

The Texas State Board of Pharmacy proposes amendments to §291.17, concerning the controlled substances inventory requirements. The proposed amendments specify certain requirements for submitting a controlled substances inventory.

Fred S. Brinkley, Jr., R.Ph., executive director/secretary, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Brinkley 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 insurance that pharmacists are in compliance with the law by requiring a statement attesting that a controlled substances inventory has been conducted. 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 Fred S. Brinkley, Jr., R.Ph., Executive Director/Secretary, 211 East Seventh Street, Suite 1121, Austin, Texas 78701.

The amendments are proposed under Texas Civil Statutes, Article 4542a-1, §30, which provide the Texas State Board of Pharmacy with the authority to specify by rule the licensing procedures to be followed, including specification of forms for use in applying for a license and fees for filing an application

§291.17. Controlled Substances Inventory Requirements.

(a) New pharmacies. A new Class A or Class C pharmacy that has been issued a license by the board and has been registered under the Controlled Substances Act shall forward a statement attesting [an affidavit stating] that an initial controlled substances inventory has been conducted to the board within 30 days after being registered under the Controlled Substances Act.

(b) Previously licensed pharmacies. A Class A or Class C pharmacy applying for renewal of a pharmacy license shall include as a part of the pharmacy license renewal application a statement attesting [attach to the pharmacy license renewal application an affidavit stating] that a biennial controlled substances inventory has been conducted, as required by the Controlled Substances Act.

(c) Transfer of ownership. On the date of closing of any transfer of ownership of a Class A or Class C pharmacy, an inventory of all controlled substances shall be taken; such inventory shall constitute, for the purpose of this rule, the closing inventory for the seller and the initial inventory for the buyer. A statement attesting [An affidavit stating] that such inventory has been conducted, bearing the date of the inventory and the signature of the pharmacist-in-charge [licensee] performing the inventory, shall be submitted by the buyer to the board within 10 days of the closing date of such transfer of ownership.

(d) Closed pharmacies. The pharmacist-in-charge of a Class A or Class C pharmacy that ceases to operate as a pharmacy shall forward to the board within 10 days of the cessation of operation a statement attesting [an affidavit stating] that an inventory of the controlled substances on hand has been conducted, the date of closing, and a copy of the records used to legally transfer or otherwise dispose of controlled substances possessed by such pharmacy.

(e) Change of pharmacist-in-charge of a pharmacy. On the date of change of the pharmacist-in-charge of a Class A or Class C pharmacy, an inventory of the following controlled substances shall be taken:

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

(6) All oral liquid dosage forms containing Codeine. Such inventory shall constitute, for the purpose of this rule, the closing inventory of the departing pharmacist-in-charge and the initial inventory of the incoming pharmacist-in-charge. A statement attesting [An affidavit stating] that such inventory has been conducted, bearing the date of the inventory and the signature of the departing and incoming pharmacists-in-charge, shall be submitted to the board within 10 days from the date of the change of the pharmacist-in-charge.

(f) (No change.)

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

Issued in Austin, Texas, on April 13, 1984

TRD-844674 Fred S Brinkley, Jr., R.Ph.
Executive Director/Secretary
Texas State Board of Pharmacy

Earliest possible date of adoption
June 4, 1984

For further information, please call (512) 478-9827.

Community Pharmacies (Class A)

22 TAC §291.33

The Texas State Board of Pharmacy proposes an amendment to §291.33, concerning operational stan-

dards of a community (Class A) pharmacy. This proposed amendment makes requirements for the removal of outdated drugs.

Fred S. Brinkley, Jr., R.Ph., executive director/secretary, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Brinkley 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 proper procedures required for the removal of outdated drugs to further ensure the safety and welfare of 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 Fred S Brinkley, Jr., R.Ph., Executive Director/Secretary, 211 East Seventh Street, Suite 1121, Austin, Texas 78701.

The amendment is proposed under Texas Civil Statutes, Article 4542a-1, §29(d), which provide the Texas State Board of Pharmacy with the authority to establish by rule the standards that each pharmacy and its employees or personnel involved in the practice of pharmacy shall meet to qualify for the licensing or relicensing as a pharmacy in each classification.

§291.33. Operational Standards.

(a) (No change.)

(b) Environment.

(1) (No change.)

(2) Drug dispensing and storage.

(A) Any drug bearing an expiration date may not be dispensed beyond the expiration date of the drug.

(B) Outdated drugs shall be removed from dispensing stock and shall be quarantined together until such drugs are disposed of.

(3) (No change.)

(c)-(d) (No change)

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

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

TRD-844675 Fred S Brinkley, Jr., R.Ph.
Executive Director/Secretary
Texas State Board of Pharmacy

Earliest possible date of adoption
June 4, 1984

For further information, please call (512) 475-9827.

Institutional Pharmacy (Class C)

22 TAC §291.74

The Texas State Board of Pharmacy proposes amendments to §291.74, concerning the operational standards of an institutional (Class C) pharmacy. The proposed amendments reference the requirements of the

library of the pharmacy; procurement, preparation, and storage of outdated drugs; policies and procedures for the drug distribution system; and requirements of emergency room facilities.

Fred S. Brinkley, Jr., R.Ph., executive director/secretary, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule

Mr. Brinkley 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 ensurance of the safety, health, and welfare of the public by further specifying the operational standards of a Class C pharmacy. 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 Fred S. Brinkley, Jr., R.Ph., Executive Director/Secretary, 211 East Seventh Street, Suite 1121, Austin, Texas 78701.

The amendments are proposed under Texas Civil Statutes, Article 4542a-1, §29, which provide the Texas State Board of Pharmacy with the authority to establish by rule the standards that each pharmacy and its employees or personnel involved in the practice of pharmacy shall meet to qualify for the licensing or relicensing as a pharmacy in each classification.

§291.74. Operational Standards.

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

(d) Library. A reference library shall be maintained which includes the following:

(1) (No change.)

(2) *American Hospital Formulary Service*, with current supplements, or

[(3)] *Facts and Comparisons*, with current supplements;

(3)[(4)] at least one current text in one of the following subjects:

(A)-(J) (No change.)

(4)[(5)] at least one of the following references:

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

(e) (No change.)

(f) Drugs.

(1) Procurement, preparation, and storage.

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

(D) Any drug bearing an expiration date may not be dispensed or distributed beyond the expiration date of the drug.

(E) Outdated drugs shall be removed from dispensing stock and shall be quarantined together until such drugs are disposed of.

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

(5) Distribution.

(A) (No change.)

(B) Procedures.

(i) (No change.)

(ii) The written policies and procedures for the drug distribution system shall include, but not be limited to, procedures regarding the following:

(I)-(XX) (No change.)

(XXI) handling of medication orders when a pharmacist [the pharmacist-in-charge] is not on duty.

(g) Emergency rooms.

(1) In those facilities having 24-hour [outpatient] pharmacy service, any drugs dispensed to an outpatient, including emergency department patients, may only be dispensed by a pharmacist.

(2) In those facilities not having 24-hour [outpatient] pharmacy services or those facilities having no outpatient pharmacy services, the following procedures shall be observed in dispensing drugs when the pharmacy service is closed.

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

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

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

TRD-844676

Fred S. Brinkley, Jr., R.Ph.
Executive Director/Secretary
Texas State Board of Pharmacy

Earliest possible date of adoption.

June 4, 1984

For further information, please call (512) 478-9827.

22 TAC §291.75

The Texas State Board of Pharmacy proposes amendments to §291.75, concerning outpatient records of an institutional (Class C) pharmacy. The proposed amendments clarify the sections of this title referencing the maintenance of outpatient records. Outpatient records shall be maintained as provided in §291.34 and §291.35 of this title

Fred S. Brinkley, Jr., R.Ph., executive director/secretary, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Brinkley 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 ensurance of the safety and welfare of the public by specifying requirements for the maintenance of outpatient records of a Class C pharmacy. 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 Fred S. Brinkley, Jr., R.Ph., Executive Director/Secretary, 211 East Seventh Street, Suite 1121, Austin, Texas 78701.

The amendments are proposed under Texas Civil Statutes, Article 4542a-1, §29, which provide the Texas State Board of Pharmacy with the authority to establish by rule the standards that each pharmacy and its employees or personnel involved in the practice of

pharmacy shall meet to qualify for the licensing or relicensing as a pharmacy in each classification.

§291.75. Records.

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

(1) Outpatient records shall be maintained as provided in §291.34 and §291.35 [§301.2] of this title (relating to **Records in a Class A Pharmacy and TriPLICATE Prescription Records** [Records to Be Maintained by a Pharmacy]).

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

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

Issued in Austin, Texas, on April 13, 1984

TRD-844677 Fred S. Brinkley, Jr., R.Ph.
Executive Director/Secretary
Texas State Board of Pharmacy

Earliest possible date of adoption
June 4, 1984

For further information, please call (512) 478-9827.

Clinic Pharmacy (Class D)

22 TAC §291.95

The Texas State Board of Pharmacy proposes amendments to §291.95, concerning record-keeping requirements for dangerous drugs dispensed through a Class D pharmacy. The proposed amendments state that these record-keeping requirements are the same as for a Class A pharmacy.

Fred S. Brinkley, Jr., R.Ph., executive director/secretary, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Brinkley 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 further assurance of the public health, safety, and welfare by specifying requirements for the maintenance of records for dangerous drugs dispensed through a Class D pharmacy. 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 Fred S. Brinkley, Jr., R.Ph., Executive Director/Secretary, 211 East Seventh Street, Suite 1121, Austin, Texas 78701.

The amendments are proposed under Texas Civil Statutes, Article 4542a-1, §29, which provide the Texas State Board of Pharmacy with the authority to establish by rule the standards that each pharmacy and its employees or personnel involved in the practice of pharmacy shall meet to qualify for the licensing or relicensing as a pharmacy in each classification.

§291.95. Records.

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

(1) Record-keeping requirements for dangerous drugs dispensed through a Class D pharmacy are the same as for a Class A pharmacy as set out in §291.34 [§301.2] of this title (relating to **Records in a Class A Pharmacy** [Records to Be Maintained by a Pharmacy]).

- (2) (No change.)

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

Issued in Austin, Texas, on April 13, 1984

TRD-844678 Fred S. Brinkley, Jr., R.Ph.
Executive Director/Secretary
Texas State Board of Pharmacy

Earliest possible date of adoption
June 4, 1984

For further information, please call (512) 478-9827.

Part XVII. Texas State Board of Plumbing Examiners Chapter 363. Examination .

22 TAC §363.1, §363.2

The Texas State Board of Plumbing Examiners proposes amendments to §363.1 and §363.2, concerning the addition of a "grandfather clause" to exempt certain classes of individuals from the requirement that applicants for master plumber and plumbing inspector licenses be high school graduates or hold a General Equivalency diploma; a provision for board consideration of waiver of application or examination requirements upon written request for an exemption due to hardship, and the establishment of an effective period for "current" applications with the board. In addition, several minor language changes are made. The effective date of these amendments will be September 1, 1984.

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

Mr. Brown 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 fairness in applying an educational requirement upon those who entered the licensing process at a time when the educational qualification for applicants was not in effect; a procedure for applicants to follow in requesting an exemption from application or examination requirements due to hardship; and clarification of the effective period for "current" applications. 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 Lynn Brown, Administrator, Texas State Board of Plumbing Examiners, P.O. Box 4200, Austin, Texas 78765.

The amendments are proposed under Texas Civil Statutes, Article 6243-101, as amended, which provide the board with the authority to prescribe, amend, and enforce all rules necessary to carry out the Act.

§363.1. Qualifications.

(a) Master plumber. Each applicant must:

- (1) be at least 18 years of age;
- (2) hold a license either as a journeyman plumber in Texas or in another state, or as a master plumber in another state. An applicant must have held the journeyman license for at least one year before the master plumber application. An applicant with an expired Texas license must follow procedures specified in §365.6 of this part (relating to Expirations) to qualify as a current licensee, but an applicant holding a master plumber license in another state need not be currently licensed at the time of application, **provided that his license is renewable in the state that issued the license;**
- (3) be a high school graduate or hold a General Equivalency diploma (G.E.D.); and
- (4) maintain a single registered mailing address which the board shall regard as the applicant's principal business address for purposes of communication and record keeping.

(b) Journeyman plumber. Each applicant must:

- (1) be at least 17 years of age; and
- (2) have either of the following:
 - (A) at least **6,000 hours** [three years] of experience working at the trade or a combination of such work experience and technical training equal to **6,000 hours** [three years], as verified by former employers; or
 - (B) a journeyman license from another state which need not be current at the time of application, **provided that his license is renewable in the state that issued the license.**

(c) Plumbing inspector. Each applicant must:

- (1) be at least 18 years of age;
- (2) be a high school graduate or hold a General Equivalency diploma (G.E.D.); and
- (3) furnish to the board a written request from the city or political subdivision employing or considering employing him that he be allowed to take the examination.

(d) Exemptions.

- (1) **The following individuals are exempt from the requirement of high school graduation or a General Equivalency diploma (G.E.D.):**
 - (A) **a person holding a current Texas license as a master plumber, journeyman plumber, or plumbing inspector;**
 - (B) **a person holding an expired or invalid Texas license in any category, provided that the individual once held a valid Texas license; and**
 - (C) **a person who has a current application for examination on file with the board as of the effective date of this rule.**
- (2) **The board may waive any examination or application requirement in its discretion after consideration of a written request from the applicant for an exemption due to hardship.**

§363.2. Application. Each applicant shall furnish to the board a written application to take the examination, together with any appropriate fees, prior to the examination. **The application remains in effect for one year from the date of filing, or one year from the date of the last examination failure, whichever occurs later.** In addition, [legal] aliens shall furnish proof of **lawful permanent residency** [legal residency] in the United States with the application.

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

Issued in Austin, Texas, on April 18, 1984.

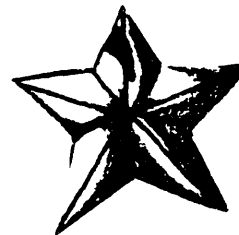
TRD-844721

Lynn Brown
Administrator
Texas State Board of Plumbing
Examiners

Earliest possible date of adoption

June 4, 1984

For further information, please call (512) 458-2145.



TITLE 25. HEALTH SERVICES Part V. Texas Health Facilities Commission

The following proposals submitted by the Texas Health Facilities Commission will be serialized beginning in the May 8, 1984, issue of the *Texas Register*. The proposed date of adoption for the documents is July 1, 1984.

Chapter 501 Description of the Commission

§§501 1, 501 3, 501 5, 501 7
(proposed for repeal)

§§501 1, 501 3, 501 5, 501 7
(proposed new)

Chapter 503 Rule-Making Procedures

§§503 1, 503 3, 503 5, 503 7, 503 9, 503 11,
503 13, 503 15, 503 17
(proposed for repeal)

503 1, 503 3, 503 5, 503 7, 503 9, 503 11,
503 13, 503 15, 503 17
(proposed new)

Chapter 505 Terms and Phrases

§505.1
(proposed for repeal)

§505 1
(proposed new)

Chapter 507 Certificate of Need Requirements

§§507 1, 507 3, 507.5, 507.7, 507.9, 507.11,
507 13, 507 15, 507 17
(proposed for repeal)

§§507 1, 507 3, 507 5, 507 7, 507 9, 507.11,
507 13, 507 15, 507.17
(proposed new)

Chapter 509 Application and Petition Procedures

Subchapter A. Certificate of Need Application Procedures

§§509.1, 509.3, 509.5, 509.7, 509.9, 509.11, 509.13, 509.15, 509.17, 509.19, 509.21, 509.23, 509.25, 509.27, 509.29, 509.31, 509.33, 509.35, 509.37, 509.39, 509.41, 509.43, 509.45, 509.47, 509.49, 509.51, 509.53, 509.55, 509.57, 509.59, 509.61, 509.63, 509.65, 509.67, 509.69, 509.71, 509.73, 509.75
(proposed for repeal)

§§509.1, 509.3, 509.5, 509.7, 509.9, 509.11, 509.13, 509.15, 509.17, 509.19, 509.21, 509.23, 509.25, 509.27, 509.29, 509.31, 509.33, 509.35, 509.37, 509.39, 509.41, 509.43, 509.45, 509.47, 509.49, 509.51, 509.53, 509.55, 509.57, 509.59, 509.61, 509.63, 509.65, 509.67, 509.69, 509.71
(proposed new)

Subchapter B. Petition Procedures for Reissuance of Certificate of Need

§§509.81, 509.83, 509.85
(proposed for repeal)

§§509.81, 509.83, 509.85
(proposed new)

Subchapter C. Declaratory Ruling Application Procedures

§§509.91, 509.93, 509.95, 509.97, 509.99, 509.101, 509.103, 509.105, 509.107
(proposed for repeal)

§§509.91, 509.93, 509.95, 509.97, 509.99, 509.101, 509.103, 509.105, 509.107
(proposed new)

Subchapter D. Application Procedures for Amendment of Previously Issued Commission Order

§§509.121, 509.123, 509.125
(proposed for repeal)

§§509.121, 509.123, 509.123
(proposed new)

Subchapter E. Application Procedures—Notice of Intent to Acquire Major Medical Equipment

§§509.131, 509.133, 509.135
(proposed for repeal)

§§509.131, 509.133, 509.135
(proposed new)

Subchapter F. Application Procedures—Notices of Intent to Acquire an Existing Health-Care Facility

§§509.141, 509.143, 509.145
(proposed for repeal)

§§509.141, 509.143, 509.145
(proposed new)

Subchapter G. Application Procedures—Notices of Intent Regarding Research Projects

§§509.151, 509.153, 509.155
(proposed for repeal)

§§509.151, 509.153, 509.155
(proposed new)

Subchapter H. Application Procedures—Exemptions for HMO-Related Projects

§§509.161, 509.163, 509.165
(proposed for repeal)

§§509.161, 509.163, 509.165
(proposed new)

Chapter 513 Criteria

Subchapter A. General Criteria for Use in Certificate of Need Reviews

§§513.1, 513.3, 513.5, 513.7, 513.9, 513.11, 513.13, 513.15, 513.17, 513.19, 513.21
(proposed for repeal)

§§513.1, 513.3, 513.5, 513.7, 513.9, 513.11, 513.13, 513.15, 513.17, 513.19, 513.21
(proposed new)

Subchapter D. Criteria for Use in Reissuance of Certificate of Need Reviews

§§513.51, §513.53
(proposed for repeal)

§§513.51, §513.53
(proposed new)

Chapter 515. Commission Review of Applications
Subchapter A. Parties to Commission Review of Applications

§§515.1, 515.3, 515.5, 515.7, 515.9, 515.11, 515.13, 515.15, 515.17, 515.19, 515.21, 515.23
(proposed for repeal)

§§515.1, 515.3, 515.5, 515.7, 515.9, 515.11, 515.13, 515.15, 515.17, 515.19, 515.21
(proposed new)

Subchapter B. Hearing Requirements

§§515.31, 515.33, 515.35, 515.37, 515.39, 515.41, 515.43, 515.45, 515.47, 515.49
(proposed for repeal)

§§515.31, 515.33, 515.35, 515.37, 515.39, 515.41
(proposed new)

Subchapter C. Hearing Procedures

§§515.61, 515.63, 515.65, 515.67, 515.69, 515.71, 515.73, 515.75, 515.77, 515.79, 515.81, 515.83, 515.85, 515.87
(proposed for repeal)

§§515.61, 515.63, 515.65, 515.67, 515.69, 515.71, 515.73, 515.75, 515.77, 515.79, 515.81, 515.83, 515.85, 515.87
(proposed new)

Subchapter D. Evidence

§§515.101, 515.103, 515.105, 515.107, 515.109, 515.111, 515.113, 515.115, 515.117, 515.119
(proposed for repeal)

§§515.101, 515.103, 515.105, 515.107, 515.109, 515.111, 515.113, 515.115, 515.117, 515.119, 515.121, 515.123, 515.125, 515.127, 515.129, 515.131
(proposed new)

Chapter 517. Commission Action on Applications and Other Matters

§§517.1, 517.3, 517.5, 517.7, 517.9, 517.11, 517.13, 517.15, 517.17, 517.19, 517.21, 517.23, 517.25, 517.27, 517.29, 517.31, 517.33, 517.35, 517.37, 517.39, 517.41, 517.43, 517.45, 517.47, 517.49
(proposed for repeal)

§§517.1, 517.3, 517.5, 517.7, 517.9, 517.11, 517.13, 517.15, 517.17, 517.19, 517.21, 517.23, 517.25, 517.27, 517.29, 517.31, 517.33, 517.35, 517.37, 517.39, 517.41, 517.43, 517.45, 517.47
(proposed new)

Chapter 519. Health Systems Agency Rules of Review
Subchapter A. Purpose and Definitions

§§519.1, §519.3
(proposed for repeal)

Subchapter B. Application Review by Health Systems Agency

§§519.11, 519.13, 519.15
(proposed for repeal)

Subchapter C. Written Recommendation of Health Systems Agency

§§519.21, 519.23, 519.25
(proposed for repeal)

Subchapter D. Criteria
§519.31, §519.33
(proposed for repeal)

Chapter 523. Forfeiture
§523.1, 523.3, 523.5, 523.7
(proposed for repeal)

§523.1, 523.3, 523.5, 523.7, 523.9
(proposed new)

Chapter 525. Enforcement

Subchapter A. Violation of the Act

§525.1, 525.3, 525.5, 525.7, 525.9, 525.11,
525.13, 525.15
(proposed for repeal)

§525.1, 525.3, 525.5, 525.7, 525.9, 525.11,
525.13, 525.15
(proposed new)

Chapter 527. Miscellaneous Provisions

Subchapter A. Computing Time Periods

§527.1
(proposed for repeal)

§527.1
(proposed new)

Subchapter B. Records of the Commission

§527.11, §527.13
(proposed for repeal)

§527.11, §527.13
(proposed new)

Subchapter C. Commission Publications

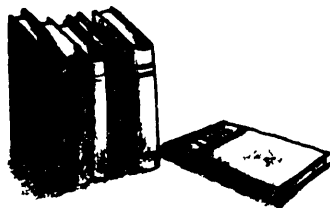
§527.21, 527.23, 527.25
(proposed for repeal)

§527.21, 527.23, 527.25
(proposed new)

Subchapter D. Transitional Provisions

§527.31, §527.33
(proposed for repeal)

§527.31
(proposed new)



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part II. Texas Rehabilitation Commission

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Rehabilitation Commission, 118 East Riverside Drive, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Rehabilitation Commission proposes the repeal of §§101.1-101.8, 103.1-103.13, 105.1-105.3, 107.1, 107.2, 109.1-109.3, 111.1-111.3, 113.1-113.5, 115.1-115.7, 117.1-117.6, 119.1, 119.2, 121.1, 121.2, 123.1-123.3, 125.1-125.4, 127.1-127.5, 129.1-129.5, 131.1-131.3, 133.1-133.4, 135.1, and 135.2, concerning rules relating

to all rehabilitation service programs of the Texas Rehabilitation Commission. The 68th Texas Legislature, 1983 amended the Human Resources Code, Title 7, Chapter 111, which had the basic effect of establishing the Rehabilitation Services Program as a state program supported by federal funds. The basic change of direction required that the commission's basic rules be rewritten, rearranged, and republished in the *Texas Register*.

Robert L. [redacted], controller, has determined that for the first [redacted] period the repeals will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeals.

Doyle Wheeler, deputy commissioner for programs, has determined that for each year of the first five years the repeals as proposed are in effect the public benefit anticipated as a result of the repeal is the repeal of outdated rules so that new rules can be proposed which will conform with changes in the Human Resources Code. There is no anticipated economic cost to individuals as a result of the repeals.

Comments on the proposal may be submitted to Vernon H. Newman, General Counsel, Texas Rehabilitation Commission, 118 East Riverside Drive, Austin, Texas 78704.

Chapter 101. General Rules

40 TAC §§101.1-101.8

The repeal is proposed under the Human Resources Code, Title 7, §111.018, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations necessary to carry out the purposes of this chapter.

- §101.1. *Definitions.*
- §101.2. *Declaration of Purpose.*
- §101.3. *Legal Basis.*
- §101.4. *Organization for Vocational Rehabilitation Services.*
- §101.5. *Statewideness.*
- §101.6. *Affirmative Action for Equal Employment Opportunity.*
- §101.7. *Nondiscrimination in Federally Assisted Programs and Federal Grants.*
- §101.8. *Participation in Political Activity.*

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

Issued in Austin, Texas, on April 20, 1984

TRD-844568 Vernon H. Newman
General Counsel
Texas Rehabilitation Commission

Earliest possible date of adoption.

June 4, 1984

For further information, please call (512) 445-8126.

Chapter 103. Vocational Rehabilitation Services to Individuals

40 TAC §§103.1-103.13

The repeal is proposed under the Human Resources Code, Title 7, §111.018, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations necessary to carry out the purposes of this chapter.

- §103.1. *Evaluation of Rehabilitation Potential.*
- §103.2. *Counseling, Guidance, and Referral.*
- §103.3. *Physical Restoration Services.*
- §103.4. *Mental Restoration Services.*
- §103.5. *Vocational and Other Training Services.*
- §103.6. *Maintenance.*
- §103.7. *Transportation.*
- §103.8. *Interpreter Services for the Deaf.*
- §103.9. *Placement in Suitable Employment.*
- §103.10. *Postemployment Services.*
- §103.11. *Occupational Licenses, Tools, Equipment, and Training Supplies.*
- §103.12. *Extended Evaluation to Determine Rehabilitation Potential.*
- §103.13. *Individualized Written Rehabilitation Program.*

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

Issued in Austin, Texas, on April 20, 1984.

TRD-844569 Vernon H. Newman
 General Counsel
 Texas Rehabilitation Commission

Earliest possible date of adoption:
June 4, 1984

For further information, please call (512) 445-8126.

Chapter 105. Vocational Rehabilitation Services to Groups of Handicapped Individuals

40 TAC §§105.1-105.3

The repeal is proposed under the Human Resources Code, Title 7, §111.018, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations necessary to carry out the purposes of this chapter.

- §105.1. *Construction of Rehabilitation Facilities.*
- §105.2. *Establishment of Rehabilitation Facilities.*
- §105.3. *Facilities and Services for Groups of Handicapped Individuals.*

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

Issued in Austin, Texas, on April 20, 1984

TRD-844570 Vernon H. Newman
 General Counsel
 Texas Rehabilitation Commission

Earliest possible date of adoption:
June 4, 1984

For further information, please call (512) 445-8126.

Chapter 107. Economic Need

40 TAC §107.1, §107.2

The repeal is proposed under the Human Resources Code, Title 7, §111.018, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations necessary to carry out the purposes of this chapter.

- §107.1. *Basic Criteria.*
- §107.2. *Equitable Treatment and Notice.*

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

Issued in Austin, Texas, on April 20, 1984.

TRD-844571 Vernon H. Newman
 General Counsel
 Texas Rehabilitation Commission

Earliest possible date of adoption:
June 4, 1984

For further information, please call (512) 445-8126.

Chapter 109. Similar Benefits

40 TAC §§109.1-109.3

The repeal is proposed under the Human Resources Code, Title 7, §111.018, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations necessary to carry out the purposes of this chapter.

- §109.1 *Basic Consideration for Similar Benefits*
- §109.2 *Delay Caused by and Adequacy of Similar Benefits.*
- §109.3 *Maximum Utilization of Community Resources*

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

Issued in Austin, Texas, on April 20, 1984

TRD-844572 Vernon H. Newman
 General Counsel
 Texas Rehabilitation Commission

Earliest possible date of adoption
June 4, 1984

For further information, please call (512) 445-8126.

Chapter 111. Eligibility, Ineligibility, and Certification

40 TAC §§111.1-111.3

The repeal is proposed under the Human Resources Code, Title 7, §111.018, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations necessary to carry out the purposes of this chapter.

- §111.1 *Basic Requirements for Eligibility.*
- §111.2 *Factors Irrelevant to Eligibility.*
- §111.3 *Certification of Ineligibility.*

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

Issued in Austin, Texas, on April 20, 1984.

TRD-844573 Vernon H. Newman
 General Counsel
 Texas Rehabilitation Commission

Earliest possible date of adoption
June 4, 1984

For further information, please call (512) 445-8126

Chapter 113. Methods of Administration of Vocational Rehabilitation

40 TAC §§113.1-113.5

The repeal is proposed under the Human Resources Code, Title 7, §111.018, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protec-

tion of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations necessary to carry out the purposes of this chapter.

- §113.1 *Statewide Studies and Program Evaluation.*
- §113.2 *Annual Evaluation.*
- §113.3 *Order of Selection and Outcomes and Service Goals.*
- §113.4 *Periodic Reevaluation of Extended Employment in Rehabilitation Facilities.*
- §113.5 *Individuals Determined to Be Rehabilitated*

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

Issued in Austin, Texas, on April 20, 1984.

TRD-844574 Vernon H. Newman
 General Counsel
 Texas Rehabilitation Commission

Earliest possible date of adoption
June 4, 1984

For further information, please call (512) 445-8126.



Chapter 115. General Methods of Administration

40 TAC §§115.1-115.7

The repeal is proposed under the Human Resources Code, Title 7, §111.018, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations necessary to carry out the purposes of this chapter.

- §115.1 *Consultation with Recipients and Providers of Vocational Rehabilitation Services.*
- §115.2 *Standards for Facilities Providing Vocational Rehabilitation Services.*
- §115.3 *Confidentiality of Client Records.*
- §115.4 *Administrative Review of Agency Action and Fair Hearing for Applicants and Clients.*
- §115.5 *Cooperation with Other Public Agencies.*

§115.6. *Cooperative Programs Utilizing Third-Party Funds.*

§115.7. *Petition for Adoption of Rules.*

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

Issued in Austin, Texas, on April 20, 1984

TRD-844575 Vernon H. Newman
 General Counsel
 Texas Rehabilitation Commission

Earliest possible date of adoption:

June 4, 1984

For further information, please call (512) 445-8126.

Chapter 117. General Rules of Extended Services

40 TAC §§117.1-117.6

The repeal is proposed under the Human Resources Code, Title 7, §111.018, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations necessary to carry out the purposes of this chapter.

§117.1. *Legal Basis.*

§117.2. *Purpose.*

§117.3. *Definitions.*

§117.4. *Organization for Extended Rehabilitation Services.*

§117.5. *Nondiscrimination in the Provision of Services.*

§117.6. *Availability of Services.*

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

Issued in Austin, Texas, on April 20, 1984

TRD-844576 Vernon H. Newman
 General Counsel
 Texas Rehabilitation Commission

Earliest possible date of adoption:

June 4, 1984

For further information, please call (512) 445-8126.

Chapter 119. Eligibility and Ineligibility

40 TAC §§119.1, §119.2

The repeal is proposed under the Human Resources Code, Title 7, §111.018, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protec-

tion of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations necessary to carry out the purposes of this chapter.

§119.1. *Basic Requirement for Eligibility.*

§119.2. *Ineligibility.*

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

Issued in Austin, Texas, on April 20, 1984

TRD-844577 Vernon H. Newman
 General Counsel
 Texas Rehabilitation Commission

Earliest possible date of adoption:

June 4, 1984

For further information, please call (512) 445-8126.

Chapter 121. Client Participation

40 TAC §121.1, §121.2

The repeal is proposed under the Human Resources Code, Title 7, §111.018, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations necessary to carry out the purposes of this chapter.

§121.1. *Basic Criteria.*

§121.2. *Client Contributions.*

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

Issued in Austin, Texas, on April 20, 1984

TRD-844578 Vernon H. Newman
 General Counsel
 Texas Rehabilitation Commission

Earliest possible date of adoption:

June 4, 1984

For further information, please call (512) 445-8126.

Chapter 123. Services Provided

40 TAC §§123.1-123.3

The repeal is proposed under the Human Resources Code, Title 7, §111.018, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other ser-

vices, procedures for hearings, and other regulations necessary to carry out the purposes of this chapter.

- §123.1. *Authority.*
- §123.2. *Basic Criteria.*
- §123.3. *Services Provided.*

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

Issued in Austin, Texas, on April 20, 1984.

TRD-844579 Vernon H. Newman
 General Counsel
 Texas Rehabilitation Commission

Earliest possible date of adoption:
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For further information, please call (512) 445-8126.

regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations necessary to carry out the purposes of this chapter.

- §127.1. *Legal Basis.*
- §127.2. *Purpose.*
- §127.3. *Definitions.*
- §127.4. *Nondiscrimination in the Provision of Services.*
- §127.5. *Availability of Services.*

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

Issued in Austin, Texas, on April 20, 1984.

TRD-844581 Vernon H. Newman
 General Counsel
 Texas Rehabilitation Commission

Earliest possible date of adoption:
June 4, 1984
For further information, please call (512) 445-8126.

Chapter 125. General Administration 40 TAC §§125.1-125.4

The repeal is proposed under the Human Resources Code, Title 7, §111.018, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations necessary to carry out the purposes of this chapter.

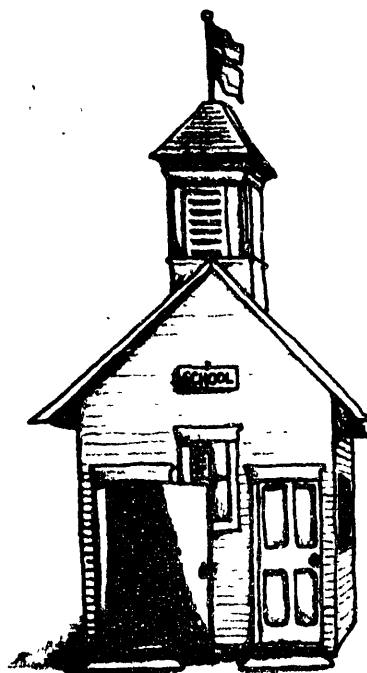
- §125.1. *Basic Criteria.*
- §125.2. *Standards for Facilities Providing Extended Rehabilitation Services.*
- §125.3. *Confidentiality of Records.*
- §125.4. *Administrative Review and Hearing.*

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

Issued in Austin, Texas, on April 20, 1984.

TRD-844580 Vernon H. Newman
 General Counsel
 Texas Rehabilitation Commission

Earliest possible date of adoption:
June 4, 1984
For further information, please call (512) 445-8126.



Chapter 129. Establishment of Centers

40 TAC §§129.1-129.5

The repeal is proposed under the Human Resources Code, Title 7, §111.018, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other ser-

Chapter 127. Service Centers for Displaced Homemakers Program— General Rules

40 TAC §§127.1-127.5

The repeal is proposed under the Human Resources Code, Title 7, §111.018, which provides the Texas Rehabilitation Commission with the authority to make

vices, procedures for hearings, and other regulations necessary to carry out the purposes of this chapter.

- §129.1. *Location of Centers.*
- §129.2. *Operation of Centers.*
- §129.3. *Staffing of Centers.*
- §129.4. *Payments for Operation of Centers.*
- §129.5. *Standards for Service Centers.*

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

Issued in Austin, Texas, on April 20, 1984.

TRD-844582 Vernon H. Newman
 General Counsel
 Texas Rehabilitation Commission

Earliest possible date of adoption:

June 4, 1984

For further information, please call (512) 445-8126.

tion of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations necessary to carry out the purposes of this chapter.

- §133.1. *Funding Sources.*
- §133.2. *Schedules of Fees.*
- §133.3. *Guidelines.*
- §133.4. *Schedules of Stipends.*

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

Issued in Austin, Texas, on April 20, 1984.

TRD-844584 Vernon H. Newman
 General Counsel
 Texas Rehabilitation Commission

Earliest possible date of adoption:

June 4, 1984

For further information, please call (512) 445-8126.

Chapter 131. Programs at Service Centers

40 TAC §§131.1-131.3

The repeal is proposed under the Human Resources Code, Title 7, §111.018, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations necessary to carry out the purposes of this chapter.

- §131.1. *Job Counseling Program.*
- §131.2. *Job Training Program.*
- §131.3. *Service Program.*

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

Issued in Austin, Texas, on April 20, 1984.

TRD-844583 Vernon H. Newman
 General Counsel
 Texas Rehabilitation Commission

Earliest possible date of adoption:

June 4, 1984

For further information, please call (512) 445-8126.

Chapter 135. Reports and Evaluations

40 TAC §135.1, §135.2

The repeal is proposed under the Human Resources Code, Title 7, §111.018, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations necessary to carry out the purposes of this chapter.

- §135.1. *Monitoring and Evaluation by Department.*
- §135.2. *Annual Report by Service Center.*

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

Issued in Austin, Texas, on April 20, 1984.

TRD-844585 Vernon H. Newman
 General Counsel
 Texas Rehabilitation Commission

Earliest possible date of adoption:

June 4, 1984

For further information, please call (512) 445-8126.

Chapter 133. Funding and Fees at Service Centers

40 TAC §§133.1-133.4

The repeal is proposed under the Human Resources Code, Title 7, §111.018, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protec-

The Texas Rehabilitation Commission proposes new §§101.1-101.14, concerning general rules relating to all rehabilitation service programs of the Texas Rehabilitation Commission; §§103.1-103.19, concerning provision of vocational rehabilitation services; §103.21 and §103.22, concerning economic need cri-

teria; §§ 103.31-103.33, concerning similar benefits; §§ 103.41-103.44, concerning eligibility, ineligibility, and certification; §§ 103.51-103.55, concerning methods of administration of vocational rehabilitation; §§ 105.1-105.6, concerning the Extended Rehabilitation Services Program; and §§ 107.1-107.5, concerning the Independent Living Services Program.

Robert L. Young, controller, has determined that for the first five-year period the sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Doyle Wheeler, deputy commissioner for programs, has determined that for each year of the first five years the sections as proposed are in effect the public benefit anticipated as a result of enforcing the sections as proposed is that individuals with handicaps and disabilities (except of a visual nature) will be provided with timely and appropriate rehabilitation services and other services authorized by law. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Vernon H. Newman, General Counsel, Texas Rehabilitation Commission, 118 East Riverside Drive, Austin, Texas 78704.

Chapter 101. General Rules

40 TAC §§ 101.1-101.14

The new sections are proposed under the Human Resources Code, Title 7, § 111.018, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations necessary to carry out the purposes of this chapter.

§101.1. Definitions Words and terms are used as defined in the Rehabilitation Act of 1973, as amended, and implemented by 34 Code of Federal Regulations and the Human Resources Code, Title 7, unless the context clearly indicates another meaning. Words and terms defined in such federal and state laws and regulations are applicable to this part.

Applicant—An individual who applies to the Texas Rehabilitation Commission for vocational rehabilitation services, extended rehabilitation services, or independent living services.

Board—Board of the Texas Rehabilitation Commission appointed under the provision of the Human Resources Code, Title 7.

Client—An individual who is determined eligible by the Texas Rehabilitation Commission for vocational rehabilitation services or extended rehabilitation services.

Commission—Texas Rehabilitation Commission.

Counselor—An employee of the commission who is designated in his job description as a counselor.

Sheltered workshop—An occupation-oriented facility operated by a not-for-profit agency, public or private, which, except for its staff, employs only mentally or physically handicapped persons.

State plan—The plan for vocational rehabilitation services submitted by this state in compliance with the Rehabilitation Act of 1973, as amended, Title I.

§101.2. Declaration of Purpose and Policy.

(a) The commission is the principal authority in the state on matters relating to rehabilitation of handicapped and disabled individuals, except for those matters relating to individuals whose handicap or disabilities are of a visual nature. All other state agencies engaged in rehabilitation activities and related services to individuals whose handicaps or disabilities are not of a visual nature shall coordinate those activities and services with the commission.

(b) It is the policy of the State of Texas to provide rehabilitation and related services to eligible handicapped individuals so that they may prepare for and engage in a gainful occupation or achieve maximum personal independence for the individual.

(c) The commission provides services subject to the availability of funds and in accordance with priorities provided in the state plan as required by federal law and regulation, policies established by the board, and contracts with the providers of such services.

(d) Under operational policies established by the board, the commissioner is responsible for the administration, supervision, planning, and direction of all rehabilitation service programs

(e) Any person who believes that he is eligible for rehabilitation services may contact any commission office or employee for assistance.

§101.3. Legal Basis.

(a) The constitutional authority for rehabilitation services programs is the Texas Constitution, Article 16, §6, and Article 3, §51a.

(b) The state statutory authority for administration or supervision of the rehabilitation services programs by the commission is the Human Resources Code, Title 7.

(c) These rules are promulgated for compliance by all persons subject to the rules. The use of the masculine gender includes the feminine gender.

(d) These general rules apply to all rehabilitation services program unless specifically excepted, or the rule is limited or modified by rules applicable to a specific program.

§101.4. Affirmative Action for Equal Employment Opportunity.

(a) The commission fully supports the national and state goal of achieving equal employment opportunity for persons of every race, color, sex, religion, age, national origin, and physical or mental handicap, through affirmative action. Affirmative action for equal employment opportunity incorporates the principles of:

- (1) top-level administrative support and direction;
- (2) practical programs for achieving specific goals;

(3) assignment of responsibilities at all levels of supervision; and

(4) evaluation of success in achieving goals.

(b) Affirmative action envisions specific and individual result-oriented actions by management at all levels designed to ensure equal employment opportunity for minorities, women, and the qualified handicapped in all segments of the commission work force.

(c) The commission recruits, tests, hires, and promotes for all job classifications without regard to race, color, national origin, religion, sex, age, or physical or mental impairment; except where sex or age is a bona fide occupational necessity. All other personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, commission-sponsored training and education and tuition assistance, are administered without regard to race, color, national origin, religion, sex, age, or physical or mental impairment. Decisions on employment are based solely upon an individual's qualifications for the position being filled.

(d) Every employee is responsible for knowing commission policies relating to equal employment opportunity.

(e) Equal employment opportunity support is a job responsibility of all supervisory personnel. The supervisors shall provide personal leadership in establishing, maintaining, and carrying out a positive equal employment opportunity program.

(f) The commission has an objective grievance and appeal procedure to ensure a fair hearing for any employee who feels he or she has been subject to discrimination.

§101.5. Nondiscrimination in Federally Assisted Programs and Federal Grants.

(a) The programs and activities of the commission are conducted in such a manner that no person in the United States will be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any such program or activity on the ground of race, color, national origin, sex, religion, age, or physical or mental impairment.

(b) Affirmative action to effectuate the commission policy of nondiscrimination in the provision of services is accomplished through:

(1) top-level management support and direction;

(2) assignment of responsibilities for implementation to all levels of supervision;

(3) communication of policy to clients, vendors, and the general public;

(4) training of employees in policy and in their obligations;

(5) an equitable and timely procedure for handling complaints of discrimination;

(6) a system for periodic review and evaluation;

(7) maintenance of adequate records to reflect commission compliance action;

(8) a system of ensuring compliance by commission's vendors; and

(9) other procedures as may be required.

§101.6. Construction of Rehabilitation Facilities. The commission provides for the construction of public or other nonprofit rehabilitation facilities in conformity with federal and state law and regulation.

§101.7. Establishment of Rehabilitation Facilities. The commission provides for the establishment of public or other nonprofit rehabilitation facilities in conformity with federal and state law and regulation.

§101.8. Facilities and Services for Groups of Handicapped Individuals. The commission provides for facilities and services which may be expected to contribute substantially to the rehabilitation of a group of individuals, but which are not related directly to the individualized rehabilitation program of any one handicapped individual. The commission establishes in writing and maintains policies for the provision of such facilities and services.

§101.9. Standards for Facilities.

(a) Facilities used by the commission in providing vocational rehabilitation services are required to satisfy the following minimum standards.

(1) The organizational and administrative structure of the facility shall contribute effectively to the achievement of its goals.

(2) The staff of the facility shall be competent, professionally ethical, and qualified for positions held. Qualifications of staff shall meet all requirements established by recognized professional groups and/or state certification regulations. The governing body shall develop minimum qualifications for all staff positions not covered by licensure or certification requirements.

(3) The program of services offered shall be planned and operated in relation to present and future needs of its clientele. These services shall be of such a quality and so applied that they constitute an effective program which achieves the objectives of rehabilitation for the individual client. It is essential that case-staffing be an integral part of any service.

(4) The facility shall provide for such fiscal control and fund accounting as may be necessary to assure the proper disbursement of and accounting for funds provided by the commission.

(5) The facility shall observe client personnel policies and practices which focus on the needs and goals of the individual.

(6) The facility shall maintain accurate and complete records and prepare and distribute reports necessary to the achievement of its goals.

(7) The facility shall endeavor to gain community understanding, approval, and continued support of its goals, services, and needs through a consciously structured community public relations program designed to sharpen and enhance public understanding of the agency's purposes and achievements.

(8) The physical plant of the facility and its environment shall be such that the safety and health of the staff and clients are protected.

(b) Any additional standards the commission publishes for facilities will be made available to the public.

§101.10. Confidentiality of Client Records.

(a) All personal information made available to commission employees in the course of the administration of rehabilitation services programs, including lists of names, addresses, and records of agency evaluation, is confidential.

(b) The use of such information and records is limited to purposes directly connected with the administration of the rehabilitation programs.

(c) Information is not to be disclosed directly or indirectly, other than in the administration of the rehabilitation programs, unless the consent of the client has been obtained in writing, the compliance with a court order, or in accordance with a federal or state law or regulation.

(d) Upon a client's request, information is released to a client or, as appropriate, his parent, guardian, or other representative. If, in the opinion of the counselor, release of a particular document in the client case file will have a harmful effect on the client, the client shall be notified that there is information in the case file that can only be released to an appropriate representative designated in writing by the client.

(e) All client information is the property of the commission.

§101.11. Administrative Review of Agency Action and Fair Hearing for Applicants and Clients.

(a) Any applicant or client who is dissatisfied with any decision of the commission with regard to the furnishing or denial of services shall first notify the counselor of his complaint. If the applicant or client remains dissatisfied, he may then file a request for administrative review and redetermination of the counselor's decision.

(b) Normally, the first level of review or appeal from the counselor's decision is to the counselor's supervisor and the second level is to the regional director. However, if the regional director desires, he may act on the appeal from the counselor's decision.

(c) If the applicant or client pursues his appeal to the regional director and the regional director concurs in the initial decision, he shall notify the applicant or client by letter of his decision and of the applicant's or client's right to an administrative hearing.

(d) When the applicant or client requests a hearing from the decision of the regional director, the commissioner appoints a hearing officer who is responsible for conducting a fair hearing in accordance with the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §§14, 15, and 17

(e) The applicant or client and/or his legal representative is entitled to know the names of witnesses and to examine, prior to the hearing, the material that will be introduced as evidence. In addition, he or his legal representative may examine all documentary evidence used during the hearing, to bring witnesses, to establish all pertinent facts and circumstances, to advance any argument, and to question or refute any testimony or evidence.

(f) The hearing officer shall assist the applicant or client to present in an orderly fashion any information he cares to present which could have any bearing upon the situation.

(g) The applicant or client has the right to be represented by legal counsel or other representative, but the commission does not pay the representative's fee.

(h) The hearing officer prepares a report of the hearing which is available to the applicant or client at a place accessible to him or his representative at any reasonable time.

(i) The hearing officer makes a recommendation to the commissioner, who notifies the applicant or client in writing of his final decision.

§101.12. Cooperation with Other Public Agencies. The commission enters into appropriate cooperative arrangements with, and utilizes the services and facilities of, the state agencies administering the state's public assistance programs to specifically include the State Commission for the Blind, other programs for disabled individuals, veterans' programs, health and mental health programs, education programs, workers' compensation programs, and public employment offices, the Social Security Administration, the Office of Workers' Compensation Programs of the Department of Labor, the Veterans Administration, and other federal, state, and local public agencies providing services related to the rehabilitation of handicapped individuals. The commission also works toward maximum coordination and consultation with programs for and relating to the rehabilitation of disabled veterans.

§101.13. Similar Benefits. In providing rehabilitation services, the commission considers any similar benefit available to a client under any other program.

§101.14. Petition for Adoption of Rules.

(a) Any interested person may petition the commission requesting the adoption of a rule.

(b) The term "rule" is used as defined in the Administrative Procedure and Texas Register Act, §3.

(c) The petition must be in writing and should be addressed to the Commissioner, Texas Rehabilitation Commission, 118 East Riverside Drive, Austin, Texas 78704. No format is prescribed for the petition other than as provided in these rules.

(d) The petition must specify or otherwise make clear that it is made pursuant to the provisions of the Administrative Procedure and Texas Register Act.

(e) The petition should clearly state the body or substance of the rule requested for adoption, and if appropriate, relate the requested rule to an adopted rule or rules of the commission.

(f) The petition should be signed and should contain the full name and address of the petitioner. The commission may communicate with the petitioner to clarify the requested rule or for other relevant reasons.

(g) If the requested rule is a substantive rule, it will be placed on the agenda of the board of the commission at a scheduled meeting within 60 days of receipt and considered by the board at such meeting.

(h) If no formal meeting of the board is held within 60 days of the receipt of the requested rule, the rule may be considered by members of the board in any other way that the board conducts its business or by the commissioner if the disposition of the requested rule is within the established policies of the board.

(i) If the requested rule is not a substantive rule, it will be considered by the commissioner only.

(j) The board or the commissioner, as appropriate, will make disposition of each requested rule within 60 days of its receipt. If the petition is denied, the petitioner will be notified in writing stating the reasons for the denial. If the petition is adopted by the commission in whole or in part, the commission will initiate rule-mak-

ing proceedings in accordance with the Administrative Procedure and Texas Register Act, §5, and notify the petitioner in writing of the initiation of such proceedings.

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

Issued in Austin, Texas, on April 20, 1984.

TRD-844550 Vernon H. Newman
General Counsel
Texas Rehabilitation Commission

Earliest possible date of adoption:

June 4, 1984

For further information, please call (512) 445-8126.

Chapter 103. Vocational Rehabilitation Services Program

Subchapter A. Provision of Vocational Rehabilitation Services

40 TAC §§103.1-103.19

The new sections are proposed under the Human Resources Code, Title 7, §111.018, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations necessary to carry out the purposes of this chapter.

§103.1. Basic Criteria. The Vocational Rehabilitation Services Program is a joint state-federal funded program. The commission cooperates with the federal government in carrying out the rehabilitation of the handicapped under state and federal law and to this end adopts such methods of administration as are found by the federal government to be necessary and not contrary to existing state laws for the proper and efficient operation of such rehabilitation program. The commission complies with such requirements as may be necessary to obtain federal funds in the maximum amount and most advantageous proportion authorized.

§103.2. Organization for Vocational Rehabilitation Services.

(a) For purposes of field operation, the state is divided into geographical regions with a regional director in charge of each region. The regional director is responsible for the supervision, planning, and direction of vocational rehabilitation services in his region.

(b) Area managers are assigned to supervise the work of counselors.

(c) Counselors assigned to each region have the responsibility of making the initial determination as to eligibility for vocational rehabilitation services and to provide such services in accordance with policies and procedures of the commission.

§103.3. Statewideness. The state plan for vocational rehabilitation services is effective in all political subdivisions of the state.

§103.4. Evaluation of Rehabilitation Potential.

(a) Preliminary diagnostic study. To determine whether an individual is eligible for vocational rehabilitation services, the commission conducts a preliminary diagnostic study sufficient to determine:

(1) whether the individual has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

(2) whether vocational rehabilitation services can reasonably be expected to benefit the individual in terms of employability, or whether an extended evaluation of rehabilitation potential is necessary to make such a determination.

(b) Thorough diagnostic study.

(1) The commission provides, as appropriate in each case, a thorough diagnostic study to determine the nature and scope of services needed by the individual. This study consists of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, and other related factors which bear on the individual's handicap to employment and rehabilitation needs. Additional examinations are authorized after services are initiated when conditions arise that jeopardize the individual's written rehabilitation program

(2) Educational achievement and psychological functioning of the applicant is a significant area that is investigated in the evaluation of an individual's vocational potential. When observed problems of the applicant indicate, an educational achievement test is administered

(c) Application forms. Applicants for vocational rehabilitation services must sign prescribed application and release of information forms prior to receiving services.

§103.5. Counseling, Guidance, and Referral. The commission provides counseling, guidance, and referral services as necessary for the vocational rehabilitation of clients. Counseling is a process in which a vocational rehabilitation counselor works in a face-to-face relationship with a client in order to help the client understand both his problems and his vocational potential. Counseling is a continuous process throughout the client's rehabilitation program to help him make the best possible vocational, personal, and social adjustment. Referral means referral of the client to other agencies for assistance not available from the commission

§103.6. Physical Restoration Services.

(a) The commission provides physical restoration services which are necessary to correct or substantially modify an individual's physical condition within a reasonable period of time. The physical conditions for which such services are rendered must be stable or slowly progressive.

(b) Before the commission initiates any type of physical restoration, exclusive of prosthetic or orthotic devices, speech or hearing therapy, or psychological services, the client or, as appropriate, his parent, guardian, or other representative, must complete and sign the physical restoration application form of the commission.

(c) The commission does not provide prenatal or postnatal care.

§103.7. Mental Restoration Services

(a) The commission provides mental restoration services for mental conditions which are stable or slowly progressive.

(b) The commission provides psychiatric treatment as a limited service on a short-term basis only

(c) The commission provides psychological counseling as a limited service only to support the completion or achievement of the vocational objective

§103.8. Vocational and Other Training Services

(a) The commission provides vocational training to those clients who require additional knowledge or skills to enter employment consistent with their aptitudes and ability, and compatible with their physical or mental impairments.

(b) The commission provides vocational training through various training facilities to include accredited colleges and universities; certified public or private businesses; technical and vocational schools, on-the-job training; correspondence course training; tutorial training; and rehabilitation facility training.

(c) The commission requires each basic education opportunity grant (BEOG) eligible client entering training in an institution of higher education to apply for a BEOG. If the client has not done so prior to the time of application for vocational rehabilitation services, the counselor assists the client in doing so.

(d) The commission does not pay the nonresident fee to a college or university outside Texas if the course is available at a school within Texas, but does pay tuition at the same rate as would have been paid to a comparable college in Texas

(e) The commission does not pay tuition and fees to a business, technical, or vocational school in excess of the published fees. Textbooks supplied to clients of the commission become the property of the client, provided he finishes the prescribed training and enters a field of employment compatible with the vocational objective. If the client drops out of training or enters employment not related to the vocational objective, the textbooks remain the property of the commission

§103.9. Maintenance.

(a) The commission may pay maintenance to a client. Maintenance is a cash payment to an applicant or client made during any stage of the rehabilitation process to cover basic living expenses, such as food, shelter, clothing, and other subsistence expenses necessary to derive the full benefit of other vocational rehabilitation services

(b) The client must sign a prescribed agreement form prior to, or simultaneous with, the completion of the maintenance requisition

§103.10. Transportation. The commission may provide transportation to applicants and clients in connection with other vocational rehabilitation services

§103.11. Interpreter Services for the Deaf

(a) The commission may provide interpreter services for deaf clients when such services will assist in the attainment of the rehabilitation objective

(b) The commission may provide telecommunications, sensory, and other technological aids and devices to facilitate training, employability, and job opportunities for the severely disabled, particularly deaf persons

and individuals with profound hearing or speech impairments.

§103.12. Placement in Suitable Employment.

(a) The principal objective of the commission is suitable employment for each client.

(b) Suitable employment includes entering or retaining employment consistent with the client's capacities and abilities in the competitive labor market; the practice of a profession; self-employment; homemaking; farm or family work; sheltered employment; homebound employment; or other gainful work.

§103.13. Postemployment Services.

(a) The commission may provide postemployment services to clients who have been determined rehabilitated in order to maintain or strengthen the client's employability

(b) Postemployment services are intended to overcome regressive, emergent, or latent problems after the case is closed and to supplement the substantial service which justified the closing as rehabilitated.

§103.14. Occupational Licenses, Tools, Equipment, and Training Supplies.

(a) The commission may provide clients with occupational licenses, tools, equipment, and training supplies as necessary rehabilitation services to increase the individual's prospects for successful employment.

(b) Clients shall safeguard and maintain in a serviceable condition tools and equipment and will not wrongfully dispose of them.

(c) Clients shall sign a prescribed agreement form at the time they receive tools and equipment.

§103.15. Extended Evaluation to Determine Rehabilitation Potential

(a) The commission provides vocational rehabilitation services under extended evaluation to determine rehabilitation potential based upon:

(1) the presence of a physical or mental disability which for the individual constitutes or results in a substantial handicap to employment; and

(2) an inability to make a determination that vocational rehabilitation services might benefit the individual in terms of employability unless there is an extended evaluation to determine rehabilitation potential.

(b) The commission may provide vocational rehabilitation services necessary for the determination of rehabilitation potential, including those provided within a thorough diagnostic study, for a total period not in excess of 18 months

(c) The commission may terminate at any time prior to the expiration of the 18-month extended evaluation period, the extended evaluation for the determination of rehabilitation potential when:

(1) the individual is found eligible for vocational rehabilitation services upon a determination of a reasonable assurance that he can be expected to benefit in terms of employability from vocational rehabilitation services; or

(2) the individual is found ineligible for any additional vocational rehabilitation services on the basis of clear evidence that he cannot be expected to benefit in terms of employability from vocational rehabilitation services.

§103.16. Individualized Written Rehabilitation Program.

(a) The commission initiates and continuously develops an individualized written rehabilitation program for each individual eligible for vocational rehabilitation services, and for each individual being provided such services under an extended evaluation to determine vocational rehabilitation potential.

(b) The commission provides vocational rehabilitation services in accordance with the written program. The counselor and the client or, as appropriate, his parent, guardian, or other representative develop jointly the individualized written rehabilitation program, and a copy of such program and any amendments thereto are provided to the client or, as appropriate, his parent, guardian, or other representative.

(c) The counselor shall advise the client of his rights and the means by which he may express and seek remedy for his dissatisfaction with the program, including the opportunity for an administrative review of commission action and a fair hearing in accordance with the Administrative Procedure and Texas Register Act, §13 and §14.

(d) The counselor reviews the individualized written rehabilitation program as often as necessary, but at least on an annual basis, at which time each client, or as appropriate, his parent, guardian, or other representative, are afforded an opportunity to review such program and, if necessary, jointly redevelop its terms.

(e) Where an individual is determined ineligible for vocational rehabilitation services after extended evaluation, the commission conducts a periodic review at least annually of the ineligibility decision in which the individual is afforded a clear opportunity for full consultation in the reconsideration of such decision. A periodic review is not required when the individual has refused services, has refused a periodic review, is no longer present in the state, his whereabouts unknown, or his medical condition is rapidly progressive or terminal.

(f) The individualized written rehabilitation program is a joint commitment which generally must be signed by both the counselor and the individual.

(g) The commission may provide other goods and services which can reasonably be expected to benefit a handicapped individual in terms of employability.

§103.17. Cooperative Programs Utilizing Third-Party Funds. When the state's share of the cost of a cooperative program for providing vocational rehabilitation services or for engaging in administrative activities of the commission is furnished in whole or in part by a state or local public agency other than the commission, each such cooperative program will be based on a written agreement which meets the requirements of federal regulations.

§103.18. Participation in Political Activity. Employees of the commission engaged in day-to-day administration and operation of the vocational rehabilitation program will not engage in political activity prohibited by the Hatch Act, 5 United States Code Chapter 1501, or state law.

§103.19 Consultation with Recipients and Providers of Vocational Rehabilitation Services. The commission takes into account, in connection with matters of general

policy development and implementation arising in the administration of the state plan, the views of individuals and groups of individuals who are recipients of vocational rehabilitation services or, as appropriate, their parents, guardians, or other representatives, providers of vocational rehabilitation services, and others active in the vocational rehabilitation field.

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

Issued in Austin, Texas, on April 20, 1984

TRD-844551 Vernon H. Newman
 General Counsel
 Texas Rehabilitation Commission

Earliest possible date of adoption

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For further information, please call (512) 445-8126.



Subchapter B. Economic Need

40 TAC §103.21, §103.22

The new sections are proposed under the Human Resources Code, Title 7, §111.018, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations necessary to carry out the purposes of this chapter.

§103.21 Basic Criteria for Economic Need.

(a) The purpose of the economic need criteria is to determine the portion of service cost, if any, to be paid by the client. The commission does not consider economic need as a requirement for eligibility for vocational rehabilitation services, however, the commission does consider economic need in the purchase of certain services.

(b) The commission does not consider the client's economic need for determining his participation in the cost of:

- (1) evaluation of rehabilitation potential, including diagnostic and related services;
- (2) counseling, guidance, and referral; and
- (3) placement services.

§103.22. Equitable Treatment and Notice.

(a) The commission applies economic need policies uniformly to assure that equitable treatment is accorded all clients in similar circumstances

fy the applicant in writing of the determination of ineligibility and shall inform the applicant of the commission procedures for administrative review and fair hearing in accordance with the Administrative Procedure and Texas Register Act, §13 and §14.

(c) When the applicant is determined ineligible for vocational rehabilitation services based upon clear evidence that the applicant cannot achieve a vocational rehabilitation goal, such determination of ineligibility is reviewed not later than 12 months after it is made.

(d) When the counselor is unable to make a determination that vocational rehabilitation services will benefit the applicant in terms of employability unless there is an extended evaluation to determine rehabilitation potential, he shall, prior to or simultaneous with the acceptance of an applicant as a client, make a signed and dated certification of such inability to make a determination.

(e) If, after extended evaluation, the individual is determined to be ineligible for vocational rehabilitation services, the counselor shall take action of consultation and notice as described in subsection (a) and subsection (b) of this section.

(f) The requirements for consultation, notice, and review in cases of ineligibility do not apply where the applicant, client, or representative refuses consultation after a fair opportunity; the individual is no longer present in the state or his whereabouts is unknown; or his medical condition is rapidly progressive or terminal

(g) The commission periodically reviews the effectiveness of the criteria employed with respect to those individuals who have applied for vocational rehabilitation services and have been found to be ineligible for such services.

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

Issued in Austin, Texas, on April 20, 1984

TRD-844554 Vernon H. Newman
 General Counsel
 Texas Rehabilitation Commission

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For further information, please call (512) 445-8126.

Subchapter E. Methods of Administration of Vocational Rehabilitation

40 TAC §§103.51-103.55

The new sections are proposed under the Human Resources Code, Title 7, §111.018, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations necessary to carry out the purposes of this chapter.

§103.51. Statewide Studies and Program Evaluation.

(a) The commission conducts continuing statewide studies of the needs of handicapped individuals within the state, the state's need for rehabilitation facilities, and the methods by which these needs may be most effectively met.

(b) Such studies are directed toward:

(1) determining the relative needs for vocational rehabilitation services on the part of different segments of the handicapped population, particularly the need for expansion of services to the most severely handicapped;

(2) determining the means and methods by which vocational rehabilitation services, particularly to the most severely handicapped, will be provided, expanded, and improved, after full consideration and study of a broad variety of means and methods;

(3) ensuring the orderly and effective development of vocational rehabilitation services and rehabilitation facilities; and

(4) reviewing the efficacy of the criteria employed by the commission in making ineligibility decisions with respect to applicants for vocational rehabilitation services. Reports of such studies are available to the public for review.

§103.52. Annual Evaluation.

(a) The commission conducts an annual comprehensive evaluation of the effectiveness of the state's vocational rehabilitation program in achieving service goals and priorities.

(b) The evaluation measures the adequacy of commission performance in providing vocational rehabilitation services, especially to the most severely handicapped, in the light of the state's vocational rehabilitation program financial resources. The evaluation has the following minimum objectives:

(1) to insure that the rehabilitation program is serving the target population and these services are provided in an equitable manner;

(2) to insure that clients are placed in gainful activities suitable to their capabilities;

(3) to measure the extent to which undue delays are avoided in providing clients with services;

(4) to ensure that available resources are utilized effectively to achieve maximum operational efficiency;

(5) to ensure that counselors maintain manageable-sized caseloads and provide timely and adequate services to individual clients;

(6) to ensure that clients retain the benefits obtained from the rehabilitation process,

(7) to ensure that the need for postemployment services is satisfied,

(8) to identify reasons why clients are not successfully rehabilitated, and

(9) to ensure that the client is satisfied with his individualized written rehabilitation program

§103.53. Order of Selection and Outcomes and Service Goals

(a) The commission gives those individuals with the most severe handicap priority in selection for services.

(b) When the available resources of funds, personnel, and facilities are insufficient to serve without delay the eligible nonseverely handicapped, the commission

(b) In providing extended rehabilitation services, the commission considers similar benefits from other programs or sources available to the client.

(c) Services may be provided by contract with a public or private agency.

§105.6. Client Contributions. An individual living in an extended community residence facility may be required to contribute to his group living arrangements money earned from employment in a sheltered workshop, or in the open or customary labor market

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

Issued in Austin, Texas, on April 20, 1984

TRD-844556 Vernon H. Newman
 General Counsel
 Texas Rehabilitation Commission

Earliest possible date of adoption
June 4, 1984

For further information, please call (512) 445-8126.

Chapter 107. Independent Living Services Program

40 TAC §§107.1-107.5

The new sections are proposed under the Human Resources Code, Title 7, §111.018, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations necessary to carry out the purposes of this chapter.

§107.1. Purpose. The purpose of the Independent Living Services Program is to provide rehabilitation services to needy persons who are totally and permanently disabled because of a mental or physical handicap, to include the severely or catastrophically disabled, in order that such persons may achieve a greater level of self-care and independent living.

(b) The Independent Living Services Program is a state funded program, but may be either state funded or a joint state-federal program. In the event that federal funds are available at a future date, all federal laws and regulations required by the acceptance of these funds by the state are applicable to these rules

§107.2 Basic Requirements for Eligibility. An individual meets the basic requirements for eligibility if he is severely or catastrophically disabled under current published commission regulations and there is:

(1) the presence of a physical or mental disability which constitutes or results in a substantial impediment to the individual's ability to function independently in his family or community;

(2) a reasonable expectation that independent living services will benefit the individual in terms of improv-

ing his ability to function independently in his family or community; and

(3) the presence of economic need.

§107.3. Ineligibility. An individual becomes ineligible for independent living services when the provision of such programmed services would be ineffective in achieving their purpose of a greater level of self-care and independent living.

§107.4. Services Provided. The provisions of independent living services include:

- (1) counseling and guidance;
- (2) training;
- (3) adult basic education;
- (4) rehabilitation facility training;
- (5) maintenance;
- (6) transportation;
- (7) restoration services;
- (8) interpreter services; and
- (9) modification of vehicles and residences.

§107.5. Availability of Services. Independent living services may not be available to all applicants or on a statewide basis.

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

Issued in Austin, Texas, on April 20, 1984

TRD-844557 Vernon H. Newman
 General Counsel
 Texas Rehabilitation Commission

Earliest possible date of adoption
June 5, 1984

For further information, please call (512) 445-8126.

Part IX. Texas Department on Aging

Chapter 251. Support Documents Statutes and Regulations

40 TAC §251.4

The Texas Department on Aging proposes new §251.4, concerning adoption by reference of 45 Code of Federal Regulations Part 80, regarding nondiscrimination under programs receiving federal assistance through the Department of Health and Human Services' effectuation of the Civil Rights Act of 1964, Title VI. The department is proposing this new section as a result of Texas Sunset Advisory Commission recommendations.

Craig F. Sandling, legal services developer, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Sandling 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 to notify the public that discrimination in the provision of services to the elderly on the basis of race, color, or national origin is prohibited. 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 Craig F. Sandling, P. O. Box 12786, Austin, Texas 78711.

The new section is proposed under the Human Resources Code, §101.021, which provides the Texas Department on Aging with the authority to adopt rules governing the function of the department.

§251.4 Adoption By Reference 45 Code of Federal Regulations Part 80 The Texas Department on Aging adopts by reference 45 Code of Federal Regulations Part 80. Copies may be obtained by written request to the Texas Department on Aging, P. O. Box 12786, Austin, Texas 78711, or at the department's offices at 210 Barton Springs Road, fifth floor

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

Issued in Austin, Texas, on April 26, 1984

TRD-844683 Tim Shank
 General Counsel
 Texas Department on Aging

Earliest possible date of adoption
June 4, 1984

For further information, please call (512) 475-2717.

40 TAC §251.5

The Texas Department on Aging proposes new §251.5, concerning the adoption by reference of 45 Code of Federal Regulations Part 84, regarding non-discrimination on the basis of handicap in programs and activities receiving or benefiting from federal fi-

nancial assistance. The department is proposing this section as a result of Texas Sunset Advisory Commission recommendations

Craig F. Sandling, legal services developer, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Sandling 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 notification to the public that discrimination in the provision of services to the elderly based upon him or her being handicapped is prohibited. 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 Craig F. Sandling, P.O. Box 12786, Austin, Texas 78711.

The new section is proposed under the Human Resources Code, §101.021, which provides the Texas Department on Aging with the authority to adopt rules governing the function of the department.

§251.5. Adoption By Reference 45 Code of Federal Regulations Part 84. The Texas Department on Aging adopts by reference 45 Code of Federal Regulations Part 84. Copies may be obtained by written request to the Texas Department on Aging, P.O. Box 12786, Austin, Texas 78711, or at the department's offices at 210 Barton Springs Road, fifth floor.

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

Issued in Austin, Texas, on April 26, 1984

TRD-844684 Tim Shank
 General Counsel
 Texas Department on Aging

Earliest possible date of adoption
June 4, 1984

For further information, please call (512) 475-2717.

**Requirements for Assignment of Teachers
Grades 7 and 8 Departmentalized**

Subject	Minimum Requirements for Those with Certificates Dated Prior to September 1, 1962	Minimum Requirements for Those with Certificates Dated After September 1, 1962 and Prior to September 1, 1966, and for Those Teaching the Subject with an Elementary Certificate	Minimum Requirements for Those with Certificates Dated After September 1, 1966 (See end of table for Key to A.S. and T.F. Codes)
I	II	III	IV V
American History and Citizenship, Grade 8	18 semester hours in social sciences	18 semester hours in social sciences including 12 semester hours related to the assignment	GOV (33), HIS (34), or SST (36)
<u>Homenaking</u> (Non-Vocational)	12 semester hours in homemaking	18 semester hours in homemaking	HOM (64) or HOM (40)
<u>COMPUTER LITERACY</u>	VERIFIED COMPETENCY IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE COMMISSIONER OF EDUCATION.	VERIFIED COMPETENCY IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE COMMISSIONER OF EDUCATION.	VERIFIED COMPETENCY IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE COMMISSIONER OF EDUCATION.

Withdrawn Rules

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

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

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

**TITLE 16. ECONOMIC
REGULATION**
**Part I. Railroad Commission of
Texas**
Chapter 5. Transportation Division
Subchapter M. Motor Bus Companies
16 TAC §5.236

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed amendments to §5.236 submitted by the Railroad Commission of Texas have been automatically withdrawn, effective April 24, 1984. The amendments as proposed appeared in the October 21, 1983, issue of the *Texas Register* (8 TexReg 4323).

TRD-844611
Filed: April 24, 1984



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.

Adopted Rules

TITLE 16. ECONOMIC REGULATION

Part IV. Texas Department of Labor and Standards

Chapter 69. Manufactured Housing Codes and Standards

16 TAC §69.1

The Texas Department of Labor and Standards adopts new §69.1, without changes to the proposed text published in the December 13, 1983, issue of the *Texas Register* (8 TexReg 5166).

Chapter 69 is being reorganized by the department due to the amendments adopted by the 68th Legislature, 1983, to Texas Civil Statutes, Article 5221f. New §69.1 is substantially the same rule as the old §69.64, except for the addition of §69.1(i) and (j), which update the rule by including the building standards for June 15, 1976, and May 9, 1980, for the manufactured housing industry in Texas.

As a result of enforcing the rule as adopted, the manufactured housing industry and the consumer of the industry will be better regulated and protected.

No comments were received regarding adoption of the new section

The new section is adopted under Texas Civil Statutes, Article 5221f, §9, which provide the commissioner of the Texas Department of Labor and Standards with the authority to adopt rules and regulations

and take all action necessary to assure compliance with the intent and purpose of the Act.

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

Issued in Austin, Texas, on April 24, 1984.

TRD-844615 Allen Parker, Sr.
Commissioner
Texas Department of Labor and Standards

Effective date May 15, 1984
Proposal publication date: December 13, 1983
For further information, please call (512) 475-0155.

Fee Structure

16 TAC §§69.21-69.37

The Texas Department of Labor and Standards adopts new §69.32, with changes to the proposed text published in the December 13, 1983, issue of the *Texas Register* (8 TexReg 5167). Sections 69.21-69.31 and 69.33-69.37 are adopted without changes and will not be republished in this issue.

House Bill 897, 68th Legislature, 1983, amended Texas Civil Statutes, Article 5221f. The amendments necessitated a reorganization and updating of Chapter 69 to keep up with the changes in the manufactured housing industry in Texas.

The new sections better regulate the housing industry and provide better protection for manufactured housing consumers in Texas.

Two comments were submitted concerning §69.32 requesting that in §69.32(a)(2), the third line be changed to read "separate living use of more than four families," and that subsection 69.32(b) be changed from "10 days" to "five working days"

The Texas Manufactured Housing Association commented against the rules.

The department did not agree with the language to change §69.32(b) to "five working days." The time difference between "10 days" and "five working days" was immaterial.

The new sections are adopted under Texas Civil Statutes, Article 5221f, §9, which provide the commissioner of the Texas Department of Labor and Standards with the authority to adopt rules and regulations and take all action necessary to assure compliance with the intent and purpose of the Act.

§69.32. Permanent Foundation Installation Inspection Fee.

(a) There shall be a fee for the inspection of modular and HUD-Code manufactured home permanent foundation installations as follows:

(1) \$100 for residential structures designed for one to four families, plus \$25 for each family dwelling unit in excess of two; or

(2) \$750 for those residential structures which exceed two stories in height or which are designed for the separate living use of more than four families, plus \$25 for each family dwelling unit.

(b) Installers shall file a report of permanent foundation installations to be performed 10 working days in advance of construction. The inspection fee shall accompany this report. Forms for reporting shall be supplied by the department.

(c) For HUD-Code manufactured homes, installers shall also submit to the department an affidavit that the installation has been completed in accordance with the standards and requirements of the department. The affidavit shall accompany the monthly summary of "homes sold-installed" report in accordance with §69.28 of this title (relating to Installation Inspection Fees).

(d) At the request of the installer, the department may waive and issue a letter of waiver of the permanent foundation installation inspection fee if applicable building inspection fees have been paid to the authorized local government officials.

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

Issued in Austin, Texas, on April 24, 1984

TRD-844616 Allen Parker, Sr
Commissioner
Texas Department of Labor and
Standards

Effective date May 15, 1984
Proposal publication date December 13, 1983
For further information, please call (512) 475-0155.

16 TAC §§69.71-69.84

The Texas Department of Labor and Standards adopts the repeal of §§69.71-69.84, without changes to the proposal published in the December 13, 1983, issue of the *Texas Register* (8 TexReg 5160).

House Bill 897, 68th Legislature, 1983, adopted certain amendments to the Texas Manufactured Housing Standards Act, Texas Civil Statutes, Article 5221f, which necessitate an updating of the manufactured housing rules and regulations. The Manufactured Housing Division of the Texas Department of Labor and Standards has taken this opportunity to reorganize Chapter 69, remove out-dated rules, and effect general editorial changes to foster clarity.

The adoption of the repeal deletes obsolete language from the department's rules and regulations.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Manufactured Housing Standards Act, Texas Civil Statutes, Article 5221f, §9, which provides the commissioner of the Texas Department of Labor and Standards with the authority to adopt rules and regulations and take all action necessary to assure compliance with the intent and purpose of the Act.

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

Issued in Austin, Texas, on April 28, 1984

TRD-844617 Allen Parker, Sr
Commissioner
Texas Department of Labor and
Standards

Effective date: May 15, 1984
Proposal publication date: December 13, 1983
For further information, please call (512) 475-0155.

**TITLE 19. EDUCATION
Part I. Coordinating Board, Texas
College and University System
Chapter 25. Administrative Council
Subchapter B. Administration of the
Texas State College and University
Employees Uniform Insurance Benefits
Program**

19 TAC §25.34

The Administrative Council of the Coordinating Board, Texas College and University System adopts amendments to §25.34, without changes to the proposed text published in the February 7, 1984, issue of the *Texas Register* (9 TexReg 617).

These amendments clarify the use of the state appropriation for insurance premiums by employees on leave without pay and require institutions to notify employees in writing at least 10 days prior to termination of coverage if premium payments are in arrears.

The amendments assure that college and university employees receive an employer contribution toward insurance premiums during the summer months and that they also receive written notification prior to termination of insurance coverage.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Insurance Code, Article 3.50-3, which provides the Administrative Council with the authority to adopt rules and regulations consistent with the provisions of the Act to carry out its statutory responsibilities.

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

Issued in Austin, Texas, on April 23, 1984

TRD-844598

James McWhorter
Executive Secretary
Administrative Council
Coordinating Board, Texas
College and University System

Effective date: May 15, 1984

Proposal publication date February 7, 1984

For further information, please call (512) 475-2033.



Part II. Texas Education Agency Chapter 129. Student Attendance Subchapter A. Student Attendance Allowed

19 TAC §129.2

The Texas Education Agency adopts amendments to §129.2, without changes to the proposed text published in the February 28, 1984, issue of the *Texas Register* (9 TexReg 1193).

This section concerns kindergarten attendance and specifies that children who receive special education services requiring a full-day program are eligible for full-day kindergarten. The amendment also specifies that children of limited English-speaking ability shall be identified for kindergarten eligibility using the same tests as those used to identify limited English-speaking children for bilingual education.

To determine whether a child is eligible for full-day, full-year kindergarten because of limited English-speaking ability, districts must use an English oral language proficiency test which is approved for use at the kindergarten level and which is listed in §77.356(a) of this title, relating to testing and classification of students.

The Association for Retarded Citizens/Texas, Theda Hoyt, president, and Carmen Quesada, executive director, commented in support of §129.2(b)(3), which clarifies that children who receive special education services requiring a full-day program are eligible for full-day kindergarten. No other comments on the proposed amendments were received.

The amendments are adopted under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the administration of the Foundation School Program (Texas Education Code, Chapter 16), and the Texas Education Code, §16.102, which describes eligibility for full-day, full-year kindergarten.

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

Issued in Austin, Texas, on April 26, 1984

TRD-844686

Raymon L. Bynum
Commissioner of Education

Effective date May 17, 1984

Proposal publication date February 28, 1984

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

Chapter 173. Rules and the Rule-Making Process Subchapter A. Rules of the Texas Education Agency

19 TAC §173.6

The Texas Education Agency adopts amendments to §173.6, without changes to the proposed text pub-

ished in the February 24, 1984, issue of the *Texas Register* (9 TexReg 1123)

The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, provides that any interested person may petition an agency requesting the adoption of a rule. The agency must respond to such a petition within 60 days either by starting the rule-making process or by denying the petition, giving reasons for the denial. Where the commissioner of education recommends that a petition be granted, the recommendation comes to the board in the form of a proposed rule change, but there has been no provision for board review in cases where a petition is denied.

Where possible, the commissioner's recommendation concerning the petition shall be placed on the board agenda, and the board shall act on the petition within the 60-day time limit. Where the time required to review the petition or the scheduling of board meetings will not permit the board to act on the petition within the required 60 days, the commissioner of education shall respond to the petitioner within the required 60 days, notifying the petitioner of the commissioner's recommendation concerning the petition and the date of the board meeting at which the recommendation will be presented to the board for action. The State Board of Education will review the petition and the recommendation of the commissioner and will either direct the commissioner to begin the rule-making process or deny the petition, giving reasons for the denial.

No comments were received regarding adoption of the amendments

The amendments are adopted under the authority of Texas Civil Statutes, Article 6252-13a, §11, which direct state agencies to prescribe, by rule, the procedure for submission, consideration, and disposition of petitions for the adoption of agency rules

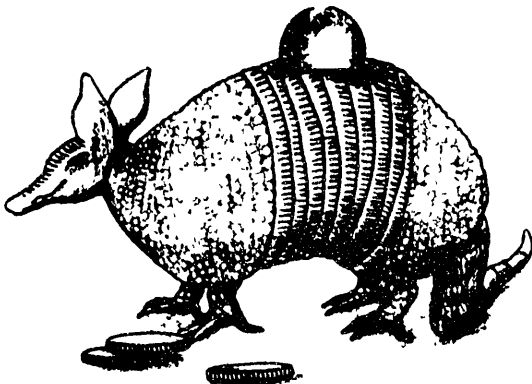
This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on April 24, 1984

TRD-844610 Raymon L. Bynum
Commissioner of Education

Effective date May 15, 1984

Proposal publication date February 24, 1984
For further information, please call (512) 475-7077.



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

Chapter 3. Tax Administration Subchapter V. Bingo Regulation Division

34 TAC §§3.544-3.553

The Comptroller of Public Accounts adopts new §§3.544-3.553, concerning the regulation of bingo, without changes to the proposed text published in the March 9, 1984, issue of the *Texas Register* (9 Tex-Reg 1416).

The new sections set out basic regulation procedures relating to the conduct of bingo in light of Senate Bill 741, 68th Legislature, 1983, which substantially revised the Bingo Enabling Act. Areas covered in these sections include definitions; procedures for licensing organizations wishing to conduct bingo, commercial lessors, and manufacturers and distributors of bingo related items; record-keeping requirements; restrictions on the conduct of bingo; exceptions from licensing requirements; and allowable expenditures of bingo proceeds. These sections were adopted on an emergency basis and are now permanently adopted with some minor changes from the emergency version

No comments were received regarding adoption of the new sections.

These new sections are adopted under 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.

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

Issued in Austin, Texas, on April 25, 1984

TRD-844628 Bob Bullock
Comptroller of Public Accounts

Effective date May 16, 1984

Proposal publication date March 9, 1984
For further information, please call (512) 475-2386

34 TAC §3.554

The Comptroller of Public Accounts adopts new §3.554, concerning the regulation of instant bingo cards, without changes to the proposed text published in the March 6, 1984, issue of the *Texas Register* (9 TexReg 1322)

The new section sets out the requirements for use of instant bingo cards in light of amendments to the Bingo Enabling Act during the last legislative session.

The size, shape, and design of all instant bingo cards must conform with standards established in this section. Each different design of card must be approved by the Bingo Regulation Division before use in Texas.

Manufacturers of instant bingo cards must be licensed by the comptroller and must package cards in accordance with this section. Manufacturers, distributors, and licensed organizations must maintain detailed records of transactions involving instant bingo cards. The section also regulates the play of instant bingo by licensed organizations.

No comments were received regarding adoption of the new section

The new section is adopted under Texas Civil Statutes, Article 179d, which states that the comptroller shall provide by rule procedures for the approval of bingo cards.

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

Issued in Austin, Texas, on April 25, 1984

TRD-844627 Bob Bullock
Comptroller of Public Accounts

Effective date May 16, 1984

Proposal publication date March 6, 1984

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

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part X. Texas Adult Probation Commission

Chapter 321. Standards

37 TAC §321.12

The Texas Adult Probation Commission (TAPC) adopts amendments to §321.12, without changes to the proposed text published in the March 9, 1984, issue of the *Texas Register* (9 TexReg 1426).

There is a need for any probation department which is planning to establish a restitution center to obtain comments from members of the public as to the proposed location of the restitution center prior to a final decision on the site

The amendments provide that a probation department which is planning to establish a restitution center must hold a public hearing concerning the proposed location of the center before a final decision is made as to the location. The proposed location and the time, date, and place of the meeting are to be published in a newspaper of general circulation in the county of the proposed location not less than 20 days before the meeting.

Comments were received both in writing and verbally during the TAPC meeting of April 13, 1984. Summarized, the comments were that only persons opposed to the proposed restitution center site would be likely to attend a public hearing, there had not been enough input from probation departments regarding the neces-

sity for this rule; and the language in the original text stating that the probation department should ensure that the location is suited to the "sensitivities of the local community" should not be deleted.

No comments were received in favor of adoption of the amendments. Those against the rule were Giles Garmon, Austin; Dr. Frank Lozito, El Paso; Gayle Ramsey, Houston; M. Roy Vallone, Houston; and David Jones, Houston.

In addition, Thomas J. Callanan, Houston, made written comments, but withdrew them before they were considered by the TAPC

The TAPC disagrees with the comments because a public hearing will provide for the greatest amount of comment from the people in the local community, both for and against the proposed location; the publication of the proposed rule provided ample opportunity for input from probation departments, and members of the public, as is demonstrated by the number of comments received; and the language referring to the "sensitivities of the local community" is vague and ambiguous, whereas the requirement of a public hearing allows the local community full opportunity to express its sentiments.

The amendments are adopted by the provisions of the Code of Criminal Procedure, Article 42.121, §3.01, which authorizes the TAPC to adopt reasonable rules.

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

Issued in Austin, Texas, on April 18, 1984

TRD-844592 David Spencer
General Counsel
Texas Adult Probation
Commission

Effective date: May 15, 1984

Proposal publication date: March 9, 1984

For further information, please call (512) 475-1374.

Chapter 323. Fund Distribution

37 TAC §323.4

The Texas Adult Probation Commission (TAPC) adopts new §323.4, without changes to the proposed text published in the March 9, 1984, issue of the *Texas Register* (9 TexReg 1427). In the proposed text, the abbreviation "TAPC" was inadvertently reflected as "TACP" in several places.

This new section is mandated by Senate Bill 772, 68th Legislature, 1983 (codified as Texas Civil Statutes, Article 6252-11f), which requires each agency that is authorized to accept money from private donors to adopt rules governing the relationship between such donors and the agency and its employees.

The new section establishes guidelines and limitations defining the relationship between a private donor and the agency and its employees.

No comments were received regarding adoption of the new section.

This new section is adopted under the Code of Criminal Procedures, Article 42.121, §3.01, which authorizes the TAPC to adopt reasonable rules.

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

Issued in Austin, Texas, on April 18, 1984.

TRD-844593 David Spencer
General Counsel
Texas Adult Probation
Commission

Effective date: May 15, 1984
Proposal publication date: March 9, 1984
For further information, please call (512) 475-1374.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE
Part I. Texas Department of Human Resources
Chapter 15. Medicaid Eligibility

The Texas Department of Human Resources adopts amendments to §§15.2001, 15.3001, 15.3318, and 15.5216, concerning eligibility for Type Program 51 in its Medicaid eligibility rules. The amendments were proposed in the February 7, 1984, issue of the *Texas Register* (9 TexReg 671). Sections 15.2001 and 15.5216 are adopted with changes to the proposed text. Section 15.3001 and §15.3318 are adopted without changes and will not be republished here

Type Program 51 is expanded to include recipients whose incomes exceed Type Program 14 limits because of cost-of-living increases in any federal pensions or retirement benefits. Cost-of-living increases are no longer limited to Retirement, Survivors, and Disability Insurance (RSDI), Veterans Administration benefits, civil service retirement, and railroad retirement benefits. The amendments to the rules address the eligibility requirements for Type Program 51.

One comment was received. Advocacy, Incorporated, opposed the deletion of §15.2001(4)(C). The change to subparagraph (4)(C) did not concern the amendments to Type Program 51 but was made to simplify the language in paragraph (4). The DHR staff agrees that the change to paragraph (4) was inappropriate and have reinstated the original wording. No other comments were received.

Subchapter U. Eligible Recipients for Title XIX (Medicaid)

40 TAC §15.2001

The amendments are adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 32,

which authorizes the department to administer public assistance programs

§15.2001. *Categorically Needy.* The Texas Medical Assistance Program, under the provision of Title XIX (Medicaid) of the Social Security Act, provides certain benefits to all individuals who meet the department's definition of categorically needy. The categorically needy are defined as:

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

(4) Individuals living in a Title XIX-approved medical facility who would be eligible for SSI cash benefits if they were living outside the facility except that their incomes exceed the SSI payment standard but are within the maximum established by the department.

(A) Individuals in an approved Title XIX institution (or approved section) for treatment of tuberculosis must be 65 years old or older.

(B) Individuals in approved Title XIX skilled nursing facilities must be 21 years old or older.

(C) Individuals in approved sections of Title XIX intermediate care facilities may be any age as long as they are otherwise eligible.

(D) Individuals in approved Title XIX intermediate care facilities or other approved Title XIX intermediate care units in institutions for mental retardation may be any age as long as they are otherwise eligible.

(E) If the individual leaves the Title XIX facility to enter a Title XIX-approved hospital and upon release from the hospital reenters a Title XIX facility, his eligibility for Medicaid is continued. If the individual is released from the hospital to a living arrangement other than a Title XIX facility, the department terminates his Medicaid eligibility under this provision.

(5) Individuals eligible for vendor payments in Title XIX-approved long-term care facilities whose incomes exceed the department's current income maximum because of a cost-of-living increase in any federal pensions or retirement benefits. These individuals continue to be eligible for Title XIX coverage under Type Program 51. To maintain eligibility under this program, these individuals must continue to live in a Title XIX medical facility, to require long-term care, and to meet all SSI eligibility standards except for income. Countable income, excluding the amount of the applicable federal benefit increase(s), must be less than the maximum established by the department. In redetermining eligibility, the department excludes all future cost-of-living increases in federal benefits as long as an individual remains eligible under Type Program 51.

(6)-(9) (No change.)

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

Issued in Austin, Texas, on April 24, 1984.

TRD-844604 Marlin W Johnston
Commissioner
Texas Department of Human
Resources

Effective date: June 1, 1984
Proposal publication date: February 7, 1984
For further information, please call (512) 441-3355, ext. 2037.

**Subchapter EE. Individuals for Whom
SSI Criteria Are Used**

40 TAC §15.3001

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on April 24, 1984

TRD-844605 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: June 1, 1984
Proposal publication date February 7, 1984
For further information, please call (512) 441-3355,
ext. 2037.

**Subchapter HH. Income for Individuals
Related to the SSI Program**

40 TAC §15.3318

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on April 24, 1984.

TRD-844606 Marlin W Johnston
Commissioner
Texas Department of Human
Resources

Effective date: June 1, 1984
Proposal publication date February 7, 1984
For further information, please call (512) 441-3355,
ext. 2037.

**Subchapter AAA. Procedures for
Application for Medical Assistance**

40 TAC §15.5216

The amendments are adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public assistance programs.

§15.5216. Reapplication for Rider 51 MAO Cases (Type Program 51).

(a) The department may continue Medicaid coverage for nursing home recipients whose incomes exceed the department's income maximum because of a cost-of-living increase in any federal pensions or retirement benefits. Individuals eligible under these provisions are certified under Type Program 51. Individuals meeting these criteria are given an additional income exclusion equal to the amount of the federal benefit increase which caused the income to exceed the department's standards. The department also excludes all subsequent cost-of-living increases in these benefits in determining continuing Type Program 51 eligibility

(b) To be eligible for Type Program 51, the individual must:

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

(c) If the individual does not meet these conditions, he is not eligible for Type Program 51 and the case must be denied. To reestablish eligibility for medical assistance only, the individual must be redetermined under criteria for Type Programs 14 or 03.

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

Issued in Austin, Texas, on April 24, 1984

TRD-844607 Marlin W Johnston
Commissioner
Texas Department of Human
Resources

Effective date: June 1, 1984
Proposal publication date February 7, 1984
For further information, please call (512) 441-3355,
ext. 2037

Open Meetings

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

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

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

Texas Department of Agriculture

Friday, May 11, 1984. The Texas Department of Agriculture will meet in Room 930A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Times and agendas follow.

1:30 p.m. A public hearing on the petition for certification submitted by the Scurry County Producers Association of Snyder under the Commodity Referendum Law, Texas Agriculture Code, Chapter 41. The petitioner requests to be certified as the representative of the Scurry County cotton producers for purposes of conducting a referendum on whether or not cotton producers shall levy an assessment upon themselves to finance a pest management and scouting program for cotton in Scurry County.

Contact: Dolores Alvarado Hibbs, 1700 North Congress Avenue, Austin, Texas, (512) 475-6346

Filed: April 24, 1984, 2:14 p.m.
TRD-844599

2:30 p.m. A public hearing on the petition for certification submitted by the Mitchell County Producers Board of Colorado City under the Commodity Referendum Law, Texas Agriculture Code, Chapter 41. The petitioner requests to be certified as the rep-

resentative of the Mitchell County cotton producers for purposes of conducting a referendum on whether or not cotton producers shall levy an assessment upon themselves to finance a pest management and scouting program for cotton in Mitchell County.

Contact: Dolores Alvarado Hibbs, 1700 North Congress Avenue, Austin, Texas, (512) 475-6346

Filed: April 25, 1984, 9:01 a.m.
TRD-844624

State Bar of Texas

Thursday, April 26, 1984, noon. The Executive-Budget Committee of the State Bar of Texas made an emergency revision to the agenda of a meeting held in the Oak Lawn Room, Melrose Hotel, 3015 Oak Lawn, Dallas. The revision concerned potential litigation affecting the disciplinary procedures. The emergency session was necessary because of the threat of a lawsuit unless the matter can be resolved immediately.

Contact: Jerry L. Zunker, 1400 Colorado Street, Austin, Texas 78711, (512) 475-6202.

Filed: April 24, 1984, 3:56 p.m.
TRD-844612

Friday, April 27, 1984, 8:45 a.m. The Board of Directors of the State Bar of Texas made an emergency addition to the agenda of a meeting held in the ballroom, Belo Mansion, 2101 Ross Avenue, Dallas. The addition concerned potential litigation affecting disciplinary procedures regarding Phil Burleson. The emergency session was necessary because of the threat of a lawsuit unless the matter could be resolved immediately.

Contact: Jerry L. Zunker, 1400 Colorado Street, Austin, Texas 78711, (512) 475-6202.

Filed: April 24, 1984, 3:56 p.m.
TRD-844613

State Commission for the Blind

The Board of the State Commission for the Blind will meet at Green Oaks Inn, 6901 West Freeway, Fort Worth. Days, times, and agendas follow.

Wednesday and Thursday, May 9 and 10, 1984, 1 p.m. daily. The board will approve the previous meeting minutes, hear the report of the executive director, discuss the fiscal year 1986-1987 budget submission and various agency programs, take action the

the affirmative action plan and expansion of service programs for visually handicapped children, older blind and profoundly disabled blind citizens. The board will also meet in executive session regarding personnel and pending legal matters, pursuant to Texas Civil Statutes, Article 6252-2(e) and (g)

Contact: Jean Wakefield, 314 West 11th Street, Suite 400, Austin, Texas 78701, (512) 475-6810.

Filed: April 26, 1984, 4:12 p.m.
TRD-844681

Thursday, May 10, 9 a.m. The board will conduct a public hearing to receive written and oral testimony regarding certain rules proposed for adoption under the Human Resources Code, §91.054(e).

Contact: Jean Wakefield, 314 West 11th Street, Suite 400, Austin, Texas 78701, (512) 475-6810

Filed: April 26, 1984, 4:12 p.m.
TRD-844682

Texas Department of Community Affairs

Wednesday, May 2, 1984, 8:30 a.m. The State Community Development Review Committee of the Texas Department of Community Affairs met in Room 103, E. O. Thompson Building, 201 West 10th Street, Austin. According to the agenda, the committee considered approval of the previous meeting minutes, reviewed the third quarter economic development applications and rankings and the planning/capacity building applications and rankings; discussed outstanding issues related to the 1984 community development project fund selection procedures; and discussed appeals procedures for the 1984 program

Contact: Jay Kayne, P.O. Box 13166, Austin, Texas 78711, (512) 443-4100, ext 301.

Filed: April 24, 1984, 1:04 p.m.
TRD-844595

Credit Union Department

Thursday, May 31, 1984, 9:30 a.m. The Credit Union Commission of the Credit Union Department will meet at 914 East Anderson Lane, Austin. According to the agenda, the commission will consider the proposal of new rules concerning parity

with NCUA—field of membership, requirements for authorization to provide share and deposit guaranty to out-of-state branches in Texas, mail balloting, accounting requirements for credit unions, the issuance of securities, and investments in CUSOs, review for adoption proposed amendments to the Texas Administrative Code, Title 7, Part IV, Chapter 93; discuss NCUA policy on payouts and a credit union taxation issue; and consider proposed amendments to the fiscal year 1984 budget (ending August 31, 1984) and the fiscal year 1985 budget (beginning September 1, 1984) and preliminary action on a request for appropriations for biennium fiscal year 1986 and fiscal year 1987 (beginning September 1, 1985, and ending August 31, 1987)

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

Filed: April 30, 1984, 10:20 a.m.
TRD-844791

Texas Commission for the Deaf

Monday, May 7, 1984, 3 p.m. The Board for Evaluation of Interpreters (BEI) of the Texas Commission for the Deaf (TCD) will meet in Room 212, 510 South Congress Avenue, Austin. According to the agenda, the board will consider approval of the previous meeting minutes; discuss grievance procedures, BEI vacancies and recent appointments, and TCD public hearings regarding BEI comments; and hear the chairperson's report. The board will also meet in executive session to review certification applications and evaluations and discuss and view certification materials

Contact: Fred R. Tammen, P.O. Box 12904, Austin, Texas 78711, (512) 475-2492.

Filed: April 25, 1984, 9:02 a.m.
TRD-844625

Texas State Board of Dental Examiners

Thursday-Saturday, May 3-5, 1984, 8 a.m., daily. The Texas State Board of Dental Examiners will meet in the Rehearsal Room, San Antonio Convention Center, San Antonio. According to the agenda summary, the board will conduct disciplinary hearings; discuss proposed legislation for 1985, make an appointment to the Title XIX/EPST Dental Advisory Committee; consider requests concerning license suspensions, announcement as a specialist, and to take a

dental examination; appearances by Karla Bullard, president of the Texas Dental Hygienists' Association, Dr. Charles T. Smith concerning Saturday examination days, and Dr. Bradley R. Wilson concerning discounts to patients, permanent adoption of a board rule regarding referral schemes; cancellation of dental and dental hygiene licenses for failure to register as required by law, and approval of honorary retired dentists and dental hygienists.

Contact: William S. Nail, 411 West 13th Street, Austin, Texas 78701, (512) 475-2443

Filed: April 24, 1984, 11:04 a.m.
TRD-844594

Emergency addition to the previous agenda:

A motion for rehearing for Dr. Gene N. Barry. The emergency status was necessary because the board will not hear the motion for rehearing until September

Contact: William S. Nail, 411 West 13th Street, Suite 503, Austin, Texas 78701, (512) 475-2443.

Filed: April 26, 1984, 9:59 a.m.
TRD-844658

Texas Diabetes Council

Wednesday, May 2, 1984, 2 p.m. The Patient/Public Education Workgroup of the Texas Diabetes Council met in Room T-407, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda, the workgroup discussed the council's mission, discussed patient education centers, materials, and educators materials, discussed phase-in projects and public awareness programs; assigned responsibilities, and set a date for the next meeting.

Contact: Luther Travis, M.D., University of Texas Medical Branch, Child Health Center, Room 221, Galveston, Texas, (409) 761-2538.

Filed: April 24, 1984, 4:12 p.m.
TRD-844614

East Texas State University

Thursday, May 3, 1984. Committees of the Board of Regents of East Texas State University (ETSU) met in the board room, McDowell Administration Building, ETSU, Commerce Times and agendas follow

2 p.m. The Campus and Building Committee considered a cable TV contract and construction and renovation contracts.

3 p.m. The Academic Programs Committee heard a report on the agricultural program for ETSU-Commerce and considered the faculty promotions at ETSU-Commerce and ETSU-Texarkana.

3:30 p.m. The Executive Committee considered a motion to confer professor emeritus status, the policy concerning alcoholic beverage use on the Commerce campus, distinguished alumnus awards, a complex organization policy revision (II B 1), a policy on the relationship between ETSU and private support organizations (II Q 2), and the statement of purpose of ETSU-Texarkana

Contact: Steve W. Batson, East Texas State University, Commerce, Texas 75428, (214) 886-5012

Filed: April 25, 1984, 12:09 p.m.
TRD-844634-844636

Friday, May 4, 1984, 9 a.m. The Board of Regents of East Texas State University (ETSU) will meet in the board room, McDowell Administration Building, ETSU, Commerce. According to the agenda summary, the board will consider approval of the previous meeting minutes, hear a report by the president, consider a motion to confer professor emeritus status, a policy concerning alcoholic beverage use on the Commerce campus, distinguished alumnus awards, complex organization policy revision, a policy on the relationship between ETSU and private support organizations, a statement of purpose of ETSU-Texarkana, and faculty promotions at ETSU-Commerce and ETSU-Texarkana, hear a report on a cable TV contract; consider construction and renovation contracts, budgets for ETSU-Commerce for summer 1984 and ETSU-Commerce and ETSU-Texarkana for fiscal year 1984-1985; consider changes in the 1983-1984 operating budgets for ETSU-Commerce and ETSU-Texarkana; end-of-year budget transfers, fee schedules for ETSU-Commerce and ETSU-Texarkana, and consider motions to delete surplus equipment from the inventory and to permit ETSU-Commerce to schedule a public auction. The board also will meet in executive session.

Contact: Steve W. Batson, East Texas State University, Commerce, Texas 75428, (214) 886-5012.

Filed: April 25, 1984, 12:09 p.m.
TRD-844637

Texas Employment Commission

Thursday, April 26, 1984, 10:30 a.m. The Texas Employment Commission (TEC) met

in emergency session in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda, the commission considered Attorney General Opinion JM-149, concerning the issuance by the agency administrator of a proposal to sell, lease, or transfer TEC properties and the position of the agency administrator and appropriate action thereon. The emergency status was necessary because of issuance of Attorney General Opinion JM-149 on April 25, 1984, and a letter from the agency administrator to Homer A. Foerster.

Contact: Ed Grisham, TEC Building, 15th Street and Congress Avenue, Austin, Texas 78778, (512) 397-4505

Filed: April 26, 1984, 8:29 a.m.
TRD-844655

The Texas Employment Commission (TEC) will meet in the TEC Building, 15th Street and Congress Avenue, Austin. Days, times, rooms, and agendas follow

Tuesday, May 8, 1984, 9 a.m. In Room 644, the commission will consider prior meeting notes and internal procedures of the Office of Commission Appeals, consider and act on higher level appeals in unemployment compensation cases on Docket 19, and set the date of the next meeting

Thursday, May 10, 1984, 9 a.m. In Room 630, the commission will review quality control, forms, and standards for reviewing cases in the Office of Commission Appeals regarding higher authority appeals of claims for unemployment compensation.

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

Filed: April 27, 1984, 4:05 p.m.
TRD-844777, 844778

State Ethics Advisory Commission

Friday, May 11, 1984, 8:30 a.m. The State Ethics Advisory Commission will meet at the E. O. Thompson Building, 920 Colorado Street, Austin. According to the agenda, the commission will approve the April 13, 1984, minutes; consider opinion requests and drafts; and set the date for the next meeting.

Contact: Gregory Pollock, Sam Houston Building, Ninth Floor, 201 East 14th Street, Austin, Texas 78701, (512) 475-1429.

Filed: April 26, 1984, 1:53 p.m.
TRD-844828

Office of the Governor

Wednesday, May 9, 1984, 9:30 a.m. The Waste Reduction Committee of the Governor's Hazardous Waste Task Force of the Office of the Governor will meet in the Southwest Grand Ballroom, Hobby Airport Hilton, 8181 Airport Boulevard, Houston. According to the agenda summary, the committee will present and discuss reports on hazardous waste reduction topics, including technologies, implementation incentives, technical assistance, state responsibilities, research incentives, city and county landfills, and waste exchanges.

Contact: Robert D. Smith, Sam Houston Building, Room 204, 201 East 14th Street, Austin, Texas, (512) 475-4444.

Filed: April 27, 1984, 3:27 p.m.
TRD-844776

Friday, May 11, 1984, 9:30 a.m. The Enforcement Committee of the Task Force on Hazardous Waste Management of the Office of the Governor will meet in Room 710, Sam Houston Building, 201 East 14th Street, Austin. According to the agenda, the committee will review agency reports; consider reports on the Texas Department of Health laboratory; hear a presentation on Environmental Protection Agency enforcement information, consider a report from the attorney general's office concerning enforcement procedures; and discuss draft reports for the full task force meeting on May 31.

Contact: Sue Stendebach, P.O. Box 13561, Austin, Texas 78711, (512) 475-2427.

Filed: April 30, 1984, 4:43 p.m.
TRD-844818

Friday, May 11, 1984, 10 a.m. The Office of Criminal Justice of the Texas Crime Stoppers Advisory Council of the Office of the Governor will meet in Room 503-G, Sam Houston Building, 201 East 14th Street, Austin. According to the agenda, the council will approve minutes and consider reports on local crime stoppers programs and current operations.

Contact: Donald S. Dillard, P.O. Box 12428, Austin, Texas 78711, (800) 252-TIPS or (512) 475-2303

Filed: April 30, 1984, 3:29 p.m.
TRD-844811

Texas Grain Sorghum Producers Board

Tuesday, May 8, 1984, 10 a.m. The Texas Grain Sorghum Producers Board of the

Texas Register

Texas Department of Agriculture will meet at the Quality Inn Seminar Center, I-40 East, Amarillo. Items on the agenda include a financial statement, a promotion fund representation, a report from the committee studying assessment increase and referendum, and a market development report.

Contact: Elbert Harp, Box R, Abernathy, Texas 79311, (806) 298-2543

Filed: April 24, 1984, 2:14 p.m.
TRD-844600

Texas Health Facilities Commission

Thursday, May 10, 1984, 1:30 p.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications

Certificates of Need

Doctors Park Outpatient Surgery Facility, Houston
AS83-1011-204

Northeast Memorial Hospital, Houston
AH83-1128-397

Parkland Memorial Hospital, Dallas
AH84-0202-073

NMR Associates-Kirby, Houston
AS83-1020-217

Marcos Calderon, M.D., and Outpatient Imaging Associates, P.A., Houston
AS84-0110-023

Petition for Reissuance of Certificate of Need

Camp Wood Nursing Home, Inc., Camp Wood
AN83-0405-310R(032084)

Nunc Pro Tunc Order

Gramercy Ambulatory Hospital, Houston
AS83-0912-164

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

Filed: April 30, 1984, 8:30 a.m.
TRD-844783

Texas Health and Human Services Coordinating Council

Friday, May 4, 1984, 10 a.m. The Service Information and Analysis Committee of the Texas Health and Human Services Coordinating Council will meet in Room 304T, Texas Employment Commission, 12th and Trinity Streets, Austin. According to the agenda, the committee will decide on pro-

posals concerning state population projections, the Service Information Management System (SIMS), abuse in child care institutions, and creation of a data advisory group.

Contact: Lynn H. Leverty, P.O. Box 12428, Austin, Texas 78711, (512) 475-1306.

Filed: April 24, 1984, 2:28 p.m.
TRD-844603

Texas Historical Commission

Thursday, May 3, 1984, 9:30 a.m. The Texas Historical Commission (THC) met in emergency session at the Holiday Inn-Civic Center, Avenue Q, Lubbock. According to the agenda summary, the commission approved Minutes 131; discussed the biennial budget for 1986-1987, proposed THC rules, a permit action update concerning the San Jacinto Monument, and a UDAG projects update concerning the Fort Worth stockyards, Houston-Mercado, Beaumont-Kyle Center, El Paso-Cortez, and Del Norte, Keystone Dam; considered the reallocation of returned grant funds; approved markers for the quarter; heard the Main Street Committee report, the Sesquicentennial Committee report, the Publications Committee report, and the Archaeology Committee report; and discussed future meetings. The commission also met in executive session. The emergency status was necessary due to a delay of items submitted for the agenda.

Contact: Susan Willis, P.O. Box 12276, Austin, Texas 78711, (512) 475-3092

Filed: April 26, 1984, 9:26 a.m.
TRD-844656

Emergency addition to the previous agenda:

A request from Al Davis from the Ranching Heritage Center in Lubbock to discuss the removal of the Mentone Community Church in Loving County to the Ranching Heritage Center. The emergency status was necessary to allow Mr. Davis and other interested parties to speak on the Mentone Church issue.

Contact: Susan Willis, P.O. Box 12276, Austin, Texas, (512) 475-3092.

Filed: April 30, 1984, 2:49 p.m.
TRD-844802

Saturday, May 12, 1984, 10 a.m. The State Board of Review of the Texas Historical Commission will meet at the River House, behind the Steves House at 509 King Wil-

liam Street, San Antonio. According to the agenda summary, the board will hear announcements, approve the previous meeting minutes, and review National Register nominations.

Contact: Peter Flagg Maxson, P.O. Box 12276, Austin, Texas 78711, (512) 475-3094.

Filed: April 27, 1984, 2:20 p.m.
TRD-844715

Texas Department of Human Resources

Wednesday and Thursday, May 9 and 10, 1984, 1 p.m. The State Advisory Committee on Child Care Facilities of the Texas Department of Human Resources will meet in the Rusk Room, Villa Capri Motor Lodge, Austin. According to the agenda summary, the committee will hear a report from the director and consider standards revision reports and other miscellaneous reports.

Contact: Doug Sanders, P.O. Box 2960, Austin, Texas 78769, (512) 441-3355, ext. 6039.

Filed: April 30, 1984, 2:05 p.m.
TRD-844800

State Board of Insurance

Tuesday, May 1, 1984, 9:30 a.m. The State Board of Insurance made an emergency addition to the agenda of a meeting held in Room 414, 1110 San Jacinto Street, Austin. The addition concerned a proposed emergency rule which will specify the amount of penalties for the late reporting of quarterly premium tax returns within the limits established by the Insurance Code, Article 4.13; the late reporting of quarterly premium tax returns of insurers taxed under Texas Civil Statutes, Article 4769; and the late payment of quarterly prepayments of premium taxes assessed under Texas Civil Statutes, Article 4769. The emergency status was necessary because of the large number of insurers who have been late in reporting quarterly premium tax returns and/or have failed to timely pay quarterly prepayments of premium taxes, and the orderly administration of the premium tax statutes necessitates the emergency adoption of this rule.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: April 30, 1984, 4:20 p.m.
TRD-844816

Tuesday, May 1, 1984, 2 p.m. The State Board of Insurance made an emergency addition to the agenda of a meeting held in Room 414, 1110 San Jacinto Street, Austin. The addition concerned rules to implement the Insurance Code, Article 21 53, the Amusement Ride Safety Inspection and Insurance Act; consideration of a filing by the Insurance Services Office to eliminate the present requirement in the General Liability Section of the Commercial Lines Manual that insurance companies file a reaffirmation form for the renewal of (a) rates on an annual basis, which would permit a once-approved (a) rate to remain approved, without a reaffirmation filing, until such time as a change in exposure warrants a new filing, or until such time as the board chooses to withdraw its approval of such rate. The emergency status was necessary for the rules to be implemented by July 1, 1984, when Article 21 53 must go into effect, and to handle the work load and eliminate a further backlog with present personnel.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: April 26, 1984, 4 51 p m
TRD-844690

Tuesday, May 8, 1984, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will consider Docket 7611—whether the certificate of authority held by Western Casualty Life Insurance Company, Austin, should be canceled or revoked.

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

Filed: April 30, 1984, 3 22 p.m.
TRD-844807

Thursday, May 10, 1984, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. Items on the agenda summary include joint motions for the dismissal of appeals of James V. Walzel, American States Insurance Company, and E. H. Garrett from action of the Texas Catastrophe Property Insurance Association, reports of the commissioner and the fire marshall, including personnel matters, and board orders on several different matters.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950

Filed: April 30, 1984, 4:20 p m
TRD-844817

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, May 11, 1984, 9 a.m. Docket 7637—application of Financial Holding Company to acquire control of American First Life and Accident Company, Dallas.

Contact: Tom I. McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076

Filed: April 30, 1984, 3:22 p.m.
TRD-844808

Monday, May 14, 1984, 9 a.m. Docket 7655—whether the local recording agent's license held by Houston Underwriters Association, Inc., Houston, should be canceled or revoked.

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

Filed: April 30, 1984, 3.22 p.m.
TRD-844809

Monday, May 14, 1984, 1:30 p.m. Docket 7714—whether the surplus lines agent's license held by Arlene V. Delussey, doing business as Arline Delussey Insurance, Huntsville, should be canceled or revoked.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: April 30, 1984, 3 22 p m
TRD-844810

Lamar University

Wednesday, May 2, 1984, 10 a.m. The Finance/Audit Committee of the Board of Regents of Lamar University met in the board room, Plummer Administration Building, main campus, Lamar University, Beaumont. According to the agenda, the committee met in executive session to review the university budget and salaries for 1984-1985.

Contact: Andrew J. Johnson, P O Box 10014, Beaumont, Texas 77710, (409) 838-8403

Filed: April 25, 1984, 11:12 a.m.
TRD-844632

Texas Department of Mental Health and Mental Retardation

Wednesday, May 2, 1984, 3 p.m. The Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation met in

emergency session in Room 240, 909 West 45th Street, Austin. According to the agenda, the board considered the status of pending litigation in the case of R.A. J. v. Miller. The emergency status was necessary because the deadline for filing documents in pending litigation requires the board to expedite its discussions of the issues raised in such litigation.

Contact: Gary E. Miller, M D, P O. Box 12668, Austin, Texas, (512) 465-4588.

Filed: April 30, 1984, 4 43 p.m.
TRD-844819

State Board of Morticians

Wednesday, May 9, 1984, 9 a.m. The State Board of Morticians will meet at the Contessa Inn, 717 U S Highway 259 South, Longview. According to the agenda summary, the board will consider applicants for reinstatement of licenses and apprentice registrations, an update on the application for exemption to the Federal Trade Commission rule and Buck Ashcraft case, a request from a person formerly licensed in Colorado for reciprocal licenses, notification of the election of officers, and committee and executive secretary reports, discuss a lease contract for office space, an embalming case report form, and the association convention in June; and review the budget process, a board member's recommendation on reciprocal interviews, and complaints.

Contact: John W. Shocklee, 1513 IH 35 South, Austin, Texas 78741, (512) 442-6721.

Filed: April 27, 1984, 2.54 p.m.
TRD-844719

Texas Optometry Board

Wednesday and Thursday, May 2 and 3, 1984, 3 p.m. and 8:30 a.m. respectively. Committees of the Texas Optometry Board and the full board met at the Wyndham Southpark Hotel, 4140 Governors Row, IH 35 South and Ben White Boulevard, Austin. According to the agenda, the board met at 8:30 a.m. on May 3, 1984, to consider reports of the secretary-treasurer, legal counsel, executive director, and committees; old business concerning separation of offices and consideration of a complaint regarding fee splitting, new business concerning election of officers pursuant to the Texas Optometry Act, § 2 04, entry treatment to doctors' offices in Sears' buildings, advertising by Joske's and Sanger-Harris; advertising

in the El Paso area; reports from meetings attended and general administrative matters; and committee matters related to examination, continuing education, a consumer pamphlet, and proposed rules. The Rules Committee met on May 2, 1984, at 3 p.m., the Investment-Enforcement Committee at 5 p.m., and all committees at 8:30 p.m. The board also met in executive session in compliance with the Open Meetings Act, Article 6252-17, §2(e).

Contact: Lois Ewald, 1300 East Anderson Lane, Suite C-240, Austin, Texas 78752, (512) 835-1938

Filed: April 24, 1984, 2:46 p.m.
TRD-844608

Board of Pardons and Paroles

Tuesday, May 1, 1984, 10 a.m. The Board of Pardons and Paroles made an emergency addition to the agenda of a rescheduled meeting held at 8610 Shoal Creek Boulevard, Austin. The addition concerned discussion and consideration of budgetary priorities and the allocation of funds for fiscal year 1984-1987, which could not be concluded at the originally convened meeting due to time constraints. The emergency status was necessary because time constraints prevented full development of this item at the April 24, 1984, meeting and the Legislative Budget Board and governor's office budget deadlines are approaching. The meeting was originally scheduled for April 24, 1984, as published at 9 TexReg 2270

Contact: Al Hagedorn, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2705

Filed: April 30, 1984, 1:48 p.m.
TRD-844797

Wednesday, May 2, 1984, 9:30 a.m. The Texas Board of Pardons and Paroles met at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board met to conduct full board interviews and meet with interested parties in connection with the Terry Simmons case, TDC 237613, subject to the board's jurisdiction

Contact: Dan Guerra, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2700

Filed: April 24, 1984, 4:57 p.m.
TRD-844622

The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. Days, times, and agendas follow.

Tuesday, May 8, 1984, 1:30 p.m. The board will consider executive clemency recommendations and related actions (other than out-of-country conditional pardons), including full pardons/restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; and other reprieves, remissions, and executive clemency actions.

Contact: Sandy Tschatschula, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2704.

Filed: April 30, 1984, 1:48 p.m.
TRD-844798

Monday-Friday, May 14-18, 1984, 1:30 p.m. daily. A three-member panel of the Board of Pardons and Paroles will receive, review, and consider information and reports concerning prisoners/inmates and administrative releases subject to the board's jurisdiction, and initiate and carry through with appropriate action.

Contact: Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2713

Filed: April 30, 1984, 1:48 p.m.
TRD-844799

Texas Parks and Wildlife Department

Friday, May 4, 1984, 1 p.m. The Fisheries Division of the Texas Parks and Wildlife Department will meet at the Parks and Wildlife Headquarters Complex Building B, 4200 Smith School Road, Austin. According to the agenda, the division will consider proposed amendments to potentially harmful fish or fish eggs importation rules, 31 TAC §§57.111-57.117

Contact: George C. Adams, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4864

Filed: April 26, 1984, 4:49 p.m.
TRD-844689

Proprietary School Advisory Commission

Tuesday, May 8, 1984, 10 a.m. The Proprietary School Advisory Commission will meet in Room 101E, Texas Education Agency North Building, 1200 East Anderson Lane, Austin. According to the agenda, the commission will review annual data collection forms, the Reports Management System;

discuss proposed amendments to the Texas Administrative Code, Title 19, §§69.122-§69.124, and a proposed amendment to 19 TAC, Chapter 157, concerning hearings before the commissioner of education and the State Board of Education; and review the guidelines and minimum standards for operation of Texas proprietary schools, 19 TAC §69.125 and §69.127(a)(b)(1)-(5) with proposed amendments.

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

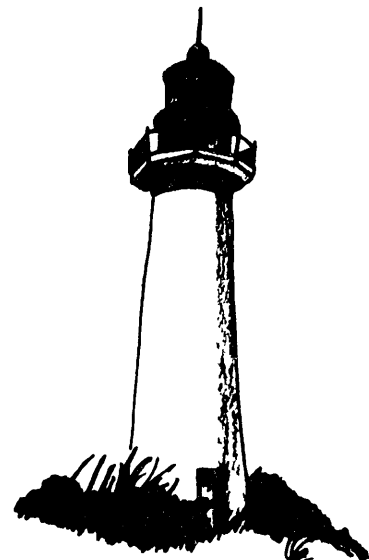
Filed: April 25, 1984, 3:16 p.m.
TRD-844651

Texas State Board of Public Accountancy

Wednesday, May 9, 1984, 9:30 a.m. The Long-Range Planning Committee of the Texas State Board of Public Accountancy will meet in the conference room, 2900 Republic Bank Building, Dallas. According to the agenda, the committee will discuss two-step licensing; an increased education requirement to sit for the certified public accountant examination; the board's Enforcement Program; reciprocity and related problems; public awareness; and board operating decisions, including a budget request.

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

Filed: April 27, 1984, 9:41 a.m.
TRD-844697



Texas Realster

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, May 7, 1984, 10 a.m. A pre-hearing conference in Docket 5700—application of El Paso Electric Company for authority to change rates.

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

Filed: April 24, 1984, 2:14 p.m.
TRD-844601

Thursday, May 10, 1984, 10 a.m. A pre-hearing conference in Docket 5273—application of Gera Water Company for a certificate of convenience and necessity within Harris County, and Docket 5696—inquiry into the rates charged and service rendered by Gera Water Company.

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

Filed: April 26, 1984, 10:02 a.m.
TRD-844659

Tuesday, May 15, 1984, 9 a.m. A pre-hearing conference in Docket 5698—application of Sam Houston Electric Cooperative, Inc., for authority to change rates

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

Filed: April 26, 1984, 2 06 p m
TRD-844679

Monday, June 4, 1984, 10 a.m. A hearing in Docket 5529—inquiry into compliance *vel non* of Apache Shores Utility Corporation with matters ordered in Docket 4611 and into the rates charged and services rendered by Apache Shores Utility Corporation

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

Filed: April 26, 1984, 10:02 a.m.
TRD-844660

Wednesday, July 11, 1984, 10 a.m. Hearings in Docket 5617—application of Houston Lighting & Power Company for a certificate of convenience and necessity for Bayou Cogeneration HA(E)-57 transmission line; Docket 5619—application of Houston Lighting & Power Company for a certificate of convenience and necessity for Fairmount HA(E)-58 transmission line;

and Docket 5629—application of Houston Lighting & Power Company for a certificate of convenience and necessity for Capitol Cogeneration HA(E)-56 transmission line

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

Filed: April 26, 1984, 2:06 p.m.
TRD-844680

Railroad Commission of Texas

Monday, May 7, 1984, 9 a.m. Divisions of the Railroad Commission of Texas will meet in Room 309, 1124 IH 35 South, Austin. Divisions and agendas follow

The Administrative Services Division will 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: April 27, 1984, 10:54 a.m
TRD-844700

The Automatic Data Processing Division will 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: April 27, 1984, 10:57 a m
TRD-844701

The Flight Division will 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: April 27, 1984, 10 57 a m
TRD-844702

The Gas Utilities Division will consider various matters falling within the commission's Gas Utilities Division regulatory jurisdiction

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0461

Filed: April 27, 1984, 10:54 a.m.
TRD-844703

The Office of Information Services will 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: April 27, 1984, 10:56 a.m.
TRD-844704

The LP-Gas Division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711.

Filed: April 27, 1984, 10:54 a.m.
TRD-844705

Additions to the previous agenda:

Consideration of various matters falling within the commission's oil and gas regulatory jurisdiction.

Contact: Liz Nauert, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: April 27, 1984, 10:57 a.m.
TRD-844706

Consideration of category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108

Contact: Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1209.

Filed: April 27, 1984, 10:56 a.m.
TRD-844707

The Personnel Division will 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: April 27, 1984, 10 54 a m.
TRD-844708

The Office of Research and Statistical Analysis will consider and act on the division director's report on division administration, budget, procedures, and personnel matters

Contact: Gail Gemberling, P.O. Drawer 12967, Austin, Texas 78711.

Filed: April 27, 1984, 10:56 a m
TRD-844709

The Office of the Special Counsel will 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 78701, (512) 445-1186.

Filed: April 27, 1984, 10.58 a m.
TRD-844710

The Surface Mining and Reclamation Division will 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: April 27, 1984, 10:55 a.m.
TRD-844711

The Transportation Division will consider various matters falling within the commission's transportation regulatory jurisdiction.

Contact: Walter Wendlandt, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: April 27, 1984, 10:55 a.m.
TRD-844712

Tuesday, May 8, 1984, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas will meet in Room 309, 1124 IH 35 South, Austin. According to the agenda, the division will hear an oral argument in oil and gas Docket 94,060—application of TXO Production Corporation for an exception to statewide Rule 37, Lance "A" Lease, Well 3, Ellis Ranch (Cleveland), Farnsworth-Connor (Des Moines) and Wildcat Fields, Ochiltree County

Contact: Sandra Joseph, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1293.

Filed: April 30, 1984, 3:41 p.m.
TRD-844812

Thursday, May 17, 1984, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas will meet in Room 309, 1124 IH 35 South, Austin. According to the agenda summary, the division will conduct a statewide oil and gas hearing

Contact: Paula Middleton, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1297.

Filed: April 27, 1984, 10:56 a.m.
TRD-844713

Texas Rehabilitation Commission

Friday, May 11, 1984, 9 a.m. The Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission will meet in Room 302, 118 East Riverside Drive, Austin. According to the agenda, the council will review goal and objectives worksheets, revised procedures for the request for proposals and proposal review processes, and fiscal year 1984 grant

awards; and discuss the yearly program review

Contact: Joellen Simmons, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8867

Filed: April 30, 1984, 2:21 p.m.
TRD-844801

Texas Savings and Loan Department

The Texas Savings and Loan Department will meet at 1004 Lavaca Street, Austin. Days, times, and agendas follow

Monday, May 7, 1984, 10 a.m. The department will conduct a hearing to call all applications on the agenda, and if no protest is registered and existing when called, any further hearing will be dispensed. If a protest is registered and existing when called, the hearing on the application(s) will be continued to a later date.

Tuesday, May 8, 1984, 9 a.m. The department will conduct a hearing to accumulate a record of evidence in regard to the application of First Savings Association of Orange for a change of name to First Savings of Texas, a Savings Association, from which record the commissioner shall determine whether to grant or deny this application.

Thursday, May 10, 1984, 9 a.m. The department will conduct a hearing to accumulate a record of evidence in regard to the application of Provident Savings Association for a savings and loan association charter at 1101 South Post Oak Road, Houston, from which record the commissioner shall determine whether to grant or deny this application

Contact: Russell R. Oliver, 1004 Lavaca Street, Austin, Texas 78701, (512) 475-7991.

Filed: April 27, 1984, 9:04 a.m.
TRD-844691-844693

Office of the Secretary of State

Thursday, May 3, 1984, 11:30 a.m. The State Board of Canvassers of the Office of the Secretary of State met in emergency session in Room 127, State Capitol, Austin. According to the agenda, the board conducted the official canvasses of the special runoff elections for State Representative Districts 49, 91, and 73 and the special election in State Representative District 33 in

accordance with the Texas Election Code, Article 8.38, and Article 4.12, Subdivision 3. The emergency status was necessary due to scheduling.

Contact: Donnette Smith, Sam Houston Building, Room 915, 201 East 14th Street, Austin, Texas 78701, (512) 475-3091.

Filed: April 26, 1984, 12:59 p.m.
TRD-844669

State Securities Board

Thursday, May 3, 1984, 10 a.m. The Securities Commissioner of the State Securities Board rescheduled a meeting held at 1800 San Jacinto Street, Austin. According to the agenda summary, the commissioner conducted a hearing to determine whether the registration of Robco Oil, Inc., as a securities dealer, the registration of James W. Robson Sr., and James W. Robson Jr., also known as Robbie Robson, as principals of a securities dealer, and the registration of Dennis Doyle Dalton, also known as Dusty Dalton, as a securities salesman, should be denied, revoked, or suspended, and whether a cease and desist order should be issued prohibiting the sale of securities issued by Robco Oil Inc., James W. Robson, Jr., and James W. Robson, Sr., and sold by James W. Robson, Jr., Bradford Harris Blazar, Dennis Doyle Dalton and Scott Frederick Washburn. The hearing was originally scheduled for April 25, 1984, as published at 9 TexReg 2097

Contact: Sue B. Roberts, 1800 San Jacinto Street, Austin, Texas 78701, (512) 474-2233

Filed: April 25, 1984, 3:46 p.m.
TRD-844653

University System of South Texas

Tuesday, May 8, 1984, 10:30 a.m. The Board of Directors of the Presidential Search Committee for Laredo State University of the University System of South Texas will meet in Conference Room 133, University Hall, Laredo State University, West End Washington Street, Laredo. According to the agenda, the committee will discuss candidates for the position of president at Laredo State University. The board will also meet in executive session

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

Filed: April 26, 1984, 10 a.m.
TRD-844661

Texas Register

State Committee of Examiners for Speech-Language Pathology and Audiology

Friday, May 11, 1984, 9 a.m. The State Committee of Examiners for Speech-Language Pathology and Audiology will meet in Room T-507, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the committee will approve the February 3, 1984, minutes; consider public comments relating to the treatment of laryngectomy patients; review public comments received concerning proposed rules published in the *Texas Register*; discuss matters relating to the review of application materials submitted to the committee and the development of the rule concerning continuing education; hear a report from the chair on the Licensure Forum of the annual Texas Speech-Language-Hearing Association meeting; discuss other matters relating to committee operation; and set the date of the next meeting.

Contact: June Robertson, 1100 West 49th Street, Austin, Texas, (512) 458-7531.

Filed: April 26, 1984, 4:22 p.m.
TRD-844685



Board of Tax Professional Examiners

Tuesday, May 15, 1984, 9 a.m. The Board of Tax Professional Examiners will meet in the conference room, 9501 IH 35 North, Austin. Items on the agenda summary include approval of the February 15, 1984, minutes, election of a vice-chairperson; certification of registered professional appraisers, registered Texas assessor/collectors, and registered Texas collectors, recertifications; approval of the 1985 operating budget, the 1985 contract with the State Property Tax Board, the 1986-1987 budget request, and a policy and a procedure item concerning open records, discussion concerning administering the Level IV exam prior to the experience requirement, adding a section to the RPA exam, enforcement regarding per-

sons who fail to register, illegal acts of registrants at the behest of governing bodies, postponement of exams, and the next meeting date; and information items. The board will also meet in executive session.

Contact: Sam H. Smith, 9501 IH 35 North, Austin, Texas 78753, (512) 837-9800 or (800) 252-9304

Filed: April 25, 1984, 2:34 p.m.
TRD-844649

Texas Southern University

Friday, May 11, 1984. Committees of Texas Southern University will meet in Room 117, Hannah Hall, 3100 Cleburne Avenue, Texas Southern University, Houston. Times, committees, and agendas follow

9 a.m. The Development Committee will receive reports from the administration on university fund raising and accept real property status reports

9:30 a.m. The Building and Grounds Committee will consider approval of payments for construction contracts, approve/ratify building contracts and change orders, land improvements and the sale of improvements, central plant expansion and renovation, and information items concerning reports of ongoing projects.

10:15 a.m. The Finance Committee will consider monthly financial reports and approve short-term investments, payments of real estate purchases, and status reports

11 a.m. The Student Affairs Committee will receive reports from the administration on student organizations and activities, dormitory renovation progress reports, and status reports.

11:30 a.m. The Personnel and Academic Affairs Committee will receive the enrollment and curricula data from the administration, cancel appointments, consider changes in the status of personnel, approve the appointment of personnel, accept educational gifts and grants, and consider the faculty manual

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

Filed: April 25, 1984, 2:33 p.m.
TRD-844643-844647

Friday, May 11, 1984, 1:30 p.m. The Board of Regents of Texas Southern University will meet in Room 203, Sterling Student Life Center, 3100 Cleburne Avenue, Hous-

ton. According to the agenda, the board will receive and consider reports from the Finance Committee, Building and Grounds Committee, Personnel and Academic Affairs Committee, and the Development and Student Affairs Committee, and will receive a report from the president. The board will also meet in executive session

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

Filed: April 25, 1984, 2:33 p.m.
TRD-844648

University of Texas System

Monday, April 30, 1984, 11 a.m. The Board of Regents of the University of Texas (UT) System met in the president's conference room, McDermott Administration Building, UT Health Science Center, 5323 Harry Hines Boulevard, Dallas. According to the agenda, the board met in executive session to consider personnel matters relating to the selection of a chancellor for the system, pursuant to Texas Civil Statutes, Article 6252-17, §2(g)

Contact: Arthur H. Dilly, P.O. Box N, Austin, Texas 78713, (512) 471-1265.

Filed: April 27, 1984, 9:44 a.m.
TRD-844696

University Interscholastic League

Wednesday, May 2, 1984, 10 a.m. The Advisory Committee on Penalizing Coaches and Sponsors of the University Interscholastic League met in Room 3122, Thompson Conference Center, University of Texas campus, 26th and Red River Streets, Austin. According to the agenda summary, the committee developed regulations on an affidavit for professional conduct, established a range of violations, including the kinds of penalties and procedure for enforcement and the process for implementation; and obtained suggestions for professional education liaison representatives

Contact: Bailey Marshall, P.O. Box 8028, Austin, Texas 78712, (512) 471-5883

Filed: April 27, 1984, 9:40 a.m.
TRD-844699

Texas Water Commission

The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North

Congress Avenue, Austin. Days, times, rooms, and agendas follow.

Tuesday, May 8, 1984, 10 a.m. In Room 118, the commission will consider water district use of fund applications, release from escrow, setting a hearing date for district creation, water quality proposed permits, amendments and renewals, an application for consideration of dismissal on a waste discharge permit, the examiner's proposals for a decision on water use permits, and the filing and setting of hearing dates.

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

Filed: April 27, 1984, 1:41 p.m.
TRD-844714

Thursday, May 10, 1984, 10 a.m. In Room 124A, application of the City of Brownwood to the Texas Department of Water Resources for a temporary order to authorize the discharge of partially treated wastewater effluent at a volume not to exceed an average flow of 2.77 million gallons per day (5.54 million daily maximum) from its municipal sewage treatment plant located in the southeast section of Brownwood, immediately north of Willis Creek at the southeast end of Hoover Avenue in Brown County. The applicant proposes to complete repairs, renovations, and expansion of the sewage treatment plant as part of its Step 3 involvement in the Federal Construction Grants Program.

Contact: Carl X Forrester, P.O. Box 13087, Austin, Texas 78711, (512) 475-7851

Filed: April 30, 1984, 10:34 a.m.
TRD-844793

Monday, May 14, 1984, 2 p.m. In Room 118, application of the City of Austin to the Texas Department of Water Resources for a temporary order to authorize the discharge of partially treated wastewater effluent at a total volume not to exceed a 30-day average of 26 million gallons per day (60 million daily maximum), as specified under Permit 10543-03, from the Govalle Wastewater Treatment Plant which is located at the intersection of Bolm Road and Howard Lane on the north bank of the Colorado River in southeast Austin. The temporary order would also authorize the discharge of partially treated wastewater effluent at a total volume not to exceed a 30-day average of two million gallons per day (four million daily maximum) as specified under Permit 10543-04 from the Hornsby Bend Wastewater Treatment Plant, which is located west of FM Road 973 near the end of Platt Lane in Travis County. The

applicant proposes to effectuate repairs and renovation of these facilities.

Contact: Kenneth L. Petersen, P.O. Box 13087, Austin, Texas 78711, (512) 475-7841.

Filed: April 25, 1984, 1:44 p.m.
TRD-844638

Tuesday, May 15, 1984, 1:30 p.m. In Room 118, a hearing to determine whether Emergency Order 84-12E, issued on April 18, 1984, to Diamond Shamrock Refining and Marketing Company, should be affirmed, modified, or set aside by the commission; and a request for an extension of Temporary Order 83-42E, issued to Diamond Shamrock Refining and Marketing Company on December 14, 1983. Emergency Order 84-12E permits Diamond Shamrock to deliver treated process wastewater from a wastewater lagoon at its Three Rivers refinery through an irrigation distribution system to irrigate the City of Three Rivers' flood protection levees to prevent overtopping and possible failure of dikes surrounding its wastewater holding lagoons, which would result in significant property damage and possible air and water pollution. Temporary Order 83-42E authorizes a variable discharge of treated process wastewater from its refinery operations, pending an amendment to Permit 01353, which is currently the subject of a contested case hearing before the commission and is not anticipated to be completed before the expiration of Temporary Order 83-42E.

Contact: Martin Rochelle, P.O. Box 13087, Austin, Texas 78711, (512) 475-4338.

Filed: April 30, 1984, 10:34 a.m.
TRD-844794

Thursday, May 17, 1984, 10 a.m. In Room 124A, application of the United States Department of the Air Force, Kelly Air Force Base, to the Texas Department of Water Resources for a temporary order to authorize the discharge of partially treated industrial wastewater effluent at a volume not to exceed an average flow of 1.75 million gallons per day (three million daily maximum) from its industrial wastewater treatment plant located at Kelly Air Force Base in the City of San Antonio south of State Loop 13, east of Pearsall Road, and north and east of Leon Creek in Bexar County. The applicant proposes to effectuate rehabilitation of the internal components of the three clarifiers at the plant.

Contact: Carl X. Forrester, P.O. Box 13087, Austin, Texas 78711, (512) 475-7851.

Filed: April 25, 1984, 1:44 p.m.
TRD-844639

Addition to the previous agenda:

Application from International Galvanizers, Inc., to the Texas Department of Water Resources for a temporary order to authorize the discharge of approximately one million gallons of wastewater from two lagoons through a sand filter at a volume not to exceed a maximum flow of 75,000 gallons per day from its metal plating operation located at 500 Industry Road in Cheek, near the intersection of IH-10 and Smith Road in northeast Jefferson County. The applicant proposes to close two lagoons at its metal plating plant which were used in the applicant's hazardous waste management program but are being phased out.

Contact: Carl X. Forrester, P.O. Box 13087, Austin, Texas 78711, (512) 475-7851.

Filed: April 25, 1984, 1:45 p.m.
TRD-844640

Tuesday, May 22, 1984, 2 p.m. In Room 118, application of the City of Emory to the Texas Department of Water Resources for a temporary order to authorize the discharge of partially treated domestic wastewater effluent at a volume not to exceed an average flow of 200,000 gallons per day (526,000 daily maximum) from aerated lagoons from its municipal sewage treatment plant located on the west side of Willow Springs Road and approximately one-half mile south of the intersection of U.S. Highway 69 and State Highway 19 in Rains County. The applicant proposes to replace air blower motors that supply air to the two lagoons and to replace air diffusers in the lagoons.

Contact: Carl X Forrester, P.O. Box 13087, Austin, Texas 78711, (512) 475-7851.

Filed: April 25, 1984, 1:45 p.m.
TRD-844641

Wednesday, May 30, 1984, 10 a.m. In Room 118, a hearing for the petition for creation of First Colony Municipal Utility District 30, containing 940 3103 acres of land

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

Filed: April 26, 1984, 10:11 a.m.
TRD-844666

Wednesday, May 30, 1984, 2 p.m. In Room 118, application of El Dorado Utility District to the Texas Department of Water Resources for a temporary order to authorize the discharge of partially treated domestic wastewater effluent at a volume not to exceed an average flow of 300,000 gallons per day (900,000 daily maximum) from its do-

mestic sewage treatment plant located east of Old Humble Road, north of Bender road and south of Garner's Bayou, at a point approximately two miles east of U.S. Highway 59 in Harris County. The applicant proposes to discharge during the expansion phase of its sewage treatment plant from 300,000 gallons per day to 450,000 gallons per day capacity

Contact: Carl X. Forrester, P.O. Box 13087, Austin, Texas 78711, (512) 475-7851.

Filed: May 1, 1984, 9:47 a.m.
TRD-844824

Friday, June 1, 1984, 9 a.m. In Room 152, application of the Lake Travis Independent School District, 607 North Ranch Road 620, Austin, Texas 78734, to the Texas Department of Water Resources for proposed Permit 12920-01 to authorize the disposal by absorption field of treated domestic wastewater effluent at a volume not to exceed an average flow of 20,000 gallons per day from the proposed wastewater treatment facilities which are to serve a proposed junior/senior high school. The treatment facilities will consist of an activated sludge-extended aeration package plant accompanied by 35,000 square feet of absorption field. Application rates for the absorption field area shall not exceed 0.8gpd/feet². No discharge of pollutants to the surface water in the state is authorized.

Contact: Larry R. Soward, P.O. Box 13087, Austin, Texas 78711, (512) 475-1311.

Filed: April 25, 1984, 10:02 a.m.
TRD-844629

Monday, June 4, 1984, 10 a.m. In Room 152, Application 4446 of Thomas B. Letulle and Harry G. Burkhart III seeking a permit to divert and use 1,600 acre-feet of water per annum directly from the Colorado River, Colorado River Basin, into a conveyance system to the areas to be irrigated or into the applicants' natural off-channel reservoir (Jennings Lake) for irrigation purposes in Matagorda County

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

Filed: April 24, 1984, 1:39 p.m.
TRD-844597

Addition to the previous agenda:

Application 4444 of Eugene P. Hildman and wife, Carmen P. Hildman, seeking a permit to divert and use 20 acre-feet of water per annum directly from the Lampasas River, Brazos River Basin, for irrigation purposes in Bell County

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

Filed: April 24, 1984, 1:39 p.m.
TRD-844596

Monday, June 11, 1984, 10 a.m. The Texas Water Commission will meet in the library, Canyon Middle School, 1275 Highway 81 East, New Braunfels. According to the agenda, the commission will conduct a hearing on Application 4445 of the Guadalupe-Blanco River Authority, which is seeking a permit to divert and nonconsumptively use water passed through, spilled from, or released from storage in Canyon Reservoir on the Guadalupe River, Guadalupe River Basin, for the purpose of hydroelectric power generation in proposed facilities to be located in Comal County.

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

Filed: April 30, 1984, 10:35 a.m.
TRD-844795

Texas Department of Water Resources

Thursday, May 17, 1984, 7 p.m. The Texas Department of Water Resources will meet in the city council chambers, City Hall, 603 East Hopkins, San Marcos. According to the agenda summary, the department will conduct a public hearing to solicit public comments concerning the proposed revisions to the Edwards Aquifer rules, especially the proposed revision to extend the regulations to cover northern Hays County.

Contact: Ken Petersen, P.O. Box 13087, Austin, Texas 78711, (512) 475-3187.

Filed: April 25, 1984, 2:34 p.m.
TRD-844650

Texas Water Well Drillers Board

Tuesday, May 1, 1984, 9:30 a.m. The Texas Water Well Drillers Board submitted an emergency revised agenda for a meeting held in Room 513F, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the revised agenda summary, the board considered whether to set a public hearing before the board or for other appropriate legal action for J. J. Wilson, concerning a complaint alleging violation of the Water Well Drillers Act for drilling water wells without a license. The emergency status was necessary for timely legal

action to be taken by the Office of the Attorney General to prevent possible continuing violations of law.

Contact: Jack Overton, P.E., P.O. Box 13087, Austin, Texas 78711, (512) 475-3191.

Filed: April 26, 1984, 10:11 a.m.
TRD-844667

Texas Youth Commission

Thursday, May 10, 1984, 9 a.m. The Board of the Texas Youth Commission will meet at 8900 Shoal Creek Boulevard, Austin. Items on the agenda summary include medical contracts, a Chaplaincy Committee report, a 1986-1987 needs assessment and budget request, taxable state property, the south Texas facility status report, internal audit reports, and the case of Morales v. Turman. The board also will meet in executive session.

Contact: Ron Jackson, P.O. Box 9999, Austin, Texas 78766, (512) 452-8111.

Filed: April 30, 1984, 3:45 p.m.
TRD-844813

Regional Agencies

Meeting Filed April 24

The Atascosa County Appraisal District, Board of Directors, met at 1010 Zanderson, Jourdanton, on April 26, 1984, at 1:30 p.m. Information may be obtained from Vernon Warren, 1010 Zanderson, Jourdanton, Texas 78026, (512) 769-2730.
TRD-844602

Meetings Filed April 25

The Amarillo Mental Health and Mental Retardation Center, Board of Trustees, met in emergency session in Room J-13, Psychiatric Pavilion, 7201 Evans Street, Amarillo, on April 30, 1984, at noon. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79106, (806) 353-7235

The Brown County Appraisal District will meet at 403 Fisk Avenue, Brownwood, on May 7, 1984, at 7 p.m. Information may be obtained from Alvis Sewalt, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676

The Leon County Central Appraisal District, Board of Directors, submitted a re-

vised agenda for a meeting held at the Leon County Courtroom, Centerville, on April 30, 1984, at 7:30 p.m. Information may be obtained from Mabel Watson, P.O. Box 536, Centerville, Texas 75833, (214) 536-2252.

The Texas Municipal League Risk and Insurance Management Services, Board of Trustees, Workers' Compensation, and Liability/Property Funds, met in emergency session at the Granada Royale Homotel, Highway 290 at IH 35, Austin, on April 27, 1984, at 10 a.m. Information may be obtained from William I. Martin, Jr., 1020 Southwest Tower, Austin, Texas 78701, (512) 478-6601.

TRD-844626

Meetings Filed April 26

The Central Texas Mental Health and Mental Retardation Center, Board of Trustees, met at 408 Mulberry, Brownwood, on May 1, 1984, at 4:30 p.m. Information may be obtained from Gloria Willen, P.O. Box 250, Brownwood, Texas 76801, (915) 646-9574, ext. 102

The Dallas Area Rapid Transit Authority, Service Plan/Work Program Committee, met in emergency session at 601 Pacific Avenue, Dallas, on April 27, 1984, at 1:30 p.m. Information may be obtained from Michael Miles, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278

The Dallas County Appraisal District, Board of Directors, met at 2601 Live Oak, Dallas, on May 2, 1984, at 7:30 a.m. Information may be obtained from Shirley Lensky, 2601 Live Oak, Dallas, Texas 75204, (214) 826-1480

The Region XIII Education Service Center, Board of Directors, met in Room 200, 7703 North Lamar Boulevard, Austin, on April 30, 1984, at noon. Information may be obtained from Dr. Joe Parks, 7703 North Lamar Boulevard, Austin, Texas 78752, (512) 458-9131

The Kendall County Appraisal District, Board of Review, met at 207 East San Antonio Street, Boerne, on May 2, 1984, at 2 p.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

The Scurry County Appraisal District, Board of Directors, met at 2612 College Avenue, Snyder, on May 1, 1984, at 8 p.m. Information may be obtained from L. R.

Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549.

The South Plains Health Provider Organization, Inc., Board of Directors, met at 715 Amarillo Street, Plainview, on April 30, 1984, at 8 p.m. Information may be obtained from Jeanette Sylvia Cuevas, 706 Canyon, Plainview, Texas 79072, (806) 293-8561

The Wise County Appraisal District, Board of Directors, met at 206 South State, Decatur, on April 30, 1984, at 8 a.m. Information may be obtained from Angela Caraway, P.O. Box 509, Decatur, Texas 76234, (817) 627-3081.

TRD-844662

Meetings Filed April 27

The Amarillo Mental Health and Mental Retardation Regional Center, Board of Trustees, met in Room G-15, Psychiatric Pavilion, 7201 Evans Street, Amarillo, on May 3, 1984, at noon. The Board of Trustees met in Room J-13, Psychiatric Pavilion, 7201 Evans Street, Amarillo, on the same day at 1 p.m. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79106, (806) 353-7235

The Archer County Appraisal District, Board of Directors, will meet at 106 West Main Street, Archer City, on May 9, 1984, at 5 p.m. Information may be obtained from A. G. Reis, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2172

The Capital Area Planning Council, Governor's Regional Review Committee, met in Suite 100, 2520 IH 35 South, Austin, on May 3, 1984, at 1:30 p.m. Information may be obtained from Sarah Bailey-Gray, 2520 IH 35 South, Suite 100, Austin, Texas 78704, (512) 443-7653

The Dallas Area Rapid Transit Authority, Budget and Finance Committee, met at 601 Pacific Avenue, Dallas, on April 30, 1984, at 4 p.m. The board met in Room 6ES, Dallas City Hall, 1500 Marilla, Dallas, on May 1, 1984, at 6:30 p.m. Information may be obtained from Michael Miles, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278

The Dawson County Central Appraisal District, Board of Directors, met at the Pheasant Restaurant, 611 North Dallas Avenue, Lamesa, on May 2, 1984, at 7 a.m. Information may be obtained from Jim

Warren, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060.

The Edwards County Appraisal District, Board of Directors, will meet at the new county office building, Rocksprings, on May 4, 1984, at 10 a.m. Information may be obtained from R. L. Fred, Box 348, Rocksprings, Texas 78880, (512) 683-6570.

The Edwards Underground Water District, Board of Directors, will meet in the fourth floor conference room, Tower Life Building, 310 South Saint Mary's, San Antonio, on May 8, 1984, at 10 a.m. Information may be obtained from Thomas P. Fox, 900 Tower Life Building, San Antonio, Texas 78205, (512) 222-2204

The High Plains Underground Water Conservation District 1, Board of Directors, will meet in the conference room, 2930 Avenue Q, Lubbock, on May 7, 1984, at 10 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181

The Lamb County Appraisal District, Board of Review, will meet at 318 Phelps Avenue, Littlefield, on May 10, 1984, at 8:30 p.m. Information may be obtained from Jack Samford, P.O. Box 552, Littlefield, Texas 79339, (806) 385-6474.

The Pecan Valley Mental Health and Mental Retardation Region, Board of Trustees, met at the First United Methodist Church, 204 East Pearl, Granbury, on May 2, 1984, at 8 a.m. Information may be obtained from Dr. Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806

The West Central Texas Council of Governments, Regional Advisory Council on Aging, met in the Fluvanna Room, Kiva Motor Inn, 5403 South First, Abilene, on May 3, 1984, at 10 a.m. Information may be obtained from Dorothy Vanderslice, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.
TRD-844698

Meetings Filed April 30

The Bastrop County Appraisal District, Board of Directors, will meet in the county commissioners courtroom, 804 Pine Street, Bastrop, on May 4, 1984, at 2 p.m. Information may be obtained from Clifton L. Kessler, 705 Spring Street, Bastrop, Texas 78602, (512) 321-4316

The Copano Bay Soil and Water Conservation District 329 will meet at the Faith Unit-

ed Church, 405 Wood Avenue, Wood-
boro, on May 11, 1984, at 8 a.m. Informa-
tion may be obtained from Jim Wales,
Drawer 340, Refugio, Texas 78377, (512)
526-2334.

The Coryell County Appraisal District,
Board of Directors, met at 105 North
Seventh, Gatesville, on May 3, 1984, at 7
p.m. Information may be obtained from
Darrell Lisenbe, P.O. Box 142, Gatesville,
Texas 76528, (817) 865-6593.

The East Texas Council of Governments,
Executive Committee, met at the Stoneridge
Plaza Office Building, 3800 Stone Road,
Kilgore, on May 3, 1984, at 2 p.m. Informa-
tion may be obtained from Glynn J. Knight,
3800 Stone Road, Kilgore, Texas 75662,
(214) 984-8641

The Fisher County Appraisal District,
Board of Directors, will meet in the commis-
sioners courtroom, Fisher County Court-
house, Roby, on May 8, 1984, at 7:30 p.m.
Information may be obtained from Clay
Fowler, Drawer J, Rotan, Texas 79546,
(915) 735-2578

**The Golden Crescent Regional Planning
Commission,** Regional Review Committee,
will meet in the town hall meeting room,
mezzanine level, First Victoria National
Bank, 101 South Main, Victoria, on May
7, 1984, at 6 p.m. Information may be ob-
tained from Patrick J. Kennedy, P O Box
2028, Victoria, Texas 77902, (512) 578-1587

The Golden Crescent Service Delivery Area,
Private Industry Council, will meet in the
Texas Employment Commission offices,

1301 East Rio Grande, Victoria, on May 9,
1984, at 6 p.m. Information may be ob-
tained from Patrick J. Kennedy, P.O. Box
2028, Victoria, Texas 77902, (512) 578-1587.

The Gregg County Appraisal District,
Board of Directors, will meet at 2010 Gil-
mer Road, Longview, on May 8, 1984, at
noon. Information may be obtained from
William T. Carroll, P.O. Box 6700, Long-
view, Texas 75608, (214) 759-0015

The Hale County Appraisal District, Board
of Directors, met at 302 West Eighth, Plain-
view, on May 3, 1984, at 7 p.m. Informa-
tion may be obtained from Linda Jaynes,
P O. Box 29, Plainview, Texas 79072, (806)
293-4226.

The Hansford County Appraisal District,
Board, met at 13 West Kenneth Avenue,
Spearman, on May 3, 1984, at 3:30 p.m.
The board also will meet at the same loca-
tion on May 9, 1984, at 9 a.m. Information
may be obtained from Alice Peddy, Box
567, Spearman, Texas 79081, (806) 659-
5575

**The Hays County Central Appraisal Dis-
trict,** Board of Directors, will meet at the
Hays County Courthouse Annex, San Mar-
cos, on May 7, 1984, at 2 p.m. Informa-
tion may be obtained from Lynnell Sedlar,
Hays County Courthouse Annex, Third
Floor, San Marcos, Texas 78666, (512) 396-
4777

The Hood County Appraisal District,
Board of Directors, will meet at 1902 West
Pearl, Granbury, on May 8, 1984, at 7:30
p.m. Information may be obtained from

Ben H. Griffin, P O Box 819, Granbury,
Texas 76048, (817) 573-2471.

The Rusk County Appraisal District, Board
of Directors, will meet at 107 North Van
Buren, Henderson, on May 8, 1984, at 1:30
p.m. Information may be obtained from
Melvin R. Cooper, P.O. Box 7, Henderson,
Texas 75653-0007, (214) 657-9697

The San Patricio County Appraisal District,
Board of Directors, will meet at the court-
house annex, Sinton, on May 10, 1984, at
9:30 a.m. Information may be obtained
from Bennie L. Stewart, P O Box 938, Sin-
ton, Texas 78387, (512) 364-5402.

The South Texas Private Industry Council
met at the Zapata Civic Center, U S High-
way 83, Zapata, on May 3, 1984, at 5:30
p.m. Information may be obtained from
Ruben M. Garcia, P O Box 1969, Laredo,
Texas 78041, (512) 722-4656

The Wheeler County Appraisal District,
Board of Directors, will meet at the court-
house square, Wheeler, on May 7, 1984, at
2 p.m. Information may be obtained from
Marilyn Copeland, P O Box 349, Wheeler,
Texas 79096, (806) 826-5900

TRD-844792

Meeting Filed May 1

The Burnet County Appraisal District will
meet at 215 South Pierce Street, Burnet, on
May 10, 1984, at 6:30 p.m. Information
may be obtained from Alvin C. Williams,
Drawer E, Burnet, Texas 78611, (512)
756-8291

TRD-844825

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 Department of Agriculture Amendment to Consultant Contract Award

The Texas Department of Agriculture is amending the terms of the consultant contract awarded to Warren D. Lincoln published in the October 14, 1983, issue of the *Texas Register* (8 TexReg 4198).

The maximum value of the contract is not to exceed \$25,000, with a beginning date of September 23, 1983, and an ending date of August 31, 1984.

Issued in Austin, Texas, on April 20, 1984

TRD-844547 Patrick D. Redman
Agency Liaison
Texas Department of Agriculture

Filed: April 23, 1984
For further information, please call (512) 475-6686.

Texas Air Control Board Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period of April 16-20, 1984.

Information relative to the applications listed below, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

A copy of all material submitted by the applicant is available for public inspection at the central office of the Texas Air Control Board at the previously mentioned address, and at the regional office for the Air Quality Control Region within which the proposed facility will be located.

Listed are the names of the applicants and the cities in which the facilities are located; type of facilities; location of the facilities (if available); permit numbers; and type of application—new source or modification.

Texas Instruments, Inc., Stafford; semiconductor manufacturing; 12201 Southwest Freeway; 9459; new source

The Upjohn Company, La Porte; phosgenation pilot plant; La Porte, Harris County; 9460; new source

Williamsburg Brick Company, Inc., Pittsburg; gas kiln to fire brick and dryer for brick; Highway 11; 9461; new source

Issued in Austin, Texas, on April 23, 1984.

TRD-844535 Ramon Dasch
Director of Hearings
Texas Air Control Board

Filed: April 23, 1984
For further information, please call (512) 451-5711, ext. 354.

Texas Department of Community Affairs Comments Related to Proposed Final Statement

The Texas Department of Community Affairs (TDCA) has recently submitted a final statement of its community development objectives and projected use of community development block grant nonentitlement area funds for fiscal year 1984 to the U.S. Department of Housing and Urban Development. The TDCA published its proposed final statement in the February 17, 1984, issue of the *Texas Register* (9 TexReg 1054) and held a series of 27 public hearings throughout the state in Febru-

ary and March 1984 to solicit comments on the proposed final statement. In accordance with Texas Civil Statutes, Article 6252-13e, §4, the comments received which the TDCA did not incorporate into its final statement, along with the TDCA's justification for its final decisions on each comment, are summarized as follows.

Concerning the proposed allocation of funds among the funding categories, one city requested that the state discretionary funds be separated from the community development project fund so that the latter fund could continue to consist of projects that did not compete well under the regular competition. The TDCA found from the experience of the first year that virtually all of the projects proposed for discretionary funding were resubmissions of applications that had been received during the regular community development project fund competition. Furthermore, the TDCA's final decision does not prohibit the state from continuing to focus on unique projects that assist special population groups, a priority in the selection of discretionary awards in 1983.

Several comments were received concerning the lowering of the planning/capacity building fund to 1.0% (\$594,850) of the available state allocation versus the \$1 million in 1983. Experience from the 1983 competition demonstrated that there were a considerable number of good construction projects proposed under the community development project fund which the TDCA would have funded if additional dollars were available. The TDCA decided, therefore, that as much of the state allocation as possible should be dedicated to actual construction activities as opposed to planning.

One commenter expressed a desire to retain the quarterly competition for planning versus the proposed semiannual competition. As the restriction related to nonparticipation in the community development project fund has been modified, allowing communities to apply for planning activities in a programmatic area not addressed in a community development project fund application, the TDCA is expecting a greater number of planning applications for each competition cycle. The larger number of applications would require continuous processing under a quarterly cycle without allowing the time required by staff to properly administer the funded projects.

One community recommended that there be no minimum grant amount for the economic development project fund. The philosophy behind the minimum for each of the funds is two-fold. First, projects costing less than the minimum can best be handled with local funds, thereby relieving pressure on the available allocation for those projects that require substantial funding. Second, the administrative burden on the TDCA to handle grants below the minimum amount would not be cost effective.

One city recommended that the \$250,000 maximum for emergency funds which was used in 1983 should be retained. Experience from the 1983 program suggested that the state should have maximum flexibility in addressing an emergency situation utilizing whatever funds are available to attempt to relieve the disaster situation.

The same city also recommended that the grant maximum for the Community Development Project Fund be lowered to \$250,000. Experience from the first year of the

state program and past administration by the U.S. Department of Housing and Urban Development suggests that a \$500,000 grant maximum provides a reasonable upper limit for projects under the Texas Community Development Program. A lower maximum might eliminate certain types of activities that have been an integral part of the federal program since its inception in 1976.

A private consultant recommended that counties not be held to the single purpose requirement for project applications. The TDCA decided that a single set of rules applicable for all eligible applicants simplifies the selection and administration of projects. Furthermore, a county can designate a "neighborhood revitalization district," in the same manner as a city, for a targeted area in which the county wishes to carry out multiple activities.

The same commenter also recommended that any funds recaptured at the end of the program year be reallocated during the next program year to the region to which they were originally assigned. The TDCA believes this would provide a disincentive for regions to use their total allocation during a given year. The TDCA believes that funds should be utilized as expeditiously as possible to ensure that the benefits of projects funded through the program are realized within a reasonable period of time.

One city recommended that an eligible jurisdiction be allowed to submit a single jurisdiction application and participate in a joint application as long as the total amount of the two applications did not exceed the grant maximum. This year the responsibility for determining local priorities is placed on the local jurisdiction. The TDCA feels that this responsibility includes deciding whether the locally identified priority can best be dealt with through a single application or through a joint application.

Finally, one city recommended that the state drop the system of regional allocations and move toward a statewide competition with the total state allocation divided into competitions based on the amount of the funding requested by each jurisdiction. One primary objective of the Texas Community Development Program is to ensure that projects respond to locally identified needs. The TDCA has decided, therefore, that the regional allocations and the participation of the regional review committees in the selection process best meet this objective.

Issued in Austin, Texas, on April 25, 1984

TRD-844654

Douglas C. Brown
General Counsel
Texas Department of Community
Affairs

Filed: April 25, 1984

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

Consultant Contract Award

Contractor. The Texas Department of Community Affairs (TDCA) announces that the consultant firm of Abt Associates, Inc., has been awarded a contract, under the

provisions of Texas Civil Statutes, Article 6252-11c, for the period of April 23, 1984-March 31, 1986, for the purpose of performing evaluations of worker adjustment demonstration projects funded under the Job Training Partnership Act, Title III. The consultant proposal request was published in the December 13, 1983, issue of the *Texas Register* (8 TexReg 5195).

Description of Services. The firm of Abt Associates, Inc., shall perform services which will include the implementation of an evaluation design for Tier I (job search) and Tier II (retraining) of specific Title III programs as follows: process evaluation; outcomes/impact evaluation; cost effectiveness analysis; and recommendations for a performance standards approach for Title III programs in Texas based on the two-tiered program design.

Business Address. The business address of Abt Associates, Inc., is 55 Wheeler Street, Cambridge, Massachusetts 02138.

Contract Amount. The total cost of the evaluation services to be performed under this contract will not exceed \$400,000.

Project Reports. Reports to be generated under this contract shall be submitted to the TDCA upon completion throughout the period of performance of the contract.

Issued in Austin, Texas, on April 27, 1984

TRD-844718 Douglas C. Brown
General Counsel
Texas Department of Community
Affairs

Filed: April 27, 1984
For further information, please call (512) 443-4100,
ext. 210.

Comptroller of Public Accounts Decisions 14,325 and 14,352

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, as part of its marketing of diamond drill and mining bits, agreed to repurchase recoverable diamonds from customers who returned used bits. The taxpayer contended that an account established to anticipate loss of profits for returned diamonds should not be included in surplus for franchise tax purposes, because the losses were recognized by the IRS and generally accepted accounting principles. The comptroller reiterated that only actual, as opposed to anticipated, losses or liabilities are excludable from surplus.

Issued in Austin, Texas, on April 27, 1984.

TRD-844782 Bob Bullock
Comptroller of Public Accounts

Filed: April 27, 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 ⁽³⁾ Agricul- tural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1)		
05/07/84-05/13/84	19.75%	19.75%
Monthly Rate— Article 1.04(c)⁽¹⁾		
05/01/84-05/31/84	19.70%	19.70%
Standard Quarterly Rate—Article 1.04(a)(2)		
04/01/84-06/30/84	18.27%	18.27%
Retail Credit Card Quarterly Rate— Article 1.11⁽³⁾		
04/01/84-06/30/84	18.27%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d)⁽³⁾		
04/01/84-06/30/84	18.27%	N/A
Standard Annual Rate— Article 1.04(a)(2)⁽²⁾		
04/01/84-06/30/84	18.27%	18.27%
Retail Credit Card Annual Rate— Article 1.11⁽³⁾		
04/01/84-06/30/84	18.27%	N/A
Annual Rate Applica- ble to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from		
04/01/84-06/30/84	18.00%	N/A
Judgment Rate— Article 1.05, §2		
05/01/84-05/31/84	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(1)
(3) Credit for personal family, or household use
(4) Credit for business, commercial, investment or other similar purpose

Issued in Austin, Texas, on April 30, 1984.

TRD-844786 Sam Kelly
Consumer Credit Commissioner

Filed: April 30, 1984
For further information, please call (512) 475-2111.

Office of Court Administration Consultant Contract Award

This consultant contract award for the Office of Court Administration is filed under the provisions of Texas Civil Statutes, Article 6252-11c. The consultant proposal request was published in the March 6, 1984, issue of the *Texas Register* (9 TexReg 1371).

Description of Project. The project includes technical writing and editing of end-user documentation and reference manuals for internally produced computer software.

Name and Address of the Consultant. The consultant is Michael Jameson, 4021 Steck Avenue, #817, Austin, Texas 78759.

Total Value and Dates of Contract. The term of this contract began April 20, 1984, and ends August 31, 1985, and will not exceed \$28,000.

Due Dates of Documents. All reports and deliverables prepared by the consultant under this contract shall be submitted upon completion throughout the period of performance of this contract.

Issued in Austin, Texas, on April 23, 1984

TRD-844548 Jim Hutcheson
 General Counsel
 Office of Court Administration

Filed: April 23, 1984
For further information, please call (512) 475-2421.

Court Reporters Certification Board Certification of Court Reporters

Following examination of applicants on April 13, 1984, the Court Reporters Certification Board has certified to the Supreme Court that the following persons are qualified in the method indicated to practice shorthand reporting pursuant to Texas Civil Statutes, Article 2324b, §12(e).

Oral Stenography

Michael W. Bonner - Atlanta, Georgia
Kathy L. Dixon - Dallas, Texas
Terri Lynne Rucker - Nacogdoches, Texas
Virginia Y. Smith - Waco, Texas

Machine Shorthand

Debbie Lynn Adams - Weatherford, Texas
Jamie Trew Altum - Mineral Wells, Texas
Eileen M. Bailey - Dallas, Texas
Kelly D. Bilyeu - Austin, Texas
Laurie Brodeur - Austin, Texas
Mary Ann Clifton - Fort Worth, Texas
Tina C. Cottrell - Abilene, Texas
Judith Carolyn Cox - Manchaca, Texas
Laurie Darby - Corpus Christi, Texas
Amanda Lynn Davis - Dallas, Texas
Kim M. Dickman - Lowell, Indiana
Patricia Lynn Dillender - Richmond, Texas

Elizabeth Gwen Downing - Corpus Christi, Texas
Carla Mae Duncan - Amarillo, Texas
Lydia L. Edwards - Austin, Texas
Karolyn Farmer - Amarillo, Texas
Luanne Fassett - Dallas, Texas
David Fisher - Dallas, Texas
Lynda C. Fisher - Euless, Texas
Ann Fleming - Dallas, Texas
Maricela Flores - Corpus Christi, Texas
M. Diana Forstner - Austin, Texas
Beverly K. Franklin - Lancaster, Texas
Sarah Jane Gaines - Houston, Texas
Sandra Graham - Houston, Texas
Mercedes B. Guadiano - San Antonio, Texas
Terri M. Gunter - Houston, Texas
Robyn Renee Guthrie - Hillsboro, Texas
Sally Lopez Hall - Dallas, Texas
Darla Shawn Hallmark - Abilene, Texas
Molly Hallmark - Corpus Christi, Texas
Laura M. Harris - Pearland, Texas
Joan E. Hebert - Austin, Texas
Judy K. Hobart - Bedford, Texas
Victoria Holder - Austin, Texas
Catherine E. Kernodle - San Antonio, Texas
Kem R. Kirkland - Houston, Texas
Terri L. Koch - Allen, Texas
Dale W. Lee - Galveston, Texas
Rossana R. Martinez - Houston, Texas
Velia Mendez - San Marcos, Texas
LuAnn Methany - Dallas, Texas
Nannell S. Mooney - Irving, Texas
Lea Dawn Nixon - Yukon, Oklahoma
Dottie Berges Norman - Austin, Texas
Cheryl Anne Nugent - Austin, Texas
Jenny L. Oberhelman - Angleton, Texas
Misty T. Ocanas - Dallas, Texas
Jacquelyn Olson - Austin, Texas
Michael Raven - Victoria, Texas
Pam Shetter - Burleson, Texas
Sara R. Sumerwell - Dallas, Texas
Sara Thompson - Dallas, Texas
Patrick G. Thurmond - Palestine, Texas
C. Dixon Towery - Houston, Texas
Julie I. Upton - Dallas, Texas
Sherry T. Walden - Houston, Texas

Issued in Austin, Texas, on April 27, 1984.

TRD-844788 Jim Hutcheson
 Chief Counsel
 Court Reporters Certification
 Board

Filed: April 30, 1984
For further information, please call (512) 475-3404.

Texas Education Agency Public Hearings

The State Board of Education will hold 56 public hearings across the state, beginning April 30, 1984, and ending May 25, 1984, to receive citizen input on public education in Texas.

The hearings will focus on school finance recommendations currently under consideration by the board, other major education issues, and the recent recommendations adopted by the Select Committee on Public Education. A board member will preside at each hearing, and members of the legislature have been invited to attend.

In addition to the hearings, the board also is distributing a questionnaire that seeks opinions on major education issues. Interested persons are encouraged to attend a hearing, complete a questionnaire, or both.

Completed questionnaires may be turned in at the public hearings or mailed to Wesley Robinson, Director of Programs, Department of Planning and Research, Texas Education Agency, 201 East 11th Street, Austin, Texas 78701.

Results from the hearings and the questionnaires will be reported to the full board and shared with members of the Texas Legislature, the education community, and other interested groups.

The questionnaires will be available at each public hearing, at each local school district, the 20 regional education service centers, and the Texas Education Agency.

Congressional District	Meeting Place
District 1 April 30, 1984 1-5 p.m.	Region VIII Education Service Center 100 North Riddle Street Mount Pleasant, Texas (214) 572-6676
May 1, 1984 1-5 p.m.	Region VII Education Service Center 818 East Main Street Kilgore, Texas (214) 984-3071
District 2 May 2, 1984 6 p.m.	Lufkin Independent School District Lufkin Junior High West Auditorium 600 South Raquet Lufkin, Texas (409) 634-6696
May 3, 1984 6 p.m.	Region VI Education Service Center 3332 Montgomery Road Huntsville, Texas (409) 295-9161
May 4, 1984 6 p.m.	Silsbee Independent School District 1005 North Seventh Street Silsbee, Texas (409) 383-5288
District 3 May 24, 1984 2-5 p.m. 7-9 p.m.	Region X Education Service Center Auditorium 400 East Spring Valley Road Richardson, Texas (214) 231-6301

District 4
May 9, 1984
4-7 p.m.

Greenville Independent School District
Greenville Senior High
3515 Terrell Road
Greenville, Texas
(214) 455-2112

District 5
May 3, 1984
2-5 p.m.

Eastfield College
Performance Hall
3737 Motley
Mesquite, Texas
(214) 270-6133

District 6
May 7, 1984
1:30-3:30 p.m.

Duncanville Independent School District
Reed Junior High Auditorium
530 Freeman Street
Duncanville, Texas
(214) 296-4761

May 9, 1984
2:30-4:30 p.m.

Fairfield Independent School District
Fairfield High School Cafeteria
Post Oak Road
Fairfield, Texas
(214) 389-2532

District 7
May 8, 1984
4-7 p.m.

Spring Branch Independent School District
Administration Building—
Board Room
955 Campbell Road
Houston, Texas
(713) 464-1511

May 14, 1984
3-5 p.m.

Alief Independent School District
Elsik Little Theatre
12601 High Star
Houston, Texas
(713) 498-8110

May 16, 1984
4-7 p.m.

Klein Independent School District
Klein High School Auditorium
16715 Stuebner Airline
Klein, Texas
(713) 376-4180

District 8
May 17, 1984
10 a.m.-noon
4-6 p.m.

Aldine Independent School District
Administration Building
14910 Aldine Westfield Road
Houston, Texas
(713) 449-1011

District 9
May 1, 1984
5-6:30 p.m.

LaMarque Independent School District
School Administration Building
Board Room
1727 Bayou Road
LaMarque, Texas
(409) 938-4251

May 3, 1984 7 p.m.	Region V Education Service Center 2295 Delaware Street Beaumont, Texas (409) 835-5212	District 14 May 22, 1984 2-7 p.m.	Region III Education Service Center 1905 Leary Lane Victoria, Texas (512) 573-0731
District 10 May 7, 1984 2-6 p.m.	Region XIII Education Service Center 7703 North Lamar Boulevard, Room 101 Austin, Texas (512) 458-9131	May 24, 1984 2-7 p.m.	Round Rock Independent School District School Administration Building Board Room 1311 Round Rock Avenue (Highway 620) Round Rock, Texas (512) 255-4431
May 9, 1984 2-6 p.m.	Southwest Texas University Lyndon B. Johnson Student Center, Chataqua Room San Marcos, Texas (512) 245-2150	District 15 May 17, 1984 4-8 p.m.	Region I Education Service Center 1900 West Schunior Edinburg, Texas (512) 383-5611
District 11 May 22, 1984 10 a.m.-noon 4-7 p.m.	Temple Independent School District Administration Building 200 North 23rd Street Temple, Texas (817) 778-6721	District 16 May 17, 1984 2-6 p.m.	Region XIX Education Service Center 6611 Boeing Drive El Paso, Texas (915) 779-3737
May 24, 1984 10 a.m.-noon 4-7 p.m.	Region XII Education Service Center 401 Franklin Avenue Waco, Texas (817) 756-7494	District 17 May 2, 1984 9:30 a.m.-noon 6-8:30 p.m.	Region XIV Education Service Center 1850 State Highway 351 Abilene, Texas (915) 676-8201
District 12 May 1, 1984 2:30-4:30 p.m.	Fort Worth Independent School District School Administration Building 2210 West Lancaster Fort Worth, Texas (817) 336-8311	May 15, 1984 2-5 p.m.	Weatherford Independent School District School Administration Building 118 North Denton Street Weatherford, Texas (817) 594-7457
District 13 April 30, 1984 5-8 p.m.	Gruver Independent School District Gruver High School Auditorium 600 Garrett Gruver, Texas (806) 733-2001	May 17, 1984 2-5 p.m.	Big Spring Independent School District Board Meeting Room Big Spring High School 708 11th Place Big Spring, Texas (915) 267-8245
May 14, 1984 5-8 p.m.	Childress Independent School District Junior High Auditorium 700 Commerce Childress, Texas (817) 937-2501	District 18 April 30, 1984 7-9 p.m.	Houston Independent School District Administration Building, Auditorium 3830 Richmond Houston, Texas (713) 623-5551
May 15, 1984 1-3 p.m. 4-7 p.m.	Wichita Falls Independent School District Barwise Junior High Auditorium 3807 Kemp Boulevard Wichita Falls, Texas (817) 723-4177	May 15, 1984 6-8 p.m.	North Forest Independent School District Smiley High School Commons Area 10725 Mesa Street Houston, Texas (713) 635-7027
May 17, 1984 1-3 p.m. 4-7 p.m.	Region XVI Education Service Center Amarillo Service Center Conference Room 1601 South Cleveland Amarillo, Texas (806) 376-5521		

May 22, 1984
6-8 p.m.

Houston Independent School
District
Health Professions High School
Library
3100 Shenandoah
Houston, Texas
(713) 741-2410

May 24, 1984
10 a.m.-noon
7-9 p.m.

Houston Independent School
District
West University Elementary
Library
3756 University Boulevard
Houston, Texas
(713) 668-4456

District 19
May 4, 1984
10 a.m.-noon
4-6 p.m.

Region XVII Education Service
Center
4000 22nd Place
Lubbock, Texas
(806) 792-4000

District 23
May 15, 1984
10 a.m.-noon

Laredo Independent School
District
School Board Meeting Room
1618 Houston Street
Laredo, Texas
(512) 727-4401

May 8, 1984
10 a.m.-noon
4-6 p.m.

Ector County Independent
School District
Permian High School
Auditorium
42nd and Dawn Streets
Odessa, Texas
(915) 332-9151

May 16, 1984
3-7 p.m.

Judson Independent School
District
Judson High School Auditorium
9142 FM Road 78
Converse, Texas
(512) 658-6371

District 20
May 4, 1984
6:30-10 p.m.

Region XX Education Service
Center
1314 Hines Avenue
San Antonio, Texas
(512) 271-7611

District 24
May 15, 1984
11 a.m.-7 p.m.

Irving Independent School
District
School Administration Building
901 O'Connor Road
Irving, Texas
(214) 259-4575

District 21
May 3, 1984
6:30-9 p.m.

Midland Independent School
District
San Jacinto Junior High
Auditorium
1400 North N Street
Midland, Texas
(915) 682-8611

May 16, 1984
11 a.m.-7 p.m.

Dallas Independent School
District
Holmes Middle School
2001 East Kiest Boulevard
Dallas, Texas
(214) 375-2535

May 7, 1984
6:30-9 p.m.

Alpine Independent School
District
Alpine Elementary Cafeteria
Fort Davis Highway
Alpine, Texas
(915) 837-3476

May 17, 1984
11 a.m.-7 p.m.

Grand Prairie Independent
School District
School Administration Building
202 College Street
Grand Prairie, Texas
(214) 264-6141

May 9, 1984
6:30-9 p.m.

San Angelo Independent School
District
San Angelo Central High
School Cafeteria
100 Cottonwood Street
San Angelo, Texas
(915) 658-3511, ext. 4211

District 25
May 1, 1984
7-9 p.m.

Houston Independent School
District
Horn Elementary
4535 Pine
Bellaire, Texas
(713) 623-5371

District 22
May 15, 1984
10 a.m.-noon
7-9 p.m.

Fort Bend Independent School
District
Dulles High School Auditorium
Upstairs Mini Theatre
500 Dulles Avenue
Sugar Land, Texas
(713) 491-7100

May 8, 1984
7-9 p.m.

Pasadena Independent School
District
Sam Rayburn High School
Cafeteria
2121 Cherrybrook Lane
Pasadena, Texas
(713) 944-7411

May 17, 1984
10 a.m.-noon
7-9 p.m.

Alvin Independent School
District
Alvin High School Auditorium
802 South Johnson
Alvin, Texas
(713) 331-3707

May 14, 1984
7-9 p.m.

LaPorte Independent School
District
LaPorte High School Student
Center
315 East Fairmont Parkway
LaPorte, Texas
(713) 471-0950

<p>District 26 April 30, 1984 4:30-7 p.m.</p>	<p>Hurst-Eules-Bedford Independent School District Administration Building 1849 Central Drive Bedford, Texas (817) 283-4461</p>
<p>May 2, 1984 4:30-7 p.m.</p>	<p>Arlington Independent School District Administration Building Board Room 1203 West Pioneer Parkway Arlington, Texas (817) 460-4611</p>
<p>May 3, 1984 4:30-7 p.m.</p>	<p>Lewisville Independent School District Edward Marcus High School Library 5705 Morris Road Lewisville, Texas (214) 539-1551</p>
<p>District 27 May 15, 1984 9-11 a.m. 4-6 p.m.</p>	<p>Region II Education Service Center 209 North Water Street Corpus Christi, Texas (512) 883-9288</p>

Issued in Austin, Texas, on April 25, 1984

TRD-844652 Raymon L. Bynum
 Commissioner of Education

Filed: April 25, 1984
For further information, please call (512) 475-7077.

General Land Office Correction of Error

An adopted rule of the General Land Office appearing in the April 24, 1984, issue of the *Texas Register* (9 Tex-Reg 2325) contained an error as submitted. The effective date of the document should be June 30, 1984.

Texas Health Facilities Commission Applications Accepted for Amendment, Declaratory Ruling, and Notices of Intent

Notice is hereby given by the Texas Health Facilities Commission of applications accepted as of the date of this publication. In the following list, the applicant is listed first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling; AMD indicates amendment of previously issued commission order; CN indicates certificate of need;

PFR indicates petition for reissuance; NIE indicates notice of intent to acquire major medical equipment; NIEH indicates notice of intent to acquire existing health care facilities; NIR indicates notice of intent regarding a research project; NIE/HMO indicates notice of intent for exemption of HMO-related project; and EC indicates exemption certificate.

Should any person wish to become a party 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.

Panhandle Diagnostic Imaging Center, Ltd.,
Amarillo
AO84-0419-244

NIEH—Request for a declaratory ruling that a certificate of need is not required for Panhandle Diagnostic Imaging Center, Ltd., to acquire by purchase the following equipment: Picker general radiography equipment with tomography; Picker radiographic and fluoroscope with digital subtraction capabilities; Picker 1200 computerized tomography unit; Picker digital Dyna Camera Imaging System; Picker ultrasound system with realtime, B Mode, M Mode, and Doppler capabilities; Picker super conductive magnetic resonance system; Picker miscellaneous darkroom equipment; and an electroencephalography system. The equipment will be located at 1901 Medi-Park Place, Amarillo, and will be utilized on an outpatient basis only.

Ballinger Memorial Hospital, Inc., Ballinger
AH84-0424-252

DR—Request for a declaratory ruling that a certificate of need is not required for Ballinger Memorial Hospital to add an annex to the existing facility, which will house respiratory therapy, physical therapy, and nuclear medicine. The proposed annex will contain approximately 3,200 square feet. Respiratory therapy, physical therapy, and nuclear medicine are currently offered at the facility. The total project cost is \$200,000.

PGH Properties, Inc., and Pasadena Hospital
Corporation for Pasadena General Hospital,
Pasadena

AH82-0826-070A(041884)

CN/AMD—Request for an amendment of Certificate of Need AN82-0826-070, which authorized the certificate holder to conduct a major construction and renovation program involving the construction

of an 80-bed, three-story nursing tower and two one-story additions totalling 38,087 square feet; the renovation of 23,653 square feet; and the demolition of approximately 6,217 square feet. The certificate holder requests an increase in new construction from 38,087 square feet to 44,396 square feet; an increase in renovation from 23,653 square feet to 30,339 square feet; and an increase in the total project cost from \$9,893,641 to \$11,806,381.

Preston Gray and Florence Gray, San Antonio
AN84-0419-242

NIEH—Request for a declaratory ruling that a certificate of need is not required for Preston Gray and Florence Gray to acquire by lease Hondo Nursing Center, an existing 118-bed nursing facility with 84 ICF and 34 skilled beds located in Hondo, from Beverly Enterprises—Texas, a California corporation.

Charter Medical—Central Texas, Inc., for
Charter Lane Hospital, Austin
AH82-0122-020A(041884)

CN/AMD—Request for an amendment of Certificate of Need AH82-0122-020, which authorized the certificate holder to construct, equip, and operate a new 66-bed addictive disease hospital containing 35,994 gross square feet to be located adjacent to IH 35 on the service road, at the intersection of Battle Bend Boulevard in Austin. The certificate holder requests a change in the location of the project to Cross Park Drive, Walnut Creek Business Park, corner of Cameron Road and U.S. Highway 183; and an increase in the project cost from \$7.554 million \$7.93 million.

Frank W. Smith and Bradley H. Smith for Azalea Associates, a to-be-formed California limited partnership, Walnut Creek, California
AN84-0402-202

NIEH—Request for a declaratory ruling that a certificate of need is not required for Frank W. Smith and Bradley H. Smith for Azalea Associates, a to-be-formed California limited partnership, to acquire by purchase Azalea Manor Nursing Home, an existing 90-bed ICF nursing facility located in Sealy, from APF Fund X.

Robert E. Gay III, Inc., a to-be-formed Texas corporation, Columbus
AN84-0419-243

NIEH—Request for a declaratory ruling that a certificate of need is not required for Robert E. Gay III, Inc., a to-be-formed Texas corporation, to acquire by purchase Columbus Convalescent Center, an existing 90-bed ICF nursing facility located in Columbus, from Autumn Hills Convalescent Centers, Inc.

St. Luke's Episcopal Hospital and Texas Children's Hospital, Houston
AH82-1220-277A(042084)

CN/AMD—Request for an extension of the completion deadline from April 20, 1984, to November 30, 1984, in Certificate of Need AH82-1220-277, which authorized the certificate holder to purchase

a third CT whole body scanner to be placed in a newly designated CT scanner suite in the radiology department.

Issued in Austin, Texas, on April 30, 1984.

TRD-844784 John Neel
General Counsel
Texas Health Facilities
Commission

Filed: April 30, 1984
For further information, please call (512) 475-6940.

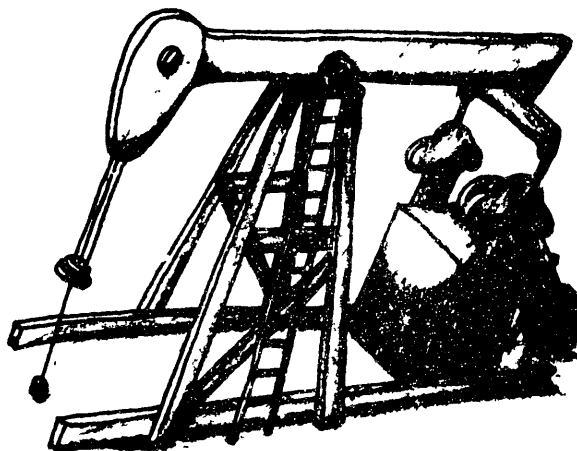
Show Cause Hearing

The Texas Health Facilities Commission has found that sufficient grounds exist to require a show cause hearing regarding the matter of AMI Diagnostic Services, Inc., a subsidiary of American Medical International, Inc., Houston. It has, therefore, been ordered that AMI Diagnostic Services, Inc., a subsidiary of American Medical International, Inc., appear before the commission at Suite 305, Jefferson Building, 1600 West 38th Street, Austin, on July 5, 1984, at 9 a.m., and show cause why AMI Diagnostic Services, Inc., a subsidiary of American Medical International, Inc., should not be found in violation of the Texas Health Planning and Development Act, Texas Civil Statutes, Article 4418h, and the commission rules for acquiring and operating two GE 8800 mobile CT scanners for inpatient procedures at a total of four hospitals in Houston (two), Texas City (one), and Nassau Bay (one), without having appropriate authorization from the commission.

Issued in Austin, Texas, on April 30, 1984

TRD-844785 John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed: April 30, 1984
For further information, please call (512) 475-6940.



Texas Housing Agency Public Hearing

The Texas Housing Agency (THA) will conduct a public hearing concerning public approval for the issuance of industrial development bonds for residential real property. In accordance with federal law, the THA intends to seek public approval from the attorney general, the governor, or other applicable elected representative or designated official of the State of Texas for the issuance of a series of multifamily residential development revenue bonds (the bonds), in an amount not expected to exceed the following approximate amount.

Pursuant to the statutory authority of the THA, the bonds are being proposed to provide financing for sanitary, decent, and safe dwelling accommodations for persons and families of low income and families of moderate income. If issued, the bonds will constitute limited obligations of the THA. Neither the State of Texas nor any political subdivision other than the THA will be liable for the bonds. The bonds will not constitute a debt of the State of Texas.

The executive administrator or deputy administrator of the THA will hold a public hearing on the residential projects proposed to be financed by the bonds. The hearing will be held Thursday, May 10, 1984, at 2 p.m., at the Green Oaks Inn, 6901 West Freeway, Fort Worth. The proposed residential projects and descriptions are as follows.

(1) The mortgage loan amount is \$19.872 million for the benefit of Briscoe Enterprises, Ltd. IV, a partnership having Leonard E. Briscoe as general partner, to provide financing for a multifamily rental residential development consisting of 432 units to be located on approximately 15.440 acres located on the east side of the proposed Bryant Irvin Road extension, with the northern boundary of the tract being approximately 4,383 feet south of the IH 20 right-of-way in Fort Worth, Tarrant County.

(2) The mortgage loan amount is \$38.272 million for the benefit of Briscoe Enterprises, Ltd. VI, a partnership having Leonard E. Briscoe as general partner, to provide financing for a multifamily rental residential development in two phases, Phase I and Phase II, consisting of 832 total units to be located on approximately 31 acres located on the west side of the proposed Bryant Irvin Road extension, with the northern boundary of the tract being approximately 5,086 feet south of the IH 20 right-of-way in Fort Worth, Tarrant County.

(3) The mortgage loan amount is \$24.656 million for the benefit of Briscoe Enterprises, Ltd. V, a partnership having Leonard E. Briscoe as general partner, to provide financing for a multifamily rental residential development consisting of approximately 536 units to be located on approximately 19.289 acres located on the west side of the proposed Bryant Irvin Road extension, with the northern boundary of the tract being approximately 6,161 feet south of the IH 20 right-of-way in Fort Worth, Tarrant County.

All interested persons are invited to attend the hearing to express their views on the projects and the proposed issuance of the bonds. For details, contact Stan Kantrowitz, General Counsel, Texas Housing Agency, 411

West 13th Street, Suite 700, Austin, Texas 78701, (512) 475-0812 or (800) 792-1119.

Persons who intend to appear at the hearing and express views are encouraged to contact Mr. Kantrowitz before the hearing. Any interested persons unable to attend the hearing may submit their views in writing to Mr. Kantrowitz before the hearing. All written comments will be made available for review by all parties attending the public hearing.

Issued in Austin, Texas, on April 27, 1984.

TRD-844789 Stan Kantrowitz
General Counsel
Texas Housing Agency

Filed: April 30, 1984
For further information, please call (512) 475-0812
or (800) 792-1119.

State Board of Insurance Company Licensing

The following applications have been filed with the State Board of Insurance and are under consideration.

(1) Application for admission to do business in Texas of Phoenix General Insurance Company, a foreign fire and casualty insurance company. The home office is in Hartford, Connecticut.

(2) Application for a name change by Alternative Delivery Systems of Texas, Inc., a domestic health maintenance organization. The home office is in Richardson. The proposed new name is Humana Health Plan of Texas, Inc.

(3) Application for admission to do business in Texas of Columbia General Life Insurance Company, a foreign life insurance company. The home office is in Phoenix, Arizona.

(4) Application for admission to do business in Texas of Depositors Insurance Company, a foreign fire and casualty insurance company. The home office is in Des Moines, Iowa.

(5) Application for admission to do business in Texas of AIDCO Insurance Company, a foreign fire and casualty insurance company. The home office is in Des Moines, Iowa.

(6) Application for admission to do business in Texas of State Security Life Insurance Company, a foreign life insurance company. The home office is in Jackson, Mississippi.

(7) Application for a name change by International Service Life Insurance Company, a domestic life insurance company. The home office is in Dallas. The proposed new name is Colonial Security Life Insurance Company of America.

(8) Application for incorporation of Federated Lloyds of Texas, to be a domestic lloyds insurance company. The home office is proposed to be in Fort Worth.

(9) Application for admission to do business in Texas of National Home Life Assurance Company of New York, a foreign life insurance company. The home office is in Binghamton, New York.

(10) Application for admission to do business in Texas of Bankers Life Assurance Company of Nebraska, a foreign life insurance company. The home office is in Lincoln, Nebraska.

(11) Application for admission to do business in Texas of Voyager Guaranty Insurance Company, a foreign fire and casualty insurance company. The home office is in Jacksonville, Florida.

(12) Application for admission to do business in Texas of American Protectors Insurance Company, a foreign life insurance company. The home office is in Salt Lake City, Utah.

(13) Application for admission to do business in Texas of Equitable Life Insurance Company, a foreign life insurance company. The home office is in McLean, Virginia.

Issued in Austin, Texas, on April 19, 1984

TRD-844546 James W. Norman
Chief Clerk
State Board of Insurance

Filed: April 23, 1984
For further information, please call (512) 475-2950.



Public Utility Commission of Texas Consultant Proposal Requests

In accordance with the provisions of Texas Civil Statutes, Article 6252-11c, the Public Utility Commission of Texas (PUC) issues this invitation for proposals for consulting services. The commission seeks proposals from qualified architectural firms, institutions, or individuals to provide energy performance evaluations of preliminary drawings

for new school facilities. This service, provided by the Energy Resource Center for Texas schools, will be available to school districts planning new construction projects. The primary objective of the project is identification of options that would increase energy efficiency in new facilities. The program will cover approximately 15 months beginning early in the summer of 1984.

Contractor evaluation will be based on specific selection criteria; final selection will be made by a review committee.

Additional information regarding the request for proposals and materials on bid specifications may be obtained by contacting Judy Rogers, Energy Efficiency Division, Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0312.

To be considered, written proposals must arrive at the PUC office no later than 3 p.m. on June 1, 1984. Proposals arriving after 3 p.m. will not be accepted. Five copies of the proposals should be sent to the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, Attention: Sandy Becker, Bid Identification SV-4-0128.

Issued in Austin, Texas, on April 25, 1984.

TRD-844665 Rhonda Colbert Ryan
Secretary of the Commission
Public Utility Commission of
Texas

Filed: April 26, 1984
For further information, please call (512) 458-0312.

In accordance with the provisions of Texas Civil Statutes, Article 6252-11c, the Public Utility Commission of Texas (PUC) issues this invitation for proposals for consulting services. The commission seeks proposals from qualified firms, institutions, or individuals to develop and present a series of workshops in energy efficient school building design and construction. The target audience for these workshops will be school administrators and school board members in districts planning construction of new facilities. The contractor will be expected to provide training materials and presentations for a series of 10 workshops scheduled between October 1984 and August 1985.

Contractor evaluation will be based on specific selection criteria; final selection will be made by a review committee.

Additional information regarding the request for proposals and materials on bid specifications may be obtained by contacting Judy Rogers, Energy Efficiency Division, Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, (512) 458-0312.

To be considered, written proposals must arrive at the PUC office no later than 3 p.m. on June 1, 1984. Proposals arriving after 3 p.m. will not be accepted. Five copies of the proposal should be sent to the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite

400N, Austin, Texas 78757, Attention: Sandy Becker, Bid Identification SV-4-0129.

Issued in Austin, Texas, on April 25, 1984.

TRD-844664 Rhonda Colbert Ryan
Secretary of the Commission
Public Utility Commission of
Texas

Filed: April 26, 1984
For further information, please call (512) 458-0312.



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 March 22, 1984, the savings and loan commissioner received an application for approval of the acquisition of control of Southwestern Savings & Loan Association, El Paso, by John H. Livingston of El Paso.

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

Issued in Austin, Texas, on April 24, 1984

TRD-844621 Russell R. Oliver
General Counsel
Texas Savings and Loan
Department

Filed: April 24, 1984
For further information, please call (512) 475-7991.

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 April 19, 1984, the savings and loan commissioner received an application for approval of the acquisition of control of Amigo Savings and Loan Association, Brownsville, by Tedco Development Company (Mr. and Mrs. A. R. Sanchez, Jr., and A. R. Sanchez, Sr., et al.) of Laredo.

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

Issued in Austin, Texas, on April 23, 1984

TRD-844619 Russell R. Oliver
General Counsel
Texas Savings and Loan
Department

Filed: April 24, 1984
For further information, please call (512) 475-7991.

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 April 19, 1984, the savings and loan commissioner received an application for approval of the acquisition of control of Aztec Savings & Loan Acquisition, Copperas Cove, by Frank J. Domingues (The Kensington Group) of San Diego, California.

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

Issued in Austin, Texas, on April 23, 1984

TRD-844620 Russell R. Oliver
General Counsel
Texas Savings and Loan
Department

Filed: April 24, 1984
For further information, please call (512) 475-7991.

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 April 24, 1984, the savings and loan commissioner received an application for approval of the acquisition of control of Burnet Savings and Loan Association, Burnet, by William W. Giannini of Richardson, Allen F. Williams II of Dallas, and Lynn S. Felps and Ronald C. Finley, both of Plano.

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

Issued in Austin, Texas, on April 26, 1984.

TRD-844688 Russell R. Oliver
General Counsel
Texas Savings and Loan
Department

Filed: April 26, 1984
For further information, please call (512) 475-7991.

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 April 27, 1984, the savings and loan commissioner received an application for approval of the acquisition of control of Hardin County Savings and Loan Association, Silsbee, by Harvin Cooper Moore, Jr., and Charles William Lander, both of Houston.

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

Issued in Austin, Texas, on April 30, 1984

TRD-844787 Russell R. Oliver
 General Counsel
 Texas Savings and Loan
 Department

Filed: April 30, 1984
For further information, please call (512) 475-7991.

Charter Application and Hearing

Application has been made to the savings and loan commissioner of Texas for the approval of the following charter:

<p>Docket Number and Application Number 313 First American Savings Association Northeast Corner of Southeast Military Drive and Mission Road, San Antonio, Bexar County</p>	<p>Applicant's Agent/Attorney Conrad P. Werkerthin Clark, Thomas, Winters, and Shapiro P.O. Box 1148 Austin, Texas 78767</p>
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A hearing on the application will be held at 9 a.m. on April 30, 1984, in the hearing room of the Savings and Loan Department of Texas, 1004 Lavaca Street, Austin, pursuant to authority and jurisdiction granted by the Texas Savings and Loan Act, Texas Civil Statutes, Article 852a.

The nature and purpose of the hearing is to accumulate a record of pertinent information and data in support of the application and in opposition to the application, from which record the commissioner shall determine whether to grant or deny the application. The hearing may be continued from day to day at the same location if not concluded on the day it commences.

The particular sections of Article 852a involved are §§2.01-2.09 and 11.11. The particular rules involved are 7 TAC §§51.1-51.13 of the rules of the Texas Savings and Loan Department. Such rules are on file with the *Texas*

Register, Office of the Secretary of State, or may be seen at the department's offices.

The applicants for charter assert that the prerequisites, where applicable, set forth in the Act, §§2.02-2.06, have been met; the character, responsibility, and general fitness of the persons named in the articles of incorporation are such as to command confidence and warrant belief that the business of the proposed association will be honestly and efficiently conducted and that the proposed association will have qualified full-time management; there is a public need for the proposed association, and the volume of business in the community in which the proposed association will conduct its business is such as to indicate a profitable operation; and the operation of the proposed association will not unduly harm any existing association.

Anyone desiring to oppose this application may do so by appearing at the scheduled hearing; however, it is requested and advisable that persons who plan to oppose this application notify the commissioner of their intentions at P.O. Box 1089, Austin, Texas 78767, by filing a written protest at least 10 days before the scheduled hearing. The protest should include the docket number of the application, and a copy should be sent to the applicant's agent or attorney previously listed.

Issued in Austin, Texas, on April 9, 1984

TRD-844618 Russell R. Oliver
 General Counsel
 Texas Savings and Loan
 Department

Filed: April 24, 1984
For further information, please call (512) 475-7991

Texas State Treasury Department Amendment to Request for Consulting Services

The Texas State Treasury Department is extending the date on which bids to develop an integrated cash management system are due. The original notice for the request for these consulting services appeared in the April 13, 1984, issue of the *Texas Register* (9 TexReg 2105). The deadline for proposals is hereby extended from May 4, 1984, at 4 p.m., to May 18, 1984, at 4 p.m.

Information may be obtained from Wes McGee, Administrative Assistant, Texas State Treasury Department, P.O. Box 12608, Austin, Texas 78711, (512) 475-2924.

Issued in Austin, Texas, on April 26, 1984

TRD-844670 Jorge A. Gutierrez
 General Counsel
 Texas State Treasury
 Department

Filed: April 26, 1984
For further information, please call (512) 475-2591

Texas Department of Water Resources Consultant Proposal Request

Introduction. As required by Texas Civil Statutes, Article 6252-11c, the Texas Department of Water Resources (TDWR) announces that it wishes to retain the services of a consultant to perform site investigation and feasibility studies for the United Creosoting Company site, and hereby invites offers of consulting firms for the project described herein. The state retains the option to continue with the selected consultant for design and construction management if funds become available for these phases. This project is being conducted by the TDWR through a cooperative agreement with the Environmental Protection Agency (EPA) and pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), referred to as Superfund, and the Texas Water Code, Chapter 26, Subchapter H.

The United Creosoting Company operated a wood-preserving plant located approximately ¼ mile southwest of the intersection of Loop 336 and the Missouri-Pacific railroad tracks in Conroe from the mid- to late 1940's until 1972. A wood-preserving pond and a tank bottom/wastewater pond which were used by the company during its operation generated the pentachlorophenol (PCP) and creosote residuals which currently contaminate the site. The aforementioned pits were filled with contaminated soil from the site near the time of the company's closing. The original plant site and its accompanying acreage (approximately 100 acres) was then subdivided and later sold to Conroe Construction Company, Clarke Distributing Company, and the developers of the Tanglewood East Subdivision.

In December 1983, an immediate removal action was initiated by the EPA Region VI Environmental Services Division. Under this action, an EPA team collected soil samples from the area of the subdivision adjacent to the abandoned pond area. Analysis of these samples showed the presence of pentachlorophenol and unspecified isomers of hexa-, hepta-, and octa-chlorodibenzo-p-dioxins. These data were evaluated by the Center for Disease Control in Atlanta, which determined that there did not appear to be any immediate health threat to the community. In addition to the sampling, under an agreement with the EPA, the Clarke Distributing Company commenced a surface cleanup at the site in January 1984. This action, guided by an EPA on-scene coordinator, focused on correcting drainage problems at the site and installing a protective cap over the abandoned waste pit.

Objectives. The objectives of the investigation and feasibility studies are to characterize the site and develop and evaluate alternative remedial measures

Budget and Contract Term. The maximum budget allowable for this contract is \$365,925, with \$265,925 allocated for site investigation and \$100,000 for feasibility studies. Approximately 10% of each amount should be considered as contingency funds. The contract period for these services shall be until July 15, 1985. An anticipated

schedule is included in the consultant proposal request (CPR). It is anticipated that the contract will be awarded by July 20, 1984.

Procedure for Selecting Consultant. The TDWR will select a minimum of three candidates for award of this contract on the basis of demonstrated competence and qualifications such as, but not limited to, experience in this or similar work and ability to complete the work in the designated time frame. The selected candidates will be ranked by conducting a detailed evaluation of the candidate's proposal, using criteria such as, but not limited to, demonstrated technical experience, financial stability, and available facilities and equipment; the competence, related experience, and availability of personnel to be assigned to the project; the proposed technical approach to the project, including appropriate technical methods, tools, solutions, and approaches to the particular problems and objectives of the project, and the consultant's safety, chain-of-custody, and quality assurance/quality control plans; and the proposed management plan.

At the state's option, candidates may be required to submit "best and final" technical approaches, clarification, additional information, and/or a personal presentation. Final selection will be made according to 40 Code of Federal Regulations §33.505.

Additional Information. Microfiche copies of the file are available through Sheldon Siebel, Records and Library Services Section, (512) 475-3086. A visit to the site will be conducted on May 9, 1984, at 11 a.m. at the site location, 1 Clark Drive, Conroe. EPA Level D safety equipment, with provision for upgrade to Level C if site conditions warrant, will be required for all persons wishing to participate.

A copy of the CPR may be obtained in one of three ways:

(1) by certified mail to Timothy J. Wolterink, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711;

(2) by express mail with a prepaid self-addressed envelope; or

(3) in person with a signed letter of receipt at Room 1029G, Stephen F. Austin Building, 1700 North Congress Avenue, Austin.

Five copies of the proposal must be received at the previously stated address before 5 p.m. on Friday, June 1, 1984, which is the closing date for proposals to be submitted. Proposals submitted in response to this request must address the work scope as described in the statement of work. Any additions, alterations, or options must be clearly identified. All contracting procedures shall be conducted in accordance with all applicable state and federal rules.

Issued in Austin, Texas, on April 24, 1984.

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Susan Plettman
General Counsel
Texas Department of Water
Resources

Filed: April 24, 1984

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

In the second issue of every month, a guide to agency activity for the previous month is published. Quarterly and annual indexes to the *Register* are published separately and bound in light blue for distinction.

Also included in the Index section is a list of the Texas Administrative Code titles that were affected by the rule-making activity of the previous month.

Index

Guide to Agency Activity—April

The following is a list of the documents published in the April issues of the *Texas Register*.

ADULT PROBATION COMMISSION, TEXAS	
Open Meetings	
Apr. 12	2023, 2172
Apr. 13	2023, 2090
AERONAUTICS COMMISSION, TEXAS	
Aviation Facilities Development and Financial Assistance Rules	
Adopted	2021
AGING, TEXAS DEPARTMENT ON	
Citizens Advisory Council on Aging	
Proposed	
policies and procedures	2368
Hearing Procedures	
Proposed	
appeal procedures for service providers and applicants	2367
Open Meeting	
Apr. 17	2090
AGRICULTURE, TEXAS DEPARTMENT OF	
Consumer Services Division	
Proposed	
Texas grain warehouse	2190
Marketing Division	
Adopted	
TAP promotional emblem	1881
Seed Certification Standards	
Proposed	
acreage inspection fees for certification	2045
additional requirements for the certification of certain crops	1857
field inspection chart	2044
forest reproductive material	1860
general requirements	1857
genetic seed chart	2047
laboratory analysis chart	2046
vegetatively propagated pasture grass and turf grass	1858
Open Meetings	
Apr. 6	1904
Apr. 14	2328
Apr. 19	1966
Apr. 26	1966
May 1	2172
May 4	2266
AIR CONTROL BOARD, TEXAS	
Motor Vehicles	
Adopted	2162
Toxic Materials	
Adopted	
lead from stationery sources	1560
alternate controls	1577
correction of error	1909
compliance and control plan requirements	1579
correction of error	1909
Nonregulatory Notices	
Applications for Construction	
Permits	1975, 2178, 2334
Consultant Contract Awards	
mechanics training program	1909
Consultant Proposal Request	
capabilities of epidemiological methods for use in research on the health effects of exposure to air contaminants	2400
Open Meetings	
Apr. 13	1966, 2090
May 1	2389
ALCOHOLIC BEVERAGE COMMISSION, TEXAS	
Open Meeting	
Apr. 23	2266
ALCOHOLISM, TEXAS COMMISSION ON	
DWI Education	
Adopted	
program standards and procedures	
DWI Education Program standards	2171
Nonregulatory Notices	
Consultant Proposal Request	
alcoholism services in counties with chronic high unemployment rates	1975
Meeting Notice	2179
Open Meeting	
May 5	2389
AMUSEMENT MACHINE COMMISSION, TEXAS	
Open Meeting	
Apr. 18	2172
ANGELINA AND NECHES RIVER AUTHORITY	
Open Meeting	
Apr. 4	1908, 1973
ANIMAL HEALTH COMMISSION, TEXAS	
Open Meeting	
May 4	2328

ANTIQUITIES COMMITTEE, TEXAS

Open Meeting
Apr 25 2266

ARCHER COUNTY APPRAISAL DISTRICT

Open Meeting
Apr. 11 1973

ARTS, TEXAS COMMISSION ON THE

Agency Procedures
Adopted 1887
Open Meetings
Apr. 10 1967, 2023
Apr. 11 1967
Apr. 17 2090
Apr. 18 2091

ATASCOSA COUNTY APPRAISAL DISTRICT

Open Meeting
Apr. 19 2099

ATTORNEY GENERAL, OFFICE OF THE

Open Records Decisions
ORD-409 (RQ-238) (concerning whether names of burglary victims are excepted from disclosure under the Open Records Act) 1840

Opinions
JM-140 (RQ-198) (concerning whether a state law enforcement officer injured while working as a private security guard is entitled to occupational disability benefits from the State of Texas) 2350
JM-141 (RQ-279) (concerning whether a county commissioner may be appointed to the Texas Sesquicentennial Commission) 2350
JM-142 (RQ-132) (concerning whether a water district may use excess bond monies levied for the interest and sinking fund for a water project not described in the bond issue) 2350
JM-143 (RQ-199) (concerning whether a community college may establish a cafeteria plan of employee benefits in accordance with the Internal Revenue Code, §125) 2350
JM-144 (RQ-247) (concerning whether a rule of the Texas Juvenile Probation Commission violates the Texas Constitution or statutes) 2350
JM-145 (RQ-253) (concerning acquisition of land for Gateway State Park) 2350
JM-146 (RQ-260) (concerning whether a person arrested prior to January 1, 1984, for driving while intoxicated may be granted a deferred judgment after January 1, 1984) 2350
Requests for Opinions
RQ-302 (concerning whether audit documents in the custody of a legislative audit committee are subject to disclosure under the Open Records Act) 2349
RQ-303 (concerning whether a district attorney is subject to the Open Records Act) 2349

RQ-304 (concerning the availability of death benefits to survivors of a reserve deputy sheriff) 2349
RQ-305 (concerning the venue of criminal proceedings in justice courts) 2349
RQ-306 (concerning whether a hospital district may acquire by lease or purchase real property outside its boundaries) 2349
RQ-307 (concerning whether a single individual may serve simultaneously as county court-at-law judge and trustee of an independent school district) 2349
RQ-308 (concerning whether a county may reimburse a commissioner for payment of a traffic fine made on behalf of a county employee) 2349
RQ-309 (concerning whether certain records relating to Agent Orange are available to the public under the Open Records Act) 2349
RQ-310 (concerning whether the Harris County Health Department may charge for certain services) 2349
RQ-311 (concerning whether a sheriff must accept a bail bond to obtain the release of a person held on a warrant issued in another county) 2349
RQ-312 (concerning whether information furnished to a state agency by a federal agency, and which is confidential under federal law, is available to the public under the Open Records Act) 2349
RQ-313 (concerning whether confidential information obtained pursuant to the Education Code, §11.87, is also confidential for purposes of the Tax Code, §5.10) 2349
RQ-314 (concerning whether a county may lease a building to a district appraisal office for a nominal consideration) 2349
RQ-315 (concerning the authority of the Texas Department of Community Affairs to administer the Housing Bond Allocation Procedure pursuant to the federal Tax Exempt Bond Limitation Act of 1984) 2349
RQ-316 (concerning whether a commissioners court may create a road district which has two or more noncontiguous segments) 2349
RQ-317 (concerning whether an auxiliary county court house is subject to city zoning ordinances) 2349
RQ-318 (concerning whether a retiree who resumes employment with the Texas Rehabilitation Commission may continue to draw retirement pay from the Teacher Retirement System of Texas) 2349
RQ-319 (concerning whether a county bail bond board may limit the number of bail bond licenses in that county) 2350
RQ-320 (concerning the authority of a joint city-county public health district to issue licenses, exact fees, and impose fines for noncompliance with its rules) 2350

RQ-321 (concerning whether information regarding injuries to residents of the Fort Worth State School is available to the public under the Open Records Act)	2350	BASTROP COUNTY APPRAISAL DISTRICT	
RQ-322 (concerning whether a state agency may suspend or terminate an employee who is arrested on felony charges)	2350	Open Meetings	
RQ-323 (concerning immunity granted to political subdivisions under the Free Enterprise and Antitrust Act of 1983)	2350	Apr. 13	2099
RQ-324 (concerning the authority of the Commission on Jail Standards over a county work release facility)	2350	Apr. 24	2273
Nonregulatory Notices		BELL COUNTY APPRAISAL DISTRICT	
Consultant Proposal Requests		Open Meeting	
assistance with highway construction contract bid-rigging litigation	2335	Apr. 18	2029
software for case management system	2335	BEXAR COUNTY APPRAISAL DISTRICT	
AUSTIN-TRAVIS COUNTY MENTAL HEALTH AND MENTAL RETARDATION CENTER		Open Meetings	
Open Meetings		Apr. 11-13	2029
Apr. 2	1973	Apr. 16	2177
Apr. 5	2029	Apr. 17	2029
Apr. 18	2274	Apr. 24	2029
Apr. 19	2274	Apr. 27	2029
AUTOMATED INFORMATION SYSTEMS		BEXAR-MEDINA-ATASCOSA COUNTIES WATER CONTROL AND IMPROVEMENT DISTRICT 1	
ADVISORY COUNCIL		Open Meetings	
Acquisition of Automated Information Systems		Apr. 2	1908
Emergency	2287	Apr. 16	2273
Open Meeting		BLANCO COUNTY CENTRAL APPRAISAL DISTRICT	
Apr. 13	1967	Open Meeting	
BANKING BOARD, STATE		Apr. 9	2099
Nonregulatory Notices		BLIND, STATE COMMISSION FOR THE	
Charter Applications	2101, 2276	Nonregulatory Notices	
Open Meetings		Consultant Proposal Requests	
Apr. 13	2266	preparation for Sunset Commission	
Apr. 25	2329	review	2276
BANKING DEPARTMENT OF TEXAS		Open Meeting	
Miscellaneous		Apr. 10 & 11	1967
Adopted		BLIND AND SEVERELY DISABLED PERSONS, TEXAS COMMITTEE ON THE PURCHASES OF PRODUCTS AND SERVICES OF	
real estate loans	2371	Open Meeting	
Prepaid Funeral Contracts		Apr. 26	2267
Adopted		BOSQUE COUNTY APPRAISAL BOARD	
applications for license	2235	Open Meeting	
regulation of licenses	2236	Apr. 19	2099
Nonregulatory Notices		BRAZOS RIVER AUTHORITY	
Applications to Acquire Control of State		Open Meetings	
Banks	1910, 1976, 2276, 2335	Apr. 16	2177, 2273
BAR OF TEXAS, STATE		Apr. 26	2398
Open Meetings		BRAZOS VALLEY DEVELOPMENT COUNCIL	
Apr. 19	2172	Open Meeting	
Apr. 26	2329	Apr. 12	2098
Apr. 27 & 28	2389	BRAZOS VALLEY MENTAL HEALTH AND MENTAL RETARDATION AUTHORITY	
BARBER EXAMINERS, STATE BOARD OF		Open Meeting	
Practice and Procedure		Apr. 19	2273
Proposed		BURNET COUNTY APPRAISAL DISTRICT	
examinations and licensing	2191	Open Meeting	
Open Meeting		Apr. 12	2099
May 8	2267	CANADIAN RIVER MUNICIPAL WATER AUTHORITY	
		Open Meeting	
		Apr. 11	1973

CANVASSERS, STATE BOARD OF
 Open Meeting
 Apr. 12 2024, 2173

CAPITAL AREA PLANNING COUNCIL
 Open Meeting
 Apr. 17 2100

CAPITAL AREA RURAL TRANSPORTATION SYSTEM
 Open Meeting
 Apr. 12 2099

CARSON COUNTY APPRAISAL DISTRICT
 Open Meeting
 Apr. 11 1973

CENTRAL COUNTIES CENTER FOR MENTAL HEALTH AND MENTAL RETARDATION SERVICES
 Open Meeting
 Apr. 17 2100

CENTRAL TEXAS COUNCIL OF GOVERNMENTS
 Open Meetings
 Apr. 25 2333
 Apr. 26 2333

CHEROKEE COUNTY APPRAISAL DISTRICT
 Open Meeting
 Apr. 19 2274

COASTAL AND MARINE COUNCIL, TEXAS
 Open Meeting
 Apr. 13 1967

COASTAL BEND COUNCIL OF GOVERNMENTS
 Open Meeting
 Apr. 27 2397

COLORADO RIVER MUNICIPAL WATER DISTRICT
 Open Meeting
 Apr. 24 2275, 2398

COMAL COUNTY APPRAISAL DISTRICT
 Open Meeting
 Apr. 26 2398

COMMUNITY AFFAIRS, TEXAS DEPARTMENT OF
 Texas Community Development Program
 Proposed
 allocation of program funds 2047
 Nonregulatory Notices
 Consultant Proposal Requests
 employment and training programs for Vietnam-era, disabled, and recently separated veterans 2400
 older worker demonstrations projects 1910
 workshops for TDCA Training and Employment Development Staff 1822
 extension of deadline 2101
 Wagner-Peyser funding allocation for employment service activities 2401
 Open Meeting
 Apr. 23 & 24 2173

COMPTROLLER OF PUBLIC ACCOUNTS
 Funds Management
 Adopted
 claims processing—purchase vouchers 2387
 Tax Administration
 Proposed
 Miscellaneous Tax Division—miscellaneous taxes based on gross receipts 2363
 Motor Vehicle Sales Tax
 Division—manufactured housing sales and use tax 2365
 Adopted
 Miscellaneous Tax Division—public utility gross receipts tax 2386
 Motor Vehicle Sales and Use Tax
 Division 2385
 Motor Vehicle Sales Tax
 Division—manufactured housing sales and use tax 2386
 Nonregulatory Notices
 Comptroller's Decisions
 11,454 (sales tax) 2179
 13,092 (sales tax) 1911
 13,926 (franchise tax) 1976
 14,034 (sales tax) 1911
 14,039 (sales tax) 1976

CONCHO VALLEY COUNCIL OF GOVERNMENTS
 Open Meeting
 Apr. 11 1973, 2099

CONSUMER CREDIT COMMISSIONER, OFFICE OF
 Nonregulatory Notices
 rate ceilings 1977, 2102, 2277, 2402

COORDINATING BOARD, TEXAS COLLEGE AND UNIVERSITY SYSTEM
 Nonregulatory Notices
 Open Meeting 1911
 Open Meetings
 Apr. 19 2091
 Apr. 26 2024
 Apr. 27 2024

COPANO BAY SOIL CONSERVATION DISTRICT
 Open Meeting
 Apr. 11 1973

CORRECTIONS, TEXAS DEPARTMENT OF
 Nonregulatory Notices
 Consultant Contract Awards
 evaluation and recommendation of management improvement (8 TexReg 4826) amendment of contract award 2402
 study of the management structure of the department (9 TexReg 521) amendment of contract award 2402
 Consultant Proposal Requests
 polygraph services 1977

COSMETOLOGY COMMISSION, TEXAS
 General Provisions
 Proposed 2290
 Open Meeting
 May 6 2389

COUNSELORS, TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL
 Open Meeting
 Apr. 14 2091

COURT REPORTERS CERTIFICATION BOARD
 Nonregulatory Notices
 Announcement of Meeting 1978

CREDIT UNION DEPARTMENT
 Chartering, Operations, Mergers, Liquidations
 Adopted
 audit and bond requirements 1886
 capital-deposit accounts 1887
 changes in corporate status 1887
 investments 1887
 loans 1887
 organizational procedure 1886
 powers of credit unions 1886
 reserves and dividends 1887

CRIMINAL JUSTICE POLICY COUNCIL
 Open Meetings
 Apr. 18 1967
 Apr. 27 1967

DALLAS AREA RAPID TRANSIT
 Open Meetings
 Mar. 30 1973
 Apr. 9 2099
 Apr. 16 2274
 Apr. 20 2333
 Apr. 26 2399

DALLAS COUNTY APPRAISAL DISTRICT
 Open Meetings
 Apr. 4 1908
 Apr. 27 2333

DAWSON COUNTY APPRAISAL DISTRICT
 Open Meetings
 Apr. 4 1908
 Apr. 25 2398

DEAF, TEXAS COMMISSION FOR THE
 General Rules of Practice and Procedure
 Adopted
 special services operations 1965
 Nonregulatory Notices
 Recommended Fees for Interpreting Services
 for the Deaf 1978
 Open Meeting
 Apr. 14 2024

DEAF, TEXAS SCHOOL FOR THE
 Open Meetings
 Apr. 6 1967
 Apr. 6 & 7 1967

DEEP EAST TEXAS COMMUNITY DEVELOPMENT PROGRAM
 Open Meeting
 Apr. 26 2274

DEEP EAST TEXAS COUNCIL OF GOVERNMENTS
 Open Meetings
 Apr. 16 2274
 Apr. 26 2333

DEEP EAST TEXAS COUNCIL OF GOVERNMENTS AREA AGENCY ON AGING
 Open Meeting
 Apr. 13 2099

DEEP EAST TEXAS REGIONAL MENTAL HEALTH AND MENTAL RETARDATION SERVICES
 Open Meeting
 Apr. 24 2274

DENTAL EXAMINERS, TEXAS STATE BOARD OF
 Conduct
 Proposed
 listings of auxiliary personnel 1932
 Withdrawn
 listings of auxiliary personnel 1944
 visiting clinicians—courses:
 seminars 1944
 Adopted
 definitions 1947
 suspended or revoked licenses 1946
 Extension of Duties of Auxiliary Personnel
 Adopted
 dental hygiene 1947
 Open Meeting
 Apr. 14 2024

DEPOSITORY BOARD, STATE
 Open Meeting
 May 1 2329

DEWITT COUNTY APPRAISAL DISTRICT
 Open Meeting
 Apr. 17 2273

DIETITIANS, TEXAS STATE BOARD OF EXAMINERS OF
 Dietitians
 Emergency
 licensure 2287
 Proposed
 licensure 2292
 Adopted
 licensure 2310

DISABILITIES, COUNCIL ON
 Open Meeting
 Apr. 18 2173

DISASTER EMERGENCY FUNDING BOARD
 Open Meeting
 Mar. 29 1904

EARLY CHILDHOOD INTERVENTION, INTERAGENCY COUNCIL ON
 Open Meetings
 Apr. 19 2173
 May 2 2390

EAST TEXAS COUNCIL OF GOVERNMENTS
 Open Meetings
 Mar. 30 1908
 Apr. 5 1973
 Apr. 26 2398

**EAST TEXAS MENTAL HEALTH AND MENTAL
RETARDATION REGIONAL CENTER**
 Open Meetings
 Apr. 19 2333
 Apr. 26 2398

EAST TEXAS STATE UNIVERSITY
 Open Meeting
 Apr. 25 2329

EASTLAND COUNTY APPRAISAL DISTRICT
 Open Meetings
 Apr. 18 2029
 Apr. 19 2274

**ECONOMIC DEVELOPMENT COMMISSION,
TEXAS**
 Industrial Projects
 Proposed 2009
 Withdrawn
 general rules and industrial revenue bond
 program 2016
 Adopted
 general rules and industrial revenue bond
 program 2017
 Open Meetings
 Apr. 26 2390

EDUCATION, SELECT COMMITTEE ON PUBLIC
 Open Meetings
 Apr. 11 2024
 Apr. 19 2267

EDUCATION AGENCY, TEXAS
 Instructional Resources
 Emergency
 State Textbook Program
 general content requirements and
 manufacturing standards 2351
 Proposed
 State Textbook Program
 general content requirements and
 manufacturing standards 2353
 Nonregulatory Notices
 Consultant Proposal Requests
 applications for vocational education pro-
 gram improvement projects (9 TexReg
 1715)
 correction of error 1978
 Open Meetings
 Apr. 13 2025, 2173
 Apr. 14 2025, 2173,
 2267
 Apr. 27 2267

EDUCATION SERVICE CENTER, REGION I
 Open Meeting
 Apr. 10 1973, 2099

EDUCATION SERVICE CENTER, REGION II
 Open Meeting
 Apr. 17 1973

EDUCATION SERVICE CENTER, REGION III
 Open Meeting
 Apr. 16 2100

EDUCATION SERVICE CENTER, REGION IV
 Open Meetings
 Apr. 10 1908
 Apr. 19 2100

EDUCATION SERVICE CENTER, REGION V
 Open Meeting
 Apr. 26 2274

EDUCATION SERVICE CENTER, REGION VI
 Open Meeting
 Apr. 26 2398

EDUCATION SERVICE CENTER, REGION VII
 Open Meeting
 Apr. 12 1908

EDUCATION SERVICE CENTER, REGION VIII
 Open Meetings
 Apr. 5 1973
 Apr. 10 2099
 Apr. 26 2333

EDUCATION SERVICE CENTER, REGION IX
 Open Meeting
 Apr. 12 1974

EDUCATION SERVICE CENTER, REGION X
 Open Meetings
 Apr. 11 2099
 Apr. 26 2398

EDUCATION SERVICE CENTER, REGION XI
 Open Meeting
 Apr. 11 1973

EDUCATION SERVICE CENTER, REGION XII
 Open Meeting
 Apr. 19 2177

EDUCATION SERVICE CENTER, REGION XV
 Open Meeting
 Apr. 17 2100

EDUCATION SERVICE CENTER, REGION XVI
 Open Meeting
 Apr. 10 1973

EDUCATION SERVICE CENTER, REGION XVII
 Open Meeting
 May 1 2177

EDUCATION SERVICE CENTER, REGION XX
 Open Meeting
 May 2 2398

ELLIS COUNTY TAX APPRAISAL DISTRICT
 Open Meeting
 Apr. 12 2099

EMPLOYEES RETIREMENT SYSTEM OF TEXAS
 Benefits
 Adopted 1894
 Social Security
 Adopted 1895
 Open Meeting
 Apr. 6 2091

EMPLOYMENT COMMISSION, TEXAS

Open Meetings
 Apr. 4 1904
 Apr. 10 1968
 Apr. 11 1968, 2091
 Apr. 17 2091
 Apr. 18 2174, 2329
 Apr. 24 2267
 May 1 2390
 May 2 2390

ENGINEERING EXTENSION SERVICE, TEXAS

Open Meeting
 Apr. 6 1968

ENGINEERS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL

Open Meeting
 Apr. 18 & 19 1905

ENTERPRISE ZONE BOARD

Open Meeting
 Apr. 6 1905

ERATH COUNTY, CENTRAL APPRAISAL DISTRICT OF

Open Meeting
 Apr. 11 1974

ETHICS COMMITTEE, HOUSE

Advisory Opinions
 68-2 (concerning whether a member may rent property to a private, charitable, nonprofit organization if one of the programs conducted is partially funded by the county juvenile probation department) 2336
 68-6 (concerning whether a house member may use House of Representatives' letter-head and related questions) 2337
 68-7 (concerning whether it is acceptable for a corporation in which a member of the legislature is a shareholder to request and obtain a permit from the Texas Department of Health to furnish a service to a municipal subdivision) 2337

FANNIN COUNTY SINGLE APPRAISAL DISTRICT

Open Meetings
 Apr. 3 1973
 Apr. 23 2274

FINANCE COMMISSION OF TEXAS

Open Meeting
 Apr. 18 2091

FIRE PROTECTION PERSONNEL STANDARDS AND EDUCATION, COMMISSION ON

Open Meetings
 Apr. 17 2091
 Apr. 18 2092

FISCAL POLICY, JOINT SELECT COMMITTEE ON

Open Meeting
 Apr. 12 2025

FISHER COUNTY APPRAISAL DISTRICT

Open Meetings
 Apr. 9 1973
 Apr. 10 1973
 Apr. 24 2273

GARZA COUNTY TAX APPRAISAL DISTRICT

Open Meetings
 Apr. 12 2029
 Apr. 23 2274

GENERAL LAND OFFICE

Legal Division
 Adopted
 oil and gas leases, mineral classified lands 2325
 Oil, Gas, and Mineral Lease Sales
 Emergency nomination 1930
 Proposed nomination 1933

GILLESPIE COUNTY APPRAISAL DISTRICT

Open Meeting
 May 3 2275

GOLDEN CRESCENT COUNCIL OF GOVERNMENTS

Open Meetings
 Mar. 28 1908
 Apr. 5 2029
 Apr. 25 2398

GOLDEN CRESCENT SERVICE DELIVERY AREA

Open Meeting
 Apr. 9 2029

GOVERNOR, OFFICE OF THE

Budget and Planning Division
 Adopted
 state and local review of federal and state assistance applications
 accommodation of review
 comments 2233
 introduction and general provisions of the Texas Review and Comment System 2197
 responsibilities of review
 participants 2225
 review procedures 2231
 transition schedule 2234
 state review of federal grant assistance applications 2196
 Criminal Justice Division
 Emergency
 criminal justice
 eligible applicants and general project requirements 2188
 funding for purchase, lease operation, and maintenance of vehicles 2189
 local project development and implementation 2188
 statewide project development and implementation 2188

Nonregulatory Notices

Appointments

Air Control Board, Texas 2346
 Automated Information Systems Advisory
 Council 1924
 Barber Examiners, State Board of 2345
 Brazos Santiago Pass, Bar, and
 Tributaries 2346
 Cosmetology Commission, Texas 1923
 Diabetes Council, Texas 1924
 Family Farm and Ranch Security Program
 Advisory Council 1923
 Galveston Bar and Houston Ship
 Channel 2346, 2347
 Good Neighbor Commission 1923
 Gulf States Marine Fisheries
 Commission 2347
 Health and Human Services Coordinating
 Council 1923
 Home Health Services Advisory
 Council 1924
 Interstate Oil Compact
 Commission 1924, 2345
 Judicial Court of Appeals, 13th 2346
 Judicial District Court, 112th 2345
 Lamar University 2345
 Land Surveying, Texas Board of 2347
 Long-Term Care for the Elderly, Coordinat-
 ing Council on 1923
 Midwestern State University 1924
 Ports of Galveston County 2346
 Rehabilitation Commission,
 Texas 1924, 2346
 Sabine Bar, Pass, and Tributaries 2347
 San Jacinto Historical Advisory
 Board 1923
 Sex Offender Treatment, Interagency
 Council on 2346
 Technical-Vocational Education in Texas,
 Advisory Council for 1924

Executive Order

MW-21 (establishing with Commissioner
 Jim Hightower the Texas Family Farm and
 Ranch Advisory Committee) 2348

Open Meetings

Apr. 5 1905
 Apr. 5 & 6 1905
 Apr. 6 1905
 Apr. 14 2092
 Apr. 23 2092
 Apr. 26 2092, 2267
 Apr. 27 2329
 Apr. 30 2329
 May 9 2390

GRAY COUNTY APPRAISAL DISTRICT

Open Meetings

Apr. 9 2099
 Apr. 12 2029

GRAYSON COUNTY APPRAISAL DISTRICT

Open Meeting

Apr. 18 2100

GREGG COUNTY APPRAISAL DISTRICT

Open Meetings

Apr. 10 1974
 Apr. 11 2100

GUADALUPE-BLANCO RIVER AUTHORITY

Open Meeting

Apr. 19 2177, 2274

**GULF BEND MENTAL HEALTH AND MENTAL
RETARDATION CENTER**

Open Meeting

May 3 2398

HANSFORD COUNTY APPRAISAL DISTRICT

Open Meetings

Apr. 5 2029
 Apr. 11 2099

HAYS COUNTY CENTRAL APPRAISAL DISTRICT

Open Meetings

Apr. 10 2099
 Apr. 26 2177

HEALTH, TEXAS DEPARTMENT OF

Chronic Diseases

Proposed

Kidney Health Care Program
 Benefits (9 TexReg 1622)
 correction of error 1978

Communicable Diseases

Adopted

Federal laws and regulations on communica-
 ble diseases 2323

Early Periodic Dental Screening Treatment

Proposed

rules on early periodic dental screening
 treatment 2293

Emergency Medical Care

Proposed

emergency medical services
 systems 2294

Long-Term Care

Adopted

procedures on long-term care
 facilities (9 TexReg 1472)
 correction of error 1978

Maternal and Child Health Services

Proposed

March of Dimes rules on health education
 grants 2293

Solid Waste Management

Adopted

classification of municipal solid waste
 sites 2239
 general information 2239
 hazardous waste management
 facility owners and operators 1953
 general 1948
 correction of error 2403
 generators 1951
 transporters 1953
 management of sludge and similar wastes
 forms and documents 2255
 generators 2248

grease trap waste, grit trap waste, sewage, and water supply treatment plant sludges 2253

land application for beneficial use . . . 2249

land disposal 2252

marketing and distribution of municipal wastewater treatment plant sludges 2252

processing of sludges and similar wastes 2253

transporters 2248

operational standards for solid waste land disposal sites

standards for protection of ground and surface waters 2240

operational standards for solid waste processing and experimental sites

general 2241

operational standards for type V and VI sites 2242

operational standards for solid waste processing, experimental, and land application sites

general 2247

operational standards for type VII sites 2247

permit procedures and design criteria 2239

Texas Board of Health

Proposed

petition for the adoption of a rule 2292

Water Hygiene

Adopted

bacteriological analysis of drinking water 2324

minimum acceptable operating practices for public drinking water systems 2325

public drinking water supply 2325

water works operation

monthly report 2324

Nonregulatory Notices

Licensing Actions for Radioactive Materials 1912, 2102, 2403

Public Hearings

revocation of solid waste disposal permit 1979

solid waste disposal sites . . . 1913, 2404, 2405

Rescindment of Cease and Desist Order 1913

Open Meetings

Apr. 13 2026

Apr. 14 2092

Apr. 15 2092

Apr. 19 2092

Apr. 30 2390

May 6 2390

May 7 2390

May 17 2093

HEALTH FACILITIES COMMISSION, TEXAS

Nonregulatory Notices

Applications Accepted for Amendment, Declaratory Ruling, and Notices of Intent 1913, 1979, 2103, 2179, 2277, 2336, 2405

Applications for Petition of Reissuance of Certificate of Need 1914, 2031

Show Cause Hearing 2180

Open Meetings

Apr. 5 1905, 1968

Apr. 12 1968, 2026

Apr. 19 2093, 2174

Apr. 26 2268, 2330

Apr. 27 2330

May 3 2391

HEART OF TEXAS COUNCIL OF GOVERNMENTS

Open Meeting

Apr. 26 2333

HEART OF TEXAS PRIVATE INDUSTRY COUNCIL

Open Meeting

Apr. 4 1908

HENDERSON COUNTY APPRAISAL DISTRICT

Open Meeting

Apr. 16 2099

HICKORY UNDERGROUND WATER CONSERVATION DISTRICT

Open Meeting

Apr. 19 2274

HIGH PLAINS UNDERGROUND WATER CONSERVATION DISTRICT 1

Open Meeting

Apr. 12 2030

HIGHWAYS AND PUBLIC TRANSPORTATION, STATE DEPARTMENT OF

Maintenance Division

Proposed

general 2014

oversize and/or overweight permits for certain oil well related vehicles 1942

Nonregulatory Notices

Consultant Proposal Requests

computer software design and programming 1914

driver attitudes on the National Maximum Speed Limit Law (8 TexReg 5049)

retraction of request 1915

Open Meeting

Apr. 11 & 12 2026

HISTORICAL COMMISSION, TEXAS

Administrative Department

Emergency

donations 2042

Field and Museum Services

Emergency

small history museum grants 2042

Open Meetings

Apr. 18 2174

Apr. 23 2268

May 3 2391

HOCKLEY COUNTY APPRAISAL DISTRICT
 Open Meeting
 Apr. 16 2100, 2274

HOOD COUNTY APPRAISAL DISTRICT
 Open Meeting
 Apr. 10 1974

HOUSING AGENCY, TEXAS
 Letter of Credit/Surety Bond Multifamily Housing Program
 Emergency 1926
 Proposed 1932
 Nonregulatory Notices
 Public Hearings
 approval of industrial development bonds for residential real property 1915

HOUSTON-GALVESTON AREA COUNCIL
 Open Meetings
 Apr. 3 1973
 Apr. 17 2177, 2274
 May 1 2398

HOUSTON SYSTEM, UNIVERSITY OF
 Open Meeting
 Apr. 9 1906, 2093

HUMAN RESOURCES, TEXAS DEPARTMENT OF
 Aid to Families with Dependent Children
 Proposed
 application 1875
 case maintenance 1876
 four months post-Medicaid coverage eligibility 1875
 income 1874
 relationship and domicile 2134
 resources 1872
 Adopted
 deprivation of parental support 2326
 employment initiative 2387
 Community Care for Aged and Disabled
 Proposed
 case management 2366
 minimum standards for supervised living 2367
 Adopted
 case management 2168
 contracting for CCAD services 2169
 definitions 2168
 eligibility 2168
 minimum standards 2169
 Food Stamps
 Adopted
 definition of income 2020
 fair hearings 2387
 non-PA eligibility 2019
 PA application 2020
 resources 2326
 verification 2020
 work registration requirement 2020
 Home Energy Assistance Program
 Proposed
 HEAP Cooling Program 2295

Intermediate Care Facility for Mentally Retarded
 Proposed
 active treatment services 2137
 additional conditions to be met 2142
 administrative management 2136
 administrative policies and procedures 2142
 administrative services 2160
 admission and release 2145
 admissions policies 2135
 definitions and general criteria 2135
 dental services 2150
 food and nutrition services 2138, 2151
 general criteria 2139
 health care services 2137
 housekeeping and maintenance services 2139
 medical services 2152
 nursing services 2152
 personnel policies 2136, 2146
 pharmacy services 2137, 2154
 physical and occupational therapy services 2155
 physical environment 2139
 professional and special programs and services 2149
 professional consultants 2136
 psychological services 2155
 records 2158
 recreation services 2156
 resident living 2146
 resident records 2138
 safety and sanitation 2159
 social services 2156
 speech pathology and audiology services 2157
 terms 2140
 training and habilitation services 2150
 transfer agreement 2138
 utilization review and reevaluation 2137

Intermediate Care Facility/Skilled Nursing Facility
 Adopted
 food and nutrition services 1899
 governing body and management 1898
 medical records 1902
 medical review and reevaluation 1903
 nursing services 1898
 pharmacy services 1899
 physical environment 1902
 physician services 1898
 recipient-patient activities 1902
 recipient-patient rights 1903
 rehabilitation services/goal-directed therapy 1901
 safety 1902
 services and supplies included in the vendor payment 1901
 social services 1900

Medicaid Eligibility
 Proposed
 resources for individuals related to the SSI Program 2295

vendor payments in Title XIX long-term care facilities 2012

Purchased Health Services

Adopted

 general administration 1965

Purchased Social Services

Proposed

 regional monitoring and management 2013

Nonregulatory Notices

Consultant Proposal Requests

 project to test provision of services to rural victims of family violence (9 TexReg 1645) extension of deadlines 2180

 services for the Protective Services for Children Program 2278

 testing of provision of services to violent family members (9 TexReg 1645) cancellation of proposal request 2180

Public Hearings

 child protective services 1980

Public Notice

 block grant funds 2181

Open Meetings

 May 1 & 2 2391

 May 4 2330

HUNT COUNTY TAX APPRAISAL DISTRICT

Open Meeting

 Apr. 12 2029

INDIGENT HEALTH CARE, TASK FORCE ON

Open Meetings

 Apr. 10 & 11 1969

 Apr. 27 2391

 May 2 2391

 May 3 2391

INSURANCE, STATE BOARD OF

Accident and Sickness Insurance

Adopted

 minimum standards and benefits and readability for accident and health insurance policies 2085

Fire Marshal's Office

Adopted

 fire protection sprinkler systems 2380

General Provisions

Proposed

 miscellaneous II 2080

Withdrawn

 2370

Adopted

 written examination for applicants for accident and health insurance agents license under the Insurance Code, Article 21.07-1, §16 2257

 written examination for applicants for license to write insurance upon any one life in excess of \$5,000 2256

Life, Health, and Accident Insurance

Adopted

 Standard Valuation Law 2084

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

Emergency

 exempt filings 2042

Adopted

 exempt filings 2021, 2087

Powers and Duties

Emergency

 examination and corporate custodian and tax 2352

Proposed

 examination and corporate custodian and tax 2059

 surplus lines insurance 2192

Withdrawn

 surplus lines insurance 2161

Adopted

 surplus lines insurance 2083

Rating and Policy Forms

Proposed

 application to inland marine insurance, rain insurance, or hail insurance on farm crops; definitions; rates and rating plans filed; policy form; checking offices 2074

 filing of rates and rating information 2063

 inland marine insurance, rain insurance, or hail insurance on farm crops 2076

 rate administration 2072

Nonregulatory Notices

 Company Licensing 2032

Open Meetings

 Apr. 3 1969

 Apr. 9 1969, 2093

 Apr. 10 1969

 Apr. 11 1969

 Apr. 13 2268

 Apr. 16 1969

 Apr. 17 2093

 Apr. 18 2093, 2174

 Apr. 19 2093, 2094

 Apr. 24 2268, 2392

 Apr. 25 2268, 2330

 Apr. 26 2269

 Apr. 27 2269

 Apr. 30 2269

 May 1 2392

 May 2 2392

 May 3 2392

 May 7 2393

 May 21 2393

JACK COUNTY APPRAISAL DISTRICT

Open Meeting

 Apr. 17 2273

JAIL STANDARDS, COMMISSION ON

Definitions

Adopted 2163

Existing Construction Rules

Adopted

 existing jail design, construction, and furnishing requirements 2165

existing lock-up design, construction, and furnishing requirements	2165	LAW EXAMINERS, BOARD OF Open Meeting Apr. 8 & 9	1906
existing low-risk design, construction, and furnishing requirements	2165	LEE COUNTY APPRAISAL DISTRICT Open Meeting Apr. 25	2333
New Construction Rules		LEGISLATIVE COUNCIL, TEXAS Open Meeting Apr. 19	2026
Adopted		LEON COUNTY CENTRAL APPRAISAL DISTRICT Open Meeting Apr. 30	2274
new jail design, construction, and furnishing requirements	2164	LIBRARY AND ARCHIVES COMMISSION, TEXAS STATE Nonregulatory Notices Consultant Contract Reports	2032
new lock-up design, construction, nishing requirements	2164	Open Meetings May 4	2269
new low-risk design, construction, and fur- nishing requirements	2164	May 8	2393
JOHNSON COUNTY CENTRAL APPRAISAL DISTRICT		LIMESTONE COUNTY CENTRAL APPRAISAL DISTRICT Open Meeting Apr. 18	2274
Open Meeting Apr. 25	2274	LONE STAR MUNICIPAL POWER AGENCY Open Meetings Apr. 9	1973
JONES COUNTY APPRAISAL DISTRICT		May 21	2399
Open Meeting Apr. 19	2100	LONG-TERM CARE COORDINATING COUNCIL FOR THE ELDERLY Open Meeting Apr. 17	2094
KENDALL COUNTY APPRAISAL DISTRICT		LOW-LEVEL RADIOACTIVE WASTE DISPOSAL AUTHORITY, TEXAS Nonregulatory Notices Consultant Proposal Requests low-level radioactive waste disposal facility (9 TexReg 1776) correction of error	1980
Open Meeting Apr. 12	2099	Open Meeting May 11	2393
LABOR AND STANDARDS, TEXAS DEPARTMENT OF Manufactured Housing Division		LOWER COLORADO RIVER AUTHORITY Open Meetings Apr. 11	2030
Adopted		Apr. 18	2273
interpretations of the Texas mobile home standards	2376	LOWER NECHES VALLEY AUTHORITY Open Meeting Apr. 17	2100
mobile home installation	2376	LOWER NECHES VALLEY AUTHORITY INDUSTRIAL DEVELOPMENT CORPORATION Open Meeting Apr. 17	2177
practice and procedure	2375	LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL Open Meetings Apr. 11	2100
standards and requirements	2375	Apr. 26	2398
statement of policy and interpretation	2375		
Open Meetings Apr. 11	2026		
Apr. 24	2174		
Apr. 25	2174		
LAMAR COUNTY APPRAISAL DISTRICT			
Open Meeting Apr. 9	1974		
LAMAR UNIVERSITY			
Open Meetings Apr. 16	2174		
Apr. 18	2269, 2330		
LAMB COUNTY APPRAISAL DISTRICT			
Open Meeting Apr. 19	2099		
LAMPASAS COUNTY APPRAISAL DISTRICT			
Open Meeting Apr. 13	2100		
LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION, TEXAS COMMISSION ON			
Administrative Division			
Adopted			
substantive rules	2085		
Open Meeting May 2	2393		

**LUBBOCK REGIONAL MENTAL HEALTH AND
MENTAL RETARDATION CENTER**
Open Meeting
Apr. 26 2333

MEDICAL EXAMINERS, TEXAS STATE BOARD OF
Open Meetings
Apr. 14 1969
Apr. 25 2330
Apr. 26 2027, 2094
Apr. 28 2027, 2330

**MENTAL HEALTH AND MENTAL RETARDATION,
TEXAS DEPARTMENT OF**
Client (Patient) Care
Proposed
restraint and seclusion 1862
restraint and seclusion in mental health fa-
cilities 1862
Adopted
client deaths 1892
Other Agencies and the Public
Proposed
administration of grants and contracts
funded by the Developmental Disabilities
Program 1861
client abuse and neglect in community
mental health and mental retardation
centers (9 TexReg 1688) 2033
correction of error 2033
Nonregulatory Notices
Consultant Contract Awards
sheltered workshops and work-oriented
projects 2279
Public Hearings
client abuse and neglect 2033
Open Meetings
Apr. 2 1969
Apr. 26 2269
Apr. 27 2270

MERIT SYSTEM COUNCIL, TEXAS
Open Meeting
Apr. 25 2270

MIDDLE RIO GRANDE DEVELOPMENT COUNCIL
Open Meetings
Apr. 13 2177
Apr. 17 2099
Apr. 24 2333
Apr. 26 2398

MILLS COUNTY APPRAISAL DISTRICT
Open Meeting
Apr. 26 2274

MOTOR VEHICLE COMMISSION, TEXAS
Open Meeting
Apr. 26 2331

MUNICIPAL POWER AGENCY, TEXAS
Open Meeting
Jan 12 2100

NOLAN COUNTY APPRAISAL DISTRICT
Open Meeting
Apr. 11 2099

NORTEX REGIONAL PLANNING COMMISSION
Open Meeting
Apr. 19 2100

**NORTH CENTRAL TEXAS COUNCIL OF
GOVERNMENTS**
Nonregulatory Notices
Consultant Proposal Requests
marketing plan for the Fort Worth Transpor-
tation Authority 1980
Open Meeting
Apr. 26 2398

NORTH PLAINS WATER DISTRICT
Open Meeting
Apr. 13 1973

NORTH TEXAS MUNICIPAL WATER DISTRICT
Open Meeting
Apr. 26 2274

**NORTHEAST TEXAS MUNICIPAL WATER
DISTRICT**
Open Meeting
Apr. 9 1974

NUECES RIVER AUTHORITY
Open Meeting
Apr. 5 & 6 1974

**NUECES RIVER INDUSTRIAL DEVELOPMENT
AUTHORITY**
Open Meeting
Apr. 5 & 6 1974

NURSE EXAMINERS, BOARD OF
Licensure and Practice
Adopted 2378
Nurse Education
Adopted 2376
Open Meeting
Apr. 10-12 1906, 1969

**NURSING HOME ADMINISTRATORS, TEXAS
BOARD OF LICENSURE FOR**
Administrative Authority
Adopted 2299
Applications
Adopted 2300
Complaint Procedures
Adopted 2302
Disciplinary
Adopted 2302
Disciplinary Action
Adopted 2303
Education
Adopted 2301
Examination
Adopted 2300
Hearing Procedures
Adopted 2303
Inactive Status
Adopted 2302
License Certificates
Adopted 2301
Reciprocity
Adopted 2303

OCCUPATIONAL THERAPY, TEXAS ADVISORY BOARD OF

Administrative Hearing Procedures

Emergency 1851

Proposed 1879

Application for License

Emergency 1845

Proposed 1877

Application of Rules

Emergency 1842

Proposed 1877

Complaints

Emergency 1851

Proposed 1879

Denial, Suspension, or Revocation of a License

Emergency 1849

Proposed 1879

Examinations

Emergency 1846

Proposed 1878

Fees

Emergency 1847

Proposed 1878

Functions and Organizations of the Board

Emergency 1843

Proposed 1877

General Rules

Withdrawn 1880

License Certificate

Emergency 1848

Proposed 1878

License Renewal

Emergency 1848

Proposed 1878

Petition for Adoption of Rules

Emergency 1855

Proposed 1879

Referral and Supervision

Emergency 1850

Proposed 1879

Requirements for Licensing

Emergency 1845

Proposed 1877

Statutory Authority and Definitions

Emergency 1842

Proposed 1877

Types of Licenses

Emergency 1844

Proposed 1877

Nonregulatory Notices

Examination Notice 2181

PALO PINTO APPRAISAL DISTRICT

Open Meetings

Apr. 11 2030

Apr. 25 2398

PAN AMERICAN UNIVERSITY

Open Meeting

Apr. 3 1906

PANHANDLE REGIONAL PLANNING COMMISSION

Open Meeting

Apr. 26 2333

PARDONS AND PAROLES, BOARD OF

Open Meetings

Apr. 11 2027

Apr. 16-20 1970

Apr. 18 2175

Apr. 23-27 2094

Apr. 24 2270

May 7-11 2393

PARKS AND WILDLIFE DEPARTMENT, TEXAS

Fisheries

Proposed

endangered species 1934

Withdrawn

potentially harmful fish or fish eggs importation 1944

Adopted

baits on saltwater trotlines 2258

Wildlife

Proposed

alligators 1935

Adopted

red drum commercial harvest quota . . 2263

statewide hunting and fishing 2258

Nonregulatory Notices

Consultant Contract Awards

long-range information systems plan . . 1981

Consultant Proposal Requests

reports to be presented to the Sunset Commission 2104

Open Meetings

Apr. 20 2094

May 9 2393

PARMER COUNTY TAX APPRAISAL DISTRICT

Open Meeting

May 7 2399

PECAN VALLEY MENTAL HEALTH AND MENTAL RETARDATION REGION

Open Meeting

Apr. 18 2273

PERMIAN BASIN REGIONAL PLANNING COMMISSION

Open Meeting

Apr. 11 1974

PHARMACY, TEXAS STATE BOARD OF

General Provisions

Adopted

practice and procedure 2017

Pharmacies

Emergency

clinic pharmacy (Class D) 2008

Proposed

clinic pharmacy (Class D) 2012

Adopted

community pharmacies (Class A) 2018

Regulations Governing the Destruction of Dangerous Drugs and Controlled Substances

Adopted 2018

**PHYSICAL FITNESS, GOVERNOR'S
COMMISSION ON**
Open Meeting
Apr. 9 1968

**PLUMBING EXAMINERS, TEXAS STATE
BOARD OF**
Open Meeting
Apr. 13 1970, 2175

**PRIVATE INVESTIGATORS AND PRIVATE
SECURITY AGENCIES, TEXAS BOARD OF**
Employee Records
Emergency 2189
Proposed 2191
Handgun; Security Officer Commission
Adopted 2237

PROPERTY TAX BOARD, STATE
Open Meetings
Apr. 10 1970
Apr. 10-12 2094
Apr. 11 2175
Apr. 16 & 17 2270

PROSECUTOR COUNCIL, THE
Nonregulatory Notices
Consultant Proposal Requests
professional development courses 2279
Open Meeting
May 10 2393

**PSYCHOLOGISTS, TEXAS STATE BOARD OF
EXAMINERS OF**
Applications
Adopted 2237
Rules of Practice
Adopted 2237

**PUBLIC ACCOUNTANCY, TEXAS STATE
BOARD OF**
Certification as CPA
Withdrawn
educational requirements 2161
Open Meetings
Apr. 17 2094
Apr. 19-21 2175
Apr. 24 2270
Apr. 25 2393

PUBLIC BUILDING AUTHORITY, TEXAS
Open Meeting
Apr. 17 2094

PUBLIC SAFETY, TEXAS DEPARTMENT OF
Controlled Substances Regulations
Proposed
action on application for registration
and revocation or suspension of
registration 2111
applications for registration or
reregistration 2111
certification as employees of licensed
peyote distributor 2113
distribution 2112
fees for registration or
reregistration 2111
general 2110

inspection of controlled premises and re-
quired records 2112
modification, transfer, and termination of
registration 2112
prescriptions and labeling
requirements 2112
purchase of peyote by members of the
Native American Church 2113
requirements for registration and
exemption 2111
requirements for registration as peyote
distributor 2113
security requirements 2112
triplicate prescription program 2113
Vehicle Inspection
Proposed
Parameter Vehicle Emissions Inspection and
Maintenance Program 1940

PUBLIC UTILITY COMMISSION OF TEXAS
Nonregulatory Notices
Consultant Contract Awards
evaluation of statewide residential energy
cost program 2033
training program on team leadership and ef-
fective oral presentations 2181
Consultant Proposal Requests
basic energy management workshops for
school personnel 2406
energy conservation services to state
agencies 2281
printed materials and workshops on energy
efficiency 2181
Open Meetings
Apr. 6 1907, 1970, 2095
Apr. 10 1907, 1970
Apr. 13 1970
Apr. 16 2027
Apr. 17 2095, 2270
Apr. 23 2175, 2271
Apr. 25 2331, 2394
Apr. 30 2175, 2394
May 1 2394
May 2 2394
May 3 2394
May 4 2394
May 7 2331
May 8 2331
May 11 1907
May 17 2176
May 21 2095
May 22 2176
June 4 1907
June 15 1970
June 18 1970, 2176,
2331
June 19 1970, 2331
June 20 2331, 2394
June 25 2394
July 9 2176, 2331
Sept. 10 2176
Sept. 24 2271

PURCHASING AND GENERAL SERVICES COMMISSION, STATE	
Building and Property Services Division	
Emergency	
state-owned property	1841
Proposed	
state-owned property	1856
Central Purchasing Division	
Adopted	
purchasing	2082
Open Meetings	
Apr. 5	2027
Apr. 16	2095, 2175
RAILROAD COMMISSION OF TEXAS	
Liquefied Petroleum Gas Division	
Adopted	
basic rules	1890
Oil and Gas Division	
Adopted	
conservation rules and regulations (9 Tex- Reg 1549)	
correction of error	2407
Transportation Division	
Withdrawn	
motor bus companies	2370
Adopted	
miscellaneous provisions	1889
operating certificates, permits, licenses	1888
special rules of practice and procedure in rail rate cases	2373
tariffs and schedules	2371
Open Meetings	
Apr. 2	1971
Apr. 9	1971, 2095
Apr. 16	2096, 2271
Apr. 23	2271
Apr. 30	2394
REAL ESTATE COMMISSION, TEXAS	
Open Meeting	
Apr. 30	2395
RED RIVER COMPACT COMMISSION	
Open Meeting	
Apr. 24 & 25	2096
REHABILITATION COMMISSION, TEXAS	
Open Meetings	
Apr. 26 & 28	2331
Apr. 27	2332
May 4	2395
ROCKWALL COUNTY, CENTRAL APPRAISAL DISTRICT OF	
Open Meeting	
Apr. 17	2275
RURAL MEDICAL EDUCATION BOARD, STATE	
Open Meeting	
Apr. 28 & 29	2272
RUSK COUNTY APPRAISAL DISTRICT	
Open Meeting	
Apr. 24	2177
SABINE VALLEY REGIONAL MENTAL HEALTH AND MENTAL RETARDATION CENTER	
Open Meeting	
May 3	2399
SAN ANTONIO RIVER AUTHORITY	
Open Meeting	
Apr. 18	2100
SAN ANTONIO RIVER INDUSTRIAL DEVELOPMENT AUTHORITY	
Open Meeting	
Apr. 18	2274
SAN JACINTO RIVER AUTHORITY	
Open Meeting	
Apr. 24	2333
SAN PATRICIO COUNTY APPRAISAL DISTRICT	
Open Meeting	
Apr. 12	1974
SAVINGS AND LOAN DEPARTMENT, TEXAS	
Fees and Charges	
Adopted	1881
Loans and Investments	
Adopted	1882
Reorganization, Merger, and Consolidation	
Adopted	1885
Savings and Deposit Accounts	
Adopted	1884
Subsidiary Corporations	
Adopted	1885
Nonregulatory Notices	
Applications for Change of Control	2182, 2337
Applications for Charters	2033
Applications to Establish Remote Service Units	2338
Open Meetings	
Apr. 18	2176
Apr. 26	2332
SCHOOL LAND BOARD	
Open Meetings	
Apr. 17	2096
May 1	2395
SCURRY COUNTY APPRAISAL DISTRICT	
Open Meeting	
Apr. 3	1908
SECRETARY OF STATE, OFFICE OF THE	
Elections	
Emergency	
campaign reporting and disclosure	1841
Texas Register	
Emergency	
filing of documents	1926
submission forms	1926
Adopted	
filing of documents	1945
submission forms	1946
Election Law Opinions	
JWF-31 (regarding the determination of a majority of the votes cast in an election)	1839

JWF-32 (regarding the authority of a county to charge political parties for certain electronic voting equipment and services provided) 2041

JWF-33 (regarding the reportability of contributions to help pay any legal fees incurred because of an election contest) 2041

JWF-34 (regarding the permissibility and reportability of an officeholder investment of contributions in a corporate stock venture under the Texas Election Code, Chapter 14) 2187

Nonregulatory Notices
Texas Register
publication schedule 2408

Open Meeting
Mar. 30 1972

SECURITIES BOARD, STATE
Open Meetings
Apr. 10 1907
Apr. 16 1907
Apr. 25 2097
May 4 2395
May 16 2332

SESQUICENTENNIAL COMMISSION, TEXAS
Open Meeting
May 2 2396

SOIL AND WATER CONSERVATION BOARD, TEXAS STATE
Open Meeting
Apr. 23 2272

SOUTH PLAINS ASSOCIATION OF GOVERNMENTS
Open Meetings
Apr. 10 2100
Apr. 27 2399

SOUTH TEXAS, UNIVERSITY SYSTEM OF
Open Meetings
Apr. 11 2028
Apr. 12 2028

SOUTH TEXAS DEVELOPMENT COUNCIL
Open Meeting
Apr. 26 2398

SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY, STATE COMMITTEE OF EXAMINERS FOR
Nonregulatory Notices
Public Hearings 2105

Open Meeting
Apr. 13 2027

STATE-OWNED LANDS, BOARDS FOR LEASE OF
Open Meetings
Apr. 11 1972
Apr. 13 2097
Apr. 19 2332

STEPHEN F. AUSTIN STATE UNIVERSITY
Open Meetings
Apr. 16 2028
Apr. 17 2028

STRUCTURAL PEST CONTROL BOARD
Additional Provisions
Adopted
change of address and transfers 2306
complaints 2307
contracts 2307
filing of instruments 2306
pesticide use records required to be kept 2307

Compliance and Enforcement
Adopted 2308

General Provisions
Adopted 2307

Grounds for Revocation
Adopted 2307

Introductory Provisions
Adopted
the board 2304
definition of terms 2304
licenses 2305
records 2304
rules 2304

Licenses
Adopted 2308

Procedure and Practice at Public Hearings
Adopted
appearance 2305
arguments and briefs 2306
evidence 2305
exhibits 2306
general rules 2305
hearings and meetings 2305
written protests 2305

Proceedings after Permit Application Hearings
Adopted
action after hearing 2306
appeal 2306

Treatment Standards
Adopted 2309

Unlawful Acts and Grounds for Revocation
Adopted 2309

SWISHER COUNTY APPRAISAL DISTRICT
Open Meetings
Apr. 12 2030, 2100
Apr. 19 2177
Apr. 26 2333

TARRANT COUNTY APPRAISAL DISTRICT
Open Meeting
May 9 2398

TAYLOR COUNTY CENTRAL APPRAISAL DISTRICT
Open Meeting
Apr. 11 2030

TEACHER RETIREMENT SYSTEM OF TEXAS
Open Meeting
Apr. 15 1907

TEACHERS' PROFESSIONAL PRACTICES COMMISSION
Open Meetings
Apr. 10 & 11 1972
Apr. 27 2396

TEACHING PROFESSION, STATE COMMISSION
ON STANDARDS FOR THE
Open Meeting
Apr. 15 & 16 1972

TECHNICAL-VOCATIONAL EDUCATION IN
TEXAS, ADVISORY COUNCIL FOR
Open Meeting
Apr. 23 2272

TEXAS SOUTHERN UNIVERSITY
Nonregulatory Notices
Consultant Proposal Requests
long-range systems development
plan 1916

TEXAS SYSTEM, UNIVERSITY OF
Open Meetings
Apr. 12 & 13 2097
Apr. 20 2272
Apr. 23 2396

TEXAS TECH UNIVERSITY
Open Meeting
Apr. 16 2097

TOURIST DEVELOPMENT AGENCY, TEXAS
Nonregulatory Notices
Consultant Contract Awards
economic impact of travel in Texas . . . 2182

TEXAS STATE TREASURY DEPARTMENT
Nonregulatory Notices
Consultant Proposal Requests
escheat audit program 2105
integrated cash management
system 2105

TRINITY RIVER AUTHORITY OF TEXAS
Open Meetings
Apr. 12 2099
Apr. 18 2177
Apr. 20 2275
Apr. 25 2398

TRINITY RIVER INDUSTRIAL DEVELOPMENT
AUTHORITY
Open Meeting
Apr. 17 2177

TYLER COUNTY TAX APPRAISAL DISTRICT
Open Meeting
Apr. 16 2030

UNIVERSITY INTERSCHOLASTIC LEAGUE
Open Meetings
Apr. 6 2097
Apr. 18 2272
May 11 2332

UPPER LEON RIVER MUNICIPAL WATER
DISTRICT
Open Meeting
Apr. 26 2275

UPSHUR COUNTY APPRAISAL DISTRICT
Open Meeting
Apr. 16 2100

VETERANS AFFAIRS COMMISSION
Open Meeting
May 4 1972

VETERANS LAND BOARD
Veterans Housing Assistance Program
Adopted 2263
Open Meeting
Apr. 12 2028, 2097

VETERINARY MEDICAL EXAMINERS, STATE
BOARD OF
Open Meeting
May 6-9 1907

VOCATIONAL NURSE EXAMINERS, BOARD OF
Education
Proposed
vocational nursing education
standards 2354
Adopted
operation of a vocational nursing
program 2380
Licensing
Adopted
application for licensure 2380

WATER COMMISSION, TEXAS
Nonregulatory Notices
Applications for Waste Disposal
Permits 1916, 2034,
2338, 2407

Open Meetings
Apr. 2 1907
Apr. 10 1972, 2029,
2098
Apr. 16 1907
Apr. 17 2098, 2176,
2332
Apr. 24 2273
Apr. 25 2029, 2176
Apr. 30 1907
May 1 2176, 2396
May 2 1907
May 4 2176
May 7 2396
May 7-11 2177
May 8 2396
May 9 2332, 2397
May 14 2177
May 16 1972
May 17 2029
May 18 2177
May 21 2397
May 22 2397
May 23 2098
May 25 2098, 2397
June 1 2397
June 4 2332
June 11 2177
June 13 & 14 2177

WATER DEVELOPMENT BOARD, TEXAS

- Edwards Aquifer
Proposed
Edwards Aquifer in Medina, Bexar, Comal,
Kinney, Uvalde, Hays Counties . . . 2354
- Withdrawn
Edwards Aquifer in Medina, Bexar, Comal,
Kinney, Uvalde, Hays Counties . . . 2370

WATER RESOURCES, TEXAS DEPARTMENT OF

- Open Meetings
- Apr. 19 2333
- Apr. 23 2098
- May 17 2098

WATER WELL DRILLERS BOARD, TEXAS

- Open Meetings
- May 1 2397

**WEST CENTRAL TEXAS COUNCIL OF
GOVERNMENTS**

- Open Meetings
- Apr. 12 1908
- Apr. 25 2275

WEST TEXAS COUNCIL OF GOVERNMENTS

- Open Meetings
- Apr. 25 2398
- Apr. 27 2399

WEST TEXAS MUNICIPAL POWER AGENCY

- Open Meeting
- May 17 2399

WEST TEXAS STATE UNIVERSITY

- Open Meeting
- Apr. 24 2273

WHEAT PRODUCERS BOARD, TEXAS

- Open Meeting
- May 1 & 2 2397

WISE COUNTY APPRAISAL DISTRICT

- Open Meetings
- Apr. 12 2100
- Apr. 25 2398

WOOD COUNTY APPRAISAL DISTRICT

- Open Meetings
- Apr. 6 1973
- Apr. 19 2274

YOUTH COMMISSION, TEXAS

- Volunteer Services
- Withdrawn
donations 2194
- Open Meeting
- Apr. 13 2273

TAC Titles Affected—April

The following is a list of the TAC titles affected by agency activity in April.

TITLE 1. ADMINISTRATION

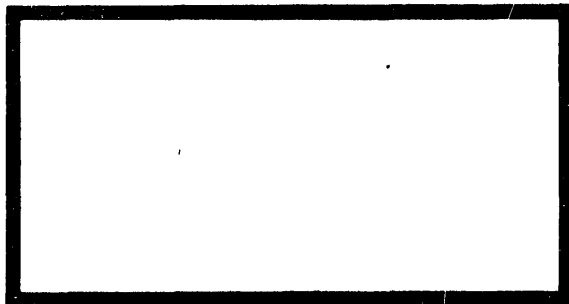
- Part I. Office of the Governor
- 1 TAC §§3.64, 3.69, 3.74 2188
- 1 TAC §§3.98, 3.103, 3.109 2188
- 1 TAC §3.139, §3.145 2188
- 1 TAC §3.201 2189
- 1 TAC §§5.11-5.14 2196
- 1 TAC §§5.191-5.196 2197
- 1 TAC §§5.211-5.217 2225
- 1 TAC §§5.231-5.236 2231
- 1 TAC §§5.251-5.253 2233
- 1 TAC §5.271 2234
- Part IV. Office of the Secretary of State
- 1 TAC §§1.165-81.168 1841
- 1 TAC §§91.21, 91.25-91.27, 91.29, 91.30,
91.36-91.39 1945
- 1 TAC §§91.21, 91.25-91.27,
91.36-91.39 1926
- 1 TAC §§91.91, 91.95-91.98 1946
- 1 TAC §§91.91, 91.96, 91.98 1926
- 1 TAC §113.2 2082
- 1 TAC §113.2, §113.10 2082
- Part V. State Purchasing and General
Services Commission
- 1 TAC §115.12 1841, 1856
- Part X. Automated Information Systems
Advisory Council
- 1 TAC §201.1 2287

TITLE 4. AGRICULTURE

- Part I. Texas Department of Agriculture
- 4 TAC §15.77 2190
- 4 TAC §§17.51-17.56 1881
- 4 TAC §21.4, §21.10 1857
- 4 TAC §21.21 2044
- 4 TAC §21.31 2045
- 4 TAC §21.41 2046
- 4 TAC §21.51 2047
- 4 TAC §21.66 1857
- 4 TAC §21.81, §21.85 1858
- 4 TAC §21.123 1860

TITLE 7. BANKING AND SECURITIES

- Part II. Banking Department of Texas
- 7 TAC §11.3 2371
- 7 TAC §25.2 2235
- 7 TAC §25.11, §25.12 2236
- Part IV. Texas Savings and Loan Department
- 7 TAC §63.9 1881
- 7 TAC §63.12 1882
- 7 TAC §65.1 1882
- 7 TAC §65.6 1883
- 7 TAC §65.12 1883
- 7 TAC §67.9 1884
- 7 TAC §67.10 1884
- 7 TAC §§69.1, 69.2, 69.5, 69.8 1885
- 7 TAC §§73.1-73.4 1885



Part VI. Credit Union Commission			Part XII Board of Vocational Nurse Examiners	
7 TAC §§91 11-91 18	1886		22 TAC §233.22	2380
7 TAC §§91 21-91 25	1886		22 TAC §233.68	2354
7 TAC §§91.31-91.34	1886		22 TAC §235.15	2380
7 TAC §§91.41-91.43	1887		Part XIII. Texas Board of Licensure for Nursing	
7 TAC §91 51, §91 52	1887		Home Administrators	
7 TAC §91.61, §91.62	1887		22 TAC §§241.1-241.3	2300
7 TAC §91 71	1887		22 TAC §§241.1-241.5	2299
7 TAC §§91.91, 91 92, 91.94-91 96	1887		22 TAC §§243 1-243.4	2300
TITLE 10. COMMUNITY DEVELOPMENT			22 TAC §§243.1-243.5	2300
Part I. Texas Department of Community Affairs			22 TAC §§245.1-245.3	2300
10 TAC §§9 1-9.5	2047		22 TAC §§247.1-247.4	2301
10 TAC §9 6	2057		22 TAC §§247.1-247.5	2301
Part II. Texas Economic Development Commission			22 TAC §§249.1-249.3	2301
10 TAC §107 1	2017		22 TAC §§249.1-249.4	2302
10 TAC §107.2	2009, 2016		22 TAC §251 1	2302
Part IV Texas Housing Agency			22 TAC §§251.1-251.5	2302
10 TAC §§139.1-139.13	1926, 1932		22 TAC §§253.1-253.4	2302
TITLE 13. CULTURAL RESOURCES			22 TAC §§255.1-255.5	2303
Part II Texas Historical Commission			22 TAC §§257.1-257.10	2303
13 TAC §§11 6-11 10	2042		22 TAC §259 1	2303
13 TAC §§19 1-19 10	2042		Part XV Texas State Board of Pharmacy	
13 TAC §31 2	1887		22 TAC §§281.24, 281.25, 281 28, 281.51, 281.60	2017
TITLE 16. ECONOMIC REGULATION			22 TAC §291 33	2018
Part I. Railroad Commission of Texas			22 TAC §291.95	2008, 2012
16 TAC §5 38	1888		Part XX Board of Private Investigators and Private Security Agencies	
16 TAC §§5 145-5 149	2371		22 TAC §433 4	2237
16 TAC §5 236	2370		22 TAC §445 2	2189, 2191
16 TAC §5 305	1889		Part XXI Texas State Board of Examiners of Psychologists	
16 TAC §5 567	2373		22 TAC §463 21	2237
16 TAC §9 40	1890		22 TAC §465.21	2237
16 TAC §9 41, §9 62	1892		Part XXII Texas State Board of Public Accountancy	
Part IV Texas Department of Labor and Standards			22 TAC §511 57	2161
16 TAC §§69 1-69 4	2375		Part XXV. Texas Structural Pest Control Board	
16 TAC §§69 11-69 15	2375		22 TAC §§591.1-591.5	2304
16 TAC §§69 21-69 37	2375		22 TAC §§591.1-591 9, 591.21	2307
16 TAC §§69 51-69 65	2376		22 TAC §§591.11-591 15	2304
16 TAC §69 104	2376		22 TAC §§591 21-591 23	2304
16 TAC §69 201, §69 206	2376		22 TAC §591 31	2304
TITLE 19 EDUCATION			22 TAC §§591 41-591 44	2305
Part II Texas Education Agency			22 TAC §§593 1-593 7	2305
19 TAC §81 71	2351, 2353		22 TAC §§593 1-593.9	2308
TITLE 22. EXAMINING BOARDS			22 TAC §§593 21-593 23	2305
Part II State Board of Barber Examiners			22 TAC §593 31, §593 32	2305
22 TAC §51 53	2191		22 TAC §§593 41-593.43	2305
Part IV Texas Cosmetology Commission			22 TAC §§593 51-593 56	2305
22 TAC §89 5	2290		22 TAC §§593 71-593 76	2306
22 TAC §89 14, §89 52	2290		22 TAC §593 91, §593 92	2306
22 TAC §89 21, §89.25	2291		22 TAC §595 1	2306
Part V State Board of Dental Examiners			22 TAC §§595 1-595.5, 595.21-595.23	2308
22 TAC §109.81	1932, 1944		22 TAC §595.11	2306
22 TAC §109.112	1946		22 TAC §597.1, §597.2	2306
22 TAC §109 161	1944		22 TAC §§597 1-597.3	2309
22 TAC §109 212	1947		22 TAC §597 11	2306
22 TAC §115 2	1947		22 TAC §597 21	2307
Part XI. Board of Nurse Examiners			22 TAC §597 31	2307
22 TAC §215 1	2376		22 TAC §597 41	2307
22 TAC §215.14	2377		22 TAC §§599 1-599.5	2307
22 TAC §217 2	2378		22 TAC §§599.1, §599.11	2309
22 TAC §217 5	2379			

Part XXXI. Texas State Board of Examiners of
Dieticians
22 TAC §§711.1-711.11, 711.13 2310
22 TAC §711.12 2287, 2292

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

25 TAC §1.81 2292
25 TAC §37.11 2293
25 TAC §§49.1-49.3 2293
25 TAC §97.21 2324
25 TAC §97.22 2324
25 TAC §157.43 2294
25 TAC §325.4, §325.5 2239
25 TAC §325.42 2239
25 TAC §§325.51, 325.52, 325.56 2239
25 TAC §325.74 2240
25 TAC §325.93 2240
25 TAC §325.124 2240
25 TAC §§325.133, 325.136, 325.137,
325.150 2240
25 TAC §325.173 2241
25 TAC §325.181 2242
25 TAC §§325.201-325.207 2247
25 TAC §§325.271-325.274 1948
25 TAC §§325.291, 325.292, 325.295,
325.298, 325.299 1951
25 TAC §325.300 1953
25 TAC §325.311 1953
25 TAC §§325.332, 325.335, 325.336,
325.338-325.350 1953
25 TAC §§325.411-325.415 2247
25 TAC §325.431, §325.432 2248
25 TAC §§325.441-325.447 2248
25 TAC §§325.461-325.465 2249
25 TAC §§325.481-325.484 2252
25 TAC §§325.501-325.504 2252
25 TAC §§325.511-325.514 2253
25 TAC §§325.531-325.534 2253
25 TAC §325.904 2255
25 TAC §§325.907-325.909 2256
25 TAC §§337.111-337.115 2324
25 TAC §337.131 2324
25 TAC §337.141 2325
25 TAC §§337.151-337.167 2325

**Part II. Texas Department of Mental Health and
Mental Retardation**

25 TAC §§403.501-403.519 1861
25 TAC §§405.121-405.130 1862
25 TAC §§405.121-405.133 1862
25 TAC §§405.261-405.267, 405.271,
405.272 1892
25 TAC §§405.268, 405.269 1893
25 TAC §§405.268, 405.273,
405.274 1894

TITLE 28. INSURANCE

Part I. State Board of Insurance

Noncodified (059.01.14.003, .007) 2083
Noncodified (059.01.14.006, .102, .014,
.018, .019, .021, .024-.026, .030-.032,
.034-.036) 2083
Noncodified (059.01.14.011,
015) 2161, 2192

Noncodified (059.01.15.226) 2059, 2352
Noncodified (059.01.15.251) 2060, 2352
Noncodified (059.01.15.261) 2061
Noncodified (059.03.28.021, .022) 2084
Noncodified (059.05.15.001) 2063
Noncodified (059.05.15.004) 2064
Noncodified (059.05.15.005) 2064
Noncodified (059.05.15.006) 2064
Noncodified (059.05.15.007) 2065
Noncodified (059.05.15.008) 2065
Noncodified (059.05.15.009) 2066
Noncodified (059.05.15.010) 2066
Noncodified (059.05.15.011) 2067
Noncodified (059.05.15.012) 2067
Noncodified (059.05.15.013) 2068
Noncodified (059.05.15.014) 2068
Noncodified (059.05.15.015) 2069
Noncodified (059.05.15.016) 2069
Noncodified (059.05.15.018) 2070
Noncodified (059.05.15.019) 2070
Noncodified (059.05.15.020) 2071
Noncodified (059.05.15.022) 2071
Noncodified (059.05.15.023) 2072
Noncodified (059.05.19.006) 2072
Noncodified (059.05.19.007) 2073
Noncodified (059.05.19.008) 2073
Noncodified (059.05.53.003) 2074
Noncodified (059.05.53.005) 2074
Noncodified (059.05.53.006) 2075
Noncodified (059.05.53.007) 2075
Noncodified (059.05.53.010) 2076
Noncodified (059.05.53.101-.103) 2076
Noncodified (059.21.01.041-.052) 2256
Noncodified (059.21.01.091-.101) 2257
Noncodified (059.21.20.001-.007) 2370
Noncodified (059.21.49.006) 2080
Noncodified (059.37.01.053) 2085
Noncodified (059.41.43.300-.310,
.312, .313, .315, .316, .318-.321,
.324-.326) 2380

**TITLE 31. NATURAL RESOURCES AND
CONSERVATION**

Part I. General Land Office

31 TAC §2.1 1930, 1933
31 TAC §11.12 2325

Part II. Texas Parks and Wildlife Department

31 TAC §57.114 1944
31 TAC §57.133 1934
31 TAC §§57.171-57.173 2258
31 TAC §§65.6, 65.71-65.74,
65.76-65.81, 65.91 2258
31 TAC §§65.6, 65.71,
65.76-65.81, 65.91 2258
31 TAC §65.281 2263
31 TAC §§65.351-65.356 1935
31 TAC §§65.351-65.362,
65.368, 65.369 1935

Part III. Texas Air Control Board

31 TAC §114.3 2162

Part X. Texas Water Development Board

31 TAC §§331.1-331.11 2354, 2370

TITLE 34. PUBLIC FINANCE		40 TAC §9 3404	2326
Part I. Comptroller of Public Accounts		40 TAC §9 4026, §9 4027	2020
34 TAC §3.57	2363	40 TAC §§9.6101-9 6103	2020
34 TAC §3.89	2385	40 TAC §§9 6101-9 6108,	
34 TAC §3.93	2385	9.6111-9.6121	2020
34 TAC §3 481	2386	40 TAC §9.7006	2387
34 TAC §3.482	2365	40 TAC §15 3206	2296
34 TAC §3.484	2364	40 TAC §§15 3206-15.3208	2296
34 TAC §3.511	2386	40 TAC §15 3218, §15.3225	2297
34 TAC §5.54	2387	40 TAC §15 5417	2012
Part IV. Employees Retirement System of Texas		40 TAC §§16 1903, 16.1905,	
34 TAC §73.21	1894	16 1907, 16 1909, 16 1910,	
34 TAC §79.13	1895	16.1912, 16 1914	1898
		40 TAC §16 1913	1898
TITLE 37. PUBLIC SAFETY AND CORRECTIONS		40 TAC §§16 2904, 16 2906,	
Part I Texas Department of Public Safety		16 2908	1898
37 TAC §13 1	2110	40 TAC §§16 3010, 16 3013,	
37 TAC §§13 1-13.54	2113	16 3016	1898
37 TAC §§13 11-13 15	2111	40 TAC §§16 3102-16 3104,	
37 TAC §§13 21-13.25	2111	16.3106	1899
37 TAC §13 31, §13.32	2111	40 TAC §§16.3204, 16 3205,	
37 TAC §13 41, §13.42	2111	16.3209, 16 3211	1899
37 TAC §§13 51-13.53	2112	40 TAC §§16.3401, 16 3403,	
37 TAC §13 61, §13 62	2112	16 3404	1900
37 TAC §§13 71-13.73	2112	40 TAC §16 3506	1901
37 TAC §13 81	2112	40 TAC §§16 3801, 16 3803,	
37 TAC §13 91, §13.92	2112	16.3805	1901
37 TAC §§13.101-13.104	2113	40 TAC §16 3902, §16 3903	1902
37 TAC §13 111	2113	40 TAC §16 4902, §16 4906	1902
37 TAC §13 121, §13.122	2113	40 TAC §16 5102	1902
37 TAC §§13 132-13 141	2113	40 TAC §§16 5901-16 5903	1902
37 TAC §23 91	1940	40 TAC §§16 6102, 16 6111,	
Part III Texas Youth Commission		16 6112	1903
37 TAC §93 95	2194	40 TAC §16 7103, §16 7104	1903
Part VII. Commission on Law Enforcement		40 TAC §§27 1003-27 1011	2135
Officer Standards and Education		40 TAC §§27 1207-27 1212	2135
37 TAC §211 74	2085	40 TAC §§27 1303, 27 1305-	
37 TAC §§211 75, 211.76,		27.1315	2136
211.78, 211 79	2086		
Part IX. Commission on Jail Standards		40 TAC §27 1407	2136
37 TAC §253 1	2163	40 TAC §27 1501-27 1508	2136
37 TAC §259.60	2164	40 TAC §27 1601-27 1610	2137
37 TAC §259 156	2164	40 TAC §27 1701-27 1710	2137
37 TAC §259 243	2164	40 TAC §27 1808-27 1811	2137
37 TAC §261 49	2165	40 TAC §27 1901-27 1904	2137
37 TAC §261 145	2165	40 TAC §27 2010-27 2020	2138
37 TAC §261 232	2165	40 TAC §27 2101	2138
		40 TAC §§27 2201-27 2208	2138
TITLE 40. SOCIAL SERVICES AND ASSISTANCE		40 TAC §§27 2304, 27 2305	2139
Part I. Texas Department of Human Resources		40 TAC §27 2410-27 2426	2139
40 TAC §3 2101	2134	40 TAC §27 2701-27 2704	2139
40 TAC §3.2714	2326	40 TAC §27 2801	2140
40 TAC §§3.3101, 3 3102, 3.3105-3.3109,		40 TAC §27 2901-27 2914	2142
3.3117	1872	40 TAC §27 2901-27 2916	2142
40 TAC §3.3118	1873	40 TAC §27 3001-27 3009	2145
40 TAC §3.3220	1874	40 TAC §27 3101-27 3106	2146
40 TAC §3.4301	1875	40 TAC §27 3201-27 3221	2146
40 TAC §3 5101	2387	40 TAC §27 3301-27 3303	2149
40 TAC §3 7001	1875	40 TAC §27 3401 27 3406	2150
40 TAC §§3.7001-3 7007	1875	40 TAC §27 3501, §27 3502	2150
40 TAC §3.7305	1876	40 TAC §27 3601-27 3609	2151
40 TAC §8 3502	2295	40 TAC §27 3701-27 3704	2152
40 TAC §9.2320	2019	40 TAC §27 3801-27 3804	2152
40 TAC §9.2616	2020	40 TAC §27 3901-27 3904	2154
40 TAC §9 3302	2020		

40 TAC §§27 4001-27 4003	. 2155
40 TAC §27 4101, §27.4102	. 2155
40 TAC §§27.4201-27 4203	. 2156
40 TAC §27.4301, §27 4302	. 2156
40 TAC §§27 4401-27.4403	. 2157
40 TAC §§27.4501-27.4506	. 2158
40 TAC §§27.4601-27.4608	. 2159
40 TAC §§27 4701-27.4704	. 2160
40 TAC §29 1116	. 1965
40 TAC §48 1201	. 2168
40 TAC §48 2928	. 2168
40 TAC §48 3903	. 2168, 2366
40 TAC §48 5903	. 2169
40 TAC §48 5907	. 2169
40 TAC §48.8902	. 2169
40 TAC §§48 9102, 48.9105, 48 9106	. 2367
40 TAC §69 94	. 2013
Part III Texas Commission on Alcoholism	
40 TAC §153 41	. 2171
Part V Veterans Land Board	
40 TAC §§177 1-177 13	. 2263
Part VI Texas Commission for the Deaf	
40 TAC §181.41	. 1965
Part IX Texas Department on Aging	
40 TAC §257 75	. 2367
40 TAC §261.2	. 2368

Part XII. Texas Advisory Board of Occupational Therapy	
40 TAC §361.1, §361.2	. 1842, 1877
40 TAC §§361.1-361.17	. 1880
40 TAC §363.1	. 1842, 1877
40 TAC §§365.1-365.4	. 1843, 1877
40 TAC §367.1	. 1844, 1877
40 TAC §369.1	. 1845, 1877
40 TAC §371.1, §371.2	. 1845, 1877
40 TAC §373.1	. 1846, 1878
40 TAC §375.1, §375.2	. 1847, 1878
40 TAC §§377.1-377.4	. 1848, 1878
40 TAC §379 1	. 1848, 1878
40 TAC §381.1	. 1849, 1879
40 TAC §383.1	. 1850, 1879
40 TAC §385.1	. 1851, 1879
40 TAC §387.1	. 1851, 1879
40 TAC §389.1	. 1855, 1879

TITLE 43. TRANSPORTATION

Part I. State Department of Highways and Public Transportation	
43 TAC §25.7	. 2014
43 TAC §25.95	. 1942
Part III. Texas Aeronautics Commission	
43 TAC §65.15	. 2021

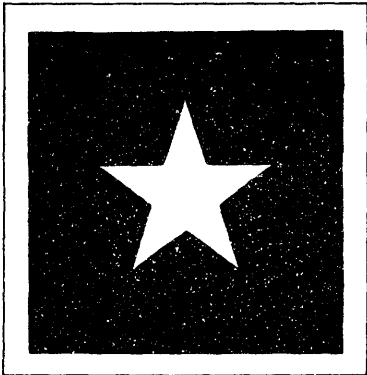
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