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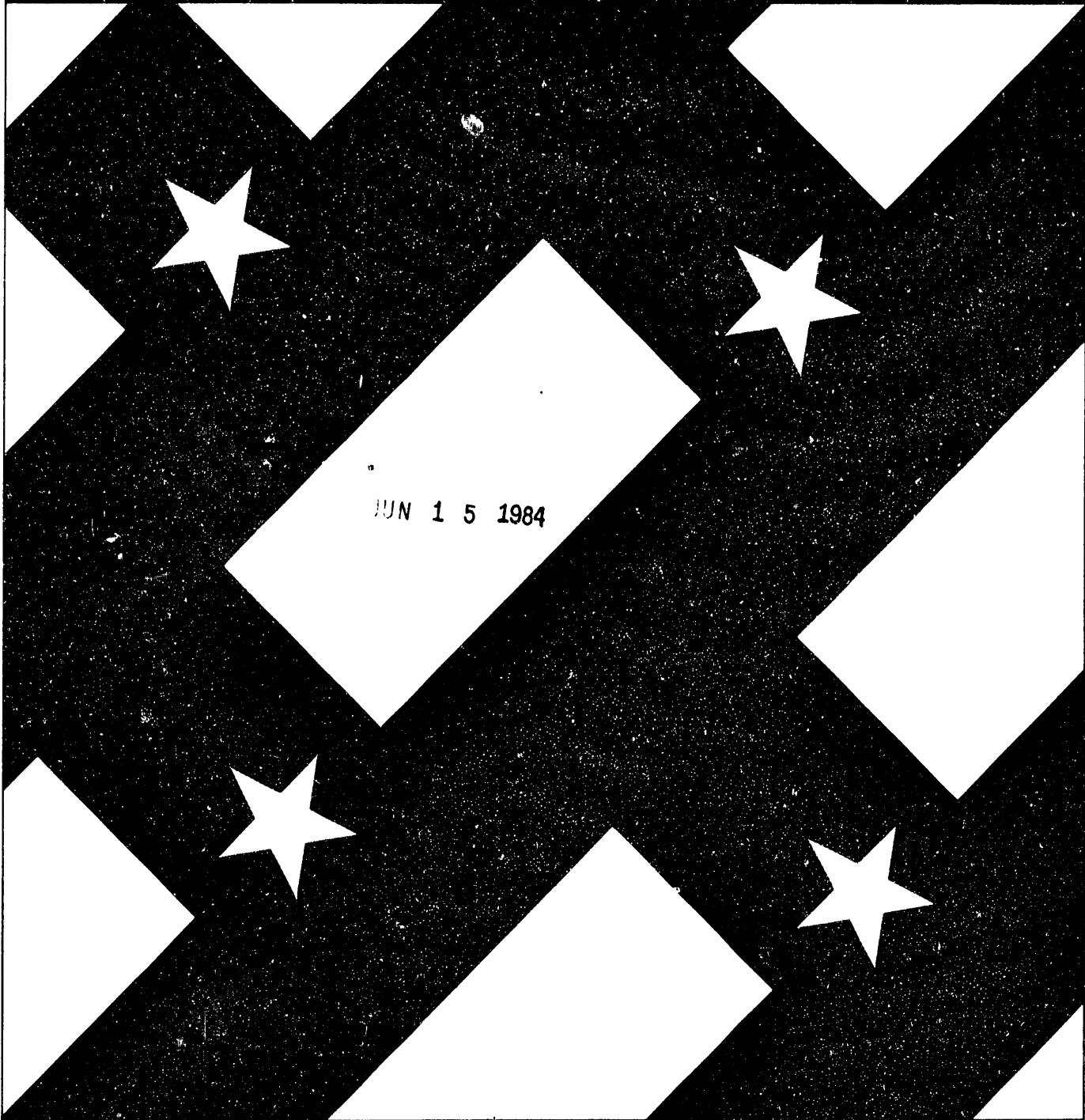
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Texas Register

Volume 9, Number 43, June 8, 1984

Pages 3041 - 3142



Highlights

The Texas Historical Commission adopts on an emergency basis a repeal and new sections in a chapter concerning state architectural programs. Effective date - May 31 pages 3050, 3056

The Office of the Governor proposes repeals and new sections in a chapter concerning the

Criminal Justice Division Earliest possible date of adoption - July 9 page 3070

The Coordinating Board, Texas College and University System proposes amendments concerning private degree granting institutions operating in Texas Proposed date of adoption - July 20 page 3089

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

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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

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

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

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

Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*,

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



Texas Register Publications

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PUBLISHED ON**

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OF OPEN MEETINGS BY 10 A.M.**

**ALL NOTICES OF OPEN
MEETINGS BY 10 A.M.**

★ Friday, June 1
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 Friday, June 8
 Tuesday, June 12
 Friday, June 15
 Tuesday, June 19
 ★ Friday, June 22
 Tuesday, June 26
 Friday, June 29

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 Wednesday, May 30
 Monday, June 4
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The Governor

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.

Appointment Made May 30 State Commission on Judicial Conduct

For a term to expire November 19, 1989:

Max Emmert III
46 Sunnygrove
Odessa, Texas 79762

Mr. Emmert is replacing Mike Maros of Fabens, whose term expired.

Issued in Austin, Texas, on May 30, 1984

TRD-845980 Mark White
Governor of Texas

Appointments Made May 31

Guadalupe-Blanco River Authority

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

Emmett T. Summers, Jr.
606 North Terrell
Cureo, Texas 77954

Mr. Summers is being reappointed.

Harry E. Gumbert, Jr.
306 Summit Drive
Wimberley, Texas 78676

Mr. Gumbert is being reappointed.

Kathryn Chenault
Route 1, Box 144
Gonzales, Texas 78629

Ms. Chenault is replacing Edward S. Reese of Gonzales, whose term has expired.

Issued in Austin, Texas, on May 31, 1984.

TRD-845982- Mark White
845984 Governor of Texas

Ark-Tex Council of Governments

To the Community Development Block Grant Review Committee for a term to continue at the pleasure of this governor:

Billy Eubanks
110 South East Front Street
DeKalb, Texas 75559

Mayor Eubank is replacing Clyde Aldridge of Hooks, who no longer qualifies.

Issued in Austin, Texas, on May 31, 1984.

TRD-845985 Mark White
Governor of Texas

25th Judicial District

To be district attorney of the 25th Judicial District, Colorado, Gonzales, Guadalupe, and Lavaca Counties, until the next general election and until his successor shall be duly elected and qualified:

William Charles Kirkendall
205 Oldtowne
Seguin, Texas 78155

Mr. Kirkendall is replacing Houston Munson of Gonzales, who resigned.

Issued in Austin, Texas, on May 31, 1984

TRD-845981 Mark White
Governor of Texas

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

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

Questions on particular submissions, or requests for copies of opinion requests should be addressed to 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.

The Attorney General

Requests for Opinions

RQ-345. Request from Dorman H. Winfrey, director and librarian, Texas State Library and Archives Commission, Austin, concerning whether medical records of Texas National Guard personnel for 1903-1913 are available to the public under the Open Records Act.

TRD-845856

RQ-346. Request from John S. Cargile, chairman, Texas State University System, Austin, concerning whether a university may withhold the salary of an employee who fails to pay fees assessed against the employee by the university and related questions.

TRD-845853

RQ-347. Request from George W. McNeil, state auditor, Austin, concerning whether the tuition charges listed in the Education Code, §54 051(k), apply to vocational/technical courses taken on the basis of contract hours.

TRD-845852

RQ-348. Request from Rita Horwitz, executive director, State Pension Review Board, Austin, concerning whether a member of the board of trustees of a local pension plan violates Texas Civil Statutes, Article 988b, in certain circumstances.

TRD-845851

RQ-349. Request from George J. Filley III, criminal district attorney, Victoria, concerning whether certain payments to a dis-

trict attorney for work rendered in his private capacity are proper.

TRD-845855

RQ-350. Request from the Texas Commission on Jail Standards, Austin, concerning the circumstances under which a person suspected of mental illness may be held in a county jail.

TRD-845854

RQ-351. Request from Candy Moore, executive officer, Polygraph Examiners Board, Austin, concerning when an applicant for licensing as a polygraph examiner may be licensed as an intern trainee.

TRD-845865

Emergency Rules

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

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

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

TITLE 13. CULTURAL RESOURCES Part II. Texas Historical Commission

(Editor's note: The text of the following rules repealed on an emergency basis will not be published. The rules may be examined in the offices of the Texas Historical Commission, 1511 Colorado Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Historical Commission (THC) adopts on an emergency basis the repeal of §§11.1-11.5, 13.1-13.26, 15.1, 15.11-15.13, 15.21-15.27, 15.41-15.55, and 17.1-17.3. All sections of the commission are being repealed simultaneously so new sections can be adopted. Many of the agency's sections are outdated, redundant, and no longer effective in the areas of practice and procedures. Some sections within chapters are arranged out of order, causing the reader inconvenience in trying to comprehend the overall functions of the agency. The agency sections on the whole have been revised 75%-90%. Many additions have been made, much outdated material has been removed, and most of the information has been rearranged to read in an orderly manner. These sections will be printed in pamphlet format and will provide much needed guidance to the public concerning the functions of the THC and the responsibilities of the state historic preservation officer. The sections will be used uniformly in dealing with the public on matters relating to historic preservation.

Chapter 11. Administrative Department

Rules Governing Use of Gethsemane Church, Carrington-Covert House, and Grounds

13 TAC §§11.1-11.5

The repeal is adopted on an emergency basis pursuant to the Administrative Procedure and Texas Register Act, Article 6252-13(a), §5(d), which provides for emergency enactment of rules, and pursuant to Texas Civil Statutes, Article 6145, which empower the THC to promulgate rules. The commission finds that failure to repeal these sections would pose an imminent peril to the public welfare.

- §11.1 Requests
- §11.2 Prohibiting Use
- §11.3 Interference Prohibited.
- §11.4 Reimbursement for Expenses
- §11.5 Liability

Issued in Austin, Texas, on May 31, 1984

TRD-845904 Curtis Tunnell
Executive Director
Texas Historical Commission

Effective date: May 31, 1984
Expiration date: September 28, 1984
For further information, please call (512) 475-3092.

Chapter 13. Historical Marker Policies

13 TAC §§13.1-13.26

The repeal is adopted on an emergency basis pursuant to the Administrative Procedure and Texas Register Act, Article 6252 13(a), §5(d), which provides for emergency enactment of rules, and pursuant to Texas Civil Statutes, Article 6145, which empower the THC to promulgate rules. The commission finds that failure to repeal these sections would pose an imminent peril to the public welfare.

- §13.1. *Basic Premises for Official Texas Historical Markers.*
- §13.2. *Basic Document.*
- §13.3. *Preliminary Approval at County Level.*
- §13.4. *Use of Emblems or Logos*
- §13.5. *Responsive Procedures Required of Applicants.*
- §13.6. *Burden of Historic Proof.*
- §13.7. *Relative Weight of Data.*
- §13.8. *Marking Institutions.*
- §13.9. *Marking Persons*
- §13.10. *Marking Events*
- §13.11. *Marking Structures.*
- §13.12. *Inviolability of the Building Medallion.*
- §13.13. *Relocation of Recorded Texas Historic Landmarks.*
- §13.14. *Restraints to Changes to Recorded Texas Historic Landmarks.*
- §13.15. *Disposition of an Historical Building Medallion.*
- §13.16. *Grave Markers for Veterans of the Texas War for Independence*
- §13.17. *Placement of Historical Markers*
- §13.18. *Relocation of Historical Markers.*
- §13.19. *Recognition of Privately Installed Historical Markers*
- §13.20. *Prohibiting Use*
- §13.21. *Ownership of Logo*
- §13.22. *Approval of Private Markers*
- §13.23. *Marking Topics of Amusement Value.*
- §13.24. *Limitations on Text of a Marker.*
- §13.25. *Notification of Owner of Historical Marker Sites.*
- §13.26. *Consent of Owner of Historical Marker Sites.*

Issued in Austin, Texas, on May 31, 1984

TRD-845906 Curtis Tunnell
Executive Director
Texas Historical Commission

Effective date May 31, 1984
Expiration date September 28, 1984
For further information, please call (512) 475-3092.

Chapter 15. National Register Procedures Federal Guidelines

13 TAC §15.1

The repeal is adopted on an emergency basis pursuant to the Administrative Procedure and Texas Register Act, Article 6252-13(a), §5(d), which provides for

emergency enactment of rules, and pursuant to Texas Civil Statutes, Article 6145, which empower the THC to promulgate rules. The commission finds that failure to repeal these sections would pose an imminent peril to the public welfare

§15.1. *Adoption of Federal Guidelines for the National Register.*

Issued in Austin, Texas, on May 31, 1984

TRD-845907 Curtis Tunnell
Executive Director
Texas Historical Commission

Effective date May 31, 1984
Expiration date September 28, 1984
For further information, please call (512) 475-3092.

Appointments and Grant Periods

13 TAC §§15.11-15.13

The repeal is adopted on an emergency basis pursuant to the Administrative Procedure and Texas Register Act, Article 6252-13(a), §5(d), which provides for emergency enactment of rules, and pursuant to Texas Civil Statutes, Article 6145, which empower the THC to promulgate rules. The commission finds that failure to repeal these sections would pose an imminent peril to the public welfare.

- §15.11. *Term of Appointment.*
- §15.12. *Project Initiation Time Limit.*
- §15.13. *Work Commencement Time Limit.*

Issued in Austin, Texas, on May 31, 1984

TRD-845908 Curtis Tunnell
Executive Director
Texas Historical Commission

Effective date May 31, 1984
Expiration date September 28, 1984
For further information, please call (512) 475-3092.

State Board of Review—Membership and Rules

13 TAC §§15.21-15.27

The repeal is adopted on an emergency basis pursuant to the Administrative Procedure and Texas Register Act, Article 6252-13(a), §5(d), which provides for emergency enactment of rules, and pursuant to Texas Civil Statutes, Article 6145, which empower the THC to promulgate rules. The commission finds that failure to repeal these sections would pose an imminent peril to the public welfare.

- §15.21. *Name.*
- §15.22. *Purpose.*
- §15.23. *Voting Membership.*
- §15.24. *Appointments.*
- §15.25. *Meetings.*

§15.26. *Bylaws.*

§15.27. *Code of Conduct.*

Issued in Austin, Texas, on May 31, 1984.

TRD-845909 Curtis Tunnell
Executive Director
Texas Historical Commission

Effective date: May 31, 1984

Expiration date: September 28, 1984

For further information, please call (512) 475-3092.

State Historic Preservation Grants Program

13 TAC §§15.41-15.55

The repeal is adopted on an emergency basis pursuant to the Administrative Procedure and Texas Register Act, Article 6252-13(a), §5(d), which provides for emergency enactment of rules, and pursuant to Texas Civil Statutes, Article 6145, which empower the THC to promulgate rules. The commission finds that failure to repeal these sections would pose an imminent peril to the public welfare.

§15.41. *Property Eligible for Grant Assistance.*

§15.42. *Applicants Eligible to Receive Grant Assistance.*

§15.43. *Types of Preservation Grants.*

§15.44. *Eligible Match for Grant Assistance.*

§15.45. *Grant Application Deadline.*

§15.46. *Grant Allocations*

§15.47. *Project Approval.*

§15.48. *Award of Contracts.*

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§15.51. *Repayment Penalty for Resale of Property Within One Year of Acquisition.*

§15.52. *Acquisition and Development Project Completion Reports.*

§15.53. *Professional Standards.*

§15.54. *Performance Standards.*

§15.55. *Compliance with Requirements for Handicapped Access.*

Issued in Austin, Texas, on May 31, 1984

TRD-845910 Curtis Tunnell
Executive Director
Texas Historical Commission

Effective date: May 31, 1984

Expiration date: September 28, 1984

For further information, please call (512) 475-3092.

Chapter 17. Texas Main Street Project

13 TAC §§17.1-17.3

The repeal is adopted on an emergency basis pursuant to the Administrative Procedure and Texas Register Act, Article 6252-13(a), §5(d), which provides for emergency enactment of rules, and pursuant to Texas Civil Statutes, Article 6145, which empower the THC to promulgate rules. The commission finds that failure

to repeal these sections would pose an imminent peril to the public welfare.

§17.1. *Procedure for Administration.*

§17.2. *Application for Selection as a Main Street City.*

§17.3. *Selection Procedure.*

Issued in Austin, Texas, on May 31, 1984.

TRD-845911 Curtis Tunnell
Executive Director
Texas Historical Commission

Effective date: May 31, 1984

Expiration date: September 28, 1984

For further information, please call (512) 475-3092.

The Texas Historical Commission adopts on an emergency basis §§11.1-11.10, 13.1-13.25, 15.1-15.5, 17.1-17.3, 19.1-19.3, 21.2-21.5, 23.1-23.3, and 25.1-25.7. All previously published and adopted rules of the commission are being repealed so that new rules can be adopted. Many of the agency's rules are outdated, redundant, and no longer effective in the areas of practice and procedures. Some sections within chapters are arranged out of order, causing the reader inconvenience in trying to comprehend the overall functions of the agency. The agency rules on the whole have been revised 75%-90%. Many additions have been made, much outdated material has been removed, and most of the information has been rearranged to read in an orderly manner. These rules will be printed in pamphlet format and will provide much needed guidance to the public concerning the functions of the THC and the responsibilities of the state historic preservation officer. The rules will be used uniformly in dealing with the public on matters relating to historic preservation.

Chapter 11. Administrative Department

13 TAC §§11.1-11.10

The new sections are adopted on an emergency basis pursuant to the Administrative Procedure and Texas Register Act, Article 6252-13a, §5(d), which provides for emergency enactment of rules, and pursuant to Texas Civil Statutes, Article 6145, which empowers the Texas Historical Commission to promulgate rules. The commission finds that failure to adopt these rules would pose an imminent peril to the public welfare.

§11.1. *Commission Meetings.*

(a) The Texas Historical Commission shall hold regular quarterly meetings. The commission may hold such other meetings at such other times and places as it may schedule in formal session. The chairman may call special meetings of the commission at his discretion, provided that 10-days' notification is given to the commission. The chairman shall call special meetings of the commission at any time upon written request to the chairman signed by six or more members, provided that 10-days' notification is given to the commission.

(b) A majority of the membership of the commission constitutes a quorum authorized to transact businesses of the commission.

(c) No proxies are allowed.

§11.2. *Election of Officers.*

(a) At the last quarterly meeting of even-numbered years, the commission shall elect (by the same election procedures as described in §11.3(b) of this title (relating to Filling Vacancies)) three people to serve on a nominating committee. The nominating committee will choose its own chairman.

(b) The nominating committee will nominate only one person for each office. The committee shall contact each person it wishes to nominate in order to obtain the person's acceptance of nomination. A commission member may hold only one office at a time.

(c) The nominating committee will present its report of nominees at the first commission meeting of odd-numbered years. The chairman shall call for further nomination from the floor. After all nominations are made, the chairman will close the nominations and ask for a written vote. If there is a simple majority for one person for each office, those people are elected. If there is not a majority for any one person for each office, the commission shall hold an election runoff for each office between the two people receiving the highest number of votes for that office. The chairman is to appoint two commission members as tellers to count the votes, one to call off the names and another to record the votes; the tellers will then present the outcome of the runoff election to the chairman, who reads off the name of the person with the most votes and declares that person elected. The chairman will only vote to break ties.

§11.3. *Filling Vacancies.*

(a) In the event of a vacancy in any office of the commission, an election shall be held at the next commission meeting, except the first commission meeting of odd-numbered years, to fill such vacancy.

(b) The election shall be held by a simple written ballot on which each commission member writes the name of the person of his choice to fill the vacancy; if there is a simple majority for one person, that person is elected. If there is not a majority for any one person, an election runoff shall immediately be held between the two people receiving the highest number of votes. The presiding officer is to appoint two commission members as tellers to count the votes, one to call off the names and the other to record the votes. The tellers present the outcome of the election to the presiding officer, who then reads off the name of the person with the most votes and declares him or her elected. The chairman will only vote to break ties.

§11.4. *Duties of Officers.*

(a) The chairman shall perform such duties as are properly required of him or her by the commission. He shall preside at all meetings. He shall have general supervision of the affairs of the commission, and shall have authority to interpret and carry out all policies established by its members. He shall answer directly to the commission. The chairman appoints all committees as he deems necessary, except the nominating committee, and is an

ex officio member of all committees except the nominating committee.

(b) The vice-chairman shall perform such duties as the commission or the chairman may direct, and shall preside in the absence of the chairman.

(c) The secretary shall certify the minutes of all meetings of the commission and shall perform such other duties as may be prescribed by the commission or the chairman. The secretary shall preside in the absence of the chairman and the vice-chairman.

§11.5. *Executive Committee.* This committee consists of the chairman, vice-chairman, secretary, and immediate past chairman of the Texas Historical Commission, as well as other members of the commission appointed by the chairman.

§11.6. *Conduct of Meeting Robert's Rule of Order, Newly Revised* (hardback) shall constitute the procedures to be followed in the conduct of meetings of the Texas Historical Commission, except where specifically provided for otherwise in the procedural rules of the commission.

§11.7. *Code of Conduct.*

(a) No member, agent, or employee of the Texas Historical Commission may have a conflict of interest in any transaction involving the selection, award, or administration of historic preservation funds, state historic preservation grants, or museum grants.

(b) A person has a conflict of interest in such a transaction if a financial benefit as a result of such a transaction is likely to be received by any of the following:

(1) the person; or

(2) any member of the person's immediately family, which includes spouse and any minor children; or

(3) a business partner of the person; or

(4) any organization for profit in which the person or any persons of paragraphs (2) and (3), of this subsection is serving or is about to serve as an officer, director, trustee, partner, or employee.

(c) A financial benefit includes, but is not limited to, grant money, contract, subcontract, royalty, commission, contingency, brokerage fee, gratuity, favor, or any other thing of monetary value.

§11.8. *Use of Buildings and Grounds.*

(a) Use requests. Requests for use of Gethsemane Church, Carrington-Covert House, and grounds shall be made in writing to the executive director not less than four weeks prior to the date of intended use. The executive director may, at his discretion, prohibit use of the buildings or grounds if such use would destroy, damage, or threaten to destroy or damage the properties or would require overtime work by commission employees. Intended use may not interfere with any regular, daily use of Gethsemane Church, Carrington-Covert House, or grounds.

(b) Expenses for use of properties. Any person or organization that uses buildings or grounds shall reimburse the Texas Historical Commission for utilities consumed during the period of use, for staff time required for supervision of the activity, and the extra janitorial work required before and after such use.

(c) **Liability for use of properties.** People using the buildings and grounds will be liable for any damage to state property as a result of their activity.

§11.9. Donations.

(a) **Use and place of deposit.** All funds received from donations to the commission will be deposited to the state treasury and used for the purpose specified by the donor, or for general commission programs when no purpose is specified.

(b) **Use of employees and properties.** No employee or property of the commission may be used by organizations or individuals making donations to the commission.

(c) **Serving as officer or director.** No officer or employee of the commission may serve as an officer or director in any organization making donations to the commission.

(d) **Supplementation of salary.** Donations to the commission will not be used for supplementation of salary of any officer or employee of the commission.

(e) **Contributions from grant recipients or organizations and individuals with projects under review.** The commission will not accept donations from organizations or individuals administering grants from the commission or which have projects undergoing review by the commission.

§11.10. Copies of Documents and Mailing Labels.

(a) The commission will recover the cost of copier reproductions at the rate of \$.10 per copy. A copier reproduction of the commission's mailing list will carry a minimum charge of \$25.

(b) The commission will recover the cost of paper copies from microfiche at the rate of \$.25 per copy.

(c) Pressure-sensitive mailing labels will carry a minimum charge of \$25 for 500 or less. For more than 500 the commission will recover costs at the rate of \$25, plus \$.03 for each label over 500.

(d) Charges for copier reproductions, mailing labels, and copies made from microfiche will include postage and handling.

(e) The executive director may waive the charges specified under subsections (a)-(d) of this section for non-profit organizations.

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Chapter 13. State Markers

13 TAC §§13.1-13.25

The new sections are adopted on an emergency basis pursuant to the Administrative Procedure and Texas Register Act, Article 6252-13a, §5(d), which provides for emergency enactment of rules, and pursuant to Texas Civil Statutes, Article 6145, which empower the Texas Historical Commission to promulgate

rules. The commission finds that failure to adopt these rules would pose an imminent peril to the public welfare.

§13.1. State Marker Committee. All policies and procedures related to the marker process are determined by the State Marker Committee, comprised of members of the Texas Historical Commission appointed by the chairman. The decisions of the committee about the eligibility of marker topics are final. When additional information warrants, the marker committee may reevaluate a topic that has been previously rejected.

§13.2. Definition of Official Texas Historical Markers. Official Texas historical markers are those markers and plaques awarded, approved, or administered by the Texas Historical Commission. They include centennial markers awarded by the state in 1930s, Civil War centennial markers (1960s), medallions, markers awarded by the Texas Historical Commission or its predecessor, the Texas Historical Survey Committee, and private, state-approved markers.

§13.3. Documentation. The basic document governing decisions of the State Marker Committee to grant a marker shall be a comprehensive history of the topic, with footnotes and bibliography as prescribed in the application form. Collections of miscellaneous documents or notes are not acceptable in lieu of a narrative history.

§13.4. Permanent Archives. All materials submitted by applicants for official Texas historical markers become part of the permanent archival files of the Texas Historical Commission. They may be used or cited in the commission's publications unless otherwise noted by the applicant or county historical commission.

§13.5. County Approval of Applications. The approval of the appropriate county historical commission, where one exists, shall be signified upon every application submitted to the Texas Historical Commission. In the case of counties with no active county historical commission, the approval of the county judge shall be signified upon the application. If the county historical commission rejects or fails to act on an application or proposed marker inscription within 120 days, appeal may be made by the applicant to the State Marker Committee.

§13.6. Use of Emblems or Logos. No official Texas historical marker may be fabricated with any emblem, design, or logo signifying another organization. No other emblem, design, or marker size may be used in addition to, or instead of, those offered by the Texas Historical Commission. Medallion logos are the property of the commission and may not be used for commercial advertising or be copied for the use of any other agency, association, corporation, or individual.

§13.7. Response Required of Applicant. When an official Texas historical marker is proposed, whether for a structure, event, person, institution, site, or any other topic, the applicants shall comply with the regulations of the Texas Historical Commission as set forth in these policies. Failure to respond after two consecutive written requests from the commission regarding any part of the marker process can result in termination of the application. Upon termination, the commission shall return the

application and accompanying history to the applicant. The applicant may reactivate a terminated application and supply the commission with requested information in compliance with marker policies

§13.8 Burden of Proof The burden of proof for all historic claims rests upon the applicant for a historical marker, and supportive documentation is to be submitted according to specifications in the application form. If the topic or subject purports to be unique (one of a kind, the largest, smallest, oldest, first, etc.), the submission is to include documentation from an unbiased and authoritative source which validates the claim. If oral histories are used in the documentation for a marker topic, the application will indicate the form of the recorded data, whether tape or transcript, and whether or not the data are available to the public; will give the name of the interviewer and interviewee; and will include the date, place, and subject of the interview.

§13.9 Relative Weight of Data Primary source data (writing, publications, or other evidence from the time of the event) take precedence over all documentation in the evaluation of any historical topic. Legal documents take precedence over private papers. Testimony from disinterested and authoritative sources takes precedence over testimony of interested individuals.

§13.10 Subject Marker Approval Subject markers may be approved for institutions (including, but not limited to, churches, schools, cemeteries, businesses, organizations, and ethnic groups) that are least 100 years old or two-thirds the age of the community with which they are associated, whichever is the smaller figure.

§13.11 Marking Individuals No individual may be mentioned in a marker text until 20 years after his or her death, except in the case of a deceased person of state or national significance, in which case the State Marker Committee of the commission will be the final authority on eligibility. Individuals must be eligible for marking on their own merits, rather than from their association with, or relation to, a historical person. Eligibility for an official Texas historical grave marker will also be determined by this rule.

§13.12. Marking Events If an event changed the course of state or local history, that event will be eligible for historical marking 30 years after its occurrence.

§13.13 Recorded Texas Historic Landmarks Designation as a recorded Texas historic landmark is given to structures that are significant in history and preservation. Such structures are eligible for the landmark status because of architecture, history, or age (50 years old or older). In no case may the landmark status be awarded unless the structure is in good repair. The landmark designation becomes effective when the application is approved by the State Marker Committee.

§13.14. Relocated Structures. Buildings that have been moved cannot be considered for designation as recorded Texas historic landmarks. Relocated structures may qualify for subject markers if their history and architectural integrity warrant, and if there is proof that the relocation was required. Proof consists of evidence that the relocated building was formally condemned by the state

or a political subdivision of the state, or that it was under threat of imminent destruction. The State Marker Committee will be the final authority on the validity of such claims.

§13.15. Building Markers. Applications for official Texas historical building markers are automatically evaluated for designation as recorded Texas historic landmarks. At the request of the applicant, subject markers may also be reviewed for the special landmark status. Building markers consist of a medallion and an interpretive plate; one may not be issued without the other.

§13.16. Permanence of Recorded Texas Historic Landmark Designation. The status of recorded Texas historic landmark is a permanent designation, and is not to be removed from the property in the event of a transfer of ownership. The landmark marker awarded to any structure shall remain with that structure and may not be removed or displayed elsewhere.

§13.17. Restraints to Changes in Recorded Texas Historic Landmarks. The exterior appearance of structures designated as recorded Texas historic landmarks may not be changed appreciably after receiving such designation. If structural changes, including the relocation of the structure, are desired, the applicant will conform to the provisions of Texas Civil Statutes, Article 6145, §12(d). If appreciable or unwarranted changes are observed to have been made on a structure designated as a landmark, the designation and the marker may be withdrawn by the State Marker Committee.

§13.18. Disposition of a Recorded Texas Historic Landmark Marker. A recorded Texas historic landmark marker for a structure that has been destroyed may:

- (1) be placed in an appropriate local museum for display with accompanying photos and history; or failing that,
- (2) be presented to the county historical commission for use in the promotion of historic preservation or education.

§13.19. Placement of Historical Markers Official Texas Historical Markers are to be displayed in conspicuous places accessible to the public, and in dignified surroundings. Desirable sites are public highways, parks, and city streets where the reading of the marker text will be of educational value. If the site of a commemorated event, structure, or institution is on private property or is otherwise inaccessible to the public, the marker is to be placed in an accessible location as near as possible to the historic site.

§13.20. Relocation of Historical Markers

(a) Causes for relocation. Official Texas historical markers may be relocated:

- (1) when they are the object of persistent vandalism in their original location,
- (2) when a more accurate site for the marked event or structure has been determined,
- (3) when an extant hazard to viewers of a marker can be reduced or eliminated by its relocation, or
- (4) when better public access results.

(b) Written permission. Relocation shall be with the written consent of the Texas Historical Commission, given through the office of the executive director.

(c) Supplemental plate. In cases where a marker's text will be revised by reason of the relocation, a supplemental plate may be required by the commission.

§13.21 Private, State-Approved Markers. Privately installed markers that meet state marker requirements may be recognized by the State Marker Committee as private, state-approved markers, and may be listed in commission publications

§13.22. Significance of Marker Topics No topic is to be considered for historical commemoration for its amusement value alone. There must be inherent significance over and above the matter of popular appeal.

§13.23. Marker Inscriptions The State Marker Committee is the final authority on the wording, spacing, and style of marker inscriptions

§13.24 Restraint on Including Owners or Restorers in Marker Text Neither restorers nor recent or current owners of historic structures may be named in the text of an official Texas historical marker awarded to the structure.

§13.25 Replacement of Markers When the replacement of an historical marker is necessary because it has been damaged or stolen, or because it contains factual errors, the topic or structure shall meet marker criteria and policies in effect at the time of replacement.

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Chapter 15. Administration of Federal Programs

13 TAC §§15.1-15.5

The new sections are adopted on an emergency basis pursuant to the Administrative Procedure and Texas Register Act, Article 6252-13a, §5(d), which provides for emergency enactment of rules, and pursuant to Texas Civil Statutes, Article 6145, which empower the Texas Historical Commission to promulgate rules. The commission finds that failure to adopt these rules would pose an imminent peril to the public welfare.

§15.1. Designation of State Historic Preservation Officer.

(a) The National Historic Preservation Act of 1966, as amended, established the principal responsibilities of the state historic preservation officer for each state, which are:

(1) the identification of historic properties, which includes their location and recognition through surveys and other means,

(2) the evaluation of historic properties, which is the recognition of the most important among those identified, and

(3) the protection of historic properties, which involves implementing actions to preserve and enhance important historic properties.

(b) The governor of Texas, in accordance with Texas Civil Statutes, Article 6145, §9 and §10, has designated the executive director of the Texas Historical Commission as the state historic preservation officer, or state liaison officer, of Texas

§15.2. Standards for Administration.

(a) For the purpose of administering and complying with the National Historic Preservation Act of 1966, as amended (Public Law 96-515, 94 Statute 2987, 16 United States Code 470); the Tax Reform Act of 1976 (Public Law 94-455, 90 Statute 1525, 26 United States Code 1); The Economic Recovery Tax Act of 1981 (Public Law 97-34, 95 Statute 178, 26 United States Code 1); The Tax Equity and Fiscal Responsibility Act of 1982 (Public Law 97-248, 96 Statute 324, 26 United States Code 1); the Archaeological Historical Preservation Act of 1974 (Public Law 93-291, 88 Statute 174, 16 United States Code 469); the Archaeological Resources Protection Act of 1979 (Public Law 96-95, 93 Statute 721, 16 United States Code 470a); Executive Order 12072; federal programs, as well as other pertinent federal legislation and directives, the Texas Historical Commission adopts as its own the relevant federal rules and regulations, standards and guidelines, including, but not limited to, 36 Code of Federal Regulations 60: National Register of Historic Places; 36 Code of Federal Regulations 61: Criteria for comprehensive statewide historic surveys and plans; 36 Code of Federal Regulations 63: Determinations of eligibility for inclusion in the National Register of Historic Places; 36 Code of Federal Regulations 65: National Historic Landmarks; 36 Code of Federal Regulations 66: Recovery of scientific, prehistoric, historic, and archeological data: methods, standards, and reporting requirements, 36 Code of Federal Regulations 67: Historic Preservation Certifications; 36 Code of Federal Regulations 68: Secretary of the Interior's Standards for Historic Preservation Projects; and "Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines" (*Federal Register*, September 29, 1983).

(b) Guidelines formulated and adopted by the Council of Texas Archeologists on April 6, 1984, are adopted by reference for use by the State Historic Preservation Officer insofar as those guidelines do not conflict with federal regulations which apply to the same subjects. The Council of Texas Archeologists guidelines, available from the Texas Historical Commission, Box 12276, Austin, Texas 78711, address the following topics:

- (1) professional performance standards,
- (2) cultural resource management reports; and
- (3) curation standards and procedures.

§15.3. State Board of Review/National Register.

(a) Name. The name of this organization shall be the State Board of Review for the National Register of Historic Places, Texas.

(b) Purpose. The purpose of this organization is to review and approve nominations from Texas to the National Register of Historic Places, and to perform other duties and responsibilities as prescribed in the *Federal Register*.

(c) Voting membership. The voting membership of the state board of review shall consist of 11 Texas residents. The board shall include a minimum of one professional in each of the following disciplines: history, pre-historic archeology, historic archeology, architectural history, and architecture. All members shall meet the minimum standards of professional qualifications as set forth in the *Federal Register* and verified by the state historic preservation officer (state liaison officer).

(d) Appointments. Appointments to the state board of review shall be by majority vote of the Texas Historical Commission. The term of office for board of review members shall be two years, with five members to be appointed one year and six to be appointed on alternate years. Terms shall begin October 1. Appointments by the Texas Historical Commission to fill vacancies may occur at any time during the year. No member of the state board of review shall be appointed to more than three consecutive terms. A chairman will be elected by the review board annually. This subsection shall apply only to appointments or reappointments made after October 1, 1983.

(e) Meetings. Meetings of the state board of review shall be held as many times per year as prescribed in the *Federal Register* pertaining to the National Register of Historic Places. Other meetings may be called by the chairman as needed.

(f) Bylaws. The board of review shall adopt bylaws as required by the federal guidelines for the national register as published in the *Federal Register*. The adoption of, and amendments to, these bylaws shall be subject to approval by the Texas Historical Commission prior to their final adoption by the board of review.

(g) Code of conduct.

(1) No member of the state board of review may vote upon the consideration of a property for nomination to the National Register of Historic Places if the member has a conflict of interest in that vote.

(2) A member of the board of review has a conflict of interest in such a vote if there is likely to be a financial benefit from the property being considered to any of the following:

- (A) the member of the board of review; or
- (B) any person of the member's immediate family, which includes spouse and any minor children; or
- (C) a business partner of the member; or
- (D) any organization for profit in which the member, or any person of subparagraphs (B) and (C) of this paragraph is serving or is about to serve as an officer, director, trustee, partner, or employee.

(3) A financial benefit includes, but is not limited to, grant money, contract, subcontract, royalty, commission, contingency, brokerage fee, gratuity, favor, or any other things of monetary value.

(4) A member of the state board of review who has a conflict of interest may participate as a private citizen, but not as a member of the board, in the deliberations concerning the property being considered for nomination to the national register.

(5) Prior to any deliberations concerning the property in which a member of the state board of review has a conflict of interest, the member with a conflict shall announce, for the record, that such a conflict exists.

(6) The nomination of any property passed by the board of review in which a member of the board has announced a conflict of interest will be forwarded to the United States Department of the Interior with a request for an intensive review of that nomination.

§15.4. *Historic Preservation Fund Grants.*

(a) Eligibility and applications deadline. Properties listed in the National Register of Historic Places are eligible to be considered for Historic Preservation Fund grants. Applications to the United States Department of the Interior are made annually through the Texas Historical Commission. The deadline for submittal of a pre-application form to the Texas Historical Commission is 5 p.m. on June 1 or, if this date falls on a weekend or holiday, the last regularly scheduled work day preceding June 1.

(b) Allowed costs. Pending the availability of funding and any restriction which may be imposed by the federal government, these grants are allocated to help pay the cost of:

- (1) planning necessary to evaluate, interpret, and preserve such designated properties;
- (2) development in order to preserve and protect the property; and
- (3) acquisition when it can be demonstrated that the property is in imminent danger of destruction.

(c) In return for this federal grant assistance, the owner of the assisted property is required to enter into an agreement of a deed restriction assuring that the property will be maintained for a certain period of time based upon the amount of the grant.

(d) These grants may also be used to conduct surveys for the purpose of inventorying and evaluating cultural resources of a geographic region or of a particular type.

§15.5. *Federal Tax Incentives.*

(a) Eligibility. Income-producing buildings listed in the National Register of Historic Places or located in certain approved local historic districts may qualify for federal tax incentives when rehabilitated. The owner or long-term lessee who incurs the cost of rehabilitating such properties is eligible for the tax benefits.

(b) Applications. A project application must be submitted to the Texas Historical Commission for review in respect to the appropriateness of the project work. Within a specified period of time the project application and the commission's review comments are forwarded to the U.S. Department of the Interior for a final determination of appropriateness. For approved projects, the Texas Historical Commission provides technical consultation during planning and during the implementation of project work.

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Chapter 17. State Architectural Programs

13 TAC §§17.1-17.3

The new sections are adopted on an emergency basis pursuant to the Administrative Procedure and Texas Register Act, Article 6252-13a, §5(d), which provides for emergency enactment of rules, and pursuant to Texas Civil Statutes, Article 6145, which empower the Texas Historical Commission to promulgate rules. The commission finds that failure to adopt these rules would pose an imminent peril to the public welfare.

§17.1. Texas Historic Preservation Grants.

(a) Eligible property. To be considered eligible for grant assistance, a property must:

- (1) be included in the National Register of Historic Places; or
- (2) be designated as a recorded Texas historic landmark; or
- (3) be determined by the commission to qualify as an eligible property under criteria for inclusion in the National Register of Historic Places or for designation as a recorded Texas historic landmark subsequent to having been approved by the state board of review or Commission Marker Committee, respectively, by the application deadline; or
- (4) be certified to other agencies of the state by the commission as worthy of preservation; or
- (5) be designated as a state archeological landmark; or
- (6) be an historic county courthouse (i.e., a courthouse built before 1941).

(b) Eligible organizations. Preservation grants shall be made only to:

- (1) nonprofit organizations as determined by the Internal Revenue Service Code, §501; or
- (2) political entities and subdivisions of the state.

(c) Types of preservation grants. Preservation grants shall be awarded only for:

- (1) development ("stabilization," "preservation," "restoration," "rehabilitation," "reconstruction," and "protection" as defined by the Secretary of the Interior's Standards for Historic Preservation Projects, 1979), the costs to include professional fees for preparing an acceptable project proposal and supervise actual construction, the costs of construction, and related expenses approved by the commission; or
- (2) acquisition of absolute ownership and related costs and professional fees approved by the commission; or
- (3) planning costs necessary for the preparation of historic structure reports, preservation plans, maintenance studies, and feasibility studies as approved by the commission.

(d) Eligible match for grant assistance. Applicants eligible to receive grant assistance shall provide a minimum of \$2 in cash match to each state dollar for approved project costs.

(e) Preapplication deadline is 5 p.m. on June 1 of each year, or 5 p.m. of the last regular work day of May if June 1 should fall on a weekend or holiday; pre-appli-

cation forms are to be received by the commission at its offices by this deadline.

(f) Initial grant allocations. Grants shall be allocated by vote of the commission at large at quarterly meetings or at other open meetings designated as appropriate by vote of the commission. Reallocation of returned funds shall be made by the executive committee of the commission upon the recommendation of the national register committee of the commission. All grant allocations shall be in the amount of \$2,500 or more, but shall not exceed \$50,000 except when surplus funds remain after all eligible projects have been funded; then grant awards in excess of \$50,000 may be made until all grant funds are allocated.

(g) Final grant approval.

(1) Submission of application (project proposal).

(A) To remain eligible for the grant allocation, an acceptable application (project proposal), consistent with the Secretary of the Interior's Standards for Historic Preservation Projects, 1979, and consisting of plans/specifications, research design, appraisal, unexecuted contract documents, and other material as required shall be submitted to the commission for review and approval.

(B) An acceptable project proposal must be submitted within three months of the allocation by the commission

(2) Review and approval of project proposal.

Upon completion of the review of the project proposal, approved projects will be notified of the assigned project start date, as well as the project expenses eligible for grant funding (allowable expenses) and those expenses not eligible (unallowable expenses).

(3) Commencement of project work. Project work as approved shall commence within 60 days of the assigned start date.

(4) Forfeiture of grant allocation. Failure to comply with the deadline for submission of an acceptable project proposal, or to meet the deadline for starting the project work, or to perform any part of the project work as approved, or to receive permission from the commission before commencing additional work, shall result in forfeiture of the full grant amount and its reallocation to another preservation project by the commission.

(h) Award of contract.

(1) Development grant projects. All project work as approved in the project proposal shall be awarded subsequent to formal advertising for bids.

(2) Planning grant projects. Contract for work described in the approved project proposal shall be awarded subsequent to interview with at least three professional firms

(i) Grant reimbursement procedures.

(1) Commencement of project work. Approved project work may not begin before the assigned project start date, except for planning work connected with development projects.

(2) Reimbursement of allowable project expenses. The only expenditures made before a start date which are reimbursable are for planning work done on development projects during the current fiscal year. All payment of grant funds shall be strictly on a reimbursement basis. Reimbursement may be made after the competitive award of contract and submission of proof of

incurred allowable expenses and corresponding payments totaling 50 percent of the total project cost, and again at the completion of the project after an acceptable required completion report and/or planning documents have been received by the commission.

(3) Deadline for submission of requests for reimbursement. Allowable project expenses equal to three times the grant amount shall be incurred by the following July 15. Proof of those incurred expenses and corresponding payments shall be submitted to the commission by the following August 1.

(4) Forfeiture of grant. Failure to expend the full grant amount by July 15 or to submit to the commission all required material by August 1 shall result in forfeiture of the remaining grant amount.

(j) Deed restrictions. Acquisition and development projects shall be encumbered, prior to reimbursement of any project expenses, with a deed restriction requiring the owner and successors in interest, if any, to maintain the site in the state of repair as at the time of completion of grant-assisted work, to secure the approval of the commission or its duly authorized representative for any proposed changes to the site, and, in the case of political subdivisions of the state, to meet the requirements of the Uniform Grant and Contract Management Act of 1981, Texas Civil Statutes, Article 4413, §32b. The deed restriction shall run with the land, be enforceable by the State of Texas, and its duration will be based upon the cumulative amount of grant assistance as follows: \$2,500-\$4,999—5 years from the start date of the deed restrictions set by the commission; \$5,000-\$9,999—10 years from the start date of the deed restrictions set by the commission; \$10,000-\$14,999—15 years from the start date of the deed restrictions set by the commission; \$15,000-\$19,999—20 years from the start date of the deed restrictions set by the commission; and \$20,000+—25 years from the start date of the deed restrictions set by the commission.

(k) Repayment penalty for resale of property within one year of acquisition. If a property acquired with a preservation grant is sold within one year of the purchase date, the project allocation agreement shall provide that the owner shall repay the State of Texas the amount of the grant allocation.

(l) Completion reports for acquisition and development projects. Projects assisted with acquisition or development grants will be required to submit a project completion report in triplicate, consisting of photo documentation and project summary prepared by the supervising project professional, to the commission no later than August 1 of the current fiscal year. Fifty percent of the grant allocation will be retained until receipt of an acceptable completion report by the commission.

(m) Professional standards.

(1) Project personnel for development and planning grants. Project proposal documents for development and planning grants shall be prepared by, and construction work supervised by, appropriate personnel in compliance with the following criteria:

(A) History. The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:

(i) at least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historical organization or agency, museum, or other professional institution; or

(ii) substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

(B) Archeology. The minimum professional qualifications in archeology are a graduate degree in archeology, anthropology, or closely related field plus:

(i) at least one year of full-time professional experience or equivalent specialized training in archeological research, administration, or management;

(ii) at least four months of supervised field and analytic experience in general North American archeology; and

(iii) demonstrated ability to carry research to completion.

(iv) In addition to these minimum qualifications, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period. A professional in historic archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.

(C) Architectural history. The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with course work in American architectural history; or a bachelor's degree in architectural history, art history, historic preservation, or closely related field plus one of the following:

(i) at least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or

(ii) substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

(D) Architecture. The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time professional experience in architecture; or a state license to practice architecture.

(E) Historical architecture. The minimum professional qualifications in historical architecture are a professional degree in architecture, plus one of the following:

(i) at least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field, and at least one year of full-time professional experience on preservation or restoration projects; or

(ii) at least two years of full-time professional experience on preservation and restoration projects. Experience on preservation and restoration projects shall include detailed investigations of historic structures, preparation of research reports on historic structures, and preparation of plans and specifications for preservation projects.

(iii) In addition to meeting the criteria in clause (i) and (ii) of this subparagraph, the supervising professional of a planning project must have at least two years of experience in preparing approvable documents of the type to receive grant assistance.

(2) Project personnel for acquisition grants. The single appraisal required for acquisition grants shall be prepared by a professional appraiser.

(n) Performance standards. All development and planning projects must be in conformance with the Secretary of the Interior's Standards for Historic Preservation Projects, 1979.

(o) Compliance with requirements for access of handicapped. All projects must be in compliance with the barrier-free access provisions of the Handicapped Accessibility Act of Texas, Texas Civil Statutes, Article 601b, §7.

(p) Compliance with Uniform Grant and Contract Management Act. All projects by political subdivisions of the state must be in compliance with the Uniform Grant and Contract Management Act of 1981, Texas Civil Statutes, Article 4413, §32b.

§17.2. The Architectural Visiting Specialist Program.

(a) The National Register Department of the Texas Historical Commission administers an Architectural Visiting Specialist Program to provide technical preservation assistance for threatened historic structures.

(b) In situations where the historical integrity of a structure is in serious danger, threatened either by natural causes or pending human action, and the immediacy of the threat or the location of the site or the scope of services makes visitations by commission staff impractical, a one-day site visit by a qualified architectural conservator may be provided by this program. For sites visited, a brief report addressing the special problems of the structure will be prepared by the architectural visiting specialist; three copies of the report will be filed with the commission, and two copies will be given to the local representative of the structure.

(c) This service is provided without cost to the owner of the historic structure or to the community. Requests are measured in terms of the severity of the threat, the level of importance of the structure to the community and region, and the maximum number of people who will benefit from this assistance. Application for this service is to be made in writing on forms provided by the Texas Historical Commission.

§17.3. Review of Work on County Courthouses. Texas Civil Statutes, Article 6145, require that the Texas Historical Commission review all changes made to courthouse structures.

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

(1) Demolish—To remove, in whole or part. Demolition of historical or architectural integrity includes removal of historic architectural materials such as, but not limited to, materials in the following categories: site work, concrete, masonry, metals, carpentry, thermal and moisture protection, doors and windows, finishes, specialties, equipment, furnishings, special construction, conveying systems, mechanical and electrical.

(2) Sell—To give up (property) to another for money or other valuable consideration.

(3) Lease—To let a contract by which one conveys real estate, equipment, or facilities for a specified term and for a specified rent.

(4) Damage—To alter, in whole or part. Damage to historical or architectural integrity includes alterations of structural elements, decorative details, fixtures, and other materials.

(5) Integrity—Refers to the physical condition and therefore the capacity of the resource to convey a sense of time and place or historic identity. Integrity is a quality that applies to location, design, setting, materials, and workmanship. It refers to the clarity of the historic identity possessed by a resource. In terms of architectural design, to have "integrity" means that a building still possess much of its mass, scale, decoration, and so on, of either the period in which it was conceived and built, or the period in which it was adapted to a later style which has validity in its own right as an expression of historical character or development. The question of whether or not a building possesses integrity is a question of degree of alteration. For a building to possess integrity, its principal features must be sufficiently intact for its historic identity to be apparent. A building that is significant because of its historic association(s) must retain sufficient physical integrity to convey such association(s).

(6) Courthouse—The principal building which houses (or housed) county government offices and courts.

(7) Ordinary maintenance and repairs—Work performed to architectural materials which does not cause removal or alteration of that material.

(b) Procedures.

(1) Notice from the county to the commission. At least six months prior to the proposed work on a county courthouse, a letter from the county judge briefly describing the project should be submitted to the commission, along with construction documents which adequately describe the full scope of project work, and five-inch-by-seven-inch or larger photographs of the areas to be affected by the proposed changes.

(2) Notice from the commission to the commissioners court of the county. Written notice of the commission's determination regarding the historical significance of a courthouse for which work is proposed shall include comments pursuant to a review of the proposed work by the commission. Comments shall be made based on the Secretary of the Interior's Standards for Historic Preservation Projects, 1979, which follow in part:

(A) Definitions for historic preservation project treatments.

(i) Protection is defined as the act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss, or attack, or to cover or shield the property from danger or injury. In the case of buildings and structures, such treatment is generally of a temporary nature and anticipates future historic preservation treatment; in the case of archeological sites, the protective measure may be temporary or permanent.

(ii) Stabilization is defined as the act or process of applying measures designed to reestablish a

weather-resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists at present.

(iii) Preservation is defined as the act or process of applying measures to sustain the existing form, integrity, and material of a building or structure, and the existing form and vegetative cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

(iv) Rehabilitation is defined as the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

(v) Restoration is defined as the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

(vi) Reconstruction is defined as the act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time.

(B) General standards for historic preservation projects.

(i) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

(ii) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

(iii) All buildings, structures, and sites shall be recognized as products of their own time. Alterations which have no historical basis and which seek to create an earlier appearance shall be discouraged.

(iv) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(v) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

(vi) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(vii) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sand-

blasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

(viii) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any acquisition, protection, stabilization, preservation, rehabilitation, restoration, or reconstruction project.

(C) Specific standards for historic preservation projects. In conjunction with the eight general standards listed in subparagraph (B)(i)-(viii) of this paragraph, specific standards are to be used for each treatment type. For example, in evaluating protection projects, the eight standards, subparagraph (B)(i)-(viii), of this paragraph, will be included plus the three specific standards listed under the following:

(i) Standards for protection.

(I) Before applying protective measures which are generally of a temporary nature and imply future historic preservation work, an analysis of the actual or anticipated threats to the property shall be made.

(II) Protection shall safeguard the physical condition or environment of a property or archeological site from further deterioration or damage caused by weather or other natural, animal, or human intrusions.

(III) If any historic material or architectural features are removed, they shall be property recorded and, if possible, stored for future study or reuse.

(ii) Standards for stabilization.

(I) Stabilization shall reestablish the structural stability of a property through the reinforcement of loadbearing members or by arresting material deterioration leading to structural failure. Stabilization shall also reestablish weather-resistant conditions for a property.

(II) Stabilization shall be accomplished in such a manner that it detracts as little as possible from the property's appearance. When reinforcement is required to reestablish structural stability, such work shall be concealed wherever possible so as not to intrude upon or detract from the aesthetic and historical quality of the property, except where concealment would result in the alteration or destruction of historically significant material or spaces.

(iii) Standards for preservation.

(I) Preservation shall maintain the existing form, integrity, and materials of a building, structure, or site. Substantial reconstruction or restoration of lost features generally is not included in a preservation undertaking.

(II) Preservation shall include techniques of arresting or retarding the deterioration of a property through a program of ongoing maintenance.

(iv) Standards for rehabilitation.

(I) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historic, architectural, or cultural material and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

(II) Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed

in the future, the essential form and integrity of the structure would be unimpaired.

(v) Standards for restoration.

(I) Every reasonable effort shall be made to use a property for its originally intended purpose or to provide a compatible use that will require minimum alteration to the property and its environment.

(II) Reinforcement required for structural stability or the installation of protective or code-required mechanical systems shall be concealed whenever possible so as not to intrude on, or detract from, the property's aesthetic and historical qualities, except where concealment would result in the alteration or destruction of historically significant materials or spaces.

(III) When archeological resources must be disturbed by restoration work, recovery of archeological material shall be undertaken in conformance with current professional practices.

(vi) Standards for reconstruction.

(I) Reconstruction of a part or all of a property shall be undertaken only when such work is essential to reproduce a significant missing feature in a historic district or scene, and when a contemporary design solution is not acceptable.

(II) Reconstruction of all or part of a historic property shall be appropriate when the reconstruction is essential for understanding and interpreting the value of a historic district, or when no other building, structure, object, or landscape feature with the same associative value has survived and sufficient historical documentation exists to insure an accurate reproduction of the original.

(III) The reproduction of missing elements accomplished with new materials shall duplicate the composition, design, color, texture, and other visual qualities of the missing element. Reconstruction of missing architectural features shall be based upon accurate duplication of original features substantiated by historical, physical, or pictorial evidence rather than upon conjectural designs or the availability of different architectural features from other buildings.

(VI) Reconstruction of a building or structure on an original site shall be preceded by a thorough archeological investigation to locate and identify all subsurface features and artifacts.

(V) Reconstruction shall include measures to preserve any remaining original fabric, including foundations, subsurface, and ancillary elements. The reconstruction of missing elements and features shall be done in such a manner that the essential form and integrity of the original surviving features are unimpaired.

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Chapter 19. Texas Main Street Project

13 TAC §§19.1-19.3

The new sections are adopted on an emergency basis pursuant to the Administrative Procedure and Texas Register Act, Article 6252-13a, §5(d), which provides for emergency enactment of rules, and pursuant to Texas Civil Statutes, Article 6145, which empower the Texas Historical Commission to promulgate rules. The commission finds that failure to adopt these rules would pose an imminent peril to the public welfare.

§19.1. Administration of the Project. The Texas Main Street Project of the Texas Historical Commission is located at the commission's headquarters. It is funded from general revenue funds appropriated to the Texas Historical Commission and from public and private grants made to the commission for use in the Texas Main Street Project. The activities of the project are administered by staff of the Texas Historical Commission under the guidance of the commission's executive director and a Main Street Committee composed of three to five members of the Texas Historical Commission appointed by the chairman.

§19.2. The Interagency Council.

(a) Function. The Main Street Interagency Council coordinates financial assistance to the Texas Main Street Project from state agencies and governmental bodies, and processes applications for designation as official Texas Main Street cities. The council ranks the applying cities as to their merit and forwards this information to the governor. The governor then selects and approves five of the applications each year. The applicants chosen are designated official Texas Main Street cities, and are eligible for various forms of assistance.

(b) Composition. The seven-person council is made up of two staff members of the Texas Historical Commission designated by its executive director, one staff member of the governor's budget office appointed by the director of that office, two staff members of the Texas Department of Community Affairs appointed by that department's executive director, and two staff members of the Texas Economic Development Commission designated by that commission's executive director.

§19.3. Processing Applications for Designation as Main Street Cities.

(a) Who may apply. Application may be made by any city in Texas whose population is less than 50,000. An application form may be requested from the Texas Main Street Project of the Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711.

(b) Deadline. Application forms are made available by the commission after June 1 of each year. The deadline for their delivery, in acceptable form, to the commission's offices is September 1 of the selection year.

(c) Content. Each application form shall be accompanied by:

(1) a city street map with an outline of the central business district;

(2) a copy of the resolution passed by the municipal governing body showing intent to fund three years'

salary for a Main Street local project manager, and to pay his or her travel expenses to required training sessions;

(3) 25 color slides of downtown streetscapes and buildings, and

(4) letters of support from merchants, organizations, and citizens.

(d) Evaluation.

(1) The interagency council will meet to review applications within one week of the deadline for receiving them. Additional work sessions of the council will be held as needed.

(2) The council may require additional information from the cities as deemed necessary, which is to be supplied to the council at the Texas Historical Commission before October 1 following the application deadline.

(3) All applying cities are evaluated according to the following criteria:

(A) community attitude;

(B) commitment to downtown revitalization by private and governmental sectors;

(C) commitment to conservation by private and governmental sectors;

(D) progress in historic preservation and downtown revitalization;

(E) amount of historic fabric surviving in the inner core of the community;

(F) amount of private investment in the community's economic development;

(G) amount of per capita expenditure by city government;

(H) effectiveness and capability of city staff;

(I) number and quality of major community plans and studies completed in the preceding five years;

(J) number and quality of architectural, economic, and demographic surveys completed; and

(K) geographical location.

(e) Ranking the applications. The applying cities will be ranked according to the above criteria by ballot at a meeting of the interagency council no later than 60 days after the application deadline. The executive director of the Texas Historical Commission will then submit the ranked list to the governor.

(f) Announcement. Announcement of the five cities chosen by the governor will be made no later than 75 days after the deadline for receiving applications.

(g) Cities not selected. Cities not selected will be so notified in writing by the director of the Main Street project. Such cities will be given an evaluation of their application with suggestions for improvements.

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Register Act, Article 6252-13a, §5(d), which provides for emergency enactment of rules, and pursuant to Texas Civil Statutes, Article 6145, which empower the Texas Historical Commission to promulgate rules. The commission finds that failure to adopt these rules would pose an imminent peril to the public welfare.

§21.1. Department of Museum Services. The grant program for history museums and the Winedale Museum seminars are administered by the commission's Department of Museum Services, which also provides on-site consultations.

§21.2. Museum Committee. All policies and procedures relating to grants, seminars, and consultations are determined by the Museum Committee, comprised of members of the Texas Historical Commission appointed by the chairman.

§21.3. Grant Program for History Museums.

(a) Eligibility of museums. To be considered eligible for grant assistance, a museum shall:

(1) verify that it is an organized and permanent nonprofit institution, either public or private, mainly involved in education, research, or aesthetics;

(2) use trained personnel, paid or unpaid, who devote full time to the acquisition, care, and exhibition of historical objects owned or used by the institution;

(3) own and utilize tangible historical objects, while maintaining adequate accession records on all collections; and

(4) maintain exhibits which are open to the public on a regular schedule at least 20 hours per week, 10 months a year.

(b) Eligibility of projects. Priority will be given to applications requesting funds for the conservation and preservation of collections. Projects involving construction of facilities are not eligible. Grant projects may include, but are not limited to:

(1) applying conservation methods;

(2) obtaining technical assistance;

(3) training staff members; and

(4) carrying out educational activities.

(c) Criteria for evaluation. The following criteria will be considered in awarding grants:

(1) clarity of the project's objectives;

(2) quality of the museum's operations;

(3) appropriateness of the project's size and scope;

(4) historical significance of the collection;

(5) availability of alternative support; and

(6) urgency (in the case of preservation projects).

(d) Filing applications. A copy of the application form may be obtained from the Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711. The deadline for delivery of five copies of the form to the commission offices is 5 p.m. on January 2 of each year, or 5 p.m. of the next regular work day if January 2 falls on a weekend or holiday. Applications received after this date and time will be returned.

(e) Determination of awards. The Museum Committee evaluates grant applications and recommends those projects most worthy. Grants are awarded by vote of the Texas Historical Commission at large at the first quarterly meeting of each calendar year, or at other meetings

Chapter 21. Museum Services

13 TAC §§21.1-21.5

The new sections are adopted on an emergency basis pursuant to the Administrative Procedure and Texas

§23.2. *Copyright.* Publications copyrighted by the Texas Historical Commission can be reprinted or copied only if a written request is submitted to the executive director of the agency and approved by him. Requests will be granted only when the purpose of the reproduction is consistent with good principles of preservation and serves the public interest. Agency publications that are not copyrighted may be reprinted without special permission, provided proper credit is given.

§23.3. *Awards.* The following preservation awards will be presented by the agency, with requirements and criteria detailed in the current *Historic Preservation Handbook for County Historical Commissions*, which is available from the Texas Historical Commission:

- (1) distinguished service award for county historical commissions;
- (2) award of merit for county historical commissions;
- (3) best program of work for county historical commissions;
- (4) best county historical commission newsletter;
- (5) John Ben Shepperd award for outstanding chairman of a county historical commission;
- (6) outstanding committee chairman of a county historical commission;
- (7) outstanding member of a county historical commission;
- (8) official Texas award for best historical publication of the year on local or regional Texas history;
- (9) special historical preservation award for news media;
- (10) Texas award for historic preservation;
- (11) official Texas restoration award;
- (12) Ruth Lester Award for meritorious service in historic preservation;
- (13) special certificate of commendation for historic preservation at the county level;
- (14) best interpretive exhibit award for museums;
- (15) best educational program award for museums;
- (16) best community involvement award for museums;
- (17) Glenda Morgan award for excellence for meritorious museum service; and
- (18) twenty-year service award for county historical commission members.

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Chapter 25. Office of the State Archeologist

13 TAC §§25.1-25.7

The new sections are adopted pursuant to the Administrative Procedure and Texas Register Act, Article 6252-13a, §5(d), which provides for emergency en-

actment of rules, and pursuant to Texas Civil Statutes, Article 6145, which empower the Texas Historical Commission to promulgate rules. The commission finds that failure to adopt these sections would pose an imminent peril to the public welfare.

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

Antiquities—As used in Texas Civil Statutes, Article 6145, as amended, means material remains in, or recovered from, archeological sites or other historic resources and includes relics and artifacts.

Archeological investigation—Any research activity applied to archeological sites and the material remains in, or removed from, such sites, including excavation, recording, documentation, conservation, mapping, and analysis.

Archeological site—Any place that contains material remains of past human life or activities in their original or historical context. No site is considered a historic resource under these rules unless the resource is at least 50 years of age or has been determined by the commission to be of overriding historical or cultural significance.

Artifact—An historical object of human workmanship or association.

Avocational archeologist—Any individual with demonstrated skill or experience in archeological investigation who is not a professional archeologist within the meaning of these rules.

Conservation easement—A nonpossessory interest of a holder in real property that imposes limitations or affirmative obligations, as defined and authorized in Title 8, Texas Natural Resources Code, Chapter 183.

Council of Texas Archeologists' guidelines—The standards for archeological performance, report writing, curation, and/or other aspects of archeological investigation adopted by the Council of Texas Archeologists, a nonprofit professional organization. Copies may be requested from the Texas Historical Commission at P.O. Box 12276, Austin, Texas 78711.

Historic or cultural resource—Any building, site, district, or structure of historical or archeological interest and its contents. Examples are Indian mounds and camping grounds, sources of stone for aboriginal tools, bison-kill sites, rock art, pre-20th century shipwrecks, building foundations, early cottage and craft sites, cemeteries, dumps and trash heaps, and all manner of historical buildings and other structures. Only resources at least 50 years old, or which have been determined by the state archeologist to be of transcendent historic or cultural importance, are considered historical resources within the meaning of these rules.

Historical preservation—The protection and conservation of all aspects of our cultural heritage.

History (historic, historical)—Includes prehistory (prehistoric).

Inventory of sites—Any form of tabulating, collecting, and holding archeological site records, and all activities which maintain that inventory.

Material remains—Any objects, artifacts, or other items constructed, altered, created, or used by humans. Examples are Indian artifacts and the debris from making them; building materials; human skeletal remains; early

maps, records, and documents; as well as historical implements and debris in any way related to culture history. Nonfossilized and fossilized paleontological specimens and geological specimens are not included unless occurring in an archeological context. Only material remains at least 50 years old, or which have been determined by the state archeologist to be of transcendent historic or cultural importance, are considered historic resources within the meaning of these rules.

Professional archeologist—Any archeologist certified by the Society of Professional Archeologists (SOPA) for the level of required investigation, and anyone determined a professional archeologist by the state archeologist according to the criteria of the SOPA for certification for the level of investigation required.

Site records—All data and information relating to the character, condition, and location of any archeological site or other historic resource; and all data and information pertinent to collections of material remains. Site records include, but are not limited to, photographs, maps, notes, drawings, site data forms, documents, sound tapes, and computerized data.

Standardized Trinomial Numbering System—The three-part numbering system for labeling archeological sites consisting of a number assigned for the State of Texas (41), a standard county abbreviation, and the number of the site according to its order of recording in its county.

State of Texas site data form—The standardized form for recording archeological site information as developed and amended by the Office of the State Archeologist.

§25.2. Determinations of Significance. A determination of significance is used by the Office of the State Archeologist to help decide which sites and historical resources are most worthy of recordings, investigation, and other treatment. Considered in a determination of significance are:

- (1) listing in the National Register of Historic Places;
- (2) designation as a recorded Texas historic landmark or state archeological landmark;
- (3) qualification, as determined by the commission, as an eligible property under the criteria for inclusion in the National Register of Historic Places, or for designation as a recorded Texas historic landmark;
- (4) marking by an official Texas historical marker of any type, including centennial markers;
- (5) certification by the commission to other agencies of the state as worthy of preservation;
- (6) determination by the state archeologist or the commission that the site or resource is capable of yielding information important to the understanding of history; and
- (7) an age of at least 50 years, unless younger and determined by the commission to be of transcendent historical or cultural importance.

§25.3. Site Investigations.

(a) Decisions. The choice to investigate or inventory a site or other historic resource is made by the Office of the State Archeologist in consideration of the following:

- (1) the nature and immediacy of any threat to the site or resource;

- (2) the historical importance of the site data in the study of history or archeology; and

- (3) the site's significance as defined in §25.2 of this title (relating to Determinations of Significance).

(b) Appointment of avocational assistants. In any situation determined by the state archeologist to be of immediate harm to the historical resource, the state archeologist may appoint avocational archeologists to investigate or inventory such resources or aid in mitigating the effect of damage. The appointed archeologist(s) will work under the direction of the state archeologist

§25.4. Consultation.

(a) Any individual, organization, agency, or corporation may direct inquiries to the Office of the State Archeologist and request consultation relating to prehistoric and historic archeology and related matters. All inquiries will be answered or referred to another appropriate agency or organization.

(b) Consultations involving archeological investigation are carried on in accordance with the procedures and criteria of §25.3 of this title (relating to Site Investigations).

§25.5. Inventory of Archeological Sites.

(a) Definition. A continuing inventory of nonrenewable archeological resources is maintained which includes all available data pertinent to archeological sites. Information from other offices and sources is included.

(b) Request for access. Organizations, agencies of the government, corporations, and individuals who desire access to records shall make their requests in writing to the Office of the State Archeologist, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711, and include a justification for the needed information, as well as an explanation of how the requested data will be used (for example, in publications or public education projects).

(c) Withholding information. Any information in the inventory may be withheld from publication or from the public if the state archeologist deems that disclosure would be likely to result in harm to the resources. Information which may be withheld includes, but is not limited to, site records, locational information, notes, photographs, maps, and computerized data, including access to the commission's computer terminals.

(d) Conditions. Determinations to withhold information will be made by the state archeologist on the instance of each request for information and are based on the following conditions:

- (1) ownership of the resource, where disclosure of information may lead to infringement of the legal rights of private landowners;
- (2) significance of the resources, in that significance reflects the magnitude of potential loss caused by damage to the resource;
- (3) quality and amount of evaluative data available for the resources, in that insufficient data can impede an accurate determination of the character and significance of the resources;
- (4) location of the resources in relation to other nearby and/or related resources, in that withholding of site location and/or data may help protect other resources;

(5) existing protective measures in place at the resources, such as maintenance as a historic site or park or other facility with on-site supervisory personnel; and

(6) previous and widespread general knowledge of the location and character of a resource, in that information relating to well-known landmarks, historic site parks, and/or other public resources will not arbitrarily be withheld.

§25.6. Collections.

(a) Maintenance. The commission will:

(1) maintain collections recovered by this office for the period of time required for their processing, analysis, and adequate reporting;

(2) maintain on a temporary basis collections recovered by other organizations or people from archeological investigations in the state and accepted by this office for placement for curation; and

(3) maintain on a permanent basis only those collections falling within its responsibilities and for which no permanent repository can be found, and sample collections for comparative analysis.

(b) Permanent repositories. In seeking permanent repositories for collections held in temporary custody, this office will observe the following procedures.

(1) All collections transferred by this office to a permanent repository will include original copies of all field and laboratory data, including notes, drawings, maps, photographs, photographic negatives, catalogues, and other such documentation.

(2) Permanent repositories will be identified by this office according to the definition of archeological repositories in the guidelines for curation of the Council of Texas Archeologists, as amended. Copies of this document may be requested from the Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711.

(3) Preference will be given to:

(A) qualified permanent repositories that are in the region from which the collections were recovered;

(B) permanent repositories that maintain procedures for access to collections and site records that prevent disclosure of information harmful to the resources involved;

(C) permanent repositories that facilitate scientific archeological research;

(D) permanent repositories that observe the guidelines for curation of the Council of Texas Archeologists; and

(E) repositories in the State of Texas.

(4) Transfer of collections to permanent repositories will be made under the terms of a written agreement between the repository and the commission. The agreement will include an inventory of transferred goods, and its terms will be guided by the standards for curation of the Council of Texas Archeologists, as amended.

(5) All pertinent data concerning collections, related site records, and the sites or resources from which the collections were made will be retained in the commission's inventory of archeological resources, and no transfer agreement will be made that prohibits the commission from retaining data and information.

(6) In the event that a repository fails to maintain the integrity of collections provided by the commis-

sion, or to protect them adequately, such collections will revert to the commission along with all pertinent records.

(c) Human skeletal remains.

(1) This office will not publicly exhibit human skeletal remains, and it will discourage the public exhibition of human skeletal remains by others.

(2) Human skeletal remains and associated artifacts will be retained for permanent scientific study and curated in a manner that optimizes their preservation and study and eliminates their display as items of curiosity.

(d) Appraisals. This office will not place a price on any artifacts and/or collections in its custody and it will not appraise artifacts for others.

§25.7. Acquisition and Preservation of Sites.

(a) Purpose. These activities are undertaken to preserve in perpetuity major archeological properties by their acquisition or by the implementation of applicable antiquities laws.

(b) Selection. Selection of sites for acquisition or preservation is made by the Office of the State Archeologist on the basis of site significance as stated in §25.2 of this title (relating to Determination of Significance), priority being given to major sites that are endangered by nature or man. Selection of cultural properties for permanent preservation can be made in cooperation with individuals, private organizations and corporations, or state or federal agencies.

(c) Maintenance requirements for buildings. Properties requiring extensive repair and/or long-term maintenance, such as standing historic structures, will not be considered for acquisition unless mechanisms for such maintenance can be arranged through cooperating preservation entities.

(d) Factors influencing selections. Major factors influencing site selection are:

(1) potential of the property to yield scientific data useful in the reconstruction of past lifeways;

(2) importance of the site within the context of a regional culture area; and

(3) potential of the site with respect to public education through the eventual development of on-site or nearby interpretive centers, displays, or professionally guided tours.

(e) Acquisition procedures. The following procedures for acquisition/preservation will be adhered to by the Office of the State Archeologist.

(1) Having deemed a site worthy of permanent preservation, the Office of the State Archeologist or an appointed agent will negotiate with the owner of the site.

(2) The site owner will be informed of the significance of the property, of the various mechanisms available to ensure long-term preservation of the property, and of his rights, responsibilities, and privileges under each of the preservation programs.

(3) The alternatives for long-term preservation include, but are not limited to, the following:

(A) donation of the property to the state or to a suitable nonprofit foundation;

(B) purchase of the property by the state or a suitable nonprofit foundation;

(C) donation of a conservation easement (Conservation Easement Act, Title 8, Texas Natural Resources Code, Chapter 183, Conservation Easements) by

site owner to the state or other qualified nonprofit organization;

(D) designation of the property as a state archeological landmark; and

(E) nomination of the property to the National Register of Historic Places.

(4) Where a site or property is acquired for the state through donation or purchase by the Office of the State Archeologist, the following conditions shall apply.

(A) The donation will be unconditional and will reflect full ownership by the state.

(B) The donation may consist of surface only. Mineral rights in such instances will be retained by the landowner with the stipulation that all contained archeological deposits will be protected against any form of land-altering mineral exploration and development. In the case of donations that include mineral rights, such rights will be managed by the General Land Office of Texas.

(C) The property to be acquired will be limited to those areas containing archeological deposits; any immediately adjacent or contained natural features having direct relevance to human occupation of the site, such as springs, bedrock exposures, or flint outcrops; and to access corridors.

(D) The Office of the State Archeologist will provide for legal survey, legal description, and deed recording of the acquired property.

(E) The Office of the State Archeologist will inform the donating landowner of his rights with respect to tax benefits for site donation, and will supply required documentation to the landowner or other entity as required to facilitate such benefits.

(f) The Office of the State Archeologist will initiate measures to provide for the permanent protection of the scientific integrity of archeological properties acquired through donation, purchase, or other means.

(1) The status of the required property will be publicized through on-site placement of permanent signs or markers, except in cases where the placement of such signs or markers is determined by the state archeologist to constitute a threat of harm to the resource.

(2) The Office of the State Archeologist will appoint a local professional or avocational archeologist to examine the property at regular intervals and to report any acts of vandalism or other damaging activity.

(3) Local law-enforcement officials will be notified of the property's protected status and will be encouraged to enforce pertinent antiquities regulations.

(4) Research activities at acquired sites will be limited to professional archeologists. All research activities will be required to comply with guidelines of the Council of Texas Archeologists.

(5) All proposals for research at acquired sites will be reviewed and approved by the Office of the State Archeologist on an individual basis.

Issued in Austin, Texas, on May 31, 1984.

TRD-845920 Curtis Tunnell
Executive Director
Texas Historical Commission

Effective date: May 31, 1984
Expiration date: September 28, 1984
For further information, please call (512) 475-3092.

TITLE 22. EXAMINING BOARDS Part XX. Texas Board of Private Investigators and Private Security Agencies Chapter 421. General Provisions

22 TAC §421.2

The Texas Board of Private Investigators and Private Security Agencies adopts on an emergency basis new §421.2, concerning complaint limitations, which establishes a limit of time in which a complaint may be filed. The immediate peril exists because some complaints are pending that date back several years and immediate relief is needed.

The new section is adopted on an emergency basis under Texas Civil Statutes, Article 4413(29bb), §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

§421.2. *Complaint Limitation.* The board shall not accept a complaint against a licensee or an employee if the complaint is filed more than three years after the alleged violation date, except in matters that relate to a felony conviction or the conviction of a crime involving moral turpitude, or a material misstatement in an application.

Issued in Austin, Texas, on May 30, 1984

TRD-845878 Clema D. Sanders
Executive Director
Texas Board of Private
Investigators and Private
Security Agencies

Effective date: May 31, 1984
Expiration date: September 28, 1984
For further information, please call (512) 475-3944.

Chapter 423. Rules of Procedure and Seal

Regulation of Code of Professional Responsibility and Conduct

22 TAC §423.1

The Texas Board of Private Investigators and Private Security Agencies adopts on an emergency basis an amendment to §423.1, concerning standards of conduct, which prohibits a licensee, owner, officer, partner, shareholder, or employee from being involved in certain designated categories of crimes. The board has determined that peril to the welfare of citizens exists because the current rule requires the board to investigate and take appropriate action against licensees and their employees under certain conditions, but does not prohibit a licensee, owner, officer, partner, shareholder, or employee from being involved in certain designated categories of crimes.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 4413(29bb), §11, which provide the Texas Board of Private Investigators

and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

§423.1. Standards of Conduct.

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

(f) **No licensee, owner, officer, partner, shareholder, or employee shall be involved in the following:** [The board shall investigate and take appropriate action against licensees and employees of licensees under the following conditions:]

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

(g) (No change.)

Issued in Austin, Texas, on May 30, 1984.

TRD-845879 Clema D Sanders
 Executive Director
 Texas Board of Private
 Investigators and Private
 Security Agencies

Effective date: May 31, 1984

Expiration date: September 28, 1984

For further information, please call (512) 475-3944.

Chapter 435. Training Programs

22 TAC §435.2

The Texas Board of Private Investigators and Private Security Agencies adopts on an emergency basis an amendment to §435.2, concerning attendance, progress, and completion records required, which requires a school certificate of completion, but specifies no limit of time. The board has determined that peril to the welfare of the public exists because under the existing rule the board-approved training school might delay issuance of a certificate of completion indefinitely; thus indefinitely avoiding proof of completion of required training. The amendment requires issuance of a certificate within seven days.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 4413(29bb), §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

§435.2. Attendance, Progress, and Completion Records Required. A board-approved training school shall:

(1) issue an original certificate of completion to each qualifying student, **within seven days after the student qualifies;** and

(2) maintain adequate records to show attendance and progress of grades of students.

Issued in Austin, Texas, on May 30, 1984

TRD-845880 Clema D Sanders
 Executive Director
 Texas Board of Private
 Investigators and Private
 Security Agencies

Effective date: May 31, 1984

Expiration date: September 28, 1984

For further information, please call (512) 475-3944.

22 TAC §435.4

The Texas Board of Private Investigators and Private Security Agencies adopts on an emergency basis an amendment to §435.4, concerning records required on director, which requires notification of any change in address and telephone number of a training school director. The board has determined that peril to the welfare of citizens exists because the name and signature of the new director must be submitted to the board within 14 days, thus establishing a time limit for notification to the board of the new name with signature card and better protection for the public against improper signature authentication and assurance of timely certification.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 4413(29bb), §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act

§425.4. Records Required on Director. A board-approved training school shall maintain on file with the board the name and signature of its director and shall notify the board in writing **when there has been a change in the school's director, giving the board the name of the new director and furnishing the board a signature card of the new director** [of any change in the address or telephone number of the director] within 14 days after such change.

Issued in Austin, Texas, on May 30, 1984

TRD-845881 Clema D Sanders
 Executive Director
 Texas Board of Private
 Investigators and Private
 Security Agencies

Effective date: May 31, 1984

Expiration date: September 28, 1984

For further information, please call (512) 475-3944.

22 TAC §435.8

The Texas Board of Private Investigators and Private Security Agencies adopts on an emergency basis an amendment to §435.8, concerning application for a training instructor letter of approval. The board has determined that peril to public welfare exists because Texas Civil Statutes, Article 4413(29bb), as amended by the 68th Legislature, authorized establishment of a \$100 fee for a training instructor letter-of-approval fee and the amendment to this rule will cause compliance with the statute. It is in the public interest to comply with the rule as amended.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 4413(29bb), §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

§435.8. Application for a Training Instructor Letter of Approval. Any person applying for approval as an instructor shall submit proof of qualification as required

by the board. Instructors may be approved for classroom and/or firearm training. A person may apply for approval for one or both of these categories.

(1)-(2) (No change)

(3) A letter of approval from the board shall be issued to each approved instructor and shall be valid for a period of one year. The instructor's approval may be renewed for a period of one year [without charge] upon application to the board and payment of the renewal fee [for renewal].

(4)-(5) (No change.)

Issued in Austin, Texas, on May 30, 1984

TRD-845882 Clema D Sanders
Executive Director
Texas Board of Private
Investigators and Private
Security Agencies

Effective date: May 31, 1984

Expiration date: September 28, 1984

For further information, please call (512) 475-3944

22 TAC §435.16

The Texas Board of Private Investigators and Private Security Agencies adopts on an emergency basis new §435.16, concerning the security officer training manual, examination, and grade. The board has determined that peril to the public exists without proper testing of commissioned security officers including standard acceptable minimum test scores based on the content of an approved training manual. This rule establishes requirements for training schools to follow to train commissioned security officers and to examine those officers being trained, thus, the public welfare is served

The new section is adopted on an emergency basis under Texas Civil Statutes, Article 4413(29bb), §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act

§435.16. *Security Officer Training Manual, Examination, and Grade.*

(a) The board's official *Commissioned Security Officer Training Manual* shall be used by all board-approved security officer training schools, beginning September 1, 1984

(b) All students of a commissioned security officer training school basic program shall be tested with an examination prepared by and obtained from the board, beginning September 1, 1984.

(c) The passing grade of the commissioned security officer examination shall be a minimum of 70% correct answers

Issued in Austin, Texas, on May 30, 1984

TRD-845883 Clema D Sanders
Executive Director
Texas Board of Private
Investigators and Private
Security Agencies

Effective date: May 31, 1984

Expiration date: September 28, 1984

For further information, please call (512) 475-3944

Chapter 443. Licensee Responsible for Conduct of Employees

22 TAC §443.2

The Texas Board of Private Investigators and Private Security Agencies adopts on an emergency basis new §443.2, concerning permitting or allowing employee violations. Statute law says an employer may be responsible. This new section states that employers shall be responsible to knowingly allow or permit an employee to violate a law. This new section is an immediate necessity to eliminate a peril to the general public.

The new section is adopted on an emergency basis under Texas Civil Statutes, Article 4413(29bb), §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act

§443.2. *Permitting or Allowing Employee Violations.* Licensees or employees of licensees shall not permit or allow employees or any other person to violate a provision of the Act, a board rule, or any criminal statute.

Issued in Austin, Texas, on May 30, 1984

TRD-845884 Clema D Sanders
Executive Director
Texas Board of Private
Investigators and Private
Security Agencies

Effective date: May 31, 1984

Expiration date: September 28, 1984

For further information, please call (512) 475-3944



Chapter 451. Registration of Employees or Private Investigators

22 TAC §451.8

The Texas Board of Private Investigators and Private Security Agencies adopts on an emergency basis new §451.8, concerning licensee responsible for the registration of employees. This new section is necessary to eliminate immediately from employment convicted felons who are working as noncommissioned security officers and burglar alarm installers. Statute law does not make the employer responsible to register employees.

The new section is adopted on an emergency basis under Texas Civil Statutes, Article 4413(29bb), §11, which provide the Texas Board of Private Investigators

and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act

§451.8. *Licensee Responsible for the Registration of Employees.* It shall be the responsibility of the licensee to register with the board all employees required to register under the Act, §32.

Issued in Austin, Texas, on May 30, 1984

TRD-845885 Clema D. Sanders
 Executive Director
 Texas Board of Private
 Investigators and Private
 Security Agencies

Effective date: May 31, 1984

Expiration date: September 28, 1984

For further information, please call (512) 475-3944

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part VII. Texas Commission on Law Enforcement Officer Standards and Education

Chapter 211. Administrative Division Substantive Rules

37 TAC §211.77

(Editor's note: The text of the following rule repealed on an emergency basis will not be published. The rule may be examined in the offices of the Texas Commis-

sion on Law Enforcement Officer Standards and Education, Suite 220E, 1106 Clayton Lane, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Commission on Law Enforcement Officer Standards and Education adopts on an emergency basis the repeal of §211.77, concerning certification of law enforcement degree programs. The repeal was unintentionally omitted on July 29, 1983, when the commission proposed the repeal of all rules in effect on that date (8 TexReg 2860). The emergency action is required to insure that no misinterpretation of commission rules result, as there exists a new §211.77 which became effective on October 19, 1983, and deals with another subject matter.

The repeal is adopted on an emergency basis under Texas Civil Statutes, Article 4413(29aa), §2(2), which provide the commission with the authority to establish minimum curriculum requirements for preparatory programs for schools or academies operated by or for the state, or any political subdivisions thereof, for the specific purpose of training peace officers, jailers, or reserve law enforcement officers

§211.77. Certification of Law Enforcement Degree Programs

Issued in Austin, Texas, on May 30, 1984

TRD-845895 Alfredo Villarreal
 General Counsel
 Texas Commission on Law
 Enforcement Officer Standards
 and Education

Effective date: May 31, 1984

Expiration date: September 28, 1984

For further information, please call (512) 834-9222.

Proposed Rules

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

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

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

TITLE 1. ADMINISTRATION Part I. Office of the Governor Chapter 3. Criminal Justice Division

The Criminal Justice Division of the Office of the Governor proposes the repeal of existing Chapter 3 and the adoption of new sections concerning organization, operating procedures, and the administration of criminal justice funds. Sections proposed for repeal have been combined with other sections of this title for clarity, or are now referenced in the *Criminal Justice Plan for Texas*, the uniform grant and contract management standards, and state and federal documents and statutes that have been adopted by reference in this title.

Section 3.11, relating to legal authorization, 3.12, relating to applicability; and 3.21, relating to forms adopted by reference, are new sections proposed for adoption.

The following sections are proposed for repeal: §§3.31-3.34, concerning juvenile justice and delinquency prevention advisory board; §§3.61-3.86, concerning eligible applicants and general project requirements; §§3.91-3.114, concerning local project development and implementation; §§3.131-3.150, concerning statewide project development and implementation, §§3.171-3.178, concerning continuation funding policy for local projects; §§3.191-3.194, concerning consensual technical equipment, §§3.201-3.203, concerning funding for the purchase, lease,

operation, and maintenance of vehicles; §§3.211-3.216, concerning applications for grants for supplemental funds, §§3.231-3.237, concerning audits of Criminal Justice Division projects; §§3.251-3.254, concerning exceptions to audit reports; §§3.261-3.263, concerning grant extensions and adjustments; §§3.271-3.277, concerning withholding funds from grantees; §§3.291-3.294, concerning state-federal relations, and §3.311 and §3.312, concerning forms.

The Criminal Justice Division proposes the following new rules relating to administration of criminal justice funds: §3.11 and §3.12, concerning general powers; §3.21, concerning applicable statutes, documents, and forms; §§3.31-3.41, concerning juvenile justice and delinquency prevention advisory board; §§3.61-3.83, concerning implementation and operation of projects, §§3.91-3.96, concerning continuation funding for local projects; and §§3.100-3.107, concerning audits of Criminal Justice Division projects and audit report exceptions. The proposed new sections reflect operating procedures, as well as policies and procedures previously contained in repealed §§3.61-3.86, 3.91-3.114, 3.131-3.150, 3.211-3.216, 3.231-3.237, 3.251-3.254, and 3.271-3.277 of this title.

Larry Janacek, assistant director for administration, 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. Janacek also has determined that for each year of the first five years the rules as proposed are in effect, there will be no public benefit anticipated as a result of enforcing the rules. 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 Gilbert Pena, Executive Director of the Criminal Justice Division, Office of the Governor, P.O. Box 12428, Austin, Texas 78711, for a period of 30 days following publication.

The new sections are proposed under Texas Civil Statute, Article 4413(32a), §6(a)(11), which provide the Office of the Governor, Criminal Justice Division, with the authority to adopt rules, regulations, and procedures as may be necessary.

Subchapter A. Criminal Justice General Powers

1 TAC §3.11, §3.12

§3.11. Legal Authorization. These rules are promulgated under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provide the Criminal Justice Division of the Office of the Governor, with the authority to adopt rules, regulations, and procedures necessary to carry out provisions of the Act.

§3.12. Applicability. These rules shall apply to applications and grants for the 1985 and subsequent state fiscal years. Applications and grants for prior state fiscal years shall be governed by the rules in effect at the time the application was submitted and/or the grant was awarded.

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 May 30, 1984.

TRD-845825 Gilbert J. Pena
 Executive Director
 Criminal Justice Division
 Office of the Governor

Earliest possible date of adoption:
July 9, 1984

For further information, please call (512) 475-4444.

Applicable Statutes, Documents, and Forms

1 TAC §3.21

The new section is proposed under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provide the Office of the Governor, Criminal Justice Division, with the authority to adopt rules, regulations, and procedures as may be necessary.

§3.21. Compliance; Adoption by Reference. Grantee/applicants shall comply with all applicable state and federal statutes, rules, regulations, and guidelines. The Criminal Justice Division (CJD) adopts by reference the

following statutes, documents, and forms. Information regarding these adoptions by reference may be obtained from the Criminal Justice Division, Attention: Planning, Evaluation, and Program Audit, P.O. Box 12428, Austin, Texas 78711, (512) 475-3001.

(1) Public Law 96-509, the juvenile justice amendments of 1980 and regulations promulgated by the Federal Office of Juvenile Justice and Delinquency Prevention.

(2) Federal guidelines:

(A) Office of Justice Assistance, Research, and Statistics, *OJARS Guideline Manual, OJARS M 7100.1B, Financial and Administrative Guide for Grants*, October 20, 1980;

(B) U.S. General Accounting Office, *Standards for Audit for Governmental Organizations, Programs, Activities, and Functions*;

(C) U.S. General Accounting Office, *Guidelines for Financial and Compliance Audits of Federally Assisted Programs*.

(3) *Uniform Grant and Contract Management Standards* developed under directive of the Uniform Grant and Contract Management Act of 1981, Texas Civil Statutes, Article 4413(32g).

(4) Texas Review and Comment System (1 TAC §5.191 *et seq*) developed in response to Presidential Executive Order 12372.

(5) The annual *Criminal Justice Plan for Texas* developed by the Office of the Governor, Criminal Justice Division.

(6) CJD guides for criminal justice plans:

(A) The annual *Guide for Regional Criminal Justice Plans*;

(B) The annual *Guide for State Agency Criminal Justice Plans*;

(7) CJD forms:

(A) statement of grant award;

(B) grantee acceptance notice;

(C) grantee's request for funds;

(D) grant adjustment notice;

(E) grantee's quarterly progress report;

(F) report of expenditure and status of funds;

and

(G) property inventory.

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 May 30, 1984.

TRD-845829 Gilbert J. Pena
 Executive Director
 Criminal Justice Division
 Office of the Governor

Earliest possible date of adoption:
July 9, 1984

For further information, please call (512) 475-4444.

Juvenile Justice and Delinquency Prevention Advisory Board

1 TAC §§3.31-3.34

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be

examined in the Office of the Governor, Room 300, Sam Houston Building, 201 East 14th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provide the Office of the Governor, Criminal Justice Division, with the authority to adopt rules, regulations, and procedures as may be necessary.

- §3.31. *Meetings.*
- §3.32. *Quorum.*
- §3.33. *Order of Business.*
- §3.34. *Juvenile Justice Programs.*

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

Issued in Austin, Texas, on May 30, 1984

TRD-845835 Gilbert J. Pena
 Executive Director
 Criminal Justice Division
 Office of the Governor

Earliest possible date of adoption:
July 9, 1984

For further information, please call (512) 475-4444.

The new sections are proposed under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provide the Office of the Governor, Criminal Justice Division, with the authority to adopt rules, regulations, and procedures as may be necessary.

- §3.31. *Purpose.* Under the provisions of the Juvenile Justice and Delinquency Prevention Act, the Juvenile Justice and Delinquency Prevention Advisory Board will serve as the state advisory group.
- §3.32. *Meetings.* The Juvenile Justice and Delinquency Prevention Advisory Board shall meet at least annually and at other times as called by the chairman.
- §3.33. *Quorum.* A simple majority of the appointed members or their designees shall constitute a quorum of the transaction of business.
- §3.34. *Order of Business.* The latest version of *Robert's Rules of Order* shall prevail for all meetings.

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 May 30, 1984.

TRD-845830 Gilbert J. Pena
 Executive Director
 Criminal Justice Division
 Office of the Governor

Earliest possible date of adoption:
July 9, 1984

For further information, please call (512) 475-4444.

Eligible Applicants and Application Processing

1.TAC §§3.41-3.53

The new sections are proposed under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provide the Office of the Governor, Criminal Justice Division, with the authority to adopt rules, regulations, and procedures as may be necessary.

§3.41. *Eligible Applicants.* Subject to the special requirements and limitations outlined in each of the program areas in the annual *Criminal Justice Plan for Texas*, the following entities are eligible to apply to the Office of the Governor, Criminal Justice Division, for projects to be funded from the criminal justice planning fund or from available federal criminal or juvenile justice funds:

- (1) local projects:
 - (A) local units of government (i.e. counties or incorporated cities);
 - (B) school districts;
 - (C) universities and colleges;
 - (D) regional education service centers; and
 - (E) councils of governments.
- (2) Statewide programs:
 - (A) state agencies (with or without appropriations);
 - (B) universities and colleges; and
 - (C) statewide private nonprofit organizations.

§3.42. *Regional and State Agency Criminal Justice Plans.*

(a) Regional and state agency plans. Regional and state agency criminal justice plans shall be developed and submitted in accordance with the annual planning guide adopted by reference in §3.21(6) of this title (relating to Adoption by Reference), funding ratios and submission dates established by the Criminal Justice Division (CJD) for the appropriate fiscal year, and in accordance with any subsequent revisions.

(b) Regional plans. Prior to formal submission to the CJD, each regional council's annual criminal justice plan must be reviewed in conjunction with the annual *Criminal Justice Plan for Texas* and with the *CJD Guide For Regional Criminal Justice Plans*. The proposed projects included in the regional plan must be prioritized by a regional criminal justice advisory committee whose membership shall be composed of private citizens and representatives from the fields of law enforcement, courts—including prosecution and defense, adult corrections, and juvenile justice. The regional plan and the recommended prioritization of proposed projects must then be approved by the regional council's executive committee.

(c) State agency plans. State agency plans must be prioritized and approved by the administrative head of the agency and/or the agency's executive board.

§3.43. *Continuation Projects.* All projects for which a region seeks continued funding and expects to be funded must be included within the scope of the Reasonable Budget Expectation. Continuation projects will not be funded automatically in the budget process.

§3.44. *Project Priorities.* The Criminal Justice Division may adjust project priorities expressed in state agency plans and in regional plans to ensure compliance with statutory and/or administrative policies.

§3.45. *Maintenance of Effort.* The Criminal Justice Division shall, if necessary, adjust project priorities expressed in state agency plans and in regional plans to ensure the maintenance of effort required for federal funds and to ensure not less than 20% of state criminal justice planning funds are allocated to juvenile justice related programs.

§3.46. *Multijurisdictional Projects.* A regional council may be the applicant for projects having multijurisdictional impact if the program descriptions set forth in the annual *Criminal Justice Plan for Texas* identify the regional council as an eligible applicant for the specific type of project under consideration.

§3.47. *Multiregion Projects.* Proposed projects that serve governments in more than one region must be included in the plan of each participating region and prioritized within the scope of each region's Reasonable Budget Expectation. Each region's share of the costs of the project shall be determined by a percentage, which shall be based on the region's population served by the project relative to the total population served by the project.

§3.48. *Grant Applications.*

(a) To be eligible for submission to the Criminal Justice Division (CJD), grant applications must be included in the appropriate regional or state agency criminal justice plan; others must comply with §3.53 of this title (relating to Application for Supplemental Funds).

(b) Grant applications must be prepared in accordance with:

(1) the *Criminal Justice Plan for Texas* for the fiscal year for which the funds are requested;

(2) the uniform grant and contract management standards; and

(3) the Texas review and comment system.

(c) Grant applications submitted to the CJD must include the names, titles, addresses, and telephone numbers of the authorized official, project director, and financial officer of each grant submitted for consideration.

§3.49. *Review of Grant Applications.*

(a) The Criminal Justice Division (CJD) will review only those grant applications and applications for supplemental funds that are submitted in compliance with the *Criminal Justice Plan for Texas*.

(b) The CJD will submit recommendations to the governor concerning each grant application reviewed.

(c) The CJD may recommend award of a grant, award of a grant with modification, or rejection of a grant application.

(d) Recommendations shall be based on applicable statutory requirements, rules, guidelines, fiscal constraints, and administrative policies.

§3.50. *Revision of grant application.* The Criminal Justice Division may require revision of a grant application to comply with all state and federal laws, guidelines, rules, regulations, appropriate clearinghouse review and comments, regional advisory or executive committee reso-

lutions, and the applicable *Criminal Justice Plan for Texas*.

§3.51. *Nonsupplanting Requirement.*

(a) Texas Civil Statutes, Article 4413(32a), §6(a)(7), requires that state funds provided by this Act shall not be used to supplant state or local funds. Public Law 96-509 requires that federal funds provided by this Act shall not be used to supplant state or local funds.

(b) Each grantee shall certify that CJD funds have not been used to replace state or local funds that would have been available in the absence of CJD funds. The certification shall be incorporated in each grantee's report of expenditure and status of funds referred to under §3.21(7) of this title (relating to Adoption by Reference).

§3.52. *Nonlobbying Certification.*

(a) Each grantee shall certify that none of the grant funds, regardless of their source or character, including local cash contribution, shall be used in any manner to influence the outcome of any election or the passage or defeat of any legislative measure.

(b) A finding that a grantee has violated this certification shall result in the immediate termination of funding of the project and the grantee shall not be eligible for future funding from the Office of the Governor, Criminal Justice Division.

§3.53. *Application for Supplemental Funds.* Grant applications for supplemental funds must comply with §§3.41-3.52 of this title (relating to Eligible Applicants and Application Processing).

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 May 30, 1984.

TRD-845831 Gilbert J. Pena
 Executive Director
 Criminal Justice Division
 Office of the Governor

Earliest possible date of adoption:

July 9, 1984

For further information, please call (512) 475-4444.

Eligible Applicants and General Project Requirements

1 TAC §§3.61-3.86

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the Office of the Governor, Room 300, Sam Houston Building, 201 East 14th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provide the Office of the Governor, Criminal Justice Division, with the authority to adopt rules, regulations, and procedures as may be necessary.

§3.61. *Local Applicants.*

§3.62. *State Applicants.*

of any funds under the contract when the following amounts are exceeded:

- (1) nonstate agencies—\$5,000;
- (2) state agencies—\$10,000.

§3.71. Financial, Progress, and Inventory Reports. Each grantee shall submit financial, progress, and inventory reports in accordance with the instructions provided by the Criminal Justice Division (CJD). All reports shall be submitted in accordance with the prescribed CJD forms for such reports. Financial and inventory reports must be signed by the financial officer. Progress reports must be signed by the project director. Inventory reports are to accompany the final financial report.

§3.72. Deobligation of Funds. Any unobligated funds remaining with the grantee shall be returned immediately to the CJD with the final financial report.

§3.73. Cancellation of Project. The grantee shall notify the Criminal Justice Division, in writing, of the cancellation of any approved project immediately upon the determination to cancel the project.

§3.74. Misappropriation of Funds. The grantee must, immediately upon discovery, report to the Criminal Justice Division any evidence of misappropriation of funds.

§3.75. Withholding Funds From Grantees. The Criminal Justice Division may withhold funds from a grantee when determination is made that the grantee has failed to comply with established rules, guidelines, standard grant conditions, special grant conditions, or contractual agreements on which the award of such grant is predicated or when criminal justice funds are depleted or insufficient to meet fund allocations.

§3.76. Conditions for Withholding Funds from Grantees.

(a) Withholding funds from specific projects. Funds may be withheld from a specific project for reasons which include, but are not limited to, the following:

- (1) failure to comply with any applicable federal or state laws, rules, regulations, policies, or guidelines, or with the terms, conditions, standards, or stipulations of any grant agreements;
- (2) failure to submit reports of expenditure and status of funds, grantee's progress reports, or special required reports at the times and in the form established for such reporting;
- (3) significant deficiencies or irregularities in records maintained by the grantee or its agent for operation and/or administration of the grant project;
- (4) failure to conduct the grant project according to the terms of the application for grant, the statement of grant award, the grantee acceptance notice, or a grant adjustment notice;
- (5) failure to comply with any standard or special condition which has been made a part of the statement of grant award by reference or inclusion therein, or through the issuance of a grant adjustment notice; or
- (6) failure to commence project operations within 45 days of the project start date.

(b) Withholding funds from all projects. Funds may be withheld from all projects operated by a grantee

for reasons which include, but are not limited to, the following:

(1) failure to respond to any deficiency listed in this section;

(2) failure to return to the CJD within the required time any unused grant funds remaining on the expired grant; or

(3) refusal or an unwillingness to return to the CJD any grant funds which have been shown by an audit report and the Audit Review Board to have been improperly accounted for or expended for ineligible purposes under a grant that has expired.

(c) Notification of Withholding of Funds. The CJD shall notify grantees of all deficient conditions constituting grounds for withholding funds and may give advance notification that funds will be withheld unless the deficient conditions are corrected by a specified date.

(d) Appeals to the Criminal Justice Division. Grantees may, within 10 days of receiving notification, request in writing a reconsideration of the determination to withhold funds. The request shall be directed to the executive director of the Criminal Justice Division, together with any documentation in support of the reconsideration. The executive director will review the determination to withhold funds based on the documentation submitted, and the final determination will be transmitted in writing to the grantee.

(e) Release of Funds. Funds shall be released when the Criminal Justice Division has been provided with satisfactory evidence that the deficient conditions have been corrected.

§3.77. Termination for Cause.

(a) The Criminal Justice Division may terminate any grant for failure to comply with any of the following:

- (1) applicable federal or state laws, rules, regulations, policies, or guidelines;
- (2) terms, conditions, standards, or stipulations of grant agreements; or
- (3) terms, conditions, standards, or stipulations of any other grant awarded to the grantee.

(b) Termination of grants for cause shall be based on findings that:

- (1) deficient conditions make it unlikely that the objectives of the grant will be accomplished;
- (2) deficient conditions cannot be corrected within a period of time adjudged acceptable by the Criminal Justice Division; or
- (3) a grantee has acted in bad faith.

(c) The Criminal Justice Division shall notify grantees of the conditions and findings constituting grounds for termination.

(d) Unexpended or unobligated funds awarded to a grantee shall, upon termination of a grant, revert to the Criminal Justice Division.

(e) A grantee may be adjudged ineligible for future grant awards if a grant awarded to the grantee is terminated for cause.

§3.78. Appeal of Termination of Grant.

(a) a grantee may appeal the termination of a grant by writing to the executive director of the Criminal Justice Division within 10 days from the date of the suspension or termination notification.

(b) The grantee may submit written documentation in support of the appeal.

(c) The executive director of the Criminal Justice Division shall consider any documentation submitted by a grantee in support of an appeal.

(d) The decision of the executive director of the Criminal Justice Division concerning an appeal of a termination shall be final unless overturned by a court of competent jurisdiction.

§3.79. Statewide Private Nonprofit Organizations.

(a) Compensation for personnel and fringe benefits, if authorized in the budget, is allowable provided that the costs:

- (1) are reasonable for the service rendered; and
- (2) do not exceed the state classification guidelines for personnel.

(b) The rate of increase for annual merit or salary increases will be limited to the rate of increase authorized by the state legislature for state agency personnel.

§3.80. Travel.

(a) Law Enforcement Training.

(1) The CJD will not fund travel or subsistence for participation in law enforcement training courses if the training occurs within the grantee's region.

(2) The CJD will fund subsistence, including tuition, but will not fund travel for participation in training courses occurring out of the grantee's region.

(b) Nonlaw Enforcement Training. The CJD will fund subsistence, but will not fund travel, for participation in training courses occurring within the state.

(c) Conferences. The CJD will fund travel and subsistence for organized crime control units and other specialized criminal justice units to attend in-state conferences.

(d) Out-of-State Travel.

(1) Minimum Match. Local grantees/applicants must provide a 50% minimum cash match for all costs associated with approved out-of-state travel.

(2) Itinerary and Written Report. Not less than 15 days prior to out-of-state travel, grantees shall provide an itinerary to the Criminal Justice Division (CJD) documenting the intended travel. All out-of-state travel using CJD grant funds is subject to the condition that each traveler make a written report documenting place and purpose of travel, furnishing observations on the conference and/or course attended and commenting on any matters that may hold particular significance for the grantee's project. A copy of the report must be furnished to the CJD as an attachment to the grantee's next progress report subsequent to travel. Failure to provide a complete report to the CJD may result in denial of future requests for out-of-state travel.

§3.81. Funding for Vehicles. Funding for the lease of vehicles may be provided for undercover, unmarked, or other vehicles normally associated with organized crime control units, other specialized units with similar functions, and crime prevention units with proper justification for such vehicles. Funding for purchase of vehicles is limited to organized crime control units and narcotics units only.

§3.82. Uniform Crime Reporting. Each criminal and juvenile justice agency receiving funds from the Criminal Justice Division, or that benefits from funds awarded by the Criminal Justice Division to another agency, must, as a condition precedent to any grant award, comply fully with reporting requirements of the Texas Uniform Crime Reporting Program, Texas Department of Public Safety.

§3.83. Payment of Outstanding Liabilities.

(a) Upon completion of the grant period, a grantee must pay all outstanding liabilities within 90 days.

(b) All payments made after the completion of the grant period must relate to obligations encumbered before the end of the grant period.

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 May 30, 1984

TRD-845832

Gilbert J. Pena
Executive Director
Criminal Justice Division
Office of the Governor

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July 9, 1984

For further information, please call (512) 475-4444.

**Local Project Development and
Implementation**

1 TAC §§3.91-3.114

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the Office of the Governor, Room 300, Sam Houston Building, 201 East 14th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provide the Office of the Governor, Criminal Justice Division, with the authority to adopt rules, regulations, and procedures as may be necessary.

§3.91. Applicability.

§3.92. Inclusion in Regional Plan.

§3.93. Reasonable Budget Expectation.

§3.94. Multijurisdictional Projects.

§3.95. Multiregion Projects.

§3.96. Multiagency Organized Crime Control Projects.

§3.97. Continuation Projects.

§3.98. Local Plan Development.

§3.99. Administrative Requirements for Submission of Regional Plans.

§3.100. Administrative Requirements for Presentation to the Governor.

§3.101. Revisions of Grant Application.

§3.102. Statewide Comprehensive Plan.

§3.103. Maintenance of Effort.

§3.104. Approval.

§3.105. Award and Implementation of Projects.

§3.106. Cancellation of Projects.

§3.107. Contracts.

§3.108. Request for Funds.

- §3.109. *Progress and Financial Reports.*
- §3.110. *Deobligation of Funds.*
- §3.111. *Compliance with State, Federal, and the CJD Rules and Guidelines.*
- §3.112. *Failure to Comply with Any Applicable State, Federal, or CJD Rule or Guideline.*
- §3.113. *Termination of Funds.*
- §3.114. *Refunds to the CJD on Audit Review Board Determinations.*

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 May 30, 1984.

TRD-845837 Gilbert J. Pena
Executive Director
Criminal Justice Division
Office of the Governor

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July 9, 1984

For further information, please call (512) 475-4444.

Continuation Funding Policy for Local Projects

1 TAC §§3.91-3.96

The new sections are proposed under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provide the Office of the Governor, Criminal Justice Division, with the authority to adopt rules, regulations, and procedures as may be necessary.

§3.91. Applicability.

(a) This policy applies to local units of government, independent school districts, and regional education service centers.

(b) This policy does not apply to:

- (1) a local unit of government that is the applicant for a multiagency organized crime control project or an adult or juvenile purchase of services project;
- (2) regional councils of governments; and
- (3) projects solely for the purchase of equipment.

§3.92. Criminal Justice Funds. Criminal justice funds include state criminal justice planning funds, private funds, and any federal funds that are available for criminal justice or juvenile justice purposes.

§3.93. Requirements. Continuation funding for local projects will be considered for staff recommendations to the governor if the following requirements have been satisfied:

- (1) the project is included in a regional criminal justice plan and is within the region's reasonable budget expectation for the year of continuation funding;
- (2) the project is eligible for funding in accordance with the requirements set forth in the *Criminal Justice Plan for Texas* for the year of continuation funding;
- (3) all administrative, program, and financial requirements are complete; and
- (4) the project's detailed budget provides for the respective share of cash contribution required for that year of funding.

§3.94. Level of Funding for New Projects.

(a) The level of funding for projects, receiving Criminal Justice Division (CJD) funding will be at the following ratios of maximum criminal justice funds and minimum local cash contributions (CJD-funded indirect costs excluded):

Year	CJD Funds (maximum)	Local Cash Contribution (minimum)
First	100%	0%
Second	80%	20%
Third	60%	40%
Fourth	40%	60%
Fifth	20%	80%

(b) Projects that have been funded previously from federal or other private sources may apply for CJD funding as continuation grants. The CJD will assume funding of the project at a ratio level commensurate with the project's funding history.

(c) The level of funding for any project is subject to the following restrictions:

- (1) equipment costs funded by the CJD during the project's first year shall be deducted before the calculation of subsequent-year funding;
- (2) documented increases in project cost that require CJD funding may be allowed, and the criminal justice funds and local cash contribution shall share in this cost at their respective percentages for the year of funding.

§3.95. Local Commitment. Any projects intended to be funded for one year only will not be subject to §3.94 of this title (relating to Level of Funding for New Projects).

§3.96. Multiagency Organized Crime Control Projects. Maximum funding by the Criminal Justice Division for multiagency organized crime control units may not exceed 80% of the total project cost for the first year, 60% of the total project cost for the second year, and 40% of the total project cost for any subsequent years.

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

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TRD-845833 Gilbert J. Pena
Executive Director
Criminal Justice Division
Office of the Governor

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For further information, please call (512) 475-4444.

Audits of Criminal Justice Division Projects and Audit Report Exceptions

1 TAC §§3.100-3.107

The new sections are proposed under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provide the Office of the Governor, Criminal Justice Division, with

the authority to adopt rules, regulations, and procedures as may be necessary.

§3.100. Audit Standards. Examinations are to be conducted in accordance with the financial and compliance audit provisions of the U.S. General Accounting Office, Standards for Audit of Governmental Organizations, *Programs, Activities, and Functions*.

§3.101. Audit Objectives. The audit objective is to review the recipient's administration of grant funds and required matching contributions for the purpose of determining whether the recipient has:

(1) established an accounting system and procedures integrated with adequate internal fiscal and management controls to provide full accountability for the receipt, expenditure, and use of the program funds;

(2) expended and used program funds in accordance with the requirements set forth in state laws, regulations, and procedures, and the terms and conditions of the award;

(3) submitted timely financial reports that contain accurate, reliable, and useful financial data, and that present fairly the financial position and the results of the financial operations; and

(4) managed its financial operations in accordance with sound management procedures.

§3.102. Known or Suspected Violations of Laws. Knowledge or suspicion of any legal violations that are encountered during audits—including fraud, theft, embezzlement, forgery, or serious irregularities—must be communicated in writing to the local prosecutor's office and the Criminal Justice Division immediately upon discovery.

§3.103. Grantee's Response to Audit Exceptions. A grantee may, within a reasonable time not to exceed 10 working days, give notice of intent to submit documentation to respond to exceptions contained in an audit report by the Criminal Justice Division (CJD) or that has been forwarded to the CJD by an independent auditor.

§3.104. Documentation by Grantee. A grantee may submit documentation, either in person or by mail, to the Office of the Governor, Criminal Justice Division, P.O. Box 12428, Austin, Texas 78711, Attention: Comptroller.

§3.105. Audit Review Board The Audit Review Board will consist of the Criminal Justice Division (CJD) assistant director of program management, the CJD assistant director for administration, and the CJD comptroller, who will review the documentation for legal, financial, and program acceptability under state rules, regulations, and guidelines.

§3.106. Report of Audit Review Board. The Audit Review Board will make recommendations to the executive director for approval, disapproval, or approval as modified of audit exceptions. The determination by the executive director will be transmitted in writing to the grantee within 30 days.

§3.107. Refunds to the Criminal Justice Division on Audit Review Board Determinations. Grantees shall, within 30 days, refund all funds due after a final determination by the Audit Review Board and approval by the execu-

tive director of the Criminal Justice Division. Failure to comply with this provision shall subject participants to the provisions of §3.76 of this title (relating to Conditions for Withholding Funds from Grantees).

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 May 30, 1984

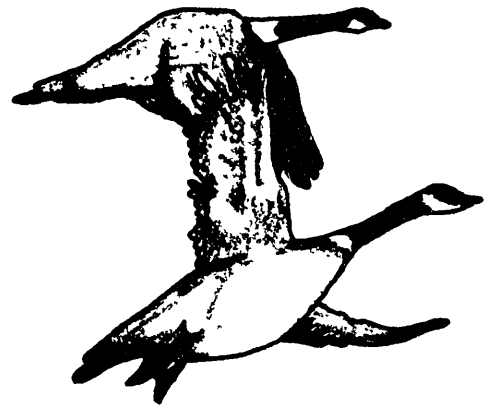
TRD-845834

Gilbert J. Pena
Executive Director
Criminal Justice Division
Office of the Governor

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For further information, please call (512) 475-4444.



Statewide Project Development and Implementation

1 TAC §§3.131-3.150

(Editor's note. The text of the following rules proposed for repeal will not be published. The rules may be examined in the Office of the Governor, Room 300, Sam Houston Building, 201 East 14th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provide the Office of the Governor, Criminal Justice Division, with the authority to adopt rules, regulations and procedures as may be necessary

§3.131. Applicability.

§3.132. Inclusion in State Agency Plan.

§3.133. Continuation Projects.

§3.134. State Agency Plan Development.

§3.135. Administrative Requirements for Submission of State Agency Plans.

§3.136. Administrative Requirements for Presentation to the Governor.

§3.137. Revisions of Grant Application.

§3.138. Statewide Comprehensive Plan.

§3.139. Maintenance of Effort.

§3.140. Approval.

§3.141. Award and Implementation of Projects.

- §3.142. *Cancellation of Projects.*
- §3.143. *Contracts.*
- §3.144. *Request for Funds.*
- §3.145. *Progress and Financial Reports.*
- §3.146. *Deobligation of Funds.*
- §3.147. *Compliance with State, Federal, and the CJD Rules and Guidelines.*
- §3.148. *Failure to Comply with Any Applicable State, Federal, or CJD Rule or Guideline.*
- §3.149. *Termination of Funds.*
- §3.150. *Refunds to the CJD on Audit Review Board Determinations.*

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

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TRD-845838 Gilbert J. Pena
Executive Director
Criminal Justice Division
Office of the Governor

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For further information, please call (512) 475-4444.

Continuation Funding Policy for Local Projects

1 TAC §§3.171-3.178

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the Office of the Governor, Room 300, Sam Houston Building, 201 East 14th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provide the Office of the Governor, Criminal Justice Division, with the authority to adopt rules, regulations, and procedures as may be necessary.

- §3.171. *Applicability.*
- §3.172. *Criminal Justice Funds.*
- §3.173. *Requirements.*
- §3.174. *Base for New Projects.*
- §3.175. *Level of Funding for New Projects.*
- §3.176. *Local Commitment.*
- §3.177. *Projects Currently Funded.*
- §3.178. *Multiagency Organized Crime Control Projects.*

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

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TRD-845839 Gilbert J. Pena
Executive Director
Criminal Justice Division
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For further information, please call (512) 475-4444.

Consensual Technical Equipment

1 TAC §§3.191-3.194

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the Office of the Governor, Room 300, Sam Houston Building, 201 East 14th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provide the Office of the Governor, Criminal Justice Division, with the authority to adopt rules, regulations, and procedures as may be necessary.

- §3.191. *Application for Grant Requirement.*
- §3.192. *Applicant's Written Policies and Procedures.*
- §3.193. *Local Criminal Justice Agencies.*
- §3.194. *Department of Public Safety.*

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

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TRD-845840 Gilbert J. Pena
Executive Director
Criminal Justice Division
Office of the Governor

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For further information, please call (512) 475-4444.

Funding for Purchase, Lease, Operation, and Maintenance of Vehicles

1 TAC §§3.201-3.203

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the Office of the Governor, Room 300, Sam Houston Building, 201 East 14th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provide the Office of the Governor, Criminal Justice Division, with the authority to adopt rules, regulations, and procedures as may be necessary.

- §3.201. *Funding for Vehicles.*
- §3.202. *Guidelines for Funding.*
- §3.203. *Individual Travel and Per Diem Expense.*

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

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TRD-845841 Gilbert J. Pena
Executive Director
Criminal Justice Division
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For further information, please call (512) 475-4444.

Procedures for Applications for Grants for Supplemental Funds

1 TAC §§3.211-3.216

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the Office of the Governor, Room 300, Sam Houston Building, 201 East 14th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provide the Office of the Governor, Criminal Justice Division, with the authority to adopt rules, regulations, and procedures as may be necessary.

- §3.211. *Application for Supplemental Funds.*
- §3.212. *Submission of Application.*
- §3.213. *Acceptance for Review*
- §3.214. *Review of Application.*
- §3.215. *Decision on Application.*
- §3.216. *Recommendation of 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

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TRD-845842 Gilbert J Pena
Executive Director
Criminal Justice Division
Office of the Governor

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July 9, 1984

For further information, please call (512) 475-4444.

Audits of Criminal Justice Division Projects

1 TAC §§3.231-3.237

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the Office of the Governor, Room 300, Sam Houston Building, 201 East 14th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provide the Office of the Governor, Criminal Justice Division, with the authority to adopt rules, regulations, and procedures as may be necessary

- §3.231. *Audit Requirements.*
- §3.232. *Audit Objectives.*
- §3.233. *Audit Standards and Guidelines.*
- §3.234. *Submission of Audit Reports.*
- §3.235. *Known or Suspected Violations of Any Laws.*
- §3.236. *Withholding of Funds.*
- §3.237. *Termination of Funds.*

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

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TRD-845843. Gilbert J. Pena
Executive Director
Criminal Justice Division
Office of the Governor

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For further information, please call (512) 475-4444.

Exceptions to Audit Report

1 TAC §§3.251-3.254

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the Office of the Governor, Room 300, Sam Houston Building, 201 East 14th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provide the Office of the Governor, Criminal Justice Division, with the authority to adopt rules, regulations, and procedures as may be necessary.

- §3.251. *Grantee's Response to Audit Exceptions.*
- §3.252. *Documentation by Grantee.*
- §3.253. *Audit Review Board.*
- §3.254. *Report of Audit Review 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.

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TRD-845844 Gilbert J Pena
Executive Director
Criminal Justice Division
Office of the Governor

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For further information, please call (512) 475-4444

Grant Extensions and Adjustments

1 TAC §§3.261-3.263

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the Office of the Governor, Room 300, Sam Houston Building, 201 East 14th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provide the Office of the Governor, Criminal Justice Division, with the authority to adopt rules, regulations, and procedures as may be necessary.

- §3.261. *Project Completion.*
- §3.262. *Grant Extensions.*
- §3.263. *Grant Adjustments.*

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

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TRD-845845 Gilbert J. Pena
Executive Director
Criminal Justice Division
Office of the Governor

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For further information, please call (512) 475-4444.

Withholding Funds from Grantees

1 TAC §§3.271-3.277

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the Office of the Governor, Room 300, Sam Houston Building, 201 East 14th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provide the Office of the Governor, Criminal Justice Division, with the authority to adopt rules, regulations, and procedures as may be necessary.

- §3.271. *Applicability.*
- §3.272. *Authority to Withhold Funds.*
- §3.273. *Conditions for Withholding Funds from Grant.*
- §3.274. *Conditions for Withholding Funds from Other Grants.*
- §3.275. *Notification of Withholding of Funds.*
- §3.276. *Appeals to the CJD.*
- §3.277. *Release of Funds.*

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

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TRD-845846 Gilbert J. Pena
Executive Director
Criminal Justice Division
Office of the Governor

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For further information, please call (512) 475-4444.

State-Federal Relations

1 TAC §§3.291-3.294

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the Office of the Governor, Room 300, Sam Houston Building, 201 East 14th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provide the Office of the Governor, Criminal Justice Division, with the authority to adopt rules, regulations, and procedures as may be necessary.

- §3.291. *Federal Acts Adopted by Reference.*
- §3.292. *Federal Guidelines Adopted by Reference.*
- §3.293. *Criminal Justice Division State Plans Adopted by Reference.*
- §3.294. *Uniform Standards Adopted by Reference.*

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 May 30, 1984.

TRD-845847 Gilbert J. Pena
Executive Director
Criminal Justice Division
Office of the Governor

Earliest possible date of adoption
July 9, 1984

For further information, please call (512) 475-4444.

Forms

1 TAC §§3.311, 3.312

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the Office of the Governor, Room 300, Sam Houston Building, 201 East 14th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provide the Office of the Governor, Criminal Justice Division, with the authority to adopt rules, regulations, and procedures as may be necessary.

- §3.311. *Use of Forms.*
- §3.312. *Adoption of Forms by Reference*

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

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TRD-845848 Gilbert J. Pena
Executive Director
Criminal Justice Division
Office of the Governor

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July 9, 1984

For further information, please call (512) 475-4444.





**TITLE 13. CULTURAL
RESOURCES
Part II. Texas Historical
Commission
Chapter 11. Administrative
Department
Rules Governing Use of Gethsemane
Church, Carrington-Covert House, and
Grounds**

13 TAC §§11.1-11.5

(Editor's note: The Texas Historical Commission proposes for permanent adoption the repeal it adopts on an emergency basis in this issue. The text of the rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Historical Commission, 1511 Colorado Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Historical Commission (THC) proposes the repeal of §§11.1-11.5, concerning the use of Gethsemane Church, Carrington-Covert House, and grounds. They are currently extremely outdated and no longer apply to present standards. The rules are being revised 90%. The repeal is adopted on an emergency basis to allow the THC to simultaneously propose broader, revised, and additional rules for dealing with the general public in total fairness to provide guidance to the general public which would greatly diminish any threat to the public welfare.

Gina Lardon, fiscal officer, 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.

Curtis Tunnell, executive director has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is to eliminate out-of-date sections and to allow their replacement by new sections which more clearly define the functions of the THC and the role of the state historic preservation officer in dealing with the general public. The reformatted, revised, and rewritten agency rules will be published in pamphlet form for easier reading and use by the public at large.

There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Susan Willis, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711.

The repeal is proposed under Texas Civil Statutes, Article 6145, §§1, 3(c), and 9(a), which provide the Texas Historical Commission with the authority to provide leadership and coordinate services in the field of historical preservation, to promulgate rules and regulations, and to administer the National Historic Preservation Act of 1966.

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

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TRD-845921 Curtis Tunnell
Executive Director
Texas Historical Commission

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For further information, please call (512) 475-3092.

13 TAC §§11.1-11.10

(Editor's note. The Texas Historical Commission proposes for permanent adoption the new rules it adopts on an emergency basis in this issue. The text of the rules is published in the Emergency Rules section of this issue.)

The Texas Historical Commission (THC) proposes new §§11.1-11.10, concerning the administrative department of the THC. The sections cover commission meetings, election of officers, filing vacancies on the commission, duties of officers, information on the Executive Committee, the conduct of meetings, a code of conduct for commissioners, use of the buildings and grounds, as well as donations to the commission, and charges for copies of documents. The new sections are broader and easier to comprehend, thus diminishing any threat to the public welfare.

Gina Lardon, fiscal officer, 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.

Curtis Tunnell, executive director, 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 to provide much needed guidance to the public concerning the functions of the THC and the responsibilities of the state historic preservation officer. These new sections will be printed in a pamphlet for the public. The new sections will be used uniformly in dealing with the public on matters relating to historic preservation. 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 Susan Willis, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711.

The new sections are proposed under Texas Civil Statutes, Article 6145, §§1, 3(c), and 9(a), which provide the Texas Historical Commission with the authority to provide leadership and coordinate services in the field of historical preservation, to promulgate rules and regulations, and to administer the National Historic Preservation Act of 1966

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 June 1, 1984

TRD-846035 Curtis Tunnell
 Executive Director
 Texas Historical Commission

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July 9, 1984

For further information, please call (512) 475-3092.

Chapter 13. Historical Marker Policies

13 TAC §§13.1-13.26

(Editor's note: The Texas Historical Commission proposes for permanent adoption the repeal it adopts on an emergency basis in this issue. The text of the rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Historical Commission, 1511 Colorado Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Historical Commission (THC) proposes the repeal of §§13.1-13.26, concerning historical marker policies. These sections have been rewritten and rearranged in a more readable and logical format. The repeal is adopted on an emergency basis to allow the THC to simultaneously propose broader, completely revised, and additional agency rules for dealing with the general public in total fairness. Enumerable historical properties throughout the state are in a state of peril risking demolition and/or unsympathetic alterations jeopardizing the safety and welfare of the public. These rules will provide much needed guidance to the general public concerning the functions of the THC and the responsibilities of the state historic preservation officer thereby greatly diminishing any threat to the public welfare.

Gina Lardon, fiscal officer, 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.

Curtis Tunnell, executive director, has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is to eliminate out-of-date rules and to allow their replacement by new rules which more clearly define the functions of the THC and the role of the state

historic preservation officer in dealing with the general public. The reformatted rules will be printed in pamphlet form for the convenience of the general public. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Susan Willis, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711.

The repeal is proposed under Texas Civil Statutes, Article 6145, §§1, 3(c), and 9(a), which provide the Texas Historical Commission with the authority to provide leadership and coordinate services in the field of historical preservation, to promulgate rules and regulations, and to administer the National Historic Preservation Act of 1966

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

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TRD-845926 Curtis Tunnell
 Executive Director
 Texas Historical Commission

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July 9, 1984

For further information, please call (512) 475-3092.

Chapter 13. State Markers

13 TAC §§13.1-13.25

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

The Texas Historical Commission (THC) proposes new §§13.1-13.25, concerning state markers. The state marker policies have been reformatted for printing in pamphlet form. They have been revised to eliminate the redundancy in the old sections. The new sections will be easier to read and comprehend for the convenience of the general public and will eliminate any confusion concerning the state marker policies and the role of the THC in administering these sections thereby diminishing any threat to the public welfare.

Gina Lardon, fiscal officer, 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.

Curtis Tunnell, executive director, 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 to provide much needed guidance to the public concerning the functions of the THC and the responsibilities of the state historic preservation officer. They will be published in a pamphlet for the public. The new sections will be used uniformly in dealing with the public

on matters relating to historic preservation. 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 Susan Willis, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711.

The new sections are proposed under Texas Civil Statutes, Article 6145, §§1, 3(c), and 9(a), which provide the Texas Historical Commission with the authority to provide leadership and coordinate services in the field of historical preservation, to promulgate rules and regulations, and to administer the National Historic Preservation Act of 1966.

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

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TRD-848036 Curtis Tunnell
 Executive Director
 Texas Historical Commission

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Chapter 15. National Register Procedures

Federal Guidelines

13 TAC §15.1

(Editor's note: The Texas Historical Commission proposes for permanent adoption the repeal it adopts on an emergency basis in this issue. The text of the rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Historical Commission, 1511 Colorado Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Historical Commission (THC) proposes the repeal of §15.1, concerning federal guidelines. This one sentence rule is being integrated into a newly revised and reformatted version of agency rules. The repeal is adopted on an emergency basis because the new agency rules are being submitted simultaneously. The new rules are broader in scope and easier to read, thereby diminishing any threat to the public welfare. They will be printed in pamphlet format for the convenience of the public. They will provide much needed guidance to the public concerning the function of the THC and the responsibilities of the state historic preservation officer, thus diminishing any threat to the public welfare.

Gina Lardon, fiscal officer, 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.

Curtis Tunnell, executive director, has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the

repeal is reformatted, revised, and rewritten agency rules. These new rules also will be published in pamphlet form for easier reading and comprehension by the public. Confusion concerning the functions of the THC and the responsibilities of the state historic preservation officer should be eliminated. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Susan Willis, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711.

The repeal is proposed under Texas Civil Statutes, Article 6145, §§1, 3(c), and 9(a), which provide the Texas Historical Commission with the authority to provide leadership and coordinate services in the field of historical preservation, to promulgate rules and regulations, and to administer the National Historic Preservation Act of 1966.

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

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TRD-845927 Curtis Tunnell
 Executive Director
 Texas Historical Commission

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For further information, please call (512) 475-3092.

Chapter 15. Administration of Federal Programs

13 TAC §§15.1-15.5

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

The Texas Historical Commission (THC) proposes new §§15.1-15.5, concerning the administration of federal programs, including the designation of the state historic preservation officer, state board of review, historic preservation grant funds, and federal tax incentives. The new sections will more clearly define the role of the state historic preservation officer in relation to the THC. The new sections will be printed in pamphlet form with other agency rules. They will be easy to read and the new format will make the new sections easier to comprehend, thus eliminating any threat to the public welfare.

Gina Lardon, fiscal officer, 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.

Curtis Tunnell, executive director, 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 to provide much needed guidance to the public concerning the functions of the THC and the responsibilities of the state historic preservation officer. They will be published in a pamphlet for the public. The new sections will be used uniformly in dealing with the public on matters relating to historic preservation. 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 Susan Willis, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711.

The new sections are proposed under Texas Civil Statutes, Article 6145, §§1, 3(c), and 9(a), which provide the Texas Historical Commission with the authority to provide leadership and coordinate services in the field of historical preservation, to promulgate rules and regulations, and to administer the National Historic Preservation Act of 1966.

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

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TRD-846037 Curtis Tunnell
Executive Director
Texas Historical Commission

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July 9, 1984

For further information, please call (512) 475-3092.

Appointments and Grant Periods

13 TAC §§15.11-15.13

(Editor's note: The Texas Historical Commission proposes for permanent adoption the repeal it adopts on an emergency basis in this issue. The text of the rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Historical Commission, 1511 Colorado Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Historical Commission (THC) proposes the repeal of §§15.11-15.13, concerning appointments and grant periods. The sections are repealed on an emergency basis because agency records do not indicate that they have been repealed previously. New agency sections are being submitted simultaneously. These sections will be printed in pamphlet format for the convenience of the public. They will provide much needed guidance to the public concerning the functions of the THC and the responsibilities of the state historic preservation officer, thus diminishing any threat to the public welfare.

Gina Lardon, fiscal officer, 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.

Curtis Tunnell, executive director, has determined that for each year of the first five years the repeal is in ef-

fect the public benefit anticipated as a result of the repeal is reformatted, revised, and rewritten agency rules. These new rules also will be published in pamphlet form for easier reading and comprehension by the public. Confusion concerning the functions of the THC and the responsibilities of the state historic preservation officer should be eliminated. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Susan Willis, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711.

The repeal is proposed under Texas Civil Statutes, Article 6145, §§1, 3(c), and 9(a), which provide the Texas Historical Commission with the authority to provide leadership and coordinate services in the field of historical preservation, to promulgate rules and regulations, and to administer the National Historic Preservation Act of 1966.

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

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TRD-845928 Curtis Tunnell
Executive Director
Texas Historical Commission

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For further information, please call (512) 475-3092.

State Board of Review—Membership and Rules

13 TAC §§15.21-15.27

(Editor's note: The Texas Historical Commission proposes for permanent adoption the repeal it adopts on an emergency basis in this issue. The text of the rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Historical Commission, 1511 Colorado Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Historical Commission (THC) proposes the repeal of §§15.21-15.27, concerning state board of review membership and rules. The repeal is adopted simultaneously on an emergency basis because new, completely revised, and reformatted sections are being proposed. The new sections are broader and easier to read, thereby diminishing any threat to the public welfare. The new sections will be printed in pamphlet format for convenience of the general public. They will provide much needed guidance to the general public concerning the functions of the THC and the responsibilities of the state historic preservation officer, thereby greatly diminishing any threat to the public welfare.

Gina Lardon, fiscal officer, 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.

Curtis Tunnell, executive director, has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is elimination of confusion concerning the functions of the THC and more clearly defined functions of the commission and responsibilities of the state historic preservation officer in dealing with the general public. The reformatted, revised, and rewritten agency sections will be published in pamphlet form for easier reading and use by the public. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Susan Willis, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711.

The repeal is proposed under Texas Civil Statutes, Article 6145, §§1, 3(c), and 9(a), which provide the Texas Historical Commission with the authority to provide leadership and coordinate services in the field of historical preservation, to promulgate rules and regulations, and to administer the National Historic Preservation Act of 1966

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

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TRD-845929 Curtis Tunnell
Executive Director
Texas Historical Commission

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July 9, 1984

For further information, please call (512) 475-3092.

State Historic Preservation Grants

13 TAC §§15.41-15.55

(Editor's note: The Texas Historical Commission proposes for permanent adoption the repeal it adopts on an emergency basis in this issue. The text of the rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Historical Commission, 1511 Colorado Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Historical Commission (THC) proposes the repeal of §§15.41-15.55, concerning state historic preservation grants. The repeal is adopted simultaneously on an emergency basis because additional, completely revised, and reformatted sections are being proposed. The new sections are broader and easier to read, thereby diminishing any threat to the public welfare. The new sections will be printed in pamphlet format for the convenience of the general public. They will provide much needed guidance to the general public concerning the functions of the THC and the responsibilities of the state historic preservation officer, thereby greatly diminishing any threat to the public welfare.

Gina Lardon, fiscal officer, 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.

Curtis Tunnell, executive director, has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is the elimination of confusion concerning the functions of the THC and more clearly defined functions of the commission and responsibilities of the state historic preservation officer in dealing with the general public. The reformatted, revised, and rewritten agency rules will be published in pamphlet form for easier reading and use by the public. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Susan Willis, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711

The repeal is proposed under Texas Civil Statutes, Article 6145, §§1, 3(c), and 9(a), which provide the Texas Historical Commission with the authority to provide leadership and coordinate services in the field of historical preservation, to promulgate rules and regulations, and to administer the National Historic Preservation Act of 1966.

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

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TRD-845930 Curtis Tunnell
Executive Director
Texas Historical Commission

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July 9, 1984

For further information, please call (512) 475-3092.

Chapter 17. Texas Main Street Project

13 TAC §§17.1-17.3

(Editor's note: The Texas Historical Commission proposes for permanent adoption the repeal it adopts on an emergency basis in this issue. The text of the rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Historical Commission, 1511 Colorado Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Historical Commission (THC) proposes the repeal of §§17.1-17.3, concerning the Texas Main Street project. The repeal is adopted simultaneously on an emergency basis because additional, completely revised, and reformatted sections are being proposed. The new sections are broader and easier to read, thereby diminishing any threat to the public welfare. The new sections will be printed in pamphlet format for the convenience of the general public. They will provide much needed guidance to the general public concerning the functions of the THC and the respon-

sibilities of the state historic preservation officer, thereby greatly diminishing any threat to the public welfare.

Gina Lardon, fiscal officer, 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.

Curtis Tunnell, executive director, has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is the repeal of old sections to allow for new revised and reformatted sections, which will eliminate any confusion concerning the commission and the responsibilities of the state historic preservation officer in dealing with the general public. The new sections will be published in pamphlet form for easier reading and comprehension. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Susan Willis, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711.

The repeal is proposed under Texas Civil Statutes, Article 6145, §51, 3(c), and 9(a), which provide the Texas Historical Commission with the authority to provide leadership and coordinate services in the field of historical preservation, to promulgate rules and regulations, and to administer the National Historic Preservation Act of 1966.

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

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TRD-845931 Curtis Tunnell
 Executive Director
 Texas Historical Commission

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July 9, 1984

For further information, please call (512) 475-3092.

Chapter 17. State Architectural Programs

17 TAC §§17.1-17.3

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

The Texas Historical Commission (THC) proposes new §§17.1-17.3, concerning the state architectural programs, including the Texas historic preservation grants, the Architectural Visiting Specialist Program, and review of work on county courthouses. The majority of this section of the agency rules was previously unpublished. The new sections are being printed in pamphlet form with other agency rules. The agency rules have been revised, reformatted, and had additional information added to them. The new sections will be easy to read and comprehend and should eliminate any threat to the public welfare.

Gina Lardon, fiscal officer, 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.

Curtis Tunnell, executive director, 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 to provide much needed guidance to the public concerning the functions of the THC and the responsibilities of the state historic preservation officer. These new sections will be printed in a pamphlet for the public. The new sections will be used uniformly in dealing with the public on matters relating to historic preservation. 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 Susan Willis, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711.

The new sections are proposed under Texas Civil Statutes, Article 6145, §51, 3(c), and 9(a), which provide the Texas Historical Commission with the authority to provide leadership and coordinate services in the field of historical preservation, to promulgate rules and regulations, and to administer the National Historic Preservation Act of 1966.

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

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TRD-846038 Curtis Tunnell
 Executive Director
 Texas Historical Commission

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July 9, 1984

For further information, please call (512) 475-3092.

Chapter 19. Texas Main Street Project

13 TAC §§19.1-19.3

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

The Texas Historical Commission (THC) proposes new §§19.1-19.3, concerning the Texas Main Street Project, including definitions of administration of the project, the interagency council, and processing of applications for designation as Main Street cities. The new sections will be integrated into newly revised and reformatted agency rules. The new sections will be printed in pamphlet format and will be easier for reading and comprehension by the general public, thereby eliminating any threat to the public welfare.

Gina Lardon, fiscal officer, 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.

Curtis Tunnell, executive director, 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 to provide much needed guidance to the public concerning the functions of the THC and the responsibilities of the state historic preservation officer. They will be published in a pamphlet for the public. The new sections will be used uniformly in dealing with the public on matters relating to historic preservation. 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 Susan Willis, Texas Historical Commission, P.C. Box 12276, Austin, Texas 78711.

The new sections are proposed under Texas Civil Statutes, Article 6145, §§1, 3(c), and 9(a), which provide the Texas Historical Commission with the authority to provide leadership and coordinate services in the field of historical preservation, to promulgate rules and regulations, and to administer the National Historic Preservation Act of 1966.

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

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TRD-846039 Curtis Tunnell
 Executive Director
 Texas Historical Commission

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July 9, 1984

For further information, please call (512) 475-3092.

Chapter 21. Museum Services

13 TAC §§21.1-21.5

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

The Texas Historical Commission (THC) proposes new §§21.1-21.5, concerning the museum services department of the THC, including the museum committee, grant program for history museums, the Wine-dale museum seminar, and museum on-site consultations. The new sections are broader and more clearly define the functions and duties of the museum department. The public will benefit from the publication of the new sections in a pamphlet which will include complete agency rules as well as the museum rules. The revised, reformatted agency sections will be easier to read and comprehend, eliminating any threat to the public welfare.

Gina Lardon, fiscal officer, 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.

Curtis Tunnell, executive director, 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 to provide much needed guidance to the public concerning the functions of the THC and the responsibilities of the state historic preservation officer. They will be published in a pamphlet for the public. The new sections will be used uniformly in dealing with the public on matters relating to historic preservation. 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 Susan Willis, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711.

The new sections are proposed under Texas Civil Statutes, Article 6145, §§1, 3(c), and 9(a), which provide the Texas Historical Commission with the authority to provide leadership and coordinate services in the field of historical preservation, to promulgate rules and regulations, and to administer the National Historic Preservation Act of 1966.

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

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 Texas Historical Commission

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For further information, please call (512) 475-3092.

Chapter 23. Publications

13 TAC §§23.1-23.3

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

The Texas Historical Commission (THC) proposes new §§23.1-23.3, concerning agency publications. The new sections set out agency policy for publication costs, copyrights of agency publications, the award requirements, and criteria which are detailed in the *Historic Preservation Handbook for County Historical Commissions*. The new sections will be printed with other agency rules which have been revised and reformatted. These new sections will be printed in pamphlet format and will be easier for the public to read and comprehend, thereby eliminating any threat to the public welfare.

Gina Lardon, fiscal officer, 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.

Curtis Tunnell, executive director, 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 to provide much needed guidance to the public concerning the functions of the THC and the responsibilities of the state historic preservation officer. They will be published in a pamphlet for the public. The new sections will be used uniformly in dealing with the public on matters relating to historic preservation. 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 Susan Willis, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711.

The new sections are proposed under Texas Civil Statutes, Article 6145, §§1, 3(c), and 9(a), which provide the Texas Historical Commission with the authority to provide leadership and coordinate services in the field of historical preservation, to promulgate rules and regulations, and to administer the National Historic Preservation Act of 1966.

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 June 1, 1984.

TRD-846041 Curtis Tunnell
 Executive Director
 Texas Historical Commission

Earliest possible date of adoption:
July 9, 1984

For further information, please call (512) 475-3092.

Gina Lardon, fiscal officer, 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.

Curtis Tunnell, executive director, 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 to provide much needed guidance to the public concerning the functions of the THC and the responsibilities of the state historic preservation officer. They will be published in a pamphlet for the public. The new sections will be used uniformly in dealing with the public on matters relating to historic preservation. 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 Susan Willis, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711.

The new sections are proposed under Texas Civil Statutes, Article 6145, §§1, 3(c), and 9(a), which provide the Texas Historical Commission with the authority to provide leadership and coordinate services in the field of historical preservation, to promulgate rules and regulations, and to administer the National Historic Preservation Act of 1966.

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 June 1, 1984

TRD-846042 Curtis Tunnell
 Executive Director
 Texas Historical Commission

Earliest possible date of adoption:
July 9, 1984

For further information, please call (512) 475-3092.

Chapter 25. Office of the State Archeologist

13 TAC §§25.1-25.7

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

The Texas Historical Commission (THC) proposes new §§25.1-25.7, concerning the Office of the State Archeologist. These new sections will be printed with other agency rules in pamphlet form. The agency rules on the whole have been revised, reformatted, and expanded. They are broader and will be easier to read and comprehend in the pamphlet format. These particular sections will more clearly define the role of the state archeologist as well as archeological terms, determination of significance used by this office, decisions on site investigations and the use of avocational assistants, eliminating any threat to the public welfare.

TITLE 19. EDUCATION

Part I. Coordinating Board, Texas College and University System Chapter 5. Program Development Subchapter K. Private Degree-Granting Institutions Operating in Texas

19 TAC §§5.211-5.214, 5.216, 5.221, 5.223

The Coordinating Board, Texas College and University System proposes amendments to §§5.211-5.214, 5.216, 5.221, and 5.223, concerning private degree granting institutions operating in Texas. These amendments clarify intent of existing provisions and provide a frame of reference for the application of the minimum standards.

Bob Ramsey, academic and health affairs deputy 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

Mr. Ramsey 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 clarification of the review process and the standards for approving or denying the application of a private institution to grant degrees. 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 Kenneth H. Ashworth, Coordinating Board, Texas College and University System, P O. Box 12788, Austin, Texas 78711.

The amendments are proposed under the Texas Education Code, §61.311, which provides the Coordinating Board, Texas College and University System with the authority to promulgate standards and rules governing the issuance of certificates of authority.

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

Recognized accrediting agency—[A recognized accrediting agency is one whose approval of an institution or a branch campus in Texas will be recognized by the board under §5.212(a) of this title (relating to Exemptions):

[(A) If its accreditation of the home campus of an institution is full and unconditional.

[(B) If, after a complete and separate on-site evaluation each Texas branch campus, each branch campus has been awarded full, unconditional, and separate accreditation on its own merit.] Any of the following agencies which meets the conditions of this definition will be recognized by the board: Southern Association of Colleges and Schools, Middle States Association of Colleges and Secondary Schools, New England Association of Schools and Colleges, North Central Association of Colleges and Schools, Northwest Association of Secondary and Higher Schools, Western Association of Schools and Colleges, the American Association of Bible Colleges, and the Association of Theological Schools of the United States and Canada

§5.212 Exemptions.

(a) [Except as provided as follows] The provisions of this subchapter do not apply to:

(1) **institutions** [an institution] which are [:]

[(A) Is] fully accredited by a recognized accrediting agency, except that no institution may establish or operate a branch campus, extension center, or other off-campus unit without board approval. **However,** [This provision does not apply to:]

[(i) The home campus if it was fully accredited prior to January 1, 1981,

[(ii) each branch or other unit that] **any branch campus which** was fully and separately accredited as a free-standing institution or was a candidate for separate accreditation as a free-standing institution prior to January 1, 1981, is **exempt.**

[(iii) The home campus of an institution and each branch, center, and unit thereof when and if each obtains and maintains full and separate accreditation by a recognized accreditation agency.]

[(B) Is a candidate for accreditation by a recognized accrediting agency on the effective date of the subchapter, so long as the institution maintains candidacy status or subsequently is fully accredited;]

(2) **institutions** [An institution] whose graduates are subject to licensure by an agency of the State of Texas prior to their engaging in professions directly related to their course of study.

(b) The exemptions provided by subsection (a)(1) of this section apply only to the extent that an institution is accredited and if an institution offers to award a degree for which it is not accredited, the exemption does not apply.

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

(e) **A new institution may not assume exempt status and offer to award degrees or courses leading to degrees until it has applied for and been granted exempt status by the commissioner.** [In the event that the board has reasonable grounds to believe that an institution is not entitled to exempt status the board shall notify the institution by certified mail, return receipt requested, stating grounds for such belief and informing the institution that it has 10 days from receipt of the notice within which it may reply to the notice. If reply is not received within the period specified or after receiving the reply the board finds that the institution is in violation of the provisions of the subchapter or these sections, the board may take appropriate action under the Texas Education Code, §61.316.]

(f) **If the commissioner has reason to revoke the exempt status granted to an institution, he shall notify the institution. The institution will be given 10 days from receipt of that notice to contest the revocation. If, after considering the institution's reply, the commissioner continues to hold that the institution no longer merits exempt status, the institution may appeal the commissioner's decision to the board. If the board upholds the commissioner's decision, the institution then must apply for and earn a certificate of authority to offer degrees or degree credit courses in Texas.**

§5.213. Coordinating Board.

(a) (No change.)

(b) **Authority.** The coordinating board shall exercise, in addition to the express powers and duties now vested therein by the subchapter and the rules of which this section is a part, authority to administer the rules [subchapter] by appropriate action consistent with Texas law and the board's own policies and procedures.

(c) (No change.)

§5.214. Minimum Standards for Nonexempt Institutions.

(a) **In addition to compliance with each minimum standard, the overall character and fitness of the institution to award the requested degree(s) are major factors in deciding whether to grant an institution a certificate of authority to grant degrees. The decision concerning the institution's overall character and fitness will be based on such factors as the following: overall stability, priority given to education, record of progress and improvement**

following initial approval, and responsiveness to recommendations and suggestions for improvement. A visiting team composed of faculty and staff from public and private institutions with experience in accreditation visits will evaluate an institution applying for a certificate of authority. The following academic and administrative standards, which are similar to those used nationwide in accreditation procedures, constitute the basis for the visiting team's recommendation concerning certification. The following standards are minimum standards: [The board shall require each institution to provide an acceptable comprehensive statement of its educational objectives and to demonstrate its fitness to operate and maintain itself in accordance with the following minimum standards:]

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

(6) The institution must have in its possession or direct control and readily available to its students and faculty a sufficient quality and variety of library holdings to support adequately its own curriculum[; in addition, the institution should support its faculty and student research needs by affording them access to other libraries].

(7)-(18) (No change.)

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

§5.216. Authority of Nonexempt Institutions To Grant Degrees and Offer Courses.

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

(d) Authority to represent transferability of course credit. Any institution as defined in §5.211 of this title (relating to Definitions), whether or not it purports to offer degrees, may solicit students for or enroll them in courses on the basis that such courses will be credited to a degree program offered by another institution, provided that:

(1) (No change.)

(2) The courses are identified for which credit is claimed to be applicable to the degree program(s) at the other institution [institution(s)]; and

(3) (No change.)

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

§5.221. Administrative Procedures for Nonexempt Institutions.

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

(c) Amendments to application for certification of authority. When amendment to an existing program to award a new or different degree is sought pursuant to §5.216(e)(2) of this title (relating to Authority of Nonexempt Institutions to Grant Degrees and Offer Courses) within the period covered by an existing certificate, the institution should forward to the commissioner a detailed description of the proposed change. This shall include, minimally, an outline of the curriculum to be offered, the identification of the degree to be awarded, the qualifications of the faculty involved, anticipated enrollment, financial support expected and its source, and the relation of the new program to the purpose of the institution. The review [approval] procedure will correspond to that outlined in subsection (a) of this section for an initial application. Applications for amendment shall be accompanied by a fee of \$150.

(d)-(f) (No change.)

§5.233. [§5.222.] Judicial Procedures for Nonexempt Institutions The board shall conduct hearings, and a decision of the board may be appealed, in accordance with the Administrative Procedure and Texas Register Act.

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

Issued in Austin, Texas, on May 28, 1984.

TRD-845866 James McWhorter
Assistant Commissioner for
Administration
Coordinating Board, Texas
College and University System

Proposed date of adoption
July 20, 1984

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

19 TAC §5.222

The Coordinating Board, Texas College and University System proposes new §5.222, concerning private degree granting institutions operating in Texas. This new section sets out what has been the informal working procedure for handling the review of branch campus activities of private institutions.

Bob Ramsey, academic and health affairs deputy 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.

Mr. Ramsey 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 the clarification of procedures for off-campus operations. 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 Kenneth H. Ashworth, Coordinating Board, Texas College and University System, P.O. Box 12788, Austin, Texas 78711.

The new section is proposed under the Texas Education Code, §61.311, which provides the Coordinating Board, Texas College and University System with the authority to promulgate rules and standards governing the issuance of certificates of authority.

§5.222. Off-Campus Operations.

(a) A private institution must be approved by the board to operate a branch campus, extension center, or other off-campus unit in Texas. An institution whose off-campus offerings may reach the scale of a branch campus, extension center, or other off-campus unit, as defined in §5.211 of this title (relating to Definitions), must submit a description of its plans, including such information as provided for on an application form furnished by the commissioner. Upon receipt of an acceptable planning letter as described in this subsection, the commissioner may authorize the institution to continue the planned activity, on a temporary basis, pursuant to the following procedures.

(1) If the institution is exempt by virtue of appropriate accreditation, it may elect to have its branch visited and evaluated solely by the coordinating board, pursuant to the requirements of this subchapter, or jointly by the accrediting body and the coordinating board; or

(2) the institution may submit to the board for annual approval or disapproval each credit course proposed to be taught off-campus pursuant to §5.152(d), (e), and (g) of this chapter (relating to Criteria and Procedures for the Consideration of Upper Level and Graduate Off-Campus Courses). In this latter event, the institution's branch will not be subject to a separate site review and approval by the accrediting agency or the board until its off-campus courses constitute two-thirds of a degree program.

(b) A certified but unaccredited institution may not operate a branch campus.

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 May 28, 1984.

TRD-845867 James McWhorter
Assistant Commissioner of
Administration
Coordinating Board, Texas
College and University System

Proposed date of adoption:
July 20, 1984

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

Chapter 17. Campus Planning and Physical Facilities Development Subchapter B. Criteria for Approval of New Construction and Major Repair and Rehabilitation

19 TAC §17.31

The Coordinating Board, Texas College and University System, proposes new §17.31, concerning contracting for advice on costs and construction. The authority of the commissioner to enter into an interagency contract with the State Purchasing and General Services Commission for purposes of evaluating construction costs would be set out in a separate section rather than appearing only as an option of the special committee.

Gordon Flack, Assistant Commissioner for Campus Planning, 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. Flack 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 the expert advice of qualified engineers and architects in evaluating costs and assuring the board that projects do not involve elaborate or extravagant design or materials. 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 Kenneth H. Ashworth, Coordinating Board, Texas College and University System, P.O. Box 12788, Austin, Texas 78711.

The new section is proposed under the Texas Education Code, §61.058, which provides the Coordinating Board, Texas College and University System, with the authority to establish rules and regulations for the approval of new construction and major repair and rehabilitation projects.

§17.31. *Contracting for Advice on Costs and Construction.* The commissioner may enter into an interagency contract with the State Purchasing and General Services Commission or seek advice elsewhere to ensure that the construction will be undertaken in an economical manner consistent with ASHRA standards set out in §17.44(1) of this title (relating to Application Form), and that construction not be of elaborate or extravagant design and materials.

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 May 28, 1984

TRD-845868 James McWhorter
Assistant Commissioner
for Administration
Coordinating Board, Texas
College and University System

Proposed date of adoption:
July 20, 1984

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

TITLE 28. INSURANCE Part I. State Board of Insurance

(Editor's note: Because the State Board of Insurance's rules have not yet been published in the Texas Administrative Code, (TAC), they do not have designated TAC numbers. For the time being, the rules will continue to be published under their Texas Register numbers. However, the rules will be published under the agency's correct title and part. The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.

Rating and Policy Forms Rate Administration

059.05.19.001

The State Board of Insurance proposes the repeal of Rule 059.05.19.001, which adopts by reference the personal lines statistical plan (other than automobile) and the personal lines minimum statistical plan (other than automobile). These statistical plans have been replaced by an insurance services office statistical plan which applies to many lines of insurance, including earthquake, inland marine, personal liability and per-

sonal theft, and residence glass, the new plan is subject to adoption under the Insurance Code, Article 5.97, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, the board is considering the adoption of the new statistical plan under that statute. No present practice or requirement of the board is being changed as a result of this repeal.

Gaylon Daniel, Property/Casualty Actuarial Division staff actuary, 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. Daniel 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 the elimination of a rule which has been replaced and the adoption of a current statistical plan adopted under an alternative procedure which provides greater administrative efficiency. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Gaylon Daniel, Staff Actuary, Property/Casualty Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786

The repeal is proposed under authority of the Insurance Code, Article 5.19, pursuant to which the board may promulgate standard and uniform statistical plans for general liability and burglary, glass, and boiler and machinery insurance; and pursuant to the board's authority to repeal any rule it has previously promulgated

.001. Personal Lines Statistical Plan (Other Than Automobile) and Personal Lines Minimum Statistical Plan (Other Than Automobile).

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 May 30, 1984

TRD-846009 James W. Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption
July 9, 1984

For further information, please call (512) 475-2950.

**TITLE 37. PUBLIC SAFETY AND
CORRECTIONS**

**Part III. Texas Youth Commission
Chapter 81. General Provisions
Federal Offenders**

37 TAC §§81.251-81.259

The Texas Youth Commission proposes the repeal of §§81.251-81.259, concerning federal offenders. These sections will be republished as §81.102, which is being adopted simultaneously.

Byron Griffin, child care assistant executive director, 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. Griffin 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 a clearer understanding of the agency's case management system for the treatment of delinquent children. There is no anticipated economic cost to individuals as a result of the repeal.

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

The repeal is proposed under the Human Resources Code, §61.042, which provides the Texas Youth Commission with the authority to enter into agreements with the federal government to accept children from the federal court for an agreed compensation.

- §81.251. *Federal Offenders.*
- §81.252. *Definition of Federal Offenders.*
- §81.253. *Referral to TYC.*
- §81.254. *Acceptance.*
- §81.255. *Transportation to TYC.*
- §81.256. *Diagnostic Evaluation.*
- §81.257. *Program Assignment and Transportation.*
- §81.258. *Services.*
- §81.259. *Parole Review.*

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 May 31, 1984.

TRD-845948 Ron Jackson
Executive Director
Texas Youth Commission

Earliest possible date of adoption:
July 9, 1984

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

**Part VII. Texas Commission on
Law Enforcement Officer
Standards and Education
Chapter 211. Administrative Division
Substantive Rules**

37 TAC §211.77

(Editor's note: The Texas Commission on Law Enforcement Officer Standards and Education proposes for permanent adoption the repeal it adopts on an emergency basis in this issue. The text of the rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Commission on Law Enforcement Officer Standards and Education, Suite 220E, 1106 Clayton Lane, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Commission on Law Enforcement Officer Standards proposes the repeal of §211.77, concerning certification of law enforcement degree programs. On July 20, 1983, the commission proposed the repeal of all agency rules in effect on that date and an entire new set of rules was simultaneously proposed (8 TexReg 2860). The proposed rule changes were adopted and became effective on October 19, 1983, (8 TexReg 4001). The repeal of §211.77 was inadvertently omitted and its repeal is now proposed.

James Fann, training director, 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.

Alfredo Villarreal, general counsel, has determined that for each year of the first five years the repeal is in effect there is no public benefit anticipated as a result of the repeal. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Alfredo Villarreal, General Counsel, Suite 100, 1806 Headway Circle, Austin, Texas 78754, (512) 834-9222.

The repeal is proposed under Texas Civil Statutes, Article 4413(29aa), §2(2), which provide the Texas Commission on Law Enforcement Officer Standards and Education with the authority to establish minimum curriculum requirements for preparatory programs for schools or academies operated by or for the state, or any political subdivisions thereof, for the specific purpose of training peace officers, jailers, or reserve law enforcement officers.

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

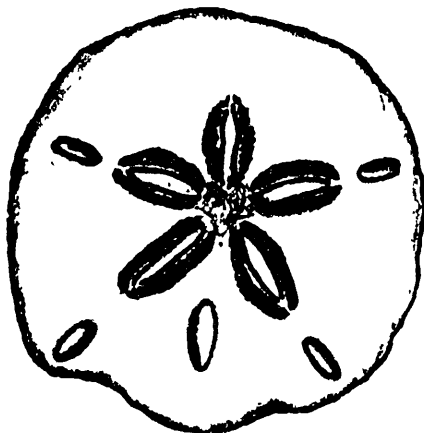
Issued in Austin, Texas, on May 30, 1984

TRD-845894

Alfredo Villarreal
General Counsel
Texas Commission on Law
Enforcement Officer Standards
and Education

Earliest possible date of adoption:
July 9, 1984

For further information, please call (512) 834-9222.



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 3. AFDC Support Documents

40 TAC §3.9804

The Texas Department of Human Resources proposes amendments to §3.9804, concerning needs standards in the department's Aid to Families with Dependent Children (AFDC) Program rules.

The department is proposing need and payment standards for cases with a caretaker and second parent to eliminate inequitable treatment of cases with a disabled second parent. Currently, need and payment standards for cases with one adult member are used to determine eligibility and benefits for two-parent cases. This practice recognizes the difference between the needs of an adult and a child for the first adult but not for the second. The new standard increases the amount of allowable needs for the second parent. The Board of Human Resources approved the proposed new standard, which will go into effect September 1, 1984, if adopted.

David Hawes, programs budget and statistics director, has determined that for the first five-year period the rule will be in effect there will be fiscal implications as a result of enforcing or administering the rule. The estimated cost to state government will be \$437,149 in fiscal year 1985; \$459,762 in fiscal year 1986; \$470,365 in fiscal year 1987; \$480,898 in fiscal year 1988; and \$491,431 in fiscal year 1989. There are no fiscal implications for units of local government, and there is no effect on small businesses.

Mr. Hawes has also 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 more equitable treatment for two-parent cases by distinguishing between an adult's and a child's needs. 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 Cathy Rossberg, Acting Administrator, Policy Development Support Division—358, Texas Department of Human Resources, 153-B, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this Register.

The amendments are proposed under the Human Resources Code, Title 2, Chapter 22 and Chapter 31, which authorizes the department to administer public assistance programs.

§3.9804. *Standard Budgetary Allowances.*

(a) For September 1983 and future months, the needs allowance for each size family group for aid to families with dependent children (AFDC) is as follows:

Family Size	Non-caretaker Cases			Caretaker Cases Without Second Parent		
	Maximum Income (150%)	Budgetary Needs (100%)	Recognizable Needs (30%)	Maximum Income (150%)	Budgetary Needs (100%)	Recognizable Needs (30%)
1	\$255.00	\$170.00	\$ 51.00	\$307.50*	\$205.00*	\$ 62.00*
2	360.00	240.00	72.00	637.50	425.00	128.00
3	507.00	338.00	101.00	741.00	494.00	148.00
4	604.50	403.00	121.00	889.50	593.00	178.00
5	780.00	520.00	156.00	991.50	661.00	198.00
6	841.50	561.00	168.00	1140.00	760.00	228.00
7	1051.50	701.00	210.00	1237.50	825.00	248.00
8	1155.00	770.00	231.00	1410.00	940.00	282.00
9	1324.50	883.00	265.00	1510.50	1007.00	302.00
10	1426.50	951.00	285.00	1681.50	1121.00	336.00
11	1597.50	1065.00	320.00	1785.00	1190.00	357.00
12	1701.00	1134.00	340.00	1951.50	1301.00	390.00
13	1870.50	1247.00	374.00	2056.50	1371.00	411.00
14	1972.50	1315.00	395.00	2226.00	1484.00	445.00
15	2142.00	1428.00	428.00	2329.50	1553.00	466.00
Per each additional member	169.50	113.00		169.50	113.00	

*SSI Caretaker

NOTE: For SSI caretaker cases with second parent, use these figures: Maximum Income - \$505.50; Budgetary Needs - \$337.00; Recognizable Needs - \$101.00.

(b) For September 1984 and future months, the AFDC needs allowance for caretaker cases without a second parent is as follows:

Family Size	Maximum Income (150%)	Caretaker Cases With Second Parent	
		Budgetary Needs (100%)	Recognizable Needs (30%)
2	\$505.50	\$337.00	\$101.00
3	832.50	555.00	167.00
4	931.50	621.00	186.00
5	1077.00	718.00	215.00
6	1180.50	787.00	236.00
7	1321.50	881.00	264.00
8	1425.00	950.00	285.00
9	1594.50	1063.00	319.00
10	1696.50	1131.00	339.00
11	1866.00	1244.00	373.00
12	1969.50	1313.00	394.00
13	2140.50	1427.00	428.00
14	2242.50	1495.00	449.00
15	2412.00	1608.00	482.00
Per each additional member	169.50	113.00	34.00

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 June 1, 1984.

TRD-845976 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Proposed date of adoption:
September 1, 1984
For further information, please call (512) 441-3355,
ext. 2037

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

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

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

Withdrawn Rules

TITLE 13. CULTURAL RESOURCES

Part II. Texas Historical Commission

Chapter 11. Administrative Department

Donations

13 TAC §511.6-11.10

The Texas Historical Commission has withdrawn from consideration emergency new §511.6-11.10, concerning the administrative department. The text of the emergency new sections as adopted appeared in the December 16, 1983, issue of the *Texas Register* (8 TexReg 5209).

Issued in Austin, Texas, on June 1, 1984.

TRD-846026 Susan Willis
Assistant to the Executive
Director
Texas Historical Commission

Filed June 1, 1984
For further information, please call (512) 475-3092.

Chapter 17. Texas Main Street Project

13 TAC §17.2

The Texas Historical Commission has withdrawn from consideration for permanent adoption a proposed amendment to §17.2, concerning the Texas Main Street Project. The text of the amended section as proposed appeared in the March 9, 1984, issue of the *Texas Register* (9 TexReg 1412).

Issued in Austin, Texas, on June 1, 1984

TRD-846027 Susan Willis
Assistant to the Executive
Director
Texas Historical Commission

Filed: June 1, 1984
For further information, please call (512) 475-3092.

Chapter 19. Field and Museum Services

Small History Museum Grants

13 TAC §519.1-19.10

The Texas Historical Commission has withdrawn from consideration emergency new §519.1-19.10, concerning the field and museum services. The text of the emergency new sections as adopted appeared in the January 6, 1984, issue of the *Texas Register* (9 TexReg 94).

Issued in Austin, Texas, on June 1, 1984.

TRD-846028 Susan Willis
Assistant to the Executive
Director
Texas Historical Commission

Filed: June 1, 1984
For further information, please call (512) 475-3092.



Adopted Rules

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

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

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

TITLE 16. ECONOMIC REGULATION Part IV. Texas Department of Labor and Standards Chapter 69. Manufactured Housing Division

The following adoptions submitted by the Texas Department of Labor and Standards will be serialized beginning in the June 12, 1984, issue of the *Texas Register*. The effective date of adoption for the documents is June 22, 1984.

Standards and Requirements
§§69 51-69 81
(new)

Mobile Home Installations
§§69 91-69 103, 69 105, 69.106
(repeal)

Modular Home Installations
§§69 141-69 161
(repeal)

TITLE 19. EDUCATION Part II. Texas Education Agency Chapter 75. Curriculum

The following adoptions submitted by the Texas Education Agency will be serialized beginning in the June 15, 1984, issue of the *Texas Register*. The effective date of adoption for the documents is June 21, 1984.

Subchapter A General Provisions
§§75 ↑ 75 5
(new)

Subchapter B. Essential Elements—Kindergarten-Grade 6
§§75.21-75 28
(new)

Subchapter C Essential Elements—Grade Seven-Eight
§§75 41-75 51
(new)

Subchapter D Essential Elements—Grades Nine-12
§§75 61-75 122
(new)

Subchapter E Well-Balanced Curriculum
§75 141
(new)
§75 142
(new)

Subchapter F Graduation Requirements
§§75 151-75 153
(new)

Subchapter G Other Provisions
§§75 161-75 171
(new)

Chapter 77. Comprehensive Instruction Subchapter D. State Board for Vocational Education

19 TAC §§77 61, 77.62, 77.64

The Texas Education Agency (TEA) adopts the repeal of §§77 61, 77 62, and 77 64, without changes to the proposal published in the March 23, 1984, issue of the *Texas Register* (9 TexReg 1672)

Section 77 61 and §77 62 concerned the State Board for Vocational Education. The content of these sections is addressed in the new vocational education rules. To avoid conflict with the new sections for occupational education and technology, these sections have been repealed. Section 77 64, concerning agreements with other governmental agencies, is not included in the new vocational rules. Interagency contracts entered into by the TEA are addressed in Chapter 125.

The new sections concerning vocational education are found in Chapter 78, concerning occupational education and technology. The provisions of §77 61, concerning the identification of the State Board of Education as the State Board for Vocational Education, are found in new §78 1. The provisions of §77 62, concerning the relationship with the Advisory Council for Technical Vocational Education in Texas, are found in new §78 2.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program, the Texas Education Code, §16.103, which establishes the provisions for allocation of vocational personnel units, and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes the allocation of federal funds for vocational education.

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 May 30, 1984

TRD-845961 Raymon L. Bynum
Commissioner of Education

Effective date: June 21, 1984

Proposal publication date: March 23, 1984

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

Subchapter E. Occupational Education and Technology

19 TAC §77 81

The Texas Education Agency (TEA) adopts the repeal of §77 81, without changes to the proposal published in the March 23, 1984, issue of the *Texas Register* (9 TexReg 1672).

Section 77 81 contained a general definition of occupational education. It was considered unnecessary to repeat this summary definition in the new sections, since the program is defined by the entire content of Chapter 78, and any summary definition would be either misleading or redundant.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program; the Texas Education Code, §16.103, which establishes the provisions for allocation of vocational personnel units, and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes the allocation of federal funds for vocational education.

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 May 30, 1984

TRD-845962 Raymon L. Bynum
Commissioner of Education

Effective date: June 21, 1984

Proposal publication date: March 23, 1984

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

Subchapter F. Allocation of Vocational Teacher Units

19 TAC §77.101-77.116

The Texas Education Agency (TEA) adopts the repeal of §77.101-77.116, without changes to the proposal published in the March 23, 1984, issue of the *Texas Register* (9 TexReg 1672).

These sections concerned the allocations of vocational teacher units. The content of these sections is addressed in the new vocational education sections. To avoid conflict with the new sections for occupational education and technology, these sections have been repealed.

The new sections concerning vocational education are found in Chapter 78, concerning occupational education and technology. The provisions of §77.101, concerning vocational teacher units, are found in new §78.61. The provisions of §77.102, concerning eligibility for a vocational teacher unit, are found in new §78.62 and §78.63. The provisions of §77.103, concerning the allocation of vocational units to budget balance districts, are found in new §78.64. The provisions of §77.104, concerning shared vocational teacher units, are found in new §78.65. The provisions of §77.105, concerning unusual circumstances regarding teacher units, are found in new §78.66. The provisions of §77.106, concerning the allocation of vocational teacher units to the Texas Department of Corrections, are found in new §78.67. The provisions of §77.107, concerning maintaining eligibility for a vocational teacher unit, are found in new §78.63. The provisions of §77.108, concerning the basic requirements for reallocation of vocational teacher units, are found in §78.68. The provisions of §77.109, concerning the reallocation of vocational teacher units use of program evaluations, are found in new §78.68. The provisions of §77.110, concerning vocational teacher unit funding, are found in §78.69. The provisions of §77.111, concerning the definition of "additional

units," are found in §78 63. The provisions of §77 112, concerning the eligibility for additional units, are found in §78 63. The provisions of §77.113, concerning the allocations of additional units limiting factors, are found in §78 63. The provisions of §77 114, concerning the maximum eligibility of total vocational teacher units, are found in §78 69. The provisions of §77 115, concerning special provisions, are found in §78 69. The provisions of §77 116, concerning program reports and information, are found in §78 69.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Education Code, §16 005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program, the Texas Education Code, §16 103, which establishes the provisions for allocation of vocational personnel units, and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes the allocation of federal funds for vocational education.

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 May 30, 1984.

TRD 845963 Raymon L. Bynum
Commissioner of Education

Effective date: June 21, 1984
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For further information, please call (512) 475-7077.

Subchapter G. Vocational Administrator, Vocational Supervisor, Vocational Job Placement Coordinator, and Vocational Counselor Units

19 TAC §§77 131-77 133

The Texas Education Agency (TEA) adopts the repeal of §§77 131 77 133, without changes to the proposal published in the March 23, 1984, issue of the *Texas Register* (9 TexReg 1672).

These sections concerned the allocation of vocational administrator, vocational supervisor, vocational job placement coordinator, and vocational counselor units. The allocation of these units is addressed in new Chapter 78, Subchapter D, under the second undesignated head, "Ancillary Units." To avoid conflict with the new sections for occupational education and technology, these sections have been repealed.

The provisions of §77 131, concerning the policy of authorizing vocational administrator, vocational supervisor, vocational counselor, and vocational job placement coordinator units, are now found in §78 83. The provisions of §77 132, concerning definitions, are

found in §78 81. The provisions of §77 133, concerning the allocations of units to school districts, are found in §78 82.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Education Code, §16 005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program, the Texas Education Code, §16 103, which establishes the provisions for allocation of vocational personnel units, and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes the allocation of federal funds for vocational education.

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 May 30, 1984.

TRD-845964 Raymon L. Bynum
Commissioner of Education

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Proposal publication date: March 23, 1984
For further information, please call (512) 475-7077.

Subchapter H. Vocational Students

19 TAC §§77.151-77.153

The Texas Education Agency (TEA) adopts the repeal of §77 151-77 153, without changes to the proposal published in the March 23, 1984, issue of the *Texas Register* (9 TexReg 1672).

These sections concerned vocational students and addressed student eligibility for participation in vocational programs. Vocational students are treated in new Chapter 78, Subchapter D, under the third undesignated head, "Vocational Students." To avoid conflict with the new sections for occupational education and technology, these sections have been repealed.

The provisions of §77 151, concerning the determination of eligible students, are found in §78 102. The provisions of §77 152, concerning students trained through combined effort of two or more programs, are found in §78 103. The provisions of §77 153, concerning the participation of ineligible students in vocational education programs, are found in §78 104.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Education Code, §16 005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program; the Texas Education Code, §16 103, which establishes the provisions for allocation of vocational personnel units; and Public Law 94-142 (34 Code of

Federal Regulations Part 400), which authorizes the allocation of federal funds for vocational education.

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.

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TRD-845965 Raymon L. Bynum
Commissioner of Education

Effective date June 21, 1984

Proposal publication date March 23, 1984

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

Subchapter I. Allocation of Funds for Supportive Purposes

19 TAC §§77.171-77.174

The Texas Education Agency (TEA) adopts the repeal of §77.171-77.174, without changes to the proposal published in the March 23, 1984, issue of the *Texas Register* (9 TexReg 1672).

These sections concerned the allocation of funds for supportive purposes, including personnel travel, operating costs, equipment, and other support. Funds for supportive purposes are treated in new Chapter 78, Subchapter D, under the fifth undesignated head, "Allocation of Funds for Supportive Purposes." To avoid conflict with the new sections for occupational education and technology, these sections have been repealed.

The provisions of §77.171, concerning vocational personnel travel, are found in §78.131. The provisions of §77.172, concerning funds for operating costs, are found in §78.132. The provisions of §77.173, concerning state funding for equipment in secondary vocational programs, are found in §78.133. The provisions of §77.174, concerning other support, are found in §78.134.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program, the Texas Education Code, §16.103, which establishes the provisions for allocation of vocational personnel units, and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes the allocation of federal funds for vocational education.

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 May 30, 1984

TRD-845966 Raymon L. Bynum
Commissioner of Education

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Proposal publication date March 23, 1984

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

Subchapter J. Area Vocational Schools

19 TAC §77.191, §77.192

The Texas Education Agency (TEA) adopts the repeal of §77.191 and §77.192, without changes to the proposal published in the March 23, 1984, issue of the *Texas Register* (9 TexReg 1672).

These sections concerned area vocational schools, which were established in accordance with the Texas Education Code, Chapter 28. For some time funds have not been available to assist with the building of area vocational schools, therefore, these sections have been repealed and the agency finds no need to adopt new sections to address such schools.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program, the Texas Education Code, §16.103, which establishes the provisions for allocation of vocational personnel units, and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes the allocation of federal funds for vocational education.

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 May 30, 1984

TRD 845967 Raymon L. Bynum
Commissioner of Education

Effective date June 21, 1984

Proposal publication date March 23, 1984

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

Subchapter K. Research, Demonstration, and Exemplary Programs and Projects

19 TAC §77.211

The Texas Education Agency (TEA) adopts the repeal of §77.211, without changes to the proposal published in the March 23, 1984, issue of the *Texas Register* (9 TexReg 1672).

This section addressed requirements for research, demonstration, and exemplary projects. These projects are addressed in new Chapter 78, concerning occupational education and technology. Much of §77.211 repeated material contained in federal regulations. This repetitive material has not been included in the new Chapter 78.

The provisions of §77.211, concerning the requirements for research, demonstration, and exemplary projects, which are coordinated by the research coordinating unit, are addressed in new §78.7.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Education Code, § 16 005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program; the Texas Education Code, § 16.103, which establishes the provisions for allocation of vocational personnel units; and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes the allocation of federal funds for vocational education.

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 May 30, 1984

TRD-845968 Raymon L Bynum
Commissioner of Education

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Proposal publication date March 23, 1984
For further information, please call (512) 475-7077.

Subchapter L. Work-Study Programs

19 TAC § 77.231, § 77.232

The Texas Education Agency (TEA) adopts the repeal of § 77.231 and § 77.232, without changes to the proposal published in the March 23, 1984, issue of the *Texas Register* (9 TexReg 1672).

This subchapter concerned work-study programs and repeated material adequately covered in federal regulations. Therefore, these sections have been repealed. No new sections to address the area of work-study programs are included in the new Chapter 78, concerning occupational education and technology.

No comments were received regarding adoption of the repeal

The repeal is adopted under the Texas Education Code, § 16 005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program; the Texas Education Code, § 16.103, which establishes the provisions for allocation of vocational personnel units, and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes the allocation of federal funds for vocational education

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 May 30, 1984

TRD-845969 Raymon L Bynum
Commissioner of Education

Effective date June 21, 1984
Proposal publication date March 23, 1984
For further information, please call (512) 475-7077.

Subchapter M. Adult Vocational Education

19 TAC § 77.251, § 77.252

The Texas Education Agency (TEA) adopts the repeal of § 77.251 and § 77.252, without changes to the proposal published in the March 23, 1984, issue of the *Texas Register* (9 TexReg 1672)

This subchapter concerned adult vocational education. Section 77.251 was a series of cross-references to other adult vocational rules currently contained in Chapter 89. Cross-references have been deleted, since at a later time all rules concerning adult vocational education will be included in Chapter 78. To avoid conflict with the new sections in Chapter 78, these sections have been repealed.

The provisions of § 77.251, concerning the adult vocational program in general, are found in §§ 78.141-78.145. The provisions of § 77.252, concerning funding of licensed vocational nursing programs in secondary schools, are found in § 78.144.

No comments were received regarding adoption of the repeal

The repeal is adopted under the Texas Education Code, § 16 005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program, the Texas Education Code, § 16.103, which establishes the provisions for allocation of vocational personnel units, and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes the allocation of federal funds for vocational education

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 May 30, 1984

TRD-845970 Raymon L Bynum
Commissioner of Education

Effective date June 21, 1984
Proposal publication date March 23, 1984
For further information, please call (512) 475-7077

Subchapter N. Vocational Education by Contract or Agreement

19 TAC § 77.271, § 77.272

The Texas Education Agency (TEA) adopts the repeal of § 77.271 and § 77.272, without changes to the proposal published in the March 23, 1984, issue of the *Texas Register* (9 TexReg 1672)

This subchapter concerned vocational education provided by contract or agreement. This subject is addressed in the new sections in Chapter 78, concerning occupational education and technology. To avoid conflict with the new sections, this subchapter has been repealed. The provision of vocational education by contract or agreement is addressed in new Chapter 78, Subchapter B.

No comments were received regarding adoption of the repeal

The repeal is adopted under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program; the Texas Education Code, §16.103, which establishes the provisions for allocation of vocational personnel units; and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes the allocation of federal funds for vocational education.

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 May 30, 1984

TRD-845971 Raymon L. Bynum
Commissioner of Education

Effective date June 21, 1984

Proposal publication date March 23, 1984

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

Subchapter O. Advisory Committee for Marketing and Distributive Education

19 TAC §577.291-77.294

The Texas Education Agency (TEA) adopts the repeal of §577.291-77.294, without changes to the proposal published in the March 23, 1984, issue of the *Texas Register* (9 TexReg 1672).

These sections concerned the Advisory Committee for Marketing and Distributive Education Rules for this advisory committee are included in the new Chapter 78, concerning occupational education and technology. To avoid conflict with the new sections, these sections have been repealed. Rules for the Advisory Committee for Marketing and Distributive Education are included in new Chapter 78, Subchapter C, concerning advisory committees

No comments were received regarding adoption of the repeal

The repeal is adopted under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program; the Texas Education Code, §16.103, which establishes the provisions for allocation of vocational personnel units, and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes the allocation of federal funds for vocational education

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 May 30, 1984

TRD-845972 Raymon L. Bynum
Commissioner of Education

Effective date June 21, 1984

Proposal publication date March 23, 1984

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

Subchapter P. Apprenticeship and Training Advisory Committee

19 TAC §577.311-77.314

The Texas Education Agency (TEA) adopts the repeal of §577.311-77.314, without changes to the proposal published in the March 23, 1984, issue of the *Texas Register* (9 TexReg 1672)

These sections concerned the Apprenticeship and Training Advisory Committee. This committee is established by the Texas Education Code, §533.04-33.06. The sections in Subchapter P simply paraphrased the statute. Therefore, the subchapter has been repealed. Repeal of the sections is in no way intended to abolish the committee. No new sections concerning the advisory committee have been adopted.

No comments were received regarding adoption of the repeal

The repeal is adopted under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program; the Texas Education Code, §16.103, which establishes the provisions for allocation of vocational personnel units, and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes the allocation of federal funds for vocational education

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 May 30, 1984

TRD-845973 Raymon L. Bynum
Commissioner of Education

Effective date June 21, 1984

Proposal publication date March 23, 1984

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

Chapter 78. Occupational Education and Technology

The Texas Education Agency adopts new §§78.6, 78.63, 78.82, 78.102, and 78.103 in Chapter 78, Subchapters A-D, concerning occupational education and technology, with changes to the proposed text published in the March 23, 1984, issue of the *Texas Register* (9 TexReg 1676). Sections 78.1-78.5, 78.7, 78.21, 78.41, 78.61, 78.62, 78.64-78.69, 78.81, 78.101, 78.104, 78.105, 78.121-78.124, 78.131-78.134, and 78.141-78.145 are adopted without changes and will not be republished

In §78.6(b), a list of vocational program areas has been included for clarification.

In §78.63(a), the table was amended to provide that ornamental horticulture units may be allocated for 10, 11, or 12 months.

Section 78.82(g) has been revised to clarify that vocational administrative units may be approved on a 12-month contract, based on need, while vocational

counselor units may be approved on a 10-month or 11-month contract basis

Section 78.102(e) has been amended to add a provision that students simultaneously enrolled in vocational computer programming, data processing, word processing, or business data entry and in one other approved vocational unit may be counted as eligible students in both units. In §78.102(b)(4), the word "all" was changed to "those."

In §78.103(a), the table, under technical occupations, preemployment laboratory, the grade range has been changed to 10-12. The grade range for exploratory industrial arts has been changed from seven-eight to 7-12, with the understanding that priority will be given to programs in grades seven-eight and that programs in grades nine and above can only be approved within funding available.

It is the intent of the new sections to strengthen the vocational programs in the state, to improve the articulation between secondary and postsecondary institutions, to institute a process of sunset review for all vocational units to ensure their continued usefulness and effectiveness, and to increase flexibility in funding and in the local district's ability to assign personnel.

It is the intent of the agency to include sections applicable to secondary vocational education, industrial start-up, adult basic and secondary education, postsecondary education, apprenticeship, job training under the Job Training Partnership Act, and community education in Chapter 78. The sections adopted here as new Subchapters A-D include sections applicable to all vocational programs and sections applicable to secondary vocational education. The remaining sections of the chapter will be proposed at a later date.

The new sections include the following substantive changes from previous sections and practice containing secondary vocational education:

All personnel units will be allocated on a 10-month basis under the new sections. Units may be allocated for 11 or 12 months at the request of a local school district, with justification.

For approval of new, additional, or continuing teacher units, schools will be required to develop a plan for articulation with appropriate postsecondary institutions in the area.

A sunset provision requires that each vocational unit undergo review at least once every five years to determine whether it should be continued.

All vocational instruction will be competency based. It must be based on student competencies which expand upon the essential elements for vocational education described in Chapter 75, concerning curriculum.

One-half units will be available for vocational administrators and vocational counselors in smaller schools which cannot justify a full unit.

Provisions for more flexible scheduling of all vocational teachers by school districts have been included.

Provisions have been made to allow equipment purchased with state funds to be used for nonvocational instruction during class periods when the vocational class is not in session.

Subchapter A of the proposed new rules, concerning general provisions, addresses the identification of the State Board of Education as the State Board for Vocational Education; provides for adoption of the State Plan for Vocational Education; and provides for the appointment of the Advisory Council for Technical-Vocational Education in Texas. The subchapter also includes sections which require eligible recipients to submit an annual application for federal funds (§78.3) and which provide for the establishment of a formula for the allocation of federal funds (§78.4). Section 78.5 provides for monitoring of vocational programs. Each institution offering such programs will be monitored at least once every five years. Section 78.6 requires the establishment of a local advisory committee for each institution which receives federal vocational funds. Section 78.7 provides for establishment of a research coordinating unit within the Texas Education Agency, as required by federal law, to coordinate research, exemplary, and developmental projects funded with federal funds.

Subchapter B, concerning vocational education by contract or agreement, permits school districts to contract for vocational education for students in the district, provided the cost to the state is not greater than the cost would be if the classes were operated by the school district itself. The program must be in accordance with the rules in Chapter 78 and must be approved by the agency.

Subchapter C addresses advisory committees for vocational education. Sections are included concerning the membership, appointment, and function of the Marketing and Distributive Education Advisory Committee. The other advisory committee currently involved in occupational education and technology, the Apprenticeship and Training Advisory Committee, is established by the Texas Education Code, §§33.04-33.06, and no additional sections concerning this committee were proposed.

Subchapter D contains the sections for secondary vocational education. These include provisions for allocation of teacher units; requirements for new, additional, and continuing units, and provision for allocation of ancillary units for administrators, counselors, job placement coordinators, and supervisors. Sections 78.101-78.105 contain requirements for student eligibility for vocational education. Sections 78.121-78.124 establish program standards for secondary vocational programs, requirements for annual program evaluations, and reporting requirements. The annual program evaluation must determine to what extent the instruction provided to prepare high school students for gainful employment is realistic in the light of actual or anticipated job opportunities in the area, suited to the needs of the students, cost effective, and effective in the placement of students.

Sections 78.125-78.128 concern allocation of funds for supportive purposes, including personnel travel, equipment, and operating costs, as well as other support

Sections 78.141-78.145 address adult vocational education provided by school districts. This may include preparatory courses for unemployed, unskilled, or semiskilled persons to fill existing job openings in specific skill areas, supplementary specialized skill training, and apprenticeship courses. Section 78.144 contains rules applicable to licensed vocational nursing (LVN) programs in secondary schools. Additional rules concerning adult education are found in Chapter 89.

The Advisory Council for Technical-Vocational Education in Texas commented in favor of the sections as proposed.

The CVAE Advisory Committee, Austin Independent School District (ISD), O. Tripp Garza, chairperson, commended the board for the development of a document combining federal regulations, state laws, and agency regulations. The committee recommended the following changes.

The committee suggested amending § 78.63(g) to allocate all vocational teacher units for 11 months, except upon special request for a 10- or 12-month allocation. This would avoid the requirement for documentation of a summer plan.

The TEA stated that it has been the agency's experience that not all districts make sufficient use of the summer vocational unit to justify its allocation. Districts which do submit a summer plan which shows the need for a 11- or 12-month unit may have such a unit approved.

The committee also suggested amending § 78.63(h) to provide that CVAE programs shall provide instruction for disadvantaged persons as defined in the 1984 vocational state plan, which definition covers more than those who are "academically disadvantaged."

The agency responded that CVAE programs are designed to serve only those students identified as academically disadvantaged. The State Plan for Vocational Education defines a disadvantaged person. This definition includes both academically and economically disadvantaged. Economically disadvantaged students would be qualified to participate in work study programs but not necessarily CVAE programs.

Another suggestion concerned amending § 78.63(i) to allow additional assignments to be given only to teachers of fractional units, not full units.

The agency responded that the section provides that such assignments may be given "provided the full scope of the program is being conducted" in accordance with the rules in Chapter 78. This wording should provide adequate protection for program quality while at the same time allowing local districts flexibility in use and assignment of personnel and ensuring that vocational personnel are treated the same as non-vocational personnel in the district.

The Rio Grande Valley Association of Vocational Administrators and Supervisors, Hug Robles, president, recommended the following changes.

The association suggested deleting § 78.21(d), since this is adequately covered in state law.

The TEA stated that § 78.21(d) relates to qualifications of instructors in contracted instruction. State statutes address this matter; however, the proposed new section provides further clarification.

The association suggested deleting Subchapter C, concerning advisory committees, since all program areas are not included.

The agency stated that the section establishes a state-level advisory committee for marketing and distributive education. This is currently the only program area in which such a state-level committee has been established. All State Board of Education advisory committees are established either by statute or by board rule.

The association suggested that in § 78.61(a), a "full teacher unit" should be defined to include the number of classes, number of students, etc.

The agency's response was that the minimum number of students required for a unit in each program is set out in the chart in § 78.63(a). There is no minimum number of classes required to be taught.

The association suggested that in § 78.62(a)(3), the word "community" should be deleted in the phrase "community labor market survey."

The TEA stated that the word "community" is intended to ensure that a local survey is conducted. It is not intended to tie program approval entirely to the local survey.

The association suggested amending § 78.63(a) to permit one-hour CVAE classes in grades 7-12.

The agency responded that the one-hour option for CVAE classes in grades seven and eight was provided because of the limited number of electives available to students under the new curriculum rules. The option for grades 9-12 was not deemed necessary because of the large number of electives available.

The association suggested that in § 78.62(c), a sunset provision should apply to all teacher units, not just vocational units.

The agency's response was that regular personnel units are allocated on a statutory formula based on average daily attendance in the school district. Vocational units are allocated for a specific program on a per unit basis. A sunset provision such as the one proposed would not be within the agency's statutory authority as applied to regular personnel units.

The association suggested that § 78.6(f) be changed to read "All new and additional vocational teacher unit requests shall include a plan for articulation between proposed secondary vocational units and existing postsecondary programs in the area, offering instructions in the same occupation."

The proposed new section includes such a plan

The association suggested that §78.63(g) allocate all units for 10, 11, or 12 months.

It has been the agency's experience that not all districts make sufficient use of the summer vocational unit to justify its allocation. Districts which do submit a summer plan which shows the need for a 11- or 12-month unit may have such a unit approved.

The association suggested that §78.63(h) be amended to open CVAE to students who are economically, educationally, or socially disadvantaged, and redefine "educationally disadvantaged" as students who are below grade level in one or more classes, rather than three.

The agency's response was that CVAE programs are designed to serve students who cannot succeed in regular vocational education programs because of the fact that they are educationally disadvantaged. The programs are not designed to serve economically or socially disadvantaged unless they are also educationally disadvantaged. A student below grade level in only one class would not be considered educationally disadvantaged to the extent that he or she would need to be enrolled in CVAE.

The association suggested that §78.63(i) limit non-vocational assignments to fractional teacher units.

The TEA stated that the new section provides that such assignments may be given provided the full scope of the program is being conducted in accordance with the sections in Chapter 78. This wording should provide adequate protection for program quality while at the same time allowing local districts flexibility in use and assignment of personnel and ensuring that vocational personnel are treated the same as non-vocational personnel in the district.

The association suggested that §78.102(b)(4) change "shall" to "may" in the phrase "shall be placed through the ARD process."

The agency stated that, for the students described in the section, use of the ARD process is a requirement, not a local district option.

The association suggested that §78.103 delete age requirements for CVAE and VEH and change grade ranges for occupational orientation (7-12), occupational exploration (9-12), and pretechnical (9-12).

The agency stated that the proposed age limit for CVAE and VEH requires that a student must be 14 years of age or must turn 14 during the school year. The nature of instruction in these classes is such that a certain amount of maturity is required. The minimum age requirement is deemed to be reasonable. The proposed grade levels for occupational investigation, occupational exploration, and pretechnical are deemed to be appropriate due to the specific purpose of each program listed

The association suggested that §78.122(c)(2) delete the requirement that summer plans be submitted by April 1 each year.

The agency needs to establish a reasonable deadline to ensure adequate processing time for agency staff.

Subchapter A. General Provisions

19 TAC §578.1-78.7

These new sections are adopted under the authority of the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program; the Texas Education Code, §16.103, which establishes the provisions for allocation of vocational personnel units; the Texas Education Code, §11.02, which gives the Central Education Agency authority to enter into agreements with the federal government for educational undertakings; the Texas Education Code, §11.30, which authorizes the State Board of Education to enter into contracts for grants for public or private organizations for educational purposes and to expend funds in accordance with the terms of the grant or contract; and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes allocation of federal funds for vocational education.

§78.6. Local Advisory Councils.

(a) Each educational institution which receives federal vocational funds shall establish a districtwide local advisory council for vocational education.

(b) The local advisory council shall be composed of representatives of the general public, business, industry, and labor, including at least one representative from each vocational program area offered in the school district (agriculture, health occupations, home economics, marketing and distributive, office, and trade and industrial). The council shall have appropriate representation of both sexes and of the racial and ethnic minorities found in the schools, community, or region which the local advisory council serves.

(c) The local advisory council shall advise the eligible recipient on current job needs and the relevance of programs and courses being offered by the local education agency or postsecondary education institution in meeting current job needs.

(d) The local advisory council shall solicit input from persons representing each vocational course offered in the district

(e) The local advisory council shall consult with the eligible recipient in developing its annual application for federal funds.

(f) The local advisory council shall meet at least two times each year.

(g) Minutes of local advisory council meetings shall be maintained at the local level.

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.

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Raymon L. Bynum
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**Subchapter B. Vocational Education by
Contract or Agreement****19 TAC §78.21**

The new section is adopted under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program; the Texas Education Code, §16.103, which establishes the provisions for allocation of vocational personnel units; the Texas Education Code, §11.02, which gives the Central Education Agency authority to enter into agreements with the federal government for educational undertakings; the Texas Education Code, §11.30, which authorizes the State Board of Education to enter into contracts for grants from public or private organizations for educational purposes and to expend funds in accordance with the terms of the grant or contract, and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes allocation of federal funds for vocational education.

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Subchapter C. Advisory Committees**19 TAC §78.41**

The new section is adopted under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program; the Texas Education Code, §16.103, which establishes the provisions for allocation of vocational personnel units, the Texas Education Code, §11.02, which gives the Central Education Agency authority to enter into agreements with the federal government for educational undertakings, the Texas Education Code, §11.30, which authorizes the State Board of Education to enter into contracts for grants from public or private organizations for educational purposes and to

expend funds in accordance with the terms of the grant or contract, and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes allocation of federal funds for vocational education.

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**Subchapter D. Secondary School
Vocational Education
Teacher Units****19 TAC §78.61-78.69**

The new rules are adopted under the authority of the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program; the Texas Education Code, §16.103, which establishes the provisions for allocation of vocational personnel units; the Texas Education Code, §11.02, which gives the Central Education Agency authority to enter into agreements with the federal government for educational undertakings; the Texas Education Code, §11.30, which authorizes the State Board of Education to enter into contracts for grants from public or private organizations for educational purposes and to expend funds in accordance with the terms of the grant or contract; and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes allocation of federal funds for vocational education.

§78.63. Requirements for New, Additional, and Continuing Vocational Teacher Units.

(a) The minimum requirements for the approval of new and additional vocational units by programs and by type of class are set forth in the following table:

REQUIREMENTS FOR NEW, ADDITIONAL, AND CONTINUING VOCATIONAL TEACHER UNITS

	NUMBER OF UNITS	MINIMUM NUMBER OF STUDENTS	NUMBER OF MONTHS SEE (g)	OTHER REQUIREMENTS AND LIMITATIONS
<u>AGRICULTURE</u>				
Production	1/2	10	10, 11, or 12	
	3/4	15	10, 11, or 12	
	1	20	10, 11, or 12	
	2 (Must be in the same course on the same campus)	80	10, 11, or 12	
	3 or more (must be in the same course on the same campus)	52 each unit	10, 11, or 12	Requests for approval of production agriculture units in excess of two per campus will be considered provided a sunset review of the existing units supports the need for an additional unit.
<u>COMBINATION COURSES</u>				
Production and Cooperative (one class each minimum)				Maximum of one specific combination per campus
and				
Production and Pre-Employment Laboratory (one class each minimum)	1	20	10, 11, or 12	

REQUIREMENTS FOR NEW, ADDITIONAL, AND CONTINUING VOCATIONAL TEACHER UNITS

NUMBER OF UNITS	MINIMUM NUMBER OF STUDENTS	NUMBER OF MONTHS See (g)	OTHER REQUIREMENTS AND LIMITATIONS
<u>EXPLORATORY INDUSTRIAL ARTS AND OCCUPATIONAL EXPLORATION</u>			
1/2	30	10	
3/4	40	10	
1	50	10	
2	140	10	
3 or more	210	10	
<u>OCCUPATIONAL INVESTIGATION</u>			
1/4	20	10	A 1/4 unit shall be allocated only in instances where it will be combined with an existing fractional vocational teacher unit.
1/2	40	10	
3/4	60	10	
1	80	10	
2 or more	100 each unit	10	
<u>VEH OCCUPATIONAL INVESTIGATION</u>			
1/2	15	10	
1	30	10	
<u>CONSUMER AND HOME-MAKING EDUCATION</u>			
1/2	10	10 or 11	Existing units approved for 12 months may continue to be reallocated on that basis if justified by a summer program.
3/4	15	10 or 11	
1	20	10 or 11	
2	80	10 or 11	
3 or more	52 each unit	10 or 11	

REQUIREMENTS FOR NEW, ADDITIONAL, AND CONTINUING VOCATIONAL TEACHER UNITS

NUMBER OF UNITS	MINIMUM NUMBER OF STUDENTS	NUMBER OF MONTHS See (g)	OTHER REQUIREMENTS AND LIMITATIONS
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COMBINATION COURSES

Consumer and
Homemaking and
Cooperative

and

Consumer and
Homemaking and
Pre-Employment
Laboratory

1

20

10 or 11

**PRE-EMPLOYMENT
LABORATORY AND
TECHNICAL EDU-
CATION** (one-, two-,
and three-hour
classes).

Agriculture, Mar-
keting and Dis-
tributive, Home
Economics, Indus-
trial, Office,
Health Occupa-
tions, Coordi-
nated Vocational-
Academic Education

1/2

10

10 or 11

1

20

10 or 11

2

64 (CVAE
52)

10 or 11

3 or
more

36 each
unit
(CVAE 26
each unit)

10 or 11

One-hour classes may be offered in coordinated vocational-academic education (grades 7 and 8 only), marketing and distributive, office, and health occupations. Ornamental horticulture units may be allocated for 10, 11, or 12 months.

**VOCATIONAL EDUCA-
TION FOR THE
HANDICAPPED** (one-,
two-, and three-
hour classes)

1/2

6

10 or 11

1

12

10 or 11

One-hour classes may be offered in grades 7 and 8 only.

REQUIREMENTS FOR NEW, ADDITIONAL, AND CONTINUING VOCATIONAL TEACHER UNITS

	NUMBER OF UNITS	MINIMUM NUMBER OF STUDENTS	NUMBER OF MONTHS See (g)	OTHER REQUIREMENTS AND LIMITATIONS
<u>COOPERATIVE TRAINING</u>				
Agriculture, Marketing and Distributive, Home Economics, Industrial, Office, Health Occupations, Coordinated Vocational-Academic Education, Multi-Occupational	1/2	10	10 or 11	Units justified and approved for 11 months shall be operated for 202 days beginning 19 working days in advance of the date all 10-month teachers report for duty prior to the beginning of the school term for the district and ending not later than the last day all 10-month teachers in the district are on duty for the school year.
	1	20	10 or 11	
	2 (must be in the same course on the same campus)	64 (CVAE 52)		
	3 or more (must be in the same course on the same campus)	36 each unit (CVAE 26 each unit)	10 or 11	
<u>COMBINATION COOPERATIVE AND PRE-EMPLOYMENT LABORATORY</u> (minimum one class each)				
	1	20	10 or 11	Units justified and approved for 11 months shall be operated for 202 days beginning 19 working days in advance of the date all 10-month teachers report for duty prior to the beginning of the school term for the district and ending not later
When multiple units from the same program area are requested for a single campus, a description of their intended use shall be included with the request.				

REQUIREMENTS FOR NEW, ADDITIONAL, AND CONTINUING VOCATIONAL TEACHER UNITS

	NUMBER OF UNITS	MINIMUM NUMBER OF STUDENTS	NUMBER OF MONTHS See (g)	OTHER REQUIREMENTS AND LIMITATIONS
<u>COMBINATION COOPERATIVE AND PRE-EMPLOYMENT LABORATORY (CONT.)</u>				than the last day all 10-month teachers in the district are on duty for the school year.
<u>PRE-TECHNICAL</u>	1	50	10	

(b) Priority shall be given to requests for teacher units specifically identified on the priority occupations list approved by the State Board of Education.

(c) Consistent with need, priority shall be given to districts requesting new vocational teacher units in one or more vocational programs before consideration is given to schools requesting additional units in the same vocational fields

(d) Where the need for a unit can be demonstrated, special consideration shall be given to approval of new teacher units to be started in the second semester

(e) All new, additional, and continuing vocational teacher units shall offer competency-based instruction. Instruction shall be based on the Central Education Agency-approved essential elements. A competency profile shall be maintained on each student enrolled.

(f) All new and additional vocational teacher unit requests shall include a plan for articulation between the proposed vocational unit and existing post-secondary programs in the area offering instruction in the same occupation. The request must also include evidence that an articulation agreement will be implemented between the applying district and the post-secondary institution involved.

(g) Vocational teacher units are allocated for 10 months. Upon special request from the superintendent, units may be allocated for 11 or 12 months, in accordance with the table in subsection (a) of this section, if justified by an approvable summer plan. Districts allocated vocational teacher units for employment periods in excess of 10 months shall submit a summer plan, on a form prescribed by the Central Education Agency, prior to April 1 each year. Teachers assigned to these units shall use the extended employment period in accordance with the standards in this subchapter. The extended employment period may include the participation in Central Education Agency-approved inservice workshops. Failure to submit a summer plan or submission of an unapprovable summer plan will result in an appropriate reduction in the number of months for which the unit was allocated.

(h) Coordinated Vocational-Academic Education (CVAE) programs are limited to students identified as academically disadvantaged. A student who is one or more years below grade level in achievement in three or more academic classes, or if the composite score on a standardized test indicates below grade level, is considered academically disadvantaged.

(i) Additional assignments may be given teachers in full or fractional vocational teacher units provided the full scope of the program is being conducted in accordance with this subchapter. These additional assignments may be:

(1) one or more classes of prevocational education in the occupational cluster or specific occupational area for which the teacher is certified

(2) other periodic or rotating duties that are normally assigned all teaching faculty members, such as hall duty, lunchroom duty, or parking lot duty,

(3) nonvocational assignments including, but not limited to, study hall and nonvocational teaching assignments. In accordance with the Texas Education Code, §16.102(1), funding for vocational teachers assigned nonvocational activities will be reduced by an amount equal to the portion of the school day that the teacher is involved in nonvocational activities. The local education agency shall notify the Central Education Agency when vocational teachers are assigned nonvocational activities that require a reduction in vocational teacher unit funding.

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.

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Ancillary Units

19 TAC §78.81, §78.82

The new sections are adopted under the Texas Education Code, §16 005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program, the Texas Education Code, §16 103, which establishes the provisions for allocation of vocational personnel units, the Texas Education Code, §11 02, which gives the Central Education Agency authority to enter into agreements with the federal government for educational undertakings; the Texas Education Code, §11.30, which authorizes the State Board of Education to enter into contracts for grants from public or private organizations for educational purposes and to expend funds in accordance with the terms of the grant or contract, and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes allocation of federal funds for vocational education

§78.82 Allocation of Units to School Districts

(a) Vocational administrator units, vocational supervisor units, vocational counselor units, and vocational job placement coordinator units are allocated in accordance with need to school districts having four-year accredited high schools. Formulas for the allocation of units shall be adopted by the State Board for Vocational Education. The allocation of units to school districts shall be subject to the approval of the Central Education Agency in accordance with subsections (b)-(h) of this section.

(b) A school district is eligible to request one vocational administrator unit when it has a minimum of 10 full-time teaching units for in-school youth (or the equivalent of 10 full-time teaching units) in four or more vocational program areas. For salary purposes under the Texas Public Education Compensation Plan, vocational administrators are considered as instructional/administrative officers. Pay grade placement shall be in accordance with the Texas Public Education Compensation Plan for the total number of months authorized. Special consideration may be given to issuing a one-half unit for a vocational administrator. To be eligible for special consideration, a school district must have a minimum of five full-time vocational teacher units (or the equivalent of five full-time units) in three or more program areas.

(c) After the initial vocational administrator unit, vocational supervisor units are allocated to a school district based upon the local plan for utilizing these special units. They are allocated and reallocated in accordance with the table in paragraph (1) of this subsection.

(1) Proposed Positions	Required Vocational Teaching Units
1 Supervisor	25-54
2 Supervisors	55-84
3 Supervisors	85-114
4 Supervisors	115-144
5 Supervisors	145-174
6 Supervisors	175-204
7 Supervisors	205 units and up

(2) Vocational supervisor units will be placed on pay grade 10c for the total number of months authorized.

(d) A school district is eligible to apply for allocation of a vocational counselor unit on the basis of one counselor for the first 300 vocational students enrolled and one additional counselor for every additional 500 vocational students enrolled in approved vocational courses. Consideration will be given to requests for the allocation of prorated counselor units for less than 300 vocational students enrolled. Vocational counselor units will be placed on pay grade 10c for the total number of months authorized. Special consideration may be given to issuing a one-half unit for a vocational counselor. To be eligible for special consideration, a school district shall have a minimum of 150 vocational students enrolled.

(e) A school district is eligible to apply for the allocation of a vocational job placement coordinator unit when it has a minimum of seven full-time preemployment laboratory units (two- and three-hour classes) preparing students for gainful employment. A district is eligible to apply for additional job placement coordinator units (up to a maximum of six) for each additional 15 preemployment laboratory units in place.

(1) Vocational job placement coordinator units shall be placed on pay grade 10c for the total number of months authorized.

(2) Job Placement Coordinator Unit	Number of Pre-employment Laboratory Units Preparing Students for Gainful Employment
1 unit	7
Each additional unit up to a maximum of 6 units	15

(3) This formula applies for the 1981-1982 school year and thereafter. Units allocated prior to the 1981-1982 school year may remain in place and will not be affected by the formula.

(f) Persons assigned full time to ancillary units (vocational administrator, vocational supervisor, vocational job placement coordinator, or vocational counselor) may be assigned nonvocational duties; however, such assignments must be reported to the Central Education Agency. Funding for the vocational units assigned nonvocational duties will be reduced by an amount equal to the portion of the school day during which these duties are performed.

(g) Vocational administrative units may be approved on a 12-month contract, based on need. Vocational counselor units may be approved on a 10- or an 11-month basis, based on program needs as documented by a local planning and review process. Vocational supervisor, job placement coordinator, and administrator units may be approved on a 10-, 11-, or 12-month basis, based on program needs as documented by a local planning and review process.

(h) Vocational administrator, vocational supervisor, vocational counselor, and vocational job placement coordinator units shall be allocated in accordance with the allocation of professional units to the Texas Depart-

ment of Corrections as provided in §105.49 of this title (relating to Allocation of Personnel Units to the Texas Department of Corrections).

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.

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Vocational Students

19 TAC §§78.101-78.105

These new rules are adopted under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program, the Texas Education Code, §16.103, which establishes the provisions for allocation of vocational personnel units, the Texas Education Code, §11.02, which gives the Central Education Agency authority to enter into agreements with the federal government for educational undertakings, the Texas Education Code, §11.30, which authorizes the State Board of Education to enter into contracts for grants from public or private organizations for educational purposes and to expend funds in accordance with the terms of the grant or contract, and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes allocation of federal funds for vocational education.

§78.102 *Determination of Eligible Students—General Provisions*

(a) A student eligible to be counted in the minimum membership required for full Foundation School Program funding of vocational teacher units shall be a regular student of the district or enrolled under the provisions of the Texas Education Code, §28.10(c), under 21 years of age as of September 1; legally enrolled, and in regular attendance. A handicapped student simultaneously enrolled in vocational education and special education must meet age requirements specified in §89.220 of this title (relating to Age Ranges for Student Eligibility) to be counted as an eligible student.

(b) Handicapped students identified in accordance with provisions of Public Law 94-482, Public Law 94-142, and Chapter 89, Subchapter C of this title (relating to Special Education) are eligible participants in vocational education when the following requirements are met:

(1) Vocational interest and vocational aptitude assessment data will be collected for each handicapped student as specified in §89.233(h) of this title (relating to Comprehensive Individual Assessment) prior to his/her enrolling in vocational education classes.

(2) A vocational education counselor or teacher shall review the vocational assessment data with the special education person responsible for the vocational assessment. A written recommendation for appropriate vocational program placement shall be developed cooperatively, signed by both representatives, and presented to

the Admission, Review, and Dismissal (ARD) Committee, in accordance with §89.233(h) of this title (relating to Comprehensive Individual Assessment).

(3) The ARD Committee shall include a vocational administrator or designee from vocational education and the vocational teacher who will instruct the student as voting members of the ARD Committee in accordance with §89.221 of this title (relating to the ARD Committee).

(4) Those identified handicapped students who cannot succeed in regular vocational education programs without modifications, special supplementary aids, or services, placed in vocational education programs shall be placed through the ARD Committee process. The handicapped student will be placed in the least restrictive vocational education environment appropriate to the needs of the student, in accordance with 34 Code of Federal Regulations, Part 400.

(5) In accordance with §89.233 of this title (relating to Content of the Individual Educational Plan (IEP)) and 34 Code of Federal Regulations Part 400, the ARD Committee will address the goals, objectives, and vocational needs of each handicapped student in the IEP, including:

- (A) modification of instructional equipment;
- (B) modification or adaptation of program goals; or
- (C) related aids and services needed to benefit from vocational program.

(c) The number of years for which a student may be counted as an eligible student in a program may not exceed the number of years for which the approved program is conducted in the school which the student attends. Handicapped students may be counted as eligible students for an extended number of years when the extended time for instruction is specified as a modification in the IEP.

(d) Students enrolled in vocational programs must have the interest, aptitude, and ability to benefit from the program. Vocational programs are designed to:

- (1) assist students in making informed and meaningful occupational choices;
- (2) prepare students for paid or unpaid employment; or
- (3) provide preparation for enrollment in an occupational program at a higher secondary or post-secondary level.

(e) Students simultaneously enrolled in more than one approved vocational program preparing for gainful employment shall be counted as eligible students in only one program. Students simultaneously enrolled in consumer and homemaking education and in one approved vocational unit preparing for gainful employment may be counted as eligible students in both units. Students enrolled in more than one consumer and homemaking class may be counted as eligible students in each class. Students simultaneously enrolled in vocational computer programming, data processing, word processing, or business data entry and in one other approved vocational unit may be counted as eligible students in both units.

§78.103 *Student Eligibility—Specific Requirements*

(a) Specific requirements for students by vocational program area are shown in the following table. Subsections (b)-(e) of this section provide additional information about eligibility requirements for students.

ELIGIBILITY REQUIREMENTS FOR STUDENTS BY VOCATIONAL PROGRAM AREA

	GRADE RANGE	MINIMUM AGE	SUPERVISED OCCUPATIONAL EXPERIENCE	EMPLOYED IN APPROVED OCCUPATION	LABORATORY EXPERIENCE
AGRICULTURE					
Production	9-12		Each student must carry out an approved supervised occupational experience program for six months each year of enrollment in Production Agriculture. See (e)		See (c)
Cooperative Training	11-12	16	A student may take Production Agriculture prior to enrolling in cooperative education; however, Production Agriculture is not a prerequisite for cooperative education.	See (b)	
Pre-Employment Laboratory	10-12		A student may take Production Agriculture prior to enrolling in pre-employment laboratory; however, Production Agriculture is not a prerequisite for pre-employment laboratory.		See (c)
HOME ECONOMICS					
Consumer and Homemaking Education Comprehensive Homemaking	9-12		Each student enrolled in Consumer and Homemaking Education must carry out an approved supervised extended learning experience program.		
Specialized Semester Courses	10-12				
Preparation for Gainful Employment: Cooperative Education	11, 12	16		See (b)	
Pre-Employment Laboratory	10-12				See (c)

ELIGIBILITY REQUIREMENTS FOR STUDENTS BY VOCATIONAL PROGRAM AREA

	GRADE RANGE	MINIMUM AGE	SUPERVISED OCCUPATIONAL EXPERIENCE	EMPLOYED IN APPROVED OCCUPATION	LABORATORY EXPERIENCE
<u>MARKETING AND DISTRIBUTIVE</u>					
Cooperative Education	11, 12	16		See (b)	
Pre-Employment Laboratory	10-12				See (c)
<u>VOCATIONAL INDUSTRIAL</u>					
Cooperative Education	11, 12	16		See (b)	
Pre-Employment Laboratory for Skilled Occu- pations	10-12				See (c)
<u>HEALTH OCCUPATIONS</u>					
Cooperative Education	11, 12	16		See (b)	
Pre-Employment Laboratory	10-12				See (c)
Health Careers	10, 11				Each stu- dent will participat in manipu- lative processes and receiv instructio related to occupation cluster.
<u>TECHNICAL OCCUPATIONS</u>					
Pre-Employment Laboratory	10-12				See (c)

ELIGIBILITY REQUIREMENTS FOR STUDENTS BY VOCATIONAL PROGRAM AREA

	GRADE RANGE	MINIMUM AGE	SUPERVISED OCCUPATIONAL EXPERIENCE	EMPLOYED IN APPROVED OCCUPATION	LABORATORY EXPERIENCE
<u>VOCATIONAL OFFICE</u>					
Cooperative Education	11, 12	16		See (b)	
Pre-Employment Laboratory	10-12				See (c)
<u>COORDINATED VOCATIONAL- ACADEMIC EDUCATION (See (d))</u>					
Cooperative Education	7-12	16			
Laboratory	7-12	14 (Must turn 14 before or dur- ing the school year)			
<u>VOCATIONAL EDUCATION FOR THE HANDICAPPED</u>					
Laboratory	7-12	14 (Must turn 14 before or dur- ing the school year)			
<u>EXPLORATORY INDUSTRIAL ARTS</u>					
Industrial Arts	7-12				
<u>OCCUPATIONAL ORIENTATION</u>					
Occupational Investigation	7-10				
VEH Occupational Investigation	7-12				
Occupational Exploration	9-10				

ELIGIBILITY REQUIREMENTS FOR STUDENTS BY VOCATIONAL PROGRAM AREA

	GRADE RANGE	MINIMUM AGE	SUPERVISED OCCUPATIONAL EXPERIENCE	EMPLOYED IN APPROVED OCCUPATION	LABORATORY EXPERIENCE
<u>PREVOCATIONAL</u> (See (f))	7-12				
<u>PRE-TECHNICAL</u>	11-12				

(b) Each student, while enrolled, must be employed part time in one of the approved occupations listed under the appropriate program of vocational education. To receive three units of credit, a student must be employed 15 hours per school week; for two units of credit, the student must be employed 10 hours per school week. A student may be counted as an eligible student from the date of employment, provided an approved training plan is on file with the Central Education Agency within three weeks after the date of employment. Cooperative education training plans shall be developed by the cooperative training teacher/coordinator in consultation with the person responsible for providing on-the-job training experiences to the student involved. Training stations shall be reputable business or industrial establishments willing to provide each student with a broad range of meaningful training activities. Approvable training plans shall be competency based and shall include the appropriate essential elements identified in Chapter 75 of this title (relating to Curriculum).

(c) Each student is expected to pursue a program in manipulative processes, related and technical instruction, practical experiences, and planned field trips directly related to the occupation or cluster of occupations approved.

(d) In accordance with §78 63(h) of this title (relating to Requirements for New, Additional, and Continuing Vocational Teacher Units), all students enrolled in coordinated vocational-academic education must be one

or more years below grade level in achievement at the time of enrollment.

(e) The six-month supervised occupational experience program requirement for production agriculture students may be satisfied by any one of the following three methods or a combination of the three:

- (1) owning and managing a crop or livestock project;
- (2) farm placement work experience on a farm or ranch; or
- (3) point credit for supervised occupational experiences which require the development of skills outside the classroom which are necessary for establishment or employment in the agricultural production industry.

(f) Students may not enroll for a prevocational class in an occupational cluster or occupational area for which they have already received pre-employment or cooperative training credit or in which they are currently enrolled

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 May 31, 1984

TRD-845957 Raymon L. Bynum
Commissioner of Education

Effective date June 21, 1984
Proposal publication date March 23, 1984
For further information, please call (512) 475-7077

Program Standards**19 TAC §§78.121-78.124**

These new sections are adopted under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program; the Texas Education Code, §16.103, which establishes the provisions for allocation of vocational personnel units, the Texas Education Code, §11.02, which gives the Central Education Agency authority to enter into agreements with the federal government for educational undertakings, the Texas Education Code, §11.30, which authorizes the State Board of Education to enter into contracts for grants from public or private organizations for educational purposes and to expend funds in accordance with the terms of the grant or contract, and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes allocation of federal funds for vocational education.

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 May 31, 1984

TRD-845958 Raymon L. Bynum
 Commissioner of Education

Effective date June 21, 1984

Proposal publication date March 23, 1984

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

**Adult Vocational Education Provided by
Local Education Agencies****19 TAC §§78.141-78.145**

These new sections are adopted under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program; the Texas Education Code, §16.103, which establishes the provisions for allocation of vocational personnel units, the Texas Education Code, §11.02, which gives the Central Education Agency authority to enter into agreements with the federal government for educational undertakings, the Texas Education Code, §11.30, which authorizes the State Board of Education to enter into contracts for grants from public or private organizations for educational purposes and to expend funds in accordance with the terms of the grant or contract, and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes allocation of federal funds for vocational education.

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 May 31, 1984

TRD-845960 Raymon L. Bynum
 Commissioner of Education

Effective date June 21, 1984

Proposal publication date March 23, 1984

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

**Allocation of Funds for Supportive
Purposes****19 TAC §§78.131-78.134**

These new sections are adopted under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program, the Texas Education Code, §16.103, which establishes the provisions for allocation of vocational personnel units, the Texas Education Code, §11.02, which gives the Central Education Agency authority to enter into agreements with the federal government for educational undertakings, the Texas Education Code, §11.30, which authorizes the State Board of Education to enter into contracts for grants from public or private organizations for educational purposes and to expend funds in accordance with the terms of the grant or contract, and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes allocation of federal funds for vocational education.

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 May 31, 1984

TRD-845959 Raymon L. Bynum
 Commissioner of Education

Effective date June 21, 1984

Proposal publication date March 23, 1984

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

**TITLE 22. EXAMINING BOARDS
Part XX. Texas Board of Private
Investigators and Private
Security Agencies
Chapter 433. Handgun; Security
Officer Commission****22 TAC §433.2**

The Texas Board of Private Investigators and Private Security Agencies adopts amendments to §433.2, with changes to the proposed text published in the March 2, 1984, issue of the *Texas Register* (9 Tex-Reg 1249)

The amendments define letter of authority as being a license with respect to suspension, revocation, or denial, and requires a private business having a letter of authority to have a security supervisor and to keep the board informed of any changes in the security supervisor or of a change in fact relating to business for which a letter of authority is required. Businesses required to have a letter of authority will, within 14 days of a change in fact, keep the board informed by means of writing of any change in designation of the security supervisor, by name, and the notification of change must be signed by the security supervisor or the owner.

No comments were received regarding adoption of the amendments

The amendments are adopted under Texas Civil Statutes, Article 4413(29bb), §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

§433.2. Letter of Authority

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

(f) A letter of authority for the purpose of this Act shall be considered a license with respect to suspension, revocation, or denial.

(g) A private business that is issued a letter of authority shall have a security supervisor and maintain on file with the board the name and signature of the security supervisor.

(h) A private business that is issued a letter of authority shall notify the board in writing within 14 days after the security supervisor listed in board records ceases for any reason to function as the security supervisor and at the same time notify the board in writing of the name of the replacement security supervisor

(i) Any notification of a change or fact relating to business for which a letter of authority is required shall be in writing and shall be signed by the security supervisor or the owner of the private business, in the temporary absence of the security supervisor

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 May 29, 1984

TRD-845875 Clema D Sanders
Executive Director
Texas Board of Private
Investigators and Private
Security Agencies

Effective date June 21, 1984

Proposal publication date March 2, 1984

For further information, please call (512) 475-3944.

Chapter 435. Training Program

22 TAC §435.12

The Texas Board of Private Investigators and Private Security Agencies adopts an amendment to §435.12, without changes to the proposed text published in the March 2, 1984, issue of the *Texas Register* (9 TexReg 1250)

The amendment specifies that the commissioned officer as well as the employer must maintain on file with the board the certification of firearm requalification, thus the commissioned security officer must share responsibility by requalifying with a firearm every 24 months. The commissioned security officer will requalify with a firearm within the 24-month

period as required; then the employer must maintain on file with the board the certificate that the commissioned security officer has requalified with a firearm.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4413(29bb), §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this 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 May 29, 1984

TRD-845874 Clema D Sanders
Executive Director
Texas Board of Private
Investigators and Private
Security Agencies

Effective date June 21, 1984

Proposal publication date March 2, 1984

For further information, please call (512) 475-3944.

22 TAC §435.15

The Texas Board of Private Investigators and Private Security Agencies adopts new §435.15, without changes to the proposed text published in the March 2, 1984, issue of the *Texas Register* (9 TexReg 1250)

The new section specifies that a security officer training school and/or instructor shall be considered a licensee with respect to suspension, revocation, or denial, whereas if not so stated, there may be confusion. A security officer training school and/or instructor will comply with instructions as a licensee

No comments were received regarding adoption of the new section

The new section is adopted under Texas Civil Statutes, Article 4413(29bb), §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this 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 May 29, 1984

TRD-845877 Clema D Sanders
Executive Director
Texas Board of Private
Investigators and Private
Security Agencies

Effective date: June 21, 1984

Proposal publication date March 2, 1984

For further information, please call (512) 475-3944

Chapter 445. Employee Records

22 TAC §445.3

The Texas Board of Private Investigators and Private Security Agencies adopts new §445.3, without changes to the proposed text published in the March 2, 1984, issue of the *Texas Register* (9 TexReg 1251).

The licensee records must be made available for inspection so that the agency may check records as required by law. The licensee will have records available for inspection by a board representative.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 4413(29bb), Section II, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this 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 May 29, 1984

TRD-845876 Clema D. Sanders
 Executive Director
 Texas Board of Private
 Investigators and Private
 Security Agencies

Effective date: June 21, 1984

Proposal publication date: March 2, 1984

For further information, please call (512) 475-3944.

fective date of rules and makes this rule unnecessary. Rule 059.01.04.087 speaks to amendments and conflicting rules. The board believes this rule is no longer necessary. Rule 059.01.04.088 deals with the effective date of the rules and with matters in process at the time Rules 059.01.04.001-.088 first went into effect. This rule is obsolete in part and is no longer necessary. The repeal does not affect any present practice or requirement of the board.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the authority of Texas Civil Statutes, Article 6252-13a, §4, and the Insurance Code, Article 1.04, pursuant to which the board may adopt rules of procedure; Texas Civil Statutes Article 6252-13a, §10, which specifies the effective date for rules adopted under the Administrative Procedure and Texas Register Act; and pursuant to the board's authority to repeal any rule it has previously adopted.

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 May 30, 1984

TRD-846011 James W. Norman
 Chief Clerk
 State Board of Insurance

Effective date: June 22, 1984

Proposal publication date: January 6, 1984

For further information, please call (512) 475-2950.

TITLE 28. INSURANCE

Part I. State Board of Insurance

(Editor's note: Because the State Board of Insurance's rules have not yet been published in the Texas Administrative Code (TAC), they do not have designated TAC numbers. For the time being, the rules will continue to be published under their Texas Register numbers. However, the rules will be published under the agency's correct TAC title and part.)

Powers and Duties

Rules of Practice and Procedure

059.01.04.021, .059, .087, .088

The State Board of Insurance adopts the repeal of Rules 059.01.04.021, .059, .087, and .088, without changes to the proposal published in the January 6, 1984, issue of the *Texas Register* (9 TexReg 165).

Rule 059.01.04.021 speaks to the procedural and substantive nature of the rules. The board believes this rule is no longer necessary. Rule 059.01.04.059 specifies the effective date of rules adopted under the Administrative Procedure and Texas Register Act. An amendment to Rule 059.01.04.058, which is simultaneously adopted, encompasses the subject of the ef-

Rules of Practice and Procedure Before the State Board of Insurance

059.01.04.053, .054

The State Board of Insurance adopts new Rules 059.01.04.053 and .054, without changes to the proposed text published in the January 6, 1984, issue of the *Texas Register* (9 TexReg 166).

These new rules are part of the rules of practice and procedure before the State Board of Insurance. Rule 059.01.04.053 simply restates the law as set out in the Insurance Code, Article 1.33, to the effect that certain summary procedures as specified in that statute are not subject to the contested case provisions of the rules of procedure. Rule 059.01.04.054 restates the law respecting the Insurance Code, Chapter 5, Subchapter L, to the effect that certain rating matters under that subchapter are not subject to the contested case provisions of the rules of procedure. Both rules are included in the rules of procedure to make those rules complete by referring to procedures specified under other relevant law. The undesignated head is also being amended at this time by adding "before the State Board of Insurance." The adoption of these rules does not change any board practice or requirement.

No comments were received regarding adoption of the new rules.

The new rules are adopted under authority of Texas Civil Statutes, Article 6252-13a, §4, and the Insurance Code, Article 1.04, pursuant to which the State Board of Insurance may adopt rules of practice and procedure

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

Issued in Austin, Texas, on May 30, 1984

TRD-846012 James W Norman
Chief Clerk
State Board of Insurance

Effective date. June 22, 1984
Proposal publication date. January 6, 1984
For further information, please call (512) 475-2950.

059.01.15.226

The State Board of Insurance adopts new Rule 059.01 15 226, without changes to the proposed text published in the April 13, 1984, issue of the *Texas Register* (9 TexReg 2059).

This new rule sets forth requirements and instructions to the Texas Catastrophe Property Insurance Association and to insurers claiming a tax credit under the Texas Catastrophe Property Insurance Pool Act, the Insurance Code, Article 21.49, §19. The new rule requires the association to certify certain information to the board respecting assessments and claims paid under Article 21 49, it states that certain disputes are subject to Article 21 49, §9, it requires insurers or members as defined in Article 21 49, §5(c), to certify the gross premium tax credit to be allocated to each member or insurer within its group, and it sets out certain interpretations and requirements for an insurer to qualify for a tax credit under Article 21 49, §19 A substantially similar version of this rule was adopted on an emergency basis and became effective on January 10, 1984

No comments were received regarding adoption of the new rule.

The new rule is adopted under authority of the Insurance Code, Article 21 49, and particularly §§5, 5A, 9, and 19 thereof, and the Insurance Code, Article 4.10. Article 21 49 specifies various requirements for the association to provide certain insurance in a catastrophe area or inadequate fire insurance area as those terms are defined in Article 21 49. Article 21 49, §5A, authorizes the State Board of Insurance to issue any orders which it considers necessary to carry out the purposes of Article 21.49. Article 21 49, §5(c), specifies the manner of participation in the association by member insurers Article 21.49, §9, specifies the procedure for appeals Article 21 49, §19, permits a tax credit for certain insured losses under the conditions specified in that section The provisions in subsection (b) of the rule are interpretations of §19. The Insurance Code, Article 4 10, authorizes the State Board of Insurance to establish fair and reasonable

rules appropriate for the augmentation and implementation of that article

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 June 1, 1984

TRD-846014 James W Norman
Chief Clerk
State Board of Insurance

Effective date June 22, 1984
Proposal publication date April 13, 1984
For further information, please call (512) 475-2950.

059.01.15.251

The State Board of Insurance adopts new Rule 059.01 15 251, without changes to the proposed text published in the April 13, 1984, issue of the *Texas Register* (9 TexReg 2060).

The new rule sets forth instructions and forms for the preparation and filing of tax returns by various insurers and other entities required to file tax returns with the State Board of Insurance for the 1983 calendar year. This rule was adopted on an emergency basis and became effective on January 12, 1984 The forms and instructions include requirements for information respecting gross premium, maintenance, and other taxes and certain incidental fees, and provide a form to be used in reporting and determining the amount owed. A line is included in the forms for certain property insurers to take any credit authorized by the Texas Catastrophe Property Insurance Pool Act, the Insurance Code, Article 21 49, §19

No comments were received regarding adoption of the new rule

The new rule is adopted under authority of the Insurance Code, Articles 1 04, 1 10(9), 4.07, 4.10, 4 11, 5 12, 5 24, 5 49, 5.68, 9 46, 22 18, and 23.08, the Texas Health Maintenance Organization Act, §22 and §33, and Texas Civil Statutes, Articles 4769, 6252-13a, §4, and Article 8306, §28 The Insurance Code, Article 1 10(9), requires the board to furnish to companies required to report to the board statement blanks for the statements required The Insurance Code, Article 4 07, specifies charges for certain fees. The Insurance Code, Article 4 10 and Article 4.11; Texas Civil Statutes, Article 4769 and Article 8306; §28, and the Texas Health Maintenance Organization Act, §33, require the payment of taxes on gross premiums by certain entities regulated by the board. The Insurance Code, Articles 5 12, 5 24, 5 49, 5.68, 9 46, 22 18, and 23 08, require the payment of maintenance taxes by certain entities regulated by the board The Insurance Code, Article 4.10 and Article 4.11, and Texas Civil Statutes, Article 4769, give the board rule-making authority The Texas Health Maintenance Organization Act, §22, gives the board rule-making authority The Insurance Code, Article 1.04, places original jurisdiction for the adoption of rules in the board. Texas Civil Statutes, Article 6252-13a, §4, require and authorize the board to adopt rules of prac-

tice setting forth the nature and requirements of all procedures available.

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 June 1, 1984

TRD-846015 James W. Norman
Chief Clerk
State Board of Insurance

Effective date June 22, 1984
Proposal publication date April 13, 1984
For further information, please call (512) 475-2950.

Examination and Corporate Custodian and Tax

059.01.15.261

The State Board of Insurance adopts new Rule 059.01.15.261, without changes to the proposed text published in the April 13, 1984, issue of the *Texas Register* (9 TexReg 2061).

The new rule adopts by reference annual statement blanks and other reporting forms and instructions to be used and followed by insurers and certain other entities regulated by the State Board of Insurance in reporting their operations to the State Board of Insurance in the 1983 calendar year. Detailed information is required by these forms from such insurers and entities to show their activities during 1983. The information required relates to the financial condition and business operations of such insurers.

No comments were received regarding adoption of the new rule.

The new rule is adopted under authority of the Insurance Code, Articles 1.04, 1.10(9), 1.11, 1.24, 3.07, 6.11, 6.12, 8.07, 8.08, 8.24, 9.22, 9.47, 10.30, 11.06, 11.19, 14.15, 14.39, 15.15, 15.16, 16.18, 16.24, 17.22, 17.25, 18.12, 19.08, 20.02, 21.21, 21.43, 22.06, 22.18, and 23.26, the Health Maintenance Organization Act, §10 and §22; and Texas Civil Statutes, Article 6252-13a, §4. The Insurance Code, Article 1.10(9), requires the board to furnish the necessary blank forms for companies to complete necessary statements. The Insurance Code, Article 1.11, authorizes the board to change the form of annual statements. The Insurance Code, Article 1.24, authorizes the board to address inquiries to insurance companies and requires companies to answer promptly. The Insurance Code, Article 1.04, places original rule-making jurisdiction in the board. Texas Civil Statutes, Article 6252-13a, §4, authorizes and requires the State Board of Insurance to adopt rules of practice setting forth the nature and requirements of procedures available. The Insurance Code, Article 21.21, requires that all statements made by persons in the business of insurance be truthful and not misleading. The Insurance Code, Article 21.43, requires foreign insurers to comply with the provisions of the Insurance Code generally. The remaining statutes relate to the filing of annual reports and other information by

certain specific entities regulated by the board, apply particular statutory law respecting reports to those entities, and specify particular rule-making authority relating to those specific entities.

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 June 1, 1984.

TRD-846016 James W. Norman
Chief Clerk
State Board of Insurance

Effective date June 22, 1984
Proposal publication date April 13, 1984
For further information, please call (512) 475-2950.

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part III. Texas Youth Commission Chapter 81. General Provisions Child Care Standards

37 TAC §81.39

The Texas Youth Commission (TYC) adopts amendments to §81.39 without changes to the proposed text published in the March 16, 1984, issue of the *Texas Register* (9 TexReg 1524).

The agency is increasing the due process requirements for holding students in the security program. The amendments require a hearing if the student is to be confined beyond 24 hours and requires higher levels of administrative approval the longer the student is confined. In addition, the title "caseworker" has been changed to "dormitory director" to reflect a change in the caseworker's role.

Security units in TYC facilities will implement these rules in their programs, resulting in more hearings for students. Central Office Child Care Division staff will monitor the security programs to ensure compliance with the rules.

No comments were received regarding adoption of the amendments.

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

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 May 31, 1984

TRD-845936 Ron Jackson
Executive Director
Texas Youth Commission

Effective date June 21, 1984
Proposal publication date March 16, 1984
For further information, please call (512) 452-8111

Practice and Procedure

37 TAC §§81.71-81.73

The Texas Youth Commission adopts the repeal of §§81.71-81.73 without changes to the proposal published in the March 16, 1984, issue of the *Texas Register* (9 TexReg 1525)

The agency is reviewing and clarifying its rules and has determined that these rules are unnecessary. There is no change in agency practice as a result of repealing these rules.

No comments were received regarding adoption of the repeals.

The repeal is adopted under the Human Resources Code, §61.034, which provides the Texas Youth Commission with the authority to adopt all policies and make rules appropriate to the proper accomplishment of its functions.

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

Issued in Austin, Texas, on May 31, 1984

TRD-845937 Ron Jackson
Executive Director
Texas Youth Commission

Effective date June 21, 1984
Proposal publication date March 16, 1984
For further information, please call (512) 452-8111.

Admission to the Agency

37 TAC §81.102

The Texas Youth Commission (TYC) adopts new §81.102, without changes to the proposed text published in the March 16, 1984, issue of the *Texas Register* (9 TexReg 1525)

The agency is restructuring some of its rules to improve the clarity and understanding of TYC's child care system. This section is currently published as §§81.251-81.259, which are simultaneously being proposed for repeal. There is no change in the agency's practices as a result of this adoption. There is no change in agency practice regarding federal offenders as a result of this rule.

No comments were received regarding adoption of the new section.

The new section is adopted under the Human Resources Code, §61.042, which provides the Texas Youth Commission with the authority to enter into agreements with the federal government to accept children from the federal court for an agreed compensation.

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 May 31, 1984

TRD-845938 Ron Jackson
Executive Director
Texas Youth Commission

Effective date June 21, 1984
Proposal publication date March 16, 1984
For further information, please call (512) 452-8111.

Case Management System for Delinquents

37 TAC §81.112

The Texas Youth Commission adopts amendments to §81.112 without changes to the proposed text published in the March 16, 1984, issue of the *Texas Register* (9 TexReg 1526)

The agency is further defining the classification of repeat offenders to exclude some students who have committed less serious offenses. Some students who previously would have been classified as repeat offenders will now be classified as non-violent offenders if the new offenses are relatively minor.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Human Resources Code, §61.075, which provides the Texas Youth Commission with the authority to order the reconfinement or renewed release of a delinquent student committed to the agency as often as conditions indicate to be desirable.

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 May 31, 1984

TRD-845939 Ron Jackson
Executive Director
Texas Youth Commission

Effective date June 21, 1984
Proposal publication date March 16, 1984
For further information, please call (512) 452-8111.

37 TAC §81.120

The Texas Youth Commission adopts the repeal of §81.120, without changes to the proposal published in the March 16, 1984, issue of the *Texas Register* (9 TexReg 1527)

The agency is repealing this section and replacing it with new §81.120, which is simultaneously adopted in this issue. This section will no longer be in effect.

No comments were received regarding adoption of the repeal

The repeal is adopted under the Human Resources Code, §61 075, which provides the Texas Youth Commission with the authority to order reconfinement or renewed release as often as conditions indicate to be desirable

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 May 31, 1984

TRD 845941 Ron Jackson
Executive Director
Texas Youth Commission

Effective date June 21, 1984
Proposal publication date March 16, 1984
For further information, please call (512) 452-8111

The Texas Youth Commission adopts new §81 120, without changes to the proposed text published in the March 16, 1984, issue of the *Texas Register* (9 Tex-Reg 1528)

This new section replaces §81 120, which is simultaneously adopted for repeal. The agency has rewritten this section to make it clearer and has added information on revocations of repeat offenders. In addition, the amendments add information about the effect of offenses previously adjudicated during the parole period when making decisions on the student's placement

The new section has a minor impact on the revocation process. There are only two differences between this section and the repealed section. First, it explains how a student is designated as a repeat offender. The section also makes it clear that other offenses committed while on parole are considered when deciding how to treat a revoked student

No comments were received regarding adoption of the new section

The new section is adopted under the Human Resources Code, §61 075, which provides the Texas Youth Commission with the authority to order confinement of a delinquent child under conditions it believes best designed for the child's welfare and the interests of the public

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

Issued in Austin, Texas, on May 31, 1984

TRD-845940 Ron Jackson
Executive Director
Texas Youth Commission

Effective date June 21, 1984
Proposal publication date March 16, 1984
For further information, please call (512) 452-8111.

37 TAC §81 129

The Texas Youth Commission adopts new §81 129, without changes to the proposed text published in the March 16, 1984, issue of the *Texas Register* (9 TexReg 1528)

This new section allows student placement with staff who meet agency standards for foster homes and are certified for the care of one to six students. Staff members will not be paid for student care. These placements will essentially function as agency foster homes except that no payments will be made to staff members

No comments were received regarding adoption of the new section

The new section is adopted under the Human Resources Code, §61 081(a), which provides the Texas Youth Commission with the authority to release delinquent children in its custody to any placements approved by the commission

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

Issued in Austin, Texas, on May 31, 1984

TRD-845942 Ron Jackson
Executive Director
Texas Youth Commission

Effective date June 21, 1984
Proposal publication date March 16, 1984
For further information, please call (512) 452-8111

Records and Reports

39 TAC §81 222

The Texas Youth Commission adopts the repeal of §81 222, without changes to the proposal published in the March 16, 1984, issue of the *Texas Register* (9 TexReg 1529)

The agency is simultaneously adopting a new section on this subject which contains greater detail than the section being repealed

No comments were received regarding adoption of the repeal

The repeal is adopted under the Human Resources Code, §61 034, which provides the Texas Youth Commission with the authority to adopt all policies and make rules appropriate to the proper accomplishment of its functions

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

Issued in Austin, Texas, on May 31, 1984

TRD-845944 Ron Jackson
Executive Director
Texas Youth Commission

Effective date June 21, 1984
Proposal publication date March 16, 1984
For further information, please call (512) 452-8111

The Texas Youth Commission adopts new §81 222, without changes to the proposed text published in the March 16, 1984, issue of the *Texas Register* (9 Tex-Reg 1529)

The agency is simultaneously adopting the repeal of the existing section because it lacks detail and clarity. The new section contains more complete information on the procedures used in the event of a student death. The agency will implement these standard procedures immediately to ensure thorough investigation and reporting on student deaths.

No comments were received regarding adoption of the new section.

The new section is adopted under the Human Resources Code, §61 034, which provides the Texas Youth Commission with the authority to adopt all policies and make rules appropriate to the proper accomplishment of its functions.

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

Issued in Austin, Texas, on May 31, 1984

TRD-845943 Ron Jackson
Executive Director
Texas Youth Commission

Effective date June 21, 1984
Proposal publication date March 16, 1984
For further information, please call (512) 452-8111.

37 TAC §81.223

The Texas Youth Commission adopts the repeal of §81 223, without changes to the proposal published in the March 16, 1984, issue of the *Texas Register* (9 TexReg 1530)

The agency adopts this repeal to replace it with a more detailed version as simultaneously adopted in new §81 223, concerning access to student records.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Human Resources Code, §61 034, which provides the Texas Youth Commission with the authority to make policies and adopt all rules appropriate to the proper accomplishment of its function.

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 May 31, 1984

TRD-845945 Ron Jackson
Executive Director
Texas Youth Commission

Effective date June 21, 1984
Proposal publication date March 16, 1984
For further information, please call (512) 452-8111

The Texas Youth Commission (TYC) adopts new §81 223, without changes to the proposed text published in the March 16, 1984, issue of the *Texas Register* (9 TexReg 1531)

The agency is adopting more detailed sections on access to student records, including the information that the Texas Department of Corrections may now receive some information in accord with the Family Code, Texas Civil Statutes, §51 14(b). The new section replaces existing §81 223, which is simultaneously being repealed.

There is no change in agency practice, as the TYC has been responding to inquiries from the Texas Department of Corrections since September. However, as more requests for information are received, the TYC will expend increased staff time to respond.

No comments were received regarding adoption of the new section.

The new section is adopted under the Human Resources Code, §61 034, which provides the Texas Youth Commission with the authority to make policies and adopt all rules appropriate to the proper accomplishment of its function.

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 May 31, 1984

TRD-845946 Ron Jackson
Executive Director
Texas Youth Commission

Effective date June 21, 1984
Proposal publication date March 16, 1984
For further information, please call (512) 452 8111

Chapter 89. Institutional Services for Children Committed for Delinquent Behavior

Use of Telephone

37 TAC §89 231

The Texas Youth Commission (TYC) adopts the repeal of §89 231, without changes to the proposal published in the March 16, 1984, issue of the *Texas Register* (9 TexReg 1530)

This section is unnecessary because previously published §81 195, concerning student use of the telephone, applies to all TYC programs. There is no change in agency practice as a result of this repeal.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Human Resources Code, §61 034, which provides the Texas Youth Commission with the authority to adopt all policies and make rules appropriate to the proper accomplishment of its functions.

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

Issued in Austin, Texas, on May 31, 1984

TRD-845947 Ron Jackson
Executive Director
Texas Youth Commission

Effective date June 21, 1984
Proposal publication date March 16, 1984
For further information, please call (512) 452-8111.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part III. Texas Commission on Alcoholism

Chapter 141. General Definitions

40 TAC §141.1

The Texas Commission on Alcoholism adopts an amendment to §141.1, with changes to the proposed text published in the March 16, 1984 issue of the *Texas Register* (9 TexReg 1532)

The need for the commission to define an approved program or facility is necessitated by the passage of Senate Bill 1, 68th Legislature, 1983. The law, in particular, the Code of Criminal Procedure, Article 42.12, §6b(2), as amended, requires that evaluations to determine a defendant's drug/alcohol dependence may be conducted by a program or facility approved by the Texas Commission on Alcoholism. This section provides a clear understanding of which programs or facilities are eligible to conduct alcohol/drug dependency evaluations under the Code of Criminal Procedure, Article 42.12, §6b(2), as amended by the 68th Legislature, 1983.

No comments were received regarding adoption of the amendment, however, the governing board of the agency decided to amend the section to expand the options available for types of screening instruments. The section identified only one approved instrument.

This amendment is adopted under Texas Civil Statutes, Article 5561c, §8, which provide the Texas Commission on Alcoholism with the authority to make rules appropriate to the proper accomplishment of its functions under this Act.

§141.1 Defined Terms The following words and terms, when used in this part, shall have the following meanings, unless the context clearly indicates otherwise.

Approved program or facility—Programs or facilities approved by the Texas Commission on Alcoholism under the provisions of the Code of Criminal Procedure, Article 42.12, §6b(2), as amended, are those programs or facilities which utilize a standardized and accepted screening instrument for identifying problem drinkers as part of their evaluation process.

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 June 1, 1984

TRD-846044 Ross Newby
Executive Director
Texas Commission on Alcoholism

Effective date June 25, 1984
Proposal publication date March 16, 1984
For further information, please call (512) 475-2577

Part IX. Texas Department on Aging

Chapter 257. Hearing Procedures Appeal Procedures for Service Providers and Applicants

40 TAC §257.75

The Texas Department on Aging adopts amendments to §257.75, with changes to the proposed text published in the April 27, 1984, issue of the *Texas Register* (9 TexReg 2367).

The justification for the section is to formalize the circumstances under which a service provider may exercise his right to an evidentiary hearing. This section clarifies the circumstances under which a petitioner may request an evidentiary hearing.

Only one comment was received regarding the proposed amendments. This comment was supplied by Seth S. Searcy III, for the Capital Area Regional Planning Council attorney. This comment was not for or against, but proposed several changes in the language of the proposed amendments which have been incorporated into the section.

The amendments are adopted pursuant to the Human Resources Code §101, which provides the Texas Department on Aging with the authority to publish rules governing the functions of the department.

§257.75 Evidentiary Hearing

(a) If the petitioner is a service provider whose contract or subgrant was terminated or not renewed for cause, the executive director shall schedule an evidentiary hearing if either the petitioner or the area agency requests the hearing in writing before the appeal is submitted to the executive director. In all other cases, if the executive director determines that an appeal involves a dispute as to a material fact, the resolution of which would be materially assisted by oral testimony, the executive director may schedule a hearing to take testimony by notifying all parties of the date, place, and time of the hearing by registered or certified mail, return receipt requested.

(b) The executive director may appoint an impartial hearing examiner to preside at the hearing. The hearing examiner may be, but is not required to be, an attorney at law. The hearing examiner has the powers described in §257.15 of this title (relating to Hearing Examiner).

(c)-(d) (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 May 30, 1984

TRD-845873 Tim Shank
 General Counsel
 Texas Department on Aging

Effective date June 21, 1984
Proposal publication date April 24, 1984
For further information, please call (512) 475-2717

**Chapter 261. Citizens Advisory
Council on Aging
Policies and Procedures**

40 TAC §261.2

The Texas Department on Aging adopts an amendment to §261.2, without changes to the proposed text published in the April 27, 1984, issue of the *Texas Register* (9 TexReg 2368)

The Sunset Advisory Council recommended these changes as a result of hearings held by the council on

the merits of the continuation of operation of the Texas Department on Aging. The amendment ensures that the local area agency Advisory Council on Aging member that is appointed to the State Advisory Council on Aging is in tune with the concerns of his local advisory council and will represent them at the state level.

No comments were received regarding adoption of the amendment.

The amendment is adopted pursuant to the Human Resources Code, §101, which provides the Texas Department on Aging with the authority to publish rules governing the functions of the department.

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 May 30, 1984

TRD-845872 Tim Shank
 General Counsel
 Texas Department on Aging

Effective date June 21, 1984
Proposal publication date April 27, 1984
For further information, please call (512) 475-2717

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

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

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

Open Meetings

Apprenticeship and Training Advisory Committee

Friday, June 15, 1984, 8:30 a.m. The Apprenticeship and Training Advisory Committee will meet at Texas State Technical Institute (TSTI), Avenue F and Fourth Streets, Amarillo. Items on the agenda include revision of bylaws, the apprenticeship coordinator's report; the Finance Committee report concerning recommendations for fiscal year 1985 apprenticeship funding; the Planning Committee report concerning the state apprenticeship conference to be held in San Antonio in September 1984; and a tour of TSTI.

Contact: Dan C. Lowe, 201 East 11th Street, Austin, Texas 78701, (512) 834-4197.

Filed: May 4, 1984, 2:23 p.m.
TRD-846078

Automated Information Systems Advisory Council

Thursday, June 14, 1984, 9 a.m. The Board of the Automated Information Systems Advisory Council will meet in the commissioner's conference room, 510 South Congress Avenue, Austin. According to the agenda, the board will consider the minutes

from the previous meeting, priorities, and an appropriation request.

Contact: Charlotte Craig, 510 South Congress Avenue, Room 306, Austin, Texas 78704, (512) 475-2362.

Filed: June 5, 1984, 9:51 a.m.
TRD-846121

Texas Coastal and Marine Council

Friday, June 15, 1984, 9 a.m. The Texas Coastal and Marine Council (TCMC) will meet in the auditorium, third floor, United Bank, West 15th and Guadalupe Streets, Austin. Items on the agenda include future TCMC coastal economic development activities, consideration of the legislative budget request for fiscal year 1986-1987, the Coastal Beaches and Open Beaches Act, a progress report concerning disposal sites for the Gulf Intracoastal Waterway, consideration of a PISCES request for TCMC assistance in developing oyster management recommendations, committee and staff reports, and past/future council projects.

Contact: Charles L. Branton, P.O. Box 13407, Austin, Texas 78711, (512) 479-4041.

Filed: June 4, 1984, 12:43 p.m.
TRD-846053

Texas Board of Examiners of Dietitians

Friday, June 8, 1984, 10 a.m. The Texas Board of Examiners of Dietitians will meet in Room T-803, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the board will approve the March 9, 1984, minutes; hear reports from the executive director, chairman, and committees; appoint a Consumer Information Committee; discuss public comments and adopt rules pertaining to complaints and violations, and rules pertaining to upgrading a provisional license; review and adopt emergency and proposed rules pertaining to procedures for board-approved preplanned professional experience programs; ratify applications approved by committees on April 13 and May 11, 1984, and review license applications; hear other matters relating to the licensure and regulation of dietitians; and set the next meeting dates.

Contact: Donna Hardin, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7531.

Filed: May 31, 1984, 4:05 p.m.
TRD-845951

East Texas State University

Tuesday, June 12, 1984, 10 a.m. The Campus Building and Planning Committee of

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the Board of Regents of East Texas State University (ETSU) will meet at the ETSU Metroplex Commuter Facility, 2625 Anita, Garland. Items on the agenda include a progress report on construction projects; discussion of major repair and replacement projects, new construction projects, and special items to be included in the legislative budget request, and a report by a consulting architect on the campus master plan revision.

Contact: Steve W. Batson, Commerce, Texas 75428, (214) 886-5012.

Filed: June 4, 1984, 10:45 a.m.
TRD-846051

Interagency Council on Early Childhood Intervention

Monday, June 11, 1984, 8:30 a.m. The Interagency Council on Early Childhood Intervention will meet in the conference room, second floor, 1101 East Anderson Lane, Austin. According to the agenda summary, the council will discuss public comments and a memorandum of agreement, approve the minutes; review and approve grant applications for fiscal year 1985, review proposed rule revisions based upon fiscal year 1985 contract revisions, and the Interagency Council on Early Childhood Intervention Act and proposed changes, and hear staff and budget reports.

Contact: Mary Elder, 1100 West 49th Street, Austin, Texas 78756, (512) 465-2671.

Filed: June 1, 1984, 4:18 p.m.
TRD-846034

Texas Employment Commission

Tuesday, June 12, 1984, 9 a.m. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission will 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 24, and set the date of the next meeting.

Contact: Courtenay Browning, TEC Building, Room 608, Austin, Texas, (512) 397-4415.

Filed: June 4, 1984, 3:25 p.m.
TRD-846079

Office of the Governor

Friday, June 8, 1984, 9 a.m. The Governor's Task Force on Inhalant Abuse of the Office of the Governor will meet in the council chambers, second floor, El Paso City Hall, 2 Civic Center Plaza, El Paso. According to the agenda summary, the task force will conduct a public hearing to receive written and oral testimony from scheduled speakers and through public comment.

Contact: Marc Campos, State Capitol, Room G-3, Austin, Texas 78711, (512) 475-0510.

Filed: May 31, 1984, 3:42 p.m.
TRD-845933

Saturday, June 9, 1984, 9 a.m. The Governor's Advisory Committee on Minority Business Enterprise of the Governor's Small Business and Equal Employment Opportunity Office of the Office of the Governor will meet in the city council chambers, fifth floor, Section D South, 1500 Marilla, Dallas. According to the agenda, the committee will conduct a public forum from 9 a.m. -noon and conduct a committee meeting starting at 1:30 p.m. to consider recommendations, a presentation by the Governor's Office of Economic Development, and the status of a minority business enterprise questionnaire.

Contact: Deborah Brown, Sam Houston Building, Room 108, 201 East 14th Street, Austin, Texas 78711, (512) 475-6507.

Filed: June 1, 1984, 3:57 p.m.
TRD-846032

Texas Department of Health

Friday, June 22, 1984, 9:30 a.m. The Sanitarian Advisory Committee of the Texas Department of Health will meet in Room T-803, 1100 West 49th Street, Austin. According to the agenda summary, the committee will approve the January 20, 1984, minutes; review pending applications and a recommendation to the department on each of the Texas Environmental Health Association proposals for revision of the Sanitarian Registration Act; and consider revisions of the examination and study guide used for sanitarian registration.

Contact: David M. Cochran, P. E., 1100 West 49th Street, Austin, Texas 78756, (512) 458-7541.

Filed: May 31, 1984, 4:05 p.m.
TRD-845950

Texas Health Facilities Commission

Thursday, June 14, 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

Riverside Hospital, Inc., Corpus Christi
AH84-0104-010

San Antonio Children's Center,
San Antonio
AH84-0208-082

Parkview Hospital, Wheeler
AH84-0309-155

Orange Memorial Hospital, Orange
AH83-0902-138

Hendrick Medical Center, Abilene
AH84-0221-119

Applications for Petition for Reissuance
Edinburg General Hospital, Edinburg

AH82-1112-177R(042084)

Piney Woods Acres, Corrigan
AN82-1206-247R(122283)

Application for Amendment of Certificate of Need

Piney Woods Acres, Corrigan
AN82-1206-247A(120783)

Contact: John R. Neel, P.O. Box 50049, Austin, Texas 78763.

Filed: June 4, 1984, 9:35 a.m.
TRD-846046

State Board of Insurance

Tuesday, June 12, 1984, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 7239—whether First Texas Titleshares, Inc., doing business as Lawyers Title Agency, Henderson, should be released from a state of conservatorship.

Addition to the previous agenda

The section will consider Docket 7462—whether First Texas Titleshares, Inc., Longview, should be released from a state of conservatorship.

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

Filed: June 4, 1984, 1:26 p.m.
TRD-846054, 846055

Tuesday, June 12, 1984, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will consider a joint motion for dismissal of the appeal of James E. Love from action of the Texas Catastrophe Property Insurance Association, the commissioner's report (including personnel matters), the fire marshal's report (including personnel matters), and board orders on several different matters.

Tuesday, June 12, 1984, 2 p.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will consider final action on Rule 059.01.04.052 (9 TexReg 652); proposed action on the repeal of Rules 059.01.15.203 and .205; proposed action on amendments to Rules 059.01.15.209, .213, .218, 059.01.18.001, .003, .005, .011, .015, and .017, 059.21.46.005, and 059.21.39.201; proposed action on the repeal of Rule 059.05.43.001-.003, and .005, which are adoptions by reference and simultaneous adoptions of substantially the same rules in regular *Texas Register* format; and consideration of Rules 059.21.28.002 and .003.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas, 78786, (512) 475-2950.

Filed: June 4, 1984, 4:06 p.m.
TRD-846024, 846086

Wednesday, June 13, 1984, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the board will conduct a public hearing in Docket 7668—application of Lubbock United General Agency, Inc., for recognition that Lubbock United Agency is a "grandfathered" managing general agency within the meaning of the Insurance Code, Article 21.07-3, §5.

Contact: Tom I. McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: June 4, 1984, 1:27 p.m.
TRD-846056

Thursday, June 14, 1984, 9 a.m. The State Board of Insurance will meet in the hearing room, DeWitt Greer Building, 11th and Brazos Streets, Austin. According to the agenda summary, the board will conduct a public hearing to consider revision of the fire and allied, commercial multiperil, and homeowners and farm and ranch owners manual rules, classification plans, forms, clauses, permits, warranties, classes, rating

plans, amendments to the general basis schedules, and all other matters pertaining to the writing of fire and allied lines, commercial multiperil, and homeowners and farm and ranch owners insurance.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: June 5, 1984, 8:53 a.m.
TRD-846117

Thursday, June 14, 1984. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. Times and dockets follow.

9 a.m. The section will consider Docket 7664—application of Fortune National Corporation to acquire control of American Capitol Insurance Company and American Underwriters Life Insurance Company, Houston.

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

Filed: June 4, 1984, 1:27 p.m.
TRD-8456057

1:30 p.m. The section will consider Docket 7666—application by Metropolitan Tower Life Insurance Company, Newark, Delaware, for variable life authority.

Contact: Tom I. McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076

TRD-846058

Friday, June 15, 1984, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will consider Docket 7670—approval of amendments to articles of incorporation of Family Security Insurance Company of America, Fort Worth.

Contact: Tom I. McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: June 4, 1984, 1:27 p.m.
TRD-846059

Friday, June 15, 1984, 2 p.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will consider issues for inclusion in a report required under the Insurance Code, Article 1.25.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: June 5, 1984, 9:50 a.m.
TRD-846126

Texas Board of Land Surveying

Thursday, June 14, 1984, 1 p.m. The Surveyor in Training Committee of the Texas Board of Land Surveying will meet in Suite 210W, 1106 Clayton Lane, Austin, to review surveyor in training applicant quarterly reports and correspondence and discuss the Surveyor in Training Program.

Contact: Betty J. Pope, 1106 Clayton Lane, Suite 210W, Austin, Texas 78723, (512) 452-9427.

Filed: June 1, 1984, 10:48 a.m.
TRD-845986

Friday, June 15, 1984, 8 a.m. The Texas Board of Land Surveying will meet in Suite 210W, 1106 Clayton Lane, Austin. According to the agenda, the board will review new applications, reconsider old applications and correspondence, review examination problems, complaints, violations, and consider old and new business.

Contact: Betty J. Pope, 1106 Clayton Lane, Suite 210W, Austin, Texas 78723, (512) 452-9427

Filed: June 1, 1984, 10:47 a.m.
TRD-845987

Texas State Board of Medical Examiners

Thursday, June 7, 1984, 4:30 p.m. The District Review Committee of the Texas State Board of Medical Examiners met in emergency session at 1101 Camino LaCosta, Austin. According to the agenda, the committee discussed methods of operation of district review committees. The committee also met in executive session under Texas Civil Statutes, Article 6252-17, as related to Texas Civil Statutes, Article 4495b, §4.05(d), §5.06(e)(1), and Attorney General Opinion H-484, 1974. The emergency status was necessary because the information just became available and needed immediate attention. Committee action will be referred to in the later full board session.

Contact: Jean Davis, P.O. Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: June 5, 1984, 9:51 a.m.
TRD-846122

Friday-Thursday, June 8-14, 1984, 8 a.m. daily. The Texas State Board of Medical Examiners will meet at 1101 Camino LaCosta, Austin. According to the agenda, the board will administer exams; consider committee meetings and reports; conduct hearings on alleged Act violations, approve

exams, minutes, and orders; discuss a FLEX I-II, Right to Life Advocates rule petition, licensure applicants, the minutes, a sanction report, financial reports, a non-profit corporation, possible rule changes on examination, reciprocity, institutional permits, and visiting professor permits, a possible attorney general opinion request on acupuncture, action on institutional permits to certain schools, possible action on a Government Accounting Office (GAO) report, CETEC, CIFAS, and St. Lucia graduates. The board may also meet in executive session under authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §4.05(d), §5.06(e)(1) and Attorney General Opinion H-484, 1974.

Contact: Jean Davis, P.O. Box 13562, Austin, Texas, (512) 452-1078.

Filed: June 1, 1984, 9:05 a.m.
TRD-845975

Friday-Thursday, June 8-14, 1984, 8 a.m. daily. The Texas State Board of Medical Examiners made an emergency addition to the agenda of a meeting to be held at 1101 Camino LaCosta, Austin. The addition concerns the procedure for hearings, long range planning, and office management. The emergency status is necessary because the information was just received on these topics and they need immediate board attention.

Contact: Jean Davis, P.O. Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: June 5, 1984, 9:51 a.m.
TRD-846123

Saturday, June 9, 1984, 7:30 a.m. The Medical School Committee of the Texas State Board of Medical Examiners will meet in emergency session at 1101 Camino LaCosta, Austin. According to the agenda, the committee will discuss preceptor contracts and the matter of graduates from CETEC, CIFAS, and St. Lucia. The committee also will meet in executive session under Texas Civil Statutes, Article 6252-17, as related to Texas Civil Statutes, Article 4495b, §4.05(d), §5.06(e)(1), and Attorney General Opinion H-484, 1974. The emergency status is necessary because the information just became available and needs immediate attention. Committee action will be discussed at a later full board meeting.

Contact: Jean Davis, P.O. Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: June 5, 1984, 9:51 a.m.
TRD-846124

State Board of Morticians

Monday, June 11, 1984, 9 a.m. The State Board of Morticians will meet at the Shamrock Hilton, South Main at Holcombe Boulevard, Houston. According to the agenda summary, the board will discuss applicants for reinstatement, review reciprocal interviews and recommendations, discuss Federal Trade Commission rules on funeral industry practices, hear a request from a funeral home to act as a morgue for a small hospital and nursing home, review pending litigation, hear committee and executive secretary reports, set dates for the practical exam, and review complaints.

Contact: John W. Shocklee, 1513 IH-35 South, Austin, Texas 78741, (512) 442-6721.

Filed: June 1, 1984, 4 p.m.
TRD-846029

Texas Municipal Retirement System

Saturday, June 30, 1984, 9 a.m. The Board of Trustees of the Texas Municipal Retirement System will meet at city hall, 110 South Greenleaf, Brownwood. According to the agenda summary, the board will hear and approve the March 17, 1984, minutes; review and approve service and disability retirements payable February 1, 1984-April 30, 1984; review and approve supplemental death benefits payments payable February 1, 1984-April 30, 1984; review and approve extended supplemental death benefits coverage; review and approve financial statements; present the 1983 annual report; present the 1983 actuarial report and approve contribution rates for 1985; hear the audit report for 1983; select an auditor for fiscal year 1984 operations; appoint two members to the medical board; hear reports of the actuary, legal counsel, and director; and consider any other business to be heard.

Contact: Jimmie L. Mormon, P.O. Box 2225, Austin, Texas 78768, (512) 476-7577.

Filed: June 1, 1984, 3:03 p.m.
TRD-8456022

Board of Pardons and Paroles

Friday, June 8, 1984, 9:30 a.m. The Support Services Oversight Committee of the Board of Pardons and Paroles will meet in emergency session at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the committee will hear a presentation from support services staff concerning the areas of responsibility of and tasks executed by the Staff Services Division, including the strengths and weaknesses of the division

and projection of future needs. The emergency status is necessary because committee members cannot adjust their schedules to meet at any other reasonable time.

Contact: Gladys Sommers, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2704.

Filed: June 4, 1984, 4:59 p.m.
TRD-8456116

Monday-Friday, June 11-15, 1984, 1:30 p.m. daily, and 11 a.m. on Friday. A board panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will receive, review, and consider information and reports concerning prisoners/inmates and administrative 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: June 1, 1984, 10:45 a.m.
TRD-845988

Tuesday, June 12, 1984, 1:30 p.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, 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: Gladys Sommers, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2704.

Filed: June 1, 1984, 10:45 a.m.
TRD-845989

Texas Parks and Wildlife Department

Tuesday, June 5, 1984, 4 p.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department met in emergency session via conference call originating from 4200 Smith School Road, Austin. According to the agenda, the commission considered an emergency rule relating to the Choke Canyon Fishery. The emergency status was necessary to prevent the anticipated waste of the resource associated with the drawdown of the reservoir.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4802.

Filed: June 5, 1984, 9:56 a.m.
TRD-846118

Tuesday, June 12, 1984, 7 p.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife will meet at 1501 East Sixth Street, Austin. According to the agenda summary, the commission plans to have dinner. Although this function is primarily a social event and no formal action is planned, the commission may discuss items on the public hearing agenda scheduled for 9 a.m. on June 13, 1984.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4802.

Filed: June 4, 1984, 2:09 p.m.
TRD-846062

Wednesday, June 13, 1984. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet in Building B, Parks and Wildlife Headquarters Complex, Building B, 4200 Smith School Road, Austin. Times and agendas follow.

9 a.m. The commission will approve the May 10, 1984, minutes; present retirement certificates and service plaques; hear a request for nomination of lands of Jim Hogg State Historical park for oil and gas leasing—Cherokee County, Mustang Island State Park for oil and gas leasing—Nueces County, and Goose Island State Recreation Area for oil and gas leasing—Aransas County; discuss the Uvalde County boat ramp, the hunting, fishing, and trapping proclamation for 1984-1985, rules relating to potentially harmful fish, the Battleship Texas Restoration Program, Phase I—Harris County, a Sunset Commission staff report, the fiscal year 1985 operational plan and operating budget, land acquisition—Martin Creek Lake State Recreation Area—Rusk County, and a potential state park site—Brazoria County.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, 78744, (512) 479-4802.

Filed: June 4, 1984, 2:10 p.m.
TRD-8456063

9 a.m. The commission will discuss the proposed 1984-1985 late season migratory game bird proclamation, fisheries programs, and law enforcement programs.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4802.

Filed: June 4, 1984, 2:10 p.m.
TRD-846064

Noon. The commission will meet in executive session to discuss potential acquisitions, settlement of pending litigation matters, and personnel matters.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4802.

Filed: June 4, 1984, 2:10 p.m.
TRD-846065

Public Utility Commission of Texas

Friday, June 8, 1984, 9 a.m. The Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the commission will consider the following dockets—5575, 5205, 5184, 5501, 5526, 5024, 5534, 5190, 5709, 5578, 5608, and 4864.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 31, 1984, 4:02 p.m.
TRD-845949

Addition to the previous agenda:

The commission also will meet in executive session to consider pending litigation and personnel matters.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 31, 1984, 4:34 p.m.
TRD-845974

Emergency addition to the previous agenda:

The commission will consider Docket 5641—application of Big Bend Telephone Company, Inc., to amend a certificate of convenience and necessity within Brewster and Presidio Counties to establish the Lajitas Exchanges. The emergency status is necessary to achieve fiscally efficient reprogramming of a long distance network and avoid unnecessary expense to the applicant.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: June 1, 1984, 3:36 p.m.
TRD-846023

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

Thursday, June 14, 1984, 9 a.m. A hearing in Docket 5735—application of Community Water Company for a rate increase

in Ellis, Hunt, Navarro, and Smith Counties.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: June 1, 1984, 10:47 a.m.
TRD-845990

Thursday, July 5, 1984, 2 p.m. A hearing 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: June 4, 1984, 9:42 a.m.
TRD-846048

Monday, July 23, 1984, 9 a.m. A hearing in Docket 5735—application of Community Water Company for a rate increase in Ellis, Hunt, Navarro, and Smith Counties.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: June 1, 1984, 10: 47 a.m.
TRD-845991

Railroad Commission of Texas

Monday, June 11, 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: June 1, 1984, 1:11 p.m.
TRD-845993

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: June 1, 1984, 1:11 p.m.
TRD-845994

The Flight Division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Texas Register

Contact: Ken Fossler, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1103.

Filed: June 1, 1984, 1:10 p.m.
TRD-845995

The Gas Utilities Division will consider various matters falling within the commission's Gas Utilities Division regulatory jurisdiction.

Contact: Walter Earl Lilie, P.O. Drawer 12967, Austin, Texas 78711.

Filed: June 1, 1984, 1:12 p.m.
TRD-845996

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: June 1, 1984, 1:10 p.m.
TRD-845997

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: June 1, 1984, 1:09 p.m.
TRD-845998

The Oil and Gas Division will consider 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: June 1, 1984, 1:11 p.m.
TRD-845999

Additions to the previous agenda:

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: June 1, 1984, 1:10 p.m.
TRD-846000

Consideration of oil and gas Docket 95,869—Enserch Exploration, Inc., Rule 37 and Rule 38, R. Lacy Lease, Well 2, Willow Springs (Travis Peak) and (Cotton Valley) Fields, Gregg County; and oil and gas Docket 95,660—Enserch Exploration, Inc., Rule 37 and Rule 38, Horton-Dickson Lease, Well 15, Willow Springs (Travis Peak) and (Cotton Valley) Fields, Gregg County.

Contact: Norman Bonner, P.O. Box 12967, Austin, Texas 78711, (512) 445-1292.

Filed: June 1, 1984, 4:13 p.m.
TRD-846033

Consideration of a motion for rehearing in oil and gas Docket 3-80,601—application of Trend Resources, Ltd., for a special allowance for the Winterman Well 1 and Well 2, Wylie Field, Colorado County.

Contact: Doug Johnson, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1286.

Filed: June 1, 1984, 1:12 p.m.
TRD-846001

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: June 1, 1984, 1:08 p.m.
TRD-846002

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: June 1, 1984, 1:10 p.m.
TRD-846003

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 78704, (512) 445-1186.

Filed: June 1, 1984, 1:09 p.m.
TRD-846004

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: June 1, 1984, 1:08 p.m.
TRD-846005

The Transportation Division will consider various matters falling within the commission's transportation regulatory jurisdiction.

Contact: Mike James, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: June 1, 1984, 1:08 p.m.
TRD-846006

Texas Savings and Loan Department

Monday, June 11, 1984, 9 a.m. The Texas Savings and Loan Department will meet at 1004 Lavaca Street, Austin. According to the agenda summary, the department will conduct a hearing to accumulate a record of evidence in regard to the application of Chisum Savings Association for a savings and loan charter at 3535 Northeast Loop 386, Paris, Lamar County, from which record the commission shall determine whether to grant or deny this application.

Contact: Russell R. Oliver, 1004 Lavaca Street, Austin, Texas 78701, (512) 475-7991.

Filed: May 31, 1984, 3:25 p.m.
TRD-845934

School Land Board

Tuesday, June 5, 1984, 10 a.m. The School Land Board made an emergency addition to the agenda for a meeting held in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The addition concerned an amendment to a land trade in San Patricio County. The emergency status was necessary because of the impending closing of the negotiated land trade.

Contact: Linda K. Fisher, Stephen F. Austin Building, Room 835, 1700 North Congress Avenue, Austin, Texas 78701, (512) 475-4307.

Filed: June 1, 1984, 12:59 p.m.
TRD-846007

Boards for Lease of State-Owned Lands

Thursday, June 14, 1984, 8:30 a.m. The Board for Lease of Texas Parks and Wildlife Department of the Boards for Lease of State-Owned Lands will meet in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda include approval of the previous board meeting minutes; consideration of nominations, terms, conditions, and procedures for the October 2, 1984, oil, gas, and other minerals lease sale; and easement applications.

Contact: Linda K. Fisher, Stephen F. Austin Building, Room 835, 1700 North Congress Avenue, Austin, Texas 78701, (512) 475-4307.

Filed: May 31, 1984, 3:09 p.m.
TRD-845935

University Interscholastic League

Tuesday and Wednesday, June 12 and 13, 1984, 9 a.m. daily. The Standing Committee on Policy of the University Interscholastic League will meet in Room 3.120, Thompson Conference Center, University of Texas campus, 26th and Red River Streets, Austin. According to the agenda summary, the committee will hear proposals from educational associations, school officials, and individuals that are applicable to policy matters and will take appropriate action in preparation for the October Legislative Council meeting.

Contact: Bailey Marshall, P.O. Box 8028, Austin, Texas 78712, (512) 471-5883.

Filed: June 4, 1984, 9:57 a.m.
TRD-846047

University of Texas System

Thursday, June 7, 1984, 11 a.m. and 2 p.m. The Land and Investment Committee of the Board of Regents of the University of Texas System will meet in the regents' committee room, ninth floor, Ashbel Smith Hall, 201 West Seventh Street, Austin. According to the agenda, the committee will meet in executive session in accordance with Texas Civil Statutes, Article 6252-17, §2(g), to consider personnel matters related to the employment and duties of an individual related to the Asset Management Program of the University of Texas System.

Contact: Arthur H. Dilly, P.O. Box N, Austin, Texas 78713, (512) 471-1265.

Filed: June 4, 1984, 9:32 a.m.
TRD-846045

Veterans Affairs Commission

Friday, June 22, 1984, 2 p.m. The Veterans Affairs Commission will meet in the Mesquite Room, Hilton Inn, IH 40, Amarillo. According to the agenda, the commission will consider reports on commission activities and make decisions relative to general administrative matters pertaining to Texas' veterans' programs. The commission also will meet in executive session to consider a personnel matter.

Contact: Aubrey L. Bullard, P.O. Box 12277, Austin, Texas 78711, (512) 475-4185.

Filed: June 5, 1984, 9:51 a.m.
TRD-846125

Texas Water Commission

Tuesday, June 5, 1984, 10 a.m. The Texas Water Commission made emergency additions to the agenda of a meeting held in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The additions concerned setting district creation hearing dates for Baybrook Municipal Utility District 1 and Harris County Municipal Utility District 256. The emergency status was necessary for the districts to meet the August election schedule.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: June 1, 1984, 2:14 p.m.
TRD-846017

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

Tuesday, June 12, 1984, 10 a.m. In Room 118, the commission will consider water district bond issues, use of surplus funds, certification of water rights, water quality proposed permits, amendments and renewals, an amendment to a production authorization extension of time, cancellation of a contractual permit, and the filing and setting of hearing dates.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: June 1, 1984, 2:15 p.m.
TRD-846018

Friday, July 6, 1984, 10 a.m. In Room 618, the commission will consider Application 4453 of the City of Crawford seeking a permit to authorize the construction and maintenance of a 230-acre-foot capacity off-channel reservoir located $\frac{3}{4}$ mile east of Crawford in the J. R. Cockrell Survey and the one-time diversion of 230 acre-feet of water from Tonk Creek, tributary of the Middle Bosque River, tributary of the Brazos River, Brazos River Basin, for initial filling of the off-channel reservoir and the diversion of 85 acre-feet of water per annum from Tonk Creek into the off-channel reservoir for municipal use in the City of Crawford, in McLennan County.

Addition to the previous agenda:

Application 4454 of John W. Nigliazzo and wife, Janie Nigliazzo, seeking a permit to divert and use 448 acre-feet of water per annum directly from the Brazos River, Brazos River Basin, for irrigation use in Robertson County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: May 31, 1984, 1:29 p.m.
TRD-845891, 845890

Monday, July 9, 1984, 10 a.m. In Room 124A, the commission will consider Application 4455 of W. L. McPherson, Wendell McPherson, and John McPherson, doing business as McPherson Farms, seeking a permit to divert and use 170 acre-feet of water per annum directly from the Brazos River, Brazos River Basin, for irrigation purposes in Hill County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: May 31, 1984, 1:29 p.m.
TRD-845892

Friday, July 13, 1984, 10 a.m. In Room 618, the commission will consider an application of the City of Houston and the Trinity River Authority seeking to extend time for completion of construction of Wallisville Dam and Reservoir on the Trinity River, Trinity River Basin, for domestic, irrigation, industrial, and municipal use in Chambers County, under Permit 1974.

Addition to the previous agenda:

Application 4456 of Victor F. Clark and wife, Dana L. Clark, seeking a permit to divert 657 acre-feet of water per annum directly from Flores Bayou, tributary of Austin Bayou, tributary of Bastrop Bayou, tributary of the Intracoastal Canal, San Jacinto-Brazos Coastal Basin, into an existing 120-acre-foot capacity off-channel reservoir for irrigation use in Brazoria County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: May 31, 1984, 1:30 p.m.
TRD-845887, 845888

Monday, July 16, 1984, 10 a.m. In Room 124A, the commission will conduct a show cause hearing requiring Jim W. Airhart, Poppy M. Airhart, Don H. Cook, Jane M. Cook, Frank Mabry, and Mary E. Mabry to appear and show cause why Permit 3977 is not null and void, should not be declared forfeited and canceled, and why the dam and reservoir authorized thereunder should not be removed.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: June 1, 1984, 2:15 p.m.
TRD-846019

Thursday, July 19, 1984, 10 a.m. The Texas Water Commission will meet in the city hall council chambers, second floor, 505 West

Texas Register

Davis, Conroe. According to the agenda summary, the commission will consider an application of Clark Development Company, P.O. Box 55126, Houston, Texas 77255, to the Texas Department of Water Resources for proposed Permit 12885-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 20,000 gallons per day from the proposed Clark Townhouse Wastewater Treatment Plant, which is to serve a townhouse complex.

Contact: Teresea B. Salamone, P.O. Box 13087, Austin, Texas 78711, (512) 475-1418.

Filed: June 4, 1984, 1:58 p.m.
TRD-846060

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

Friday, July 27, 1984, 10 a.m. In Room 618, the commission will consider Application 4452 of Hunt Investment Corporation seeking a permit to divert and use 405 acre-feet of water per annum from Fossil Lake, to be connected to Smithfield Creek, a tributary of Big Fossil Creek, tributary of West Fork Trinity River, tributary of the Trinity River, Trinity River Basin, for recreational and irrigational purposes in Tarrant County. The applicant also seeks authority to modify and maintain 12 dams and reservoirs located on Smithfield Creek and Big Fossil Creek.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: May 31, 1984, 1:30 p.m.
TRD-845889

Friday, August 10, 1984, 10 a.m. In Room 618, the commission will consider Application 3191A of the City of Wills Point seeking an amendment to Permit 3117, which authorizes the impoundment of 384 acre-feet of water in an existing 384 acre-foot capacity reservoir on Magby Creek, tributary of McBee Creek, tributary of the Sabine River, Sabine River Basin, Van Zandt County. The permittee was authorized to divert and use 100 acre-feet of water per annum from the reservoir for municipal purposes and to use the reservoir for recreational purposes. Now the City of Wills Point seeks to increase the amount of water produced by the upstream drainage area that can be diverted and used per annum for municipal purposes from 100 acre-feet to 300 acre-feet.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: May 31, 1984, 1:31 p.m.
TRD-845886

Texas Water Well Drillers Board

Tuesday, July 3, 1984. The Texas Water Well Drillers Board will meet in Room 513-E, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Times and agendas follow.

1:30 p.m. The board will consider whether to suspend or revoke the license of J. T. Snowden.

2:30 p.m. The board will consider whether to suspend or revoke the registration of Ed Robinson.

3:30 p.m. The board will consider whether to suspend or revoke the registration of James Marion Rosier.

4:30 p.m. The board will consider whether to suspend or revoke the registration of Richard Young.

Contact: R. Michael Rogan, P.O. Box 13087, Austin, Texas 78711, (512) 475-6943.

Filed: June 4, 1984, 3:01 p.m.
TRD-846080-846083

Regional Agencies Meetings Filed May 31

The Dallas Area Rapid Transit Authority, Service Plan/Work Program Committee, met in emergency session at 601 Pacific Avenue, Dallas, on June 1, 1984, at 1:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Scurry County Appraisal District, Board of Directors, met at 2612 College Avenue, Snyder, on June 5, 1984, at 8 p.m. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549.

TRD-845871

Meetings Filed June 1

The Bexar Appraisal District, Board of Directors, will meet at 535 South Main, San Antonio, on June 18, 1984, at 5 p.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Burnet County Appraisal District will meet at 215 South Pierce Street, Burnet, on June 14, 1984, at 6:30 p.m. Information may be obtained from Alvin C. Williams, Drawer E, Burnet, Texas 78611, (512) 756-8291.

The Dallas Area Rapid Transit Authority, Board, met in Room 6ES, 1500 Marilla, Dallas, on June 5, 1984, at 6:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Dallas County Appraisal District, Board of Directors, met at 2601 Live Oak, Dallas, on June 6, 1984, at 7:30 a.m. The Appraisal Review Board will meet at the same location on June 8, 1984, at 2 p.m. Information may be obtained from Shirley Lensky, 2601 Live Oak, Dallas, Texas 75204, (214) 826-1480.

The Garza County Appraisal District, Board of Directors, met at the courthouse, Post, on June 7, 1984, at 9 a.m. Information may be obtained from Jean M. Westfall, P.O. Drawer F, Post, Texas 79356, (806) 495-3518.

The Limestone County Appraisal District, Appraisal Review Board, met at the district office, Limestone County Courthouse, Groesbeck, on June 6 and 7, 1984, at 9 a.m. daily, and will meet at the same location on June 8 and 11-13, 1984, at the same time daily. Information may be obtained from Clydene Hyden, P.O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009.

The Tyler County Tax Appraisal District, Board of Review, will meet at 1004 West Bluff, Woodville, on June 11-14, 1984, at 9 a.m. daily. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

The Upshur County Appraisal District, Board of Directors, will meet in the district office, Warren and Trinity Streets, Gilmer, on June 11, 1984, at 7:30 p.m. Information may be obtained from Louise Stracener, P.O. Box 31, Gilmer, Texas 75644, (214) 843-3041.

TRD-845992

Meetings Filed June 4

The Bell County Appraisal District, Appraisal Review Board, will meet in the commissioners courtroom, second floor, Bell County Courthouse, Belton, on June 19-22, 1984, at 9:30 a.m. and 1:30 p.m. The appraisal district will also meet at the same lo-

cation on June 20, 1984, at the same time. Information may be obtained from Tolly Moore, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-3521, ext. 410.

The Carson County Appraisal District, Appraisal Review Board, revised the agenda of a meeting to be held at 220 Main Street, Panhandle, on June 12-15, 1984, at 8 a.m. The board also submitted a revised agenda, changing the meeting times for June 13-15, 1984, to 9 a.m. Information may be obtained from Dianne Lavake, Box 970, Panhandle, Texas 79068, (806) 537-3569.

The Coryell County Appraisal District, Board of Directors, met at 105 North Seventh, Gatesville, on June 7, 1984, at 7 p.m. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593.

The Dallas Area Rapid Transit Authority, Special Needs Committee, met in emergency session at 601 Pacific Avenue, Dallas, on June 5, 1984, at 4:30 p.m. Information may be obtained from Nancy McKethan, 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 June 6, 1984, at 7 a.m. Information may be obtained from Jim Warren, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060.

The Eastland County Appraisal District, Appraisal Review Board, will meet at Siebert Elementary School, Madera and Sadosa Streets, Eastland, on June 14, 1984, at 10 a.m. Information may be obtained from Steve Thomas, Box 914, Eastland, Texas 76448, (817) 629-8597.

The Fisher County Appraisal District, Board of Directors, will meet in the commissioners courtroom, Fisher County Courthouse, Roby, on June 12, 1984, at 7:30 p.m. Information may be obtained from Clay Fowler, Drawer J, Rotan, Texas 79546, (915) 776-2733.

The Gregg County Appraisal District, Board of Review, will meet at 2010 Gilmer Road, Longview, on June 11, 1984, at 9 a.m. The Board of Directors will meet at the same location on June 12, 1984, at noon. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.

The Hansford County Appraisal District, will meet at 13 West Kenneth Avenue, Spearman, on June 13, 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 District, Board of Directors, will meet at the Hays County Courthouse Annex, San Marcos, on June 11, 1984, at 2 p.m. Information may be obtained from Lynnell Sedlar, Hays County Courthouse Annex, third floor, San Marcos, Texas 78666, (512) 396-4777.

The High Plains Underground Water Conservation District 1, Board of Directors, will meet in the conference room, 2930 Avenue Q, Lubbock, on June 12, 1984, at 10 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181.

The Hood County Appraisal District, Board of Directors, will meet at 1902 West Pearl, Granbury, on June 12, 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 Houston-Galveston Area Council, Board of Directors, will meet in the large conference room, 3701 West Alabama, Houston, on June 12, 1984, at 9:30 a.m. Information may be obtained from Charlene McCarthy, P.O. Box 22777, Houston, Texas 77027, (713) 627-3200, ext. 335.

The Hunt County Tax Appraisal District, Board of Directors, will meet in the board room, 4815-B King Street, Greenville, on June 14, 1984, at 7 p.m. Information may be obtained from Henry J. Popp or Jeanne Penney, 4815-B King Street, Greenville, Texas 75401, (214) 454-3510.

The Central Appraisal District of Johnson County, Appraisal Review Board, will meet at 109 North Main Street, Cleburne, on June 28 and 29, 1984, at 9 a.m. daily. The board will also meet at the same location on July 10-12, 1984, at 9 a.m. daily. Information may be obtained from Don Gilmore, 109 North Main, Cleburne, Texas 76031, (817) 645-3986.

The Palo Pinto Appraisal District, Board of Directors, will meet at the Palo Pinto County Courthouse, Palo Pinto, on June 8, 1984. Information may be obtained from Edna Beaty, 100 Southeast Fifth Street, Mineral Wells, Texas 76067, (817) 659-3651.

The Tarrant Appraisal District, Board of Directors, will meet at 1701 River Run, Fort Worth, on June 8, 1984, at 9 a.m. The board also will meet in Suite 300, 1700 River Run, on the same day at 10 a.m. Information may be obtained from Cecil Mae Perin, 1701 River Run, Fort Worth, Texas 76107, (817) 332-8522.

The Tyler County Tax Appraisal District, Board of Review, will meet at 1004 West Bluff, Woodville, on June 19-21, at 9 a.m. daily. Information may be obtained from Mary F. Mann, P.O. Drawer 9, 1004 West Bluff, Woodville, Texas 75979, (409) 283-3736.

The West Central Texas Municipal Water District, met in emergency session in Room 320, Cypress Building, 174 Cypress Street, Abilene, on June 6, 1984, at 9:30 a.m. Information may be obtained from Virginia Duncan, P.O. Box 2362, Abilene, Texas 79604, (915) 673-8254.

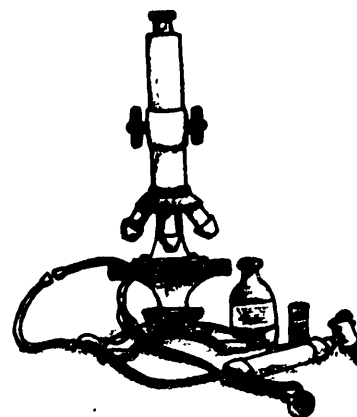
TRD-846050

Meetings Filed June 5

The Bexar Appraisal District, Appraisal Review Board, will meet at 535 South Main, on June 18-22 and 25-29, 1984, at 8:30 a.m. daily. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The San Patricio County Appraisal District, Board of Directors, will meet in Room 226, courthouse annex, 313 North Rachal Street, Sinton, on June 14, 1984, at 9:30 a.m. Information may be obtained from Bennie L. Stewart, P.O. Box 938, Sinton, Texas 78387, (512) 364-5402.

TRD-846120



In Addition

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.

Banking Department of Texas Notice of Application

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

On May 31, 1984, the banking commissioner received an application to acquire control of First Mexia Bancshares, Mexia, by James I. Dunn and Billie Beene, of Teague; and Robert G. Hamilton, Thomas C. Flatt, Albert Nabors, Patrick McSpadden, Elmer Beene, Rex Jackson Forrest, Carl Ed Williford, Melvin Fetters, and Mickey Stubbs, all of Mexia.

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

Issued in Austin, Texas, on May 31, 1984

TRD-846020 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: June 1, 1984
For further information, please call (512) 475-4451.

Texas Department of Community Affairs Consultant Contract Awards

The Texas Department of Community Affairs announces that the units of general local government listed as follows have each been selected as a contract recipient for planning/capacity building under the Texas Community Development Program established pursuant to Texas Civil Statutes, Article 4413(201), §4A.

The proposed amount of funding for each contract is indicated. A contract is not effective until executed by the unit of general local government and the executive director of the Texas Department of Community Affairs.

PLANNING/CAPACITY BUILDING

APPLICANT	CONTRACT NOT TO EXCEED
1. Eagle Pass	\$25,000
2. Jim Wells County	25,000
3. Navarro County	14,000
4. La Feria	22,000
5. Cuney	15,000
6. Tool	18,000
7. Rio Hondo	20,700
8. Vernon	25,000
9. Waelder	17,500
10. Brownsboro	15,000
11. Commerce	20,500
12. Milano	21,000
13. Murchison	18,000
14. Floresville	15,000
15. Trinidad	9,500
16. Little River Aca	13,000
17. Livingston	25,000
18. Elkhart	10,000
19. Wharton County	17,000

Issued in Austin, Texas, on June 1, 1984

TRD-846030 Douglas C. Brown
General Counsel
Texas Department of Community
Affairs

Filed: June 1, 1984
For further information, please call (512) 443-4100,
ext. 210.

The Texas Department of Community Affairs announces that the units of general local government listed as follows

have each been selected as a contract recipient for economic development under the Texas Community Development Program established pursuant to Texas Civil Statutes, Article 4413(201), §4A.

A contract is not effective until executed by the unit of general local government and the executive director of the Texas Department of Community Affairs.

City of Athens	\$444,800
City of Corsicana	\$144,004
City of Donna	\$500,000
City of Edcouch	\$360,000
City of Mercedes	\$205,000
Starr County Unincorporated	\$479,500

Issued in Austin, Texas, on June 1, 1984.

TRD-846031 Douglas C. Brown
General Counsel
Texas Department of Community
Affairs

Filed: June 1, 1984
For further information, please call (512) 443-4100,
ext. 210.

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricul- tural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Annual Rate Applica- ble to Pre-July 1, 1983; Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from		
07/01/84-09/30/84	18.65%	N/A
Judgment Rate— Article 1.05, §2		
06/01/84-06/30/84	10.00%	10.00%

- (1) For variable rate commercial transactions only
- (2) Only for open-end credit as defined in Texas Civil Statutes, Article 5069-1.01(f)
- (3) Credit for personal, family, or household use
- (4) Credit for business, commercial, investment, or other similar purpose

Issued in Austin, Texas, on June 4, 1983

TRD-846043 Sam Kelly
Consumer Credit Commissioner

Filed: June 4, 1984
For further information, please call (512) 475-2111.

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) 06/11/84-06/17/84	21.25%	21.25%
Monthly Rate— Article 1.04(c) ⁽¹⁾ 06/01/84-06/30/84	20.81%	20.81%
Standard Quarterly Rate—Article 1.04(a)(2) 07/01/84-09/30/84	19.90%	19.90%
Retail Credit Card Quarterly Rate— Article 1.11 ⁽³⁾ 07/01/84-09/30/84	19.90%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d) ⁽³⁾ 07/01/84-09/30/84	19.90%	N/A
Standard Annual Rate— Article 1.04(a)(2) ⁽²⁾ 07/01/84-09/30/84	19.90%	19.90%
Retail Credit Card Annual Rate— Article 1.11 ⁽³⁾ 07/01/84-09/30/84	19.90%	N/A

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 nec-

essary information in the correct form may result in a defective request to become a party.

Permian Basin Dialysis Center Associates
for the Permian Basin Dialysis Center, Odessa
AS83-0928-181A(053184)
CN/AMD—Request for an amendment of Certificate of Need AS83-0928-181, which authorized the certificate holder to construct, equip, and operate a 6,100-square foot 24-station end stage renal disease treatment facility and to terminate operations of the existing 10-station Permian Basin Dialysis Center. The certificate holder requests an increase in the total square footage to 6,905 gross square feet with a total net square footage of 6,290.

City of Mason
AH84-0525-315
NIEH—Request for a declaratory ruling that a certificate of need is not required for the City of Mason to acquire by lease Mason Memorial Hospital, an existing 18-bed acute care hospital located in Mason, from Mason Memorial Hospital, Inc.

Southeastern Health Care, Inc., Baton Rouge,
Louisiana
AN84-0523-313
NIEH—Request for a declaratory ruling that a certificate of need is not required for Southeastern Health Care, Inc., to acquire by purchase Wichita Falls Convalescent Center, an existing 159-bed ICF nursing facility located in Wichita Falls, from James F. Cotter.

The Daughters of Charity of St. Vincent de Paul
doing business as St. Paul Hospital, Dallas
AH83-0113-028A(052984)
CN/AMD—Request for an extension of the completion deadline from January 5, 1985, to June 30, 1985, in Certificate of Need AH83-0113-028 which authorized the certificate holder to purchase 6.88 acres adjacent to the hospital for site expansion and to construct a total of 200,408 square feet in order to expand the hospital's parking facilities.

Issued in Austin, Texas, on June 4, 1984

TRD-846049 John R. Neel
 General Counsel
 Texas Health Facilities
 Commission

Filed: June 4, 1984
For further information, please call (512) 475-6940.

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 a name change by Southern Savings Life Insurance Company, a domestic life insurance company. The home office is in Lake Jackson. The proposed new name is AmLife Insurance Company.

(2) Application for admission to do business in Texas of District-Realty Title Insurance Corporation, a foreign title insurance company. The home office is in Washington, D.C.

(3) Application for incorporation of Universal Service Life Insurance Company, to be a domestic life insurance company. The home office is proposed to be in Waco.

(4) Application for admission to do business in Texas of Kent Insurance Company, a foreign fire and casualty insurance company. The home office is in Hialeah, Florida.

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

TRD-846021 James W. Norman
 Chief Clerk
 State Board of Insurance

Filed: June 1, 1984
For further information, please call (512) 475-2950.

Railroad Commission of Texas Public Hearing

The Railroad Commission of Texas will conduct a public hearing on the application of the Energy Transportation Systems, Inc., (ETSI) Pipeline Project, for a certificate of public convenience and necessity to transport coal by pipeline through the following Texas counties: Lipscomb, Hemphill, Wilbarger, Wichita, Archer, Young, Jack, Palo Pinto, Hood, Somervell, Bosque, McLennan, Bell, Milam, Lee, Fayette, Roberts, Hutchinson, Carson, Potter, Randall, Castro, Lamb, Gonzales, Guadalupe, Wilson, Bexar, Colorado, Austin, and Fort Bend.

The public hearing will be held at 9 a.m. on June 26-29, 1984, in the county courtroom, Palo Pinto County Courthouse, Palo Pinto.

The hearing will begin on the date set forth above and proceed until completion. All parties and interested persons desiring to participate in the hearing of this application should appear at the designated time and location and be prepared to go forward.

The hearing will be limited to issues pertaining to the location, physical characteristics, and effects of the proposed pipeline in Young, Jack, Palo Pinto, Hood, and Somervell Counties. No other issues will be considered by this hearing, and the hearing will be limited to those affected counties.

Motions to intervene for the purpose of gaining party status will be entertained by the examiners at the start of the hearing. Persons wishing to intervene should be prepared to state the basis for their intervention.

The examiners will allow nonparty members of the public to make brief statements on the record before evidence is taken. Only parties will be allowed to present testimony, sponsor witnesses or exhibits, or cross-examine witnesses.

The application of ETSI and supplemental information requested by the examiners are available for public inspection with the county judges for Young, Jack, Palo Pinto, Hood, and Somervell Counties, as well as with the commission at its Austin offices.

The public hearing will be conducted in compliance with the general and special rules of practice and procedure before the Transportation Division.

For further information, please contact Stephen P. Webb, Hearing Examiner, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1336.

Issued in Austin, Texas, on June 1, 1984.

TRD-846008 Walter Earl Lile
 Special Counsel
 Railroad Commission of Texas

Filed: June 1, 1984
For further information, please call (512) 445-1186.

Texas Savings and Loan Department Application For Change of Control of an Association

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 May 29, 1984, the Savings and Loan Commissioner received an application for approval of the acquisition of control of La Hacienda Savings and Loan Association, by Stephen A. Marburger and Lloyd Ray Kitchen, Jr., of San Antonio; Burton E. Grossman, of Tampico,

Tamulipas; and Justino Reyes Retana, of Col Florida, Mexico D.F.

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 May 31, 1984.

TRD-845893 Russell R. Oliver
 General Counsel
 Texas Savings and Loan
 Department

Filed: May 31, 1984
For further information, please call (512) 475-7991.

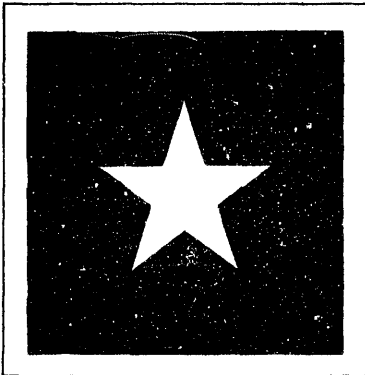


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