

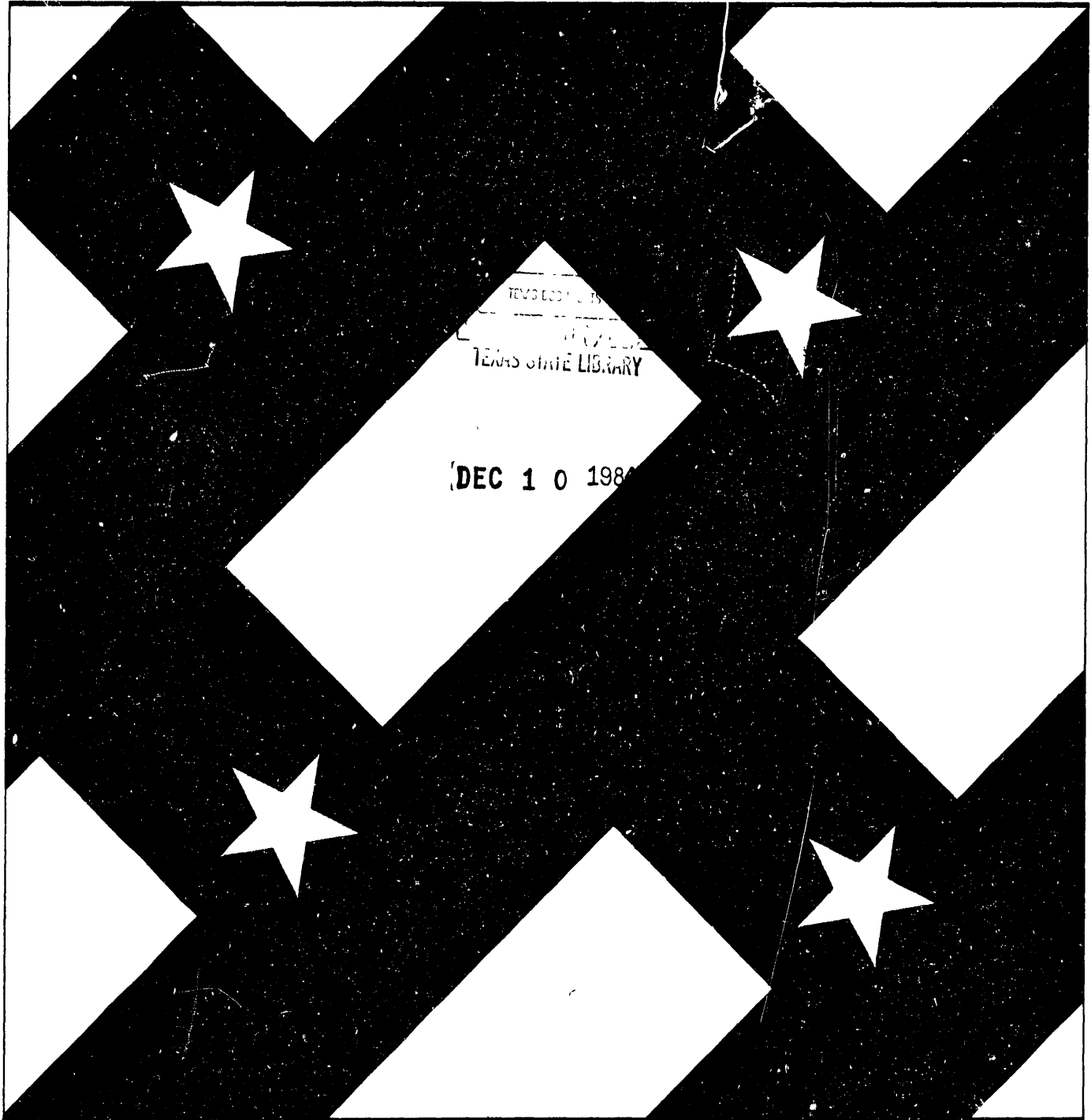
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Texas Register

Volume 9, Number 89, November 30, 1984

Pages 6035 - 6114



Highlights

The State Property Tax Board adopts on an emergency basis an amendment concerning the bank rendition of taxable property
 Effective date - January 1, 1985 page 6043

The State Department of Highways and Public

Transportation adopts on an emergency basis new sections concerning road utility districts
 Effective date - November 21 page 6044

The Comptroller of Public Accounts proposes amendments concerning inheritance tax. Earliest possible date of adoption - December 31 page 6056

**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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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).



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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 November 15

352nd Judicial District

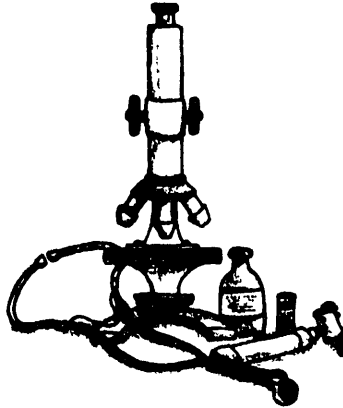
To be judge of the 352nd Judicial District, Tarrant County, until he takes office January 1, 1985:

John Street
5608 Sandy Lane
Fort Worth, Texas 76114

Mr. Street is being appointed pursuant to House Bill 1473, 68th Legislature, 1983.

Issued in Austin, Texas, on November 15, 1984.

TRD-8411735 Mark White
Governor of Texas



The Secretary of State

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

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

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

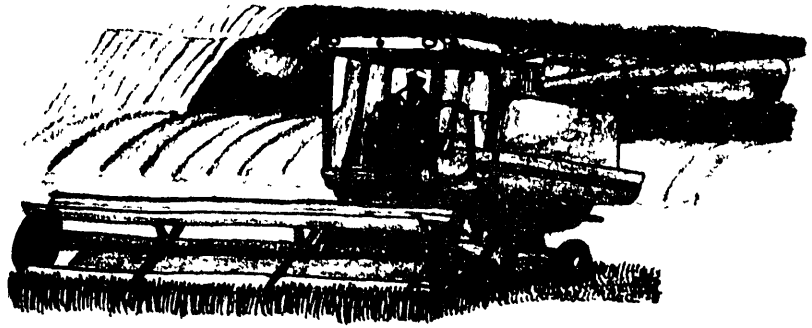
Questions on particular submissions should be addressed to the Office of the Secretary of State, Elections Division, P. O. Box 12887, Austin, Texas 78711, 1 (800) 252-9602 or (512) 475-3091.

Opinion Issued November 8

Lobby Law Opinion MAM-3. Request from W. Douglas Smith, Office of General Counsel, Honeywell, Inc., Atlanta, Georgia, regarding lobby registration requirements.

Summary. "Administrative action," as defined by Texas Civil Statutes, Article 6252-9c, §2(10), does not include the purchase of computer equipment, software products and services, and maintenance services.

TRD-8411729



Under provisions set out in Texas Civil Statutes, (Article 6252-9d), the State Ethics Advisory Commission is authorized to issue written advisory opinions. These opinions may be requested by a person subject to certain enumerated statutes (Articles 6252-9b, 6252-9c, 5428a and 5428b; Texas Election Code, Chapter 14; and the Texas Penal Code, Chapter 36 and Chapter 39) about the application of any of these laws to himself or herself in regard to a specified factual situation.

Requests for opinions and issued opinions are summarized for publication in the *Register*

Questions or comments on particular submissions, or requests for copies of opinion requests or issued opinions should be addressed to Chairman, State Ethics Advisory Commission, P.O. Box 13485, Austin, Texas 78711-3485. A single opinion request or opinion is free; additional copies are \$1.00 a copy.

State Ethics Advisory Commission

Advisory Opinion Requests

AOR-1984-39. This request concerns whether a certain fact situation constitutes a conflict of interest prohibited by Texas Civil Statutes, Article 988b.

TRD-8411808

AOR-1984-40. This request concerns allegations of campaign irregularities.

TRD-8411809

Advisory Opinion

AO-1984-25. Is the Texas Real Estate Commission's policy that no employee may use a real estate license while employed by the commission valid?

Summary of Opinion. The Texas Real Estate Commission has the power and authority to establish policies of standards of

conduct and ethics for its employees, including the establishment of a policy prohibiting employees from using a real estate license while they are employed by the commission. Such a policy is also valid pursuant to the code of ethics and standards of conduct imposed on employees of the commission by Texas Civil Statutes, Article 6252-9b.

TRD-8411810

The Attorney General

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

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

Questions on particular submissions, or requests for copies of opinion requests should be addressed to Rick Gilpin, Opinion Committee chairman, 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 Central File Room, Attorney General's Office, Technicenter Building, IV, 5910 Technicenter -102, Austin, Texas 78721, or by telephoning (512) 928-1323. A single opinion is free, additional opinions are \$1.00 a copy.

Requests for Opinions

RQ-457. Request from Wilhelmina Delco, Texas House of Representatives, Austin, concerning whether the legislature may impose a longer residency requirement on out-of-state residents who wish to qualify for resident tuition at a state university.

RQ-458. Request from Margaret Moore, Travis County attorney, Austin, concerning whether a county may charge an additional \$5.00 fee for license plates purchased prior to January 1, 1985.

RQ-459. Request from Clayton T. Garrison, executive director, Employees Retirement System of Texas, Austin, concerning whether benefits paid under Texas Civil Statutes, Article 6228f, on behalf of a minor child cease upon the adoption of that child.

RQ-460. Request from James Hambleton, director, State Law Library, Austin, concerning whether a state agency may grant paternity leave.
TRD-8411694

Opinions

JM-228 (RQ-335). Request from Bill Hale, executive director, Texas Commission on Human Rights, Austin, concerning the authority of a local human relations com-

mission to file suit under Texas Civil Statutes, Article 5221k, §4.03(5).

Summary of Opinion. The authority of a local human rights commission, created pursuant to Texas Civil Statutes, Article 5221k, to file civil actions pursuant to §4.03(5) is not contingent upon enactment of a local ordinance. Nevertheless, a political subdivision may adopt and enforce a local ordinance pursuant to §4.01, and nothing in Article 5221k prohibits a political subdivision from delegating to its local commission the power to enforce the ordinance.

JM-229 (RQ-345). Request from Dorman H. Winfrey, director and librarian, Texas State Library and Archives Commission, Austin, concerning whether a custodian of noncurrent privileged personnel medical records may adopt a policy of opening the records a certain number of years after they are generated or compiled, and related questions.

Summary of Opinion. Exceptions 3(a)(1) and (2) of the Open Records Act, Texas Civil Statutes, Article 6252-17a, apply to some of the information found in the medical records of the personnel files of the Texas National Guard for the years 1903-1913. Absent express or necessarily implied authority to open confidential information

to the public, a custodian of public records may not adopt a policy in contravention of a third party's right of privacy. Nevertheless, the custodian may, after a significant number of years, reasonably presume that the privacy interest protected by §3(a)(1) and (2) has lapsed because of the death of the protected person. The confidentiality accorded to information in medical records by Article 4495b, §5.08, in connection with the statutory law aspect of §3(a)(1) does not lapse upon the death of the protected person. Unless required by other law to retain them, a custodian of public records has discretion over whether to preserve noncurrent records of the sort in question.

JM-230 (RQ-360). Request from Bruce Hineman, executive secretary, Teacher Retirement System of Texas (TRS), Austin, concerning whether the TRS may pay benefits on behalf of a minor child to a managing conservator who is not the child's parent.

Summary of Opinion. The Texas Family Code, §14.02(b)(6) authorizes the nonparent managing conservator of a minor child to receive and give receipt for TRS survivor benefits on behalf of the minor and to elect among the benefit options available to the minor so long as no guardian of the child's estate or a guardian or attorney *ad litem* has been appointed for the child.

TRD-8411844

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

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

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

Emergency Rules

TITLE 34. PUBLIC FINANCE Part VII. State Property Tax Board Chapter 155. Tax Record Requirements

34 TAC §155.31

The State Property Tax Board adopts on an emergency basis an amendment to §155.31, concerning the bank rendition of taxable property. The amendment deletes references to the bank rendition form and the adoption by reference of the bank rendition form, V-22.05, because of the repeal of provisions of the Property Tax Code regarding the taxation of certain property of banks, effective January 1, 1985, passed as House Bill 122 by the 68th Legislature, 2nd Called Session, 1984. Under the amended provisions, no specialized rendition form would be required by banks.

The emergency amendment of this section is necessary to remove a special bank property rendition form prior to the effective date of the legislation repealing the bank shares tax.

The amendment is adopted on an emergency basis under the Texas Property Tax Code, Article 5.07(a), which provides the State Property Tax Board with the authority to prescribe the contents of all forms necessary for the administration of the property tax system.

§155.31. Rendition Forms.

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

(d) The following model rendition forms for various categories of property are adopted by the State Property Tax Board by reference. Copies of these forms are available free upon request from the State Property Tax Board, P.O. Box 15900, Austin, Texas 78761. In addition, copies of the forms are available for inspection at the offices of the *Texas Register*.

(1) General Real Estate Rendition of Taxable Property, State Property Tax Board Rendition Form V22.01;

(2) General Personal Property Rendition of Taxable Property, State Property Tax Board Rendition Form V22.02;

(3) Report of Leased Personal Property, State Property Tax Board Rendition Form V22.03;

(4) Report of Leased Space for Storage of Personal Property, State Property Tax Board Rendition Form V22.04;

(5) Bank Rendition of Taxable Property, State Property Tax Board Rendition Form V22.05;

(6) Industrial Real Property Rendition of Taxable Property, State Property Tax Board Rendition Form V22.06;

(7) Oil and Gas Lease Rendition of Taxable Property, State Property Tax Board Rendition Form V22.07;

(8) Mine and Quarry Real Property Rendition of Taxable Property, State Property Tax Board Rendition Form V22.08;

(9) Telephone Company Rendition of Taxable Property, State Property Tax Board Rendition Form V22.09;

(10) REA-Financed Telephone Company Rendition of Taxable Property, State Property Tax Board Rendition Form V22.10;

(11) Electric Company and Electric Cooperative Rendition of Taxable Property, State Property Tax Board Rendition Form V22.11;

(12) Gas Distribution Utility Rendition of Taxable Property, State Property Tax Board Rendition Form V22.12;

(13) Railroad Rendition of Taxable Property, State Property Tax Board Rendition Form V22.13;

(13)[(14)] Pipeline and Right-of-Way Rendition of Taxable Property, State Property Tax Board Rendition Form V22.14;

(14)[(15)] Business Personal Property Rendition of Taxable Property, State Property Tax Board Rendition Form V22.15;

(15)[(16)] Watercraft Rendition of Taxable Property, State Property Tax Board Rendition Form V22.16;

(16)[(17)] Aircraft Rendition of Taxable Property, State Property Tax Board Rendition Form V22.17;

(17)[(18)] Mobile Homes Rendition of Taxable Property, State Property Tax Board Rendition Form V22.18;

(18)[(19)] Statement of the Valuation of Rolling Stock (Railroad), Comptroller of Public Accounts Form 30-103;

(19)[(20)] Statement of Leased Rolling Stock (Railroad), Comptroller of Public Accounts, Form 30-104;

(20)[(21)] Statement of the Valuation of Rolling Stock (Leasing Company), Comptroller of Public Accounts, Form 30-105.

Issued in Austin, Texas, on November 21, 1984.

TRD-8411951 Ron Patterson
Executive Director
State Property Tax Board

Effective date: January 1, 1985
Expiration date: May 1, 1985
For further information, please call (512) 834-4802.

TITLE 43. TRANSPORTATION

Part I. State Department of Highways and Public Transportation

Chapter 21. Right of Way Division Right of Way Division Rules and Regulations—Rules Relating to Road Utility Districts

**43 TAC §§21.171, 21.181, 21.182, 21.191,
21.201, 21.211, 21.212, 21.221-21.224,
21.231, 21.241, 21.251, 21.261, 21.262,
21.271, 21.281-21.286, 21.301, 21.311,
21.312**

The State Department of Highways and Public Transportation adopts on an emergency basis new §§21.171, 21.181, 21.182, 21.191, 21.201, 21.211, 21.212, 21.221-21.224, 21.231, 21.241, 21.251, 21.261, 21.262, 21.271, 21.281-21.286, 21.301, 21.311, and 21.312 relating to the creation and administration of road utility districts. In view of recent and substantial legislation relating to the creation, administration, powers, duties, operations, financing, and dissolution of road utility districts under the Texas Constitution, Article III, §52, to con-

veyance of completed facilities to certain governmental agencies, and to certain powers and duties of the State Highway and Public Transportation Commission, there is an immediate need to make provision for and rules to administer the Act.

The new sections are adopted on an emergency basis under Texas Civil Statutes, Article 6666 and Article 6674r-1, which provide the State Highway and Public Transportation Commission with the authority to establish rules for the conduct of the work of the department and specifically as to road utility districts and the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a.

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

Act—The Road Utility District Act of 1984, Texas Civil Statutes, Article 6674r-1.

Applicant or petitioner—Any person, as defined herein, who submits plans for proposed facilities or files a petition for creation of a district, in compliance with the Act and these rules.

Approval statement—The written statement issued to a petitioner by a governmental entity under the Act, §4(d), and in accordance with the requirements of these rules.

Bonds—Bonds, notes, warrants or other evidence of indebtedness issued under the Act.

Bridge layouts—Preliminary drawings showing plan and profile view and typical section of each bridge class (total span 20 feet or more) structure. Horizontal and vertical scale are typically one inch equals 20 feet. Pertinent horizontal and vertical curve data, lateral (where applicable) and vertical clearances, bridge rail class, grade data, bridge length and span arrangement, test hole logs, control lines, location of profile grade line, and the approach roadway and bridge width should be shown on all bridge layouts. Where the bridge is a stream crossing, certain hydraulic data should be shown, including discharge, velocity, and highwater for both the design year and base (100 year) year flood. For a continuously flowing stream, ordinary highwater elevation should be shown.

Commission—The State Highway and Public Transportation Commission.

Construction plans or plans, specifications, and estimates (P.S.&E.)—The detailed plans and accompanying specifications and construction cost estimate which serve as the documents for construction contract letting purposes. Plans are drawings which show the location, character, and dimensions of the prescribed work, including layouts, profiles, cross sections, other miscellaneous details, and quantity summaries. Specifications are the compilation of provisions and requirements for the performance of prescribed work.

Department—The State Department of Highways and Public Transportation.

District—A road utility district created under the Act.

Drainage works—Any property, easements, facilities, or works necessary or appropriate for the improvement of rivers, creeks, and streams to prevent overflows or for the construction and maintenance of pools, lakes,

reservoirs, dams, canals, and waterways for the purpose of drainage, or in aid of these purposes, if the property, easements, facilities, or works are related to or are in furtherance of the construction, acquisition, or improvement of roads.

Engineer-director—The chief executive officer of the State Department of Highways and Public Transportation or whomever he so designates.

Engineering report—A written report prepared by a registered professional engineer in Texas which describes the proposed facilities and the existing and proposed conditions pertinent to the planning, design, construction, and maintenance of the proposed facilities. The engineering report should be bound, typewritten on 8½-inch by 11-inch paper, with drawings that may, if appropriate, be foldouts.

Facility(ies)—Roads or drainage works constructed, acquired, or improved by the district.

Final plans—The as-built construction plans that therefore include field changes that were made during construction.

Governmental entity—A city, county, or the State Department of Highways and Public Transportation, to which the district facilities are to be conveyed.

Hydraulic design data—Engineering information which includes specifications of the basis of design and the design coefficients, rainfall intensities, drainage area sizes, and calculated flow quantities for each drainage structure, including inlet and storm sewers where applicable.

Person—an individual, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, joint venture, association, or any other legal entity.

Preliminary plans—Those plans and designs, including the construction or final plans where appropriate, of the facilities required under Article 6674r-1, §4, and these rules.

Roads—Macadamized, graveled, or paved roads and turnpikes which serve or are intended to serve as arterial or main feeder roads.

Schematic(s)—A continuous roll to-scale (one inch equals 40 feet, one inch equals 50 feet, one inch equals 100 feet, or one inch equals 200 feet horizontal and one inch equals five feet or one inch equals 10 feet vertical) engineering drawings depicting plan view on the upper portion and proposed profile grade line (PGL) and natural ground profile (along the PGL) superimposed on a grid on the lower portion. The plan view shall show horizontal alignment data for each roadway; number of lanes on each roadway; right of way limits; location and configuration of interchanges, grade separations, and ramps; control of access lines (where applicable); intersection design; location of median openings; and location and length of speed-change lanes. The grid view shall include percent grades and vertical curve data. A typical section and an indication of design speed should be shown on a schematic.

Typical section(s)—Drawings which show usual roadway (or bridge) cross-sectional features including lane and shoulder widths; limits of surfacing; pavement structure data, including subgrade treatment type and depth, base course(s) thickness(es) and their graduation, the plasticity index and density requirements for embankment

materials, and/or other specification controls of structural integrity or performance, and type of surfacing material; travel lane and shoulder cross slopes; side slope rates for cut and fill sections; ditch or storm sewer location and depth; typical right of way limits; profile grade line location; typical traffic barrier location; median width and slopes; and curb location and geometry.

§21.181. *The Commission's Interpretation of Legislative Authority.* The State Legislature of Texas has manifested an intention to protect the public interest by establishing a centralized and coordinated agency for review and approval of roads and related drainage facilities with the duty and responsibility to grant the creation of districts, approve or disapprove plans and changes or additions thereto, authorize or delay the facility conveyance, and dissolve road districts as evidenced by the Road Utility District Act of 1984, Texas Civil Statutes, Article 6674r-1. The legislature has demonstrated such an intent by causing projects involving the construction of roads and related drainage facilities, by special districts created under the authority of the Texas Constitution, Article III, §52, and this Act, to be subject always to the supervision of a central statewide authority, which is presently the State Highway and Public Transportation Commission, to carry out this legislative policy and to implement the policy by the promulgation of these rules. The commission may, when it deems necessary in order to fulfill its duty and responsibility, require audits or other information, on-site inspections, evaluations and engineering reports, and institute investigations and hearings using hearing officers or examiners.

§21.182. *Policy and Administrative Construction.* The commission shall use the following criteria in the consideration of applications for approval of plans and creation of districts. These criteria are as follows:

(1) **Structural integrity.** The plan for the construction of the proposed facilities must be based upon sound established engineering principles and be compatible with the requirements of the county or counties and city or cities in whose jurisdiction the district is located or with the design criteria of the department. Consideration will be given to any possible effects on any existing system of roads and related drainage facilities.

(2) **Safety.** Any proposed facility must be designed so that it will not increase flooding in such a way that any person's life or property will be endangered or subjected to significantly increased flooding. The commission shall not approve any facilities which will significantly increase flood rates on any person's land without that person's consent or which will endanger life or property or create a public hazard.

(3) **Rights of third parties.** The rights of third parties affected by proposed facilities may be considered. Before approving any facilities, the commission may give consideration to the rights of all such parties not otherwise considered under paragraphs (1) and (2) of this section.

(4) **Coordination.** The commission shall assure that, as far as possible, facilities shall be designed in such a manner that each phase of a facility (if designed in phases) shall be a complete facility forming a coordinate part of the finished facility, so constituted that the successful operation of each phase shall coordinate with the

successful operation of other phases within the same facility.

(5) Environmental effects. The commission may consider all environmental effects of the facilities in its evaluation, including specifically scenic and landscaping matters.

§21.191. Approval of Governmental Entity. According to the Act, §4, an applicant must submit a copy of all preliminary plans to the governmental entity for its approval. Any preliminary plans to be submitted and filed with the governmental entity and the commission shall contain as a minimum the following, provided none of the requirements of these rules shall limit or prohibit a governmental entity from making additional requirements:

(1) engineering report prepared by a registered professional engineer in Texas and his or her signature and seal shall be prominently displayed on the title sheet. Specifically included in the engineering report shall be:

(A) average daily traffic volumes on existing roads and streets located within the district;

(B) forecasted (five and 20 years from date of petition) average daily traffic volumes on existing and proposed roads and streets within or impacted by creation of the district;

(C) an assessment of the impact on the safety and quality of flow on state highways, municipal streets, and/or county roads that are intersected, interchanged, relocated, or widened as a result of construction of the proposed arterial or main feeder road;

(D) a description of the proposed facilities together with typical section(s) of the proposed arterial or main feeder road, including an existing typical section where an existing route is to be improved and will become the arterial or main feeder road;

(E) to-scale map(s) showing the district boundaries, topography, arterial or main feeder route location, and anticipated land use and population density;

(F) to-scale map of existing drainage areas that are partially or wholly within the district;

(G) hydraulic design frequency or frequencies for drainage structure(s) along the arterial or main feeder;

(H) where impacted by the proposed arterial or main feeder road, statements regarding the anticipated handling of existing traffic during construction activities;

(I) an assessment of environmental impacts which shall be in-depth where environmentally sensitive areas are adversely impacted;

(J) where bridge class structures (total span 20 feet or more) are proposed, an indication of structural capacity in terms of design loading;

(K) a preliminary estimate of construction costs subdivided into drainage structures and storm sewers, bridge facilities, roadway, and miscellaneous features;

(L) a tabulation of basic geometric design values including design speed, maximum horizontal curvature, maximum gradient, minimum stopping sight distance, maximum superelevation rates, and other pertinent geometric design data;

(M) proposed landscaping and scenic easements;

(N) proposed temporary and permanent measures for controlling erosion;

(O) identification of the sources or reference publications (e.g., city, county, State Department of Highways and Public Transportation, American Association of State Highway and Transportation Officials, etc.) that serve as a basis for the selected design values and standards or will serve as the standards, guidelines, criteria, or specifications in the subsequent development of other design documents including the P.S.&E.;

(2) a schematic of the facilities; provided, however, the governmental entity or department may request, or the applicant may submit, construction plans or P.S.&E.;

(3) a description of the title, guarantees, and form of conveyance to be used in conveying the land and facilities to the governmental entity.

§21.201. Petition. A district may be created as authorized by the Act. The petitioners shall file the following documents with the commission:

(1) a petition containing the matters as required by the Act, §6, and signed by holders of title to all of the land within the proposed district together with their mailing address, and accompanied by a \$5,000 non-refundable filing fee made payable to the State Department of Highways and Public Transportation;

(2) map showing district boundaries and drawn on plan sheets 22 to 24 inches by 36 inches, a metes and bounds description, and a computation sheet for survey closure;

(3) a plan sheet (22 to 24 inches by 36 inches) showing the district boundaries, existing topography including streams, highways, roads, and other improvements, all proposed facilities, and any other applicable information;

(4) the preliminary plans, conforming to the requirements of the Act, §4, and §21.191 of this title (relating to Approval of Governmental Entity);

(5) an approval statement from the governmental entity or entities, as required in the Act, §4, and these rules;

(6) an engineering report, signed and sealed by a registered professional engineer, including the following:

(A) vicinity map;

(B) cost of right of way, including justification and support that cost represents an equitable and fair market value, or a statement that the right of way and easements will be conveyed at no cost to the district;

(C) the projected useful life of the facilities and the expected or anticipated cost of maintenance of the improvements;

(D) a comprehensive analysis and study showing complete justification for creation of the district supported by evidence that the proposed facilities are feasible, practicable, necessary, and will be a benefit to land included in the district, that the land to be included in the proposed district will be benefited by the creation of the district, and that the facilities constructed, acquired, or improved are necessary and will benefit the district;

(7) a financial study of the proposed district and surrounding area, prepared by an independent consultant, which includes the following:

(A) projected bond requirements;

(i) estimated cost of the facility;

(ii) all other estimated costs of the district;

(iii) a finding that the district will be financially able to issue and pay bonds of the district and all other costs of the district with projected revenues;

(B) economic feasibility;

(i) a table showing the computed or projected tax rate over the life of the bond period and fees, if any;

(ii) total tax assessments;

(iii) a table showing the total debt encumbering the land within the district, including any debt payable from taxes levied by an entity under the provisions of the Texas Constitution, Article III, §52;

(iv) a projection of the assessed valuation of the real property on a yearly basis from the date of filing to the projected date the facilities will be completed;

(8) a certificate from the central appraisal district of the county or counties in which the proposed district is located or by the county tax assessor indicating the owners and tax valuation of the real property within the proposed district as reflected on the county or counties tax rolls, if the tax rolls do not show the petitioner(s) to be the owner(s) of the land within the proposed district, then the petitioner(s) will file with the commission a certified copy of the deed(s) tracing title from the person(s) listed on the county or counties tax rolls as owner(s) of the land to the petitioner(s);

(9) a certificate from the city or cities clerk(s) or secretary(ies) and county clerk(s) that a copy of the preliminary plans for creation of the proposed district was received by the city or cities in whose extraterritorial jurisdiction all or part of the proposed district is located and by the commissioners court of any county or counties in which all or part of the proposed district is located;

(10) a specific chronological history showing compliance with the Act, §4;

(11) a suggested order of the commission providing for the public hearing and giving a notice thereof;

(12) a list of at least five potential temporary directors, eligible under §21.231 of this title (relating to Appointment of Temporary Directors), with accompanying resumes;

(13) other data, forms, and information as the commission may require.

§21.211. Registered Engineer. All plans of the facilities which are submitted under the Act and these rules shall be prepared and signed by a registered professional engineer and his or her seal shall appear upon or be fixed thereto.

§21.212. Filing. Any documents which are to be filed with the commission or the department under this Act shall be submitted to the State Right of Way Engineer of the Right of Way Division, State Department of Highways and Public Transportation, at its current address in Austin. Applicants shall submit all of the required data at one time in one package. Applications are to be reviewed by the engineer-director of the department and may be returned for completion if they do not satisfy the requirements of the Act and these rules prior to acceptance for filing.

§21.221. Hearing Officer. After review and acceptance for filing with the commission, the chairman of the commission or his duly designated representative, shall appoint a hearing officer who shall set the petition and

preliminary plans for hearing and cause notice thereof to be given. The hearing officer shall conduct the hearing and make findings of fact and recommendations to the commission in accordance with the Act and these rules. The commission shall, as soon as practicable after the conclusion of the hearing and receiving the hearing officer's report, issue an order either granting the creation of the district and approving the plans or denying the petition and disapproving the plans in accordance with the Act and these rules.

§21.222. Hearing. The hearing on the creation of the district and the approval of the petition and preliminary plans shall be conducted in accordance with the Act and §§1.21-1.63 of this title (relating to Contested Case Procedure), relative to contested case procedure. Notice of such hearing shall be in accordance with the Act and these rules.

§21.223. Engineer-Director Review of Application and Plans. The engineer-director shall review the preliminary plans, petition, and all other documents required to be submitted under the Act and these rules and make recommendations accordingly as may be required at the hearing on the petition to create the district and otherwise.

§21.224. Publication of Notice of Hearing.

(a) The applicant shall cause notice of the hearing on the petition and preliminary plans to be published in a newspaper of general circulation in each county in which the proposed district is to be located one time each week for two consecutive weeks, with the first publication being at least 30 days before the date set for the hearing. The notice shall include the following:

(1) a vicinity map showing the location of the proposed district in relation to roads and other major landmarks;

(2) the exact location of the facilities as nearly as it can be described;

(3) the applicant's anticipated construction and completion schedule, and an estimate of the facilities' cost;

(4) the applicant's name and mailing address;

(5) a description of the nature and purpose of the petition which will enable any interested party to be reasonably apprised of the benefits and necessity of the district;

(6) a statement that any protesting party is entitled to have his or her rights determined at a hearing to be held under the provisions of this Act and the rules of the commission;

(7) the date, time, and place of hearing.

(b) The applicant shall provide the commission with proof of publication. The applicant's submission of the publisher's affidavit, which includes the name of the newspaper, the title of the affiant, the dates of publication, and the county or counties in which the newspaper is of general circulation, to which is attached a newspaper tearsheet of the notice that was published, will be admissible in the hearing as *prima facie* evidence of the facts contained therein.

(c) The hearing officer or person so designated shall send notice by first-class mail at least 30 days prior to the date set for the hearing to each person required by the Act, §7, to receive notice.

§21.231. Appointment of Temporary Directors Upon the entry of an order granting the petition for creation of a district under these rules, and at other relevant times as may be provided by law, the commission shall appoint not more than five temporary directors from the list in the petition who shall serve until their successors are elected, or appointed, and qualified. To receive consideration for appointment as a temporary director, a person shall be at least 18 years old, a resident citizen of Texas, and either own land subject to taxation in the county or counties in which the proposed district is located or be a qualified voter within the proposed district

§21.241. Debt Limitations. In its order granting creation of the district and approving the plans, the commission may limit the district's ability to incur debt under the Texas Constitution, Article III, §52, to 20% of the assessed value of the real property within the district; provided, however, if the county commissioners court(s) of the county or counties in which the district is located consent(s) to a greater debt limitation, the commission may limit the district's ability to incur debt under the Texas Constitution, Article III, §52, in any amount up to 25% of the assessed value of the real property within the district.

§21.251. Additional Reports and Information Required of Districts. Within 30 days after the election to confirm the creation of the district, the district shall file with the county clerk(s) of the county or counties in which the district is located and the commission the reports and information pertinent to the operation of the district including:

- (1) the name of the district,
- (2) the complete and accurate legal description of the boundaries of the district;
- (3) the most recent rate of district taxes on property located in the district;
- (4) the total amount of bonds which have been approved by the voters and which may be issued by the district;
- (5) the date on which the election to confirm the creation of the district was held;
- (6) a statement of the functions performed or to be performed by the district;
- (7) a complete and accurate map or plat showing the boundaries of the district;

(A) the information form and map or plat required by this rule shall be signed by a majority of the members of the governing board of the district and by each such officer affirmed and acknowledged, before it is filed with the county clerk, and each amendment made to an information form or map also shall be signed by the members of the governing board of the district and by each such officer affirmed and acknowledged, before it is filed with the county clerk;

(B) the information form required by this rule shall be filed with the engineer-director within 30 days after the election to confirm the creation of the district. For purposes of this rule, the words "officially created" mean the date and hour in which the results of the confirmation election are declared;

(C) within seven days after a change in any of the information contained in the district information form, map, or plat, the district shall file an amendment setting forth the changes made;

(D) if a district fails to file the information required herein in the time required, the engineer-director may request the attorney general of Texas to seek a writ of mandamus to force the governing board of the district to prepare and file the necessary information;

(E) if a district covered by the provisions of this rule is dissolved, the members of the governing board shall file a statement of this fact, together with the effective date of the dissolution, with the information form;

(8) the district shall file within seven days any changes to information described in paragraphs (1)-(7) of this section.

§21.261. Districts to File Information with Commission. Immediately before having its bonds approved by the attorney general of Texas in accordance with Article 6674r-1, §56, each district shall file with the commission a complete record showing the amount of bonds authorized to be issued for the purpose of constructing the facilities, and the district engineer's estimates and reports.

§21.262. Failure to File Reports. If a district fails to file the information required herein in the time required, the engineer-director may request the attorney general of Texas, to seek a writ of mandamus to force the governing board of the district to prepare and file the necessary information.

§21.271. Posting Notice in the District.

(a) Any district which has the power to construct and finance any facilities as provided in this Act and these rules shall, within 30 days after the creation of the district, post signs indicating the existence of the district at two or more principal entrances to the district.

(b) Detailed sign specifications as to location, format, size, and materials may be obtained from the engineer-director on request.

§21.281. Unauthorized Construction of Facilities. If any applicant has constructed facilities, has undertaken to begin work upon facilities, or intends to acquire facilities for which approval is required by this Act and these rules prior to filing for approval of preliminary plans, the commission shall automatically refuse to accept an application for the approval of said preliminary plans until the engineer-director has determined that the construction which has been accomplished meets criteria and requirements of the Act and these rules. Upon such finding the application may be filed and received for disposition as in the case of other applications. The applicant may be required to submit such information as is necessary for the engineer-director to make this determination.

§21.282. Construction of Facilities without Approval of Construction Plans. No district may construct, attempt to construct, or cause to be constructed, any facility on, along, or in any district, that is to be financed by bonds issued under the Act or the Texas Constitution, Article III, §52, without first obtaining approval of the construction plans by the engineer-director and the governmental entity in accordance with these rules. The engineer-director may request the attorney general of Texas, or the governmental entity may request the appropriate county attorney or district attorney to file suit in a district court to enjoin the construction, for monetary penalties, or both.

§21.283. *Submission of Construction Plans.* Provided that construction plans were not submitted initially as a part of the preliminary plans, then following authorization by the commission of the creation of the district, the applicant shall submit to the governmental entity and engineer-director the construction plans for the facilities for approval prior to beginning construction.

§21.284. *Supervisory Authority.* The governmental entity and engineer-director may exercise supervisory authority and control over the preparation of all construction plans for construction of the facilities and the engineering work related thereto. During construction, on-site inspection may be made at the governmental entity's or engineer-director's discretion to determine compliance with approved plans. If it is determined that the work has not been done in compliance with the construction contract, notice of this fact to the district may be given with notification that unless the work is brought into compliance within a period deemed to be appropriate, approval of the construction plans may be suspended and a request to the attorney general of Texas and/or the appropriate county attorney or district attorney to impose appropriate sanctions for the construction of unauthorized facilities may be made.

§21.285. *Changes and Additions to Facilities.* Any changes in or additions to facilities that are not included in the plans approved by the commission, shall be filed with the commission in accordance with the Act, §38, and these rules for approval. The request must fully explain the reason for the change, the estimated cost, and be accompanied by an engineering report with modified drawings and documents where appropriate. Additional information shall be furnished as deemed necessary by the engineer-director. The engineer-director shall review the request and, after consultation with the governmental entity, make recommendations to the commission. The commission shall issue an order approving or disapproving the requests, changes, or additions. All minor field changes or changes or additions totaling less than \$25,000, and not altering the approved plans or affecting the scope of the work made during construction, after approval by the board, shall be submitted to the governmental entity and engineer-director.

§21.286. *Failure to Report Changes.* No district may construct, attempt to construct, or cause to be constructed any facility on, along, or in any district which differs from the construction plans approved pursuant to these rules, except as indicated in §21.285 of this title (relating to Changes and Additions to Facilities). The engineer-director may request the attorney general of Texas to file suit in a district court of Travis County, Texas, or the governmental entity may request the appropriate county attorney or district attorney, to enjoin such violation or threatened violations, for monetary penalties, or both.

§21.301. *Authorization of Conveyance.* The commission authorization of conveyance to the governmental entity shall be issued in accordance with and subject to the provisions of the Act and these rules. The order of the district's board shall be accompanied by a certified copy of the approval finding of the governmental entity that the facilities have been completed in accordance with its requirements and a certification by a registered professional engineer that the facilities have been constructed in accordance with the approved plans.

§21.311. *Petition for Dissolution.*

(a) A district desiring the commission to dissolve the district pursuant to the authority of the Act, §72, shall file a petition with the commission setting forth the grounds for dissolution in accordance with the Act.

(b) The district shall file with the commission a certified financial statement and an auditor's opinion that all bonds and other indebtedness have been paid in full.

(c) The district also shall file any information as described in the Act, §43 and §44, together with any other information deemed necessary by the commission in furtherance of its responsibilities under the Act.

§21.312. *Order of Dissolution.* The issuance of the order of dissolution by the commission shall be subject to and be in accordance with the provisions of the Act and these rules.

Issued in Austin, Texas, on November 21, 1984.

TRD-8411798 Diane L. Northam
Administrative Technician
State Department of Highways
and Public Transportation

Effective date November 21, 1984

Expiration date March 20, 1985

For further information, please call (512) 475-2141.

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 19. EDUCATION Part II. Texas Education Agency Chapter 149. Education Personnel Development Subchapter C. Appraisal of Certified Personnel

19 TAC §149.41

The Texas Education Agency proposes new §149.41, concerning the requirements for teacher and administrator appraisals as stated in House Bill 72, 68th Legislature, 2nd Called Session, 1984. It is proposed that local districts be allowed to use locally adopted systems until the development and adoption of the state standardized system is complete. The development, validation, field trials, and training will involve a large number of teachers and administrators before the system can be implemented.

The implementation of the appraisal system has three main purposes: to improve the quality of instruction, to provide direction to staff for professional growth, and to provide information to serve as the basis for sound and defensible career ladder and employment decisions.

Richard Bennett, associate commissioner for finance, 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 anticipated effect on state government is an estimated additional cost of \$1.9 million in 1986 for material development cost at \$10 per person appraised, based on an estimated 190,000 persons to be appraised; \$3.8 million in 1987 for development of training material and training implementation at 16 hours and \$250 per appraiser, based on an estimated 15,200 appraisers to be trained; and \$3.8 million per year in 1988 and 1989. The anticipated effect on local government is an estimated additional cost of \$2.85 million per year in 1986-1989, at six hours of appraisal time at \$10 per hour per professional, based on 190,000 professionals, with only 25% additional staff. There may be an extra cost in 1985 if a district hires additional personnel or contracts out for appraisals. There is no anticipated effect on small businesses.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennet have determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is that school districts will be aware of the appraisal requirements which will be applicable until the adoption of a statewide appraisal system for teachers and administrators. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development,

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

This new section is proposed under the Texas Education Code, §13.302, which requires the State Board of Education to adopt an appraisal process and criteria on which to appraise the performance of teachers for career ladder level assignment purposes, and to develop or adopt and validate an assessment instrument which may be administered to administrative and teaching personnel to evaluate job performance.

§149.41. Appraisal Requirements.

(a) Each teacher and administrator shall be appraised in the performance of his or her duties. This requirement shall apply to all certified staff.

(b) The results of the annual appraisal of teachers shall be used for career ladder level assignment purposes.

(c) Each appraisal shall be conducted by at least two appraisers, but it shall not be necessary for both (or all) appraisers to evaluate each individual on each item. There shall be no fewer than two appraisals during the year except as provided in the Texas Education Code, §13.303(c), and the appraisals shall be summarized by the appraisers into one report on the individual's annual performance. This report shall become a part of the individual's personnel file.

(d) At least one conference each year shall be conducted by the appraisers for each teacher or administrator appraised. The conference shall be diagnostic and prescriptive as provided in the Texas Education Code, §13.302(f).

(e) For the 1984-1985 school year, and until the State Board of Education adopts an appraisal process, each school district shall appraise staff using the evaluation/appraisal system adopted by the local board of trustees. The locally adopted process shall use the performance categories as defined in the Texas Education Code, §13.304.

(e) For the 1984-1985 school year, and until the State Board of Education adopts an appraisal system, the Central Education Agency shall provide suggested interim procedures with implementation guidelines; however, since these sample systems have not been validated by the agency, it shall be the responsibility of each school district to select the appraisal system deemed to be the most appropriate for the district.

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 November 20, 1984.

TRD-8411874 W. N. Kirby
Interim Commissioner of
Education

Proposed date of adoption:
January 12, 1985

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

TITLE 22. EXAMINING BOARDS
Part XV. Texas State Board of
Pharmacy

Chapter 291. Pharmacies
Community Pharmacy (Class A)

22 TAC §291.32

The Texas State Board of Pharmacy proposes amendments to §291.32, concerning community pharmacies (Class A). The amendments establish qualifications for a pharmacist-in-charge of a Class A pharmacy dispensing sterile products and establish less restrictive limitations on the number of Class A pharmacies for which a pharmacist may be in charge.

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

Mr. Brinkley also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is establishment of standards to further protect the public health, safety, and welfare and the regulation and control of the practice of Class A pharmacies dispensing sterile products. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

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

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

§291.32. Personnel.

(a) Pharmacist-in-charge.

(1) Each Class A pharmacy shall have one [full-time] pharmacist-in-charge employed on a full-time basis, who may be pharmacist-in-charge for only one such pharmacy; provided, however, such pharmacist-in-charge may be the pharmacist-in-charge of more than one Class A pharmacy if the additional Class A pharmacies are not open to provide pharmacy services simultaneously.

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

(4) A pharmacist-in-charge of a Class A pharmacy dispensing sterile products shall:

(A) meet minimal standards of training and experience in the preparation, sterilization, and admixture of parenteral products; such standards of training and experience may be evidenced by submitting to the board either:

(i) certification of completion of a minimum of 20 hours of on-the-job training in the preparation, sterilization, and admixture of parenteral products under the supervision of a pharmacist who has been certi-

fied by one of the methods of certification as outlined in clauses (i)-(iii) of this subparagraph;

(ii) certification of completion of a recognized course in an accredited college in the preparation, sterilization, and admixture of parenteral products; or

(iii) an application, in affidavit form, along with such other information the board may require, requesting partial or equivalent credit for education or experience gained in programs in the preparation, sterilization, and admixture of parenteral products not sponsored by an accredited college of pharmacy.

(B) be a pharmacist licensed by the board to practice pharmacy in Texas.

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

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

Issued in Austin, Texas, on November 19, 1984

TRD-8411780 Fred S. Brinkley, Jr., R. Ph.
Executive Director/Secretary
Texas State Board of Pharmacy

Earliest possible date of adoption
December 31, 1984

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

to establish qualifications for licensing by examination and by reciprocity.

§305.1. *Pharmacy Education Requirements.* The Texas State Board of Pharmacy adopts as the minimum standards which a university, school, or college of pharmacy must meet in order to be an approved school under the Texas Pharmacy Act, [Chapter 8,] Texas Civil Statutes, Article 4542a-1 [4542a], §21 or §22 [§9(a)], those accreditation standards set, from time to time, by the American Council on Pharmaceutical Education and used by such council in determining accredited schools. The universities, schools, and colleges of pharmacy which have been determined to be approved institutions by the board shall be published in the minutes of each annual meeting of the board.

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

Issued in Austin, Texas, on November 19, 1984

TRD-8411781 Fred S. Brinkley, Jr., R. Ph.
Executive Director/Secretary
Texas State Board of Pharmacy

Earliest possible date of adoption
December 31, 1984

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

Chapter 305. Regulations Relating to Educational Requirements

22 TAC §305.1

The Texas State Board of Pharmacy proposes an amendment to §305.1, concerning pharmacy educational requirements. The amendment is needed to correct citations referred to in the section.

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

Mr. Brinkley also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is insurance that the minimum standards which a university, school, or college of pharmacy must need to be an approved school under Texas Civil Statutes, 4542a-1, those accreditation standards set, from time to time, by the American Council on Pharmaceutical Education and used by such council in determining accredited schools. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

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

The amendment is proposed under Texas Civil Statutes, Article 4542a-1, §21 and §22, which provide the Texas State Board of Pharmacy with the authority

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.)

Lloyd's Plan Insurance

Appointment or Substitution of an Attorney in Fact as Actual Attorney in Fact for a Lloyd's Plan Company and Distinction between an Attorney in Fact and a Deputy Attorney in Fact

059.18.01.001, .002

The State Board of Insurance proposes new Rules 059.18.01.001 and .002, concerning filing requirements for attorneys in fact operating for a Texas lloyd's plan company upon the appointment or substitution of an attorney in fact for a lloyd's and distinguishing between an attorney in fact and a deputy attorney in fact. The purpose of these rules is to set out what has been the long-standing administrative interpretation with respect to these issues. These rules are proposed to promote uniformity among lloyd's plan companies and to bring all of the lloyd's plan companies into compliance with the Insurance Code and the attorney general's interpretations thereof.

Tom Bond, commissioner of insurance, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rules. Staff time required to process amendments to lloyd's plan companies articles of agreement may be reduced. Mr. Bond also had determined that there is no anticipated cost of compliance from small businesses that currently comply with the law as a result of these proposed rules.

Mr. Bond 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 compliance with statutory requirements by all lloyd's plan companies by clarification of the statutory language. 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 J. W. Arendall, Director, Corporate Custodian and Tax Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The new rules are proposed generally under the Insurance Code, Article 1.04(b) and (c), which mandates that the State Board of Insurance determine rules and regulations; the Insurance Code, Article 1.10, § 1, which mandates that the State Board of Insurance see that all laws respecting insurance and insurance companies are faithfully executed; the Insurance Code, Chapter 18, which governs lloyd's plan insurers; and Texas Civil Statutes, Article 6252-13a, which requires the promulgation of rules.

.001. Approval of Attorney in Fact. No original, additional, or substitute attorney in fact may act for a lloyd's plan company until he or she is appointed by the underwriters of the lloyd's plan company and is approved, after a hearing before the commissioner, as an attorney in fact for the lloyd's plan company.

.002. Distinction between Attorney in Fact and Deputy Attorney in Fact.

(a) Attorney in fact.

(1) Wherein the terms "attorney in fact" and "actual attorney in fact" are used in the statutes or State Board of Insurance rules, they are synonymous.

(2) An attorney in fact has total authority to operate the lloyd's plan company acting pursuant to authorization from the underwriters of the lloyd's plan company under power of attorney.

(3) An attorney in fact need not be licensed by the State Board of Insurance as an agent pursuant to the Insurance Code, Article 21.14.

(b) Deputy attorney in fact.

(1) A deputy attorney in fact possesses some, but not all, of the powers of the attorney in fact as delegated by the attorney in fact. A deputy attorney in fact may be compensated for services rendered to the lloyd's plan company.

(2) A deputy attorney in fact who, directly or indirectly, solicits, writes, signs, executes, or delivers any policy or certificate of insurance, or accepts premiums or binds the lloyd's plan company on any policy or cer-

tificate of insurance must have an agent's license pursuant to the Insurance Code, Article 21.14.

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 November 21, 1984.

TRD-8411867 James W. Norman
 Chief Clerk
 State Board of Insurance

Earliest possible date of adoption:

December 31, 1984

For further information, please call (512) 475-2950.



TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part X. Texas Water Development Board

Chapter 301. Introductory Provisions Definitions

31 TAC §301.71

The Texas Water Development Board proposes amendments to §301.71, concerning the definition of the municipal use of water. Existing rules require the holder of a Texas Water Code, Chapter 11, (water use) permit to secure specific, additional authorization under that chapter to reuse water for purposes other than those designated in the existing permit. The amendments would expand the definition of municipal use to eliminate, in specified cases, the need for this additional authorization, with respect to water that previously has been authorized for municipal use.

The amendments would define as municipal use the application of municipal sewage effluent upon land sites pursuant to a Texas Water Code, Chapter 26, (wastewater discharge) permit, where the primary purpose of the application is the treatment and/or disposal of such effluent; the application site is a park, parkway, golf course, or other landscaped area owned by the owner of the permitted sewerage system; or the effluent applied to such site is generated within an area for which the Texas Water Development Board has adopted a no-discharge rule.

Mike Hodges, Fiscal Services Section chief, 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. Hodges 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 elimination of the requirement that an entity which is authorized to use water for municipal purposes under the Texas Water Code, Chapter 11, obtain specific additional authorization under Chapter 11 to use municipal sewage effluent for the irrigation of land in specified cases where such use of effluent already is authorized under a Texas Water Code, Chapter 26, permit. 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 Mike Rogan, Staff Attorney, Texas Department of Water Resources, P O Box 13087, Austin, Texas 78711.

The amendments are proposed under the Texas Water Code, §5.131, which provides the Texas Water Development Board with the authority to make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of this state.

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

Municipal use—The use of treated water within or without a municipality and its environs whether supplied by a person, privately owned utility, political subdivision, or other entity, as well as the use of municipal sewage effluent for certain purposes specified as follows. It includes the use of treated water for domestic purposes, fighting fires, sprinkling streets, flushing sewers and drains, watering parks and parkways, and recreational purposes including public and private swimming pools, the use of treated water in industrial and commercial enterprises supplied by a municipal distribution system without special construction to meet its demands, and for the watering of lawns and family gardens. **Municipal use also includes the application of municipal sewage effluent upon land sites, pursuant to a Texas Water Code, Chapter 26, permit where:**

- (A) the primary purpose of the application is the treatment and/or necessary disposal of such effluent;
- (B) the application site is a park, parkway, golf course, or other landscaped area owned by the owner of the permitted sewerage system; or
- (C) the effluent applied to such site is generated within an area for which the board has adopted a no-discharge rule.

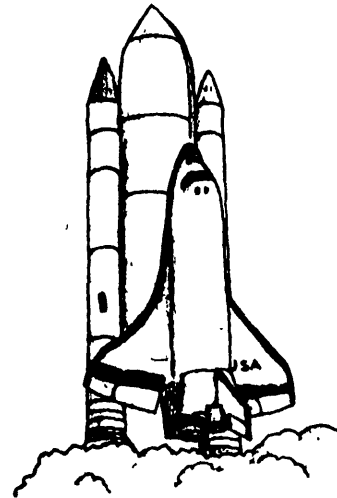
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on November 15, 1984

TRD-8411716 Susan Plettman
General Counsel
Texas Department of Water
Resources

Earliest possible date of adoption
December 31, 1984

For further information, please call (512) 475-7845.



Chapter 303. Appropriation of Water Issuance and Conditions of a Water Permit

31 TAC §303.154, §303.155

The Texas Water Development Board proposes amendments to §303.154 and §303.155. Section 303.154 concerns the requirement that the holder of a Texas Water Code, Chapter 11, (water use) permit secure specific, additional authorization under Chapter 11 to reuse water for purposes other than those designated in the existing permit. The amendments provide that application of municipal sewage effluent upon land sites is considered a municipal use of water—and thus does not require an additional authorization under Chapter 11—when conducted pursuant to a Texas Water Code, Chapter 26, (wastewater discharge) permit, where the primary purpose of the application is the treatment and/or disposal of such effluent; the application site is a park, parkway, golf course, or other landscaped area owned by the owner of the permitted sewerage system, or the effluent applied to such site is generated within an area for which the Texas Water Development Board has adopted a no-discharge rule

Section 303.155 concerns requirements that suppliers of state water for irrigation purposes charge purchasers on a volumetric basis; the amendments would apply the requirement to the sale of effluent as well as to other supplies of state water

Mike Hodges, Fiscal Services Section chief, 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. Hodges 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 the elimination of the requirement that an entity which is authorized to use water for municipal purposes under the Texas Water Code, Chapter 11, obtain specific additional authorization under Chapter 11 to use municipal sewage effluent

for the irrigation of land in specified cases where such use of effluent already is authorized under a Texas Water Code, Chapter 26, permit; and the assurance that the sale for irrigation purposes of effluent from properly appropriated state water, like the sale of other types of state water for such purposes, is conducted in a manner that allows monitoring of the quantities of water used and promotes the orderly administration and conservation of state resources. 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 Mike Rogan, Staff Attorney, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711.

The amendments are proposed under the Texas Water Code, §5.131, which provides the Texas Water Development Board with the authority to make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of this state.

§303.154. Return and Surplus Waters.

(a) A person's right to take and use water is limited to the extent and purposes stated in the permit. For example, if an entity [a municipality] has used state water permitted for a municipal use, it shall not use or sell the effluent for any other purpose without first obtaining a permit from the commission; however, consistent with the policy set forth in §341.140 of this title (relating to Policy of Discharge of Treated Wastewater), the application of municipal sewage effluent upon land sites is considered a municipal use of water, when conducted pursuant to a Texas Water Code, Chapter 26, permit, where:

(1) the primary purpose of the application is the treatment and/or necessary disposal of such effluent;

(2) the application site is a park, parkway, golf course, or other landscaped area owned by the owner of the permitted sewerage system; or

(3) the effluent applied to such site is generated within an area for which the board has adopted a no-discharge rule.

(b) All return and surplus water shall be returned to a source of water supply or watercourse at the point or points stated in the permit or amendatory orders or the commission. Return water shall conform to quality standards set by the state.

§303.155. Suppliers of Water for Irrigation. Persons supplying state water, including effluent, for irrigation purposes shall charge the purchaser on a volumetric basis. The executive director or commission may direct suppliers of state water to implement appropriate procedures for determining the volume of water delivered.

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 November 15, 1984.

TRD-8411714 Susan Plettman
General Counsel
Texas Department of Water
Resources

Earliest possible date of adoption:
December 31, 1984

For further information, please call (512) 475-7845.

Chapter 341. Consolidated Permits Applications and Review.

31 TAC §341.140

The Texas Water Development Board proposes new §341.140, concerning the discharge of treated wastewater. The new section would state a department policy of encouraging proper treatment and discharge of wastewater into state waters for subsequent beneficial reuse, direct the department to consider the prospective impact upon water availability represented by applications to dispose of wastewater by methods that do not provide for proper treatment and discharge into state waters, and authorize the Texas Water Commission to conduct joint hearings to consider both authorizations to discharge wastewater as well as any related water rights authorizations necessary to make additional use of the effluent through land application or other means.

Mike Hodges, Fiscal Services Section chief, 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. Hodges 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 coordination of the department's examination of applications seeking to dispose of wastewater by methods that do not provide for proper treatment and discharge into state waters, so that prospective impacts upon both water quality and water availability are considered, as well as assurance that such disposal methods do not diminish seriously the amounts of water available for use downstream of any point of wastewater treatment. 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 Mike Rogan, Staff Attorney, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711.

The new section is proposed under the Texas Water Code, §5.131, which provides the Texas Water Development Board with the authority to make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of this state.

§341.140. Policy of Discharge of Treated Wastewater.

(a) It is the policy of the department to encourage the proper treatment and discharge of wastewater into state waters for subsequent beneficial reuse, except in those areas of the state where the board has specifically adopted "no discharge" rules. In examining permit applications for disposal of wastewaters by land application, by evaporation, by injection well, and by other methods which do not provide for proper treatment and discharge of the wastewater into state waters, the executive director and the commission will consider any relevant water quality, water use, and water resource aspects of the application—including, but not limited to, the availability of and demands for surface water supplies, the effects of wastewater discharge upon these supplies,

economic factors, and the public interest—in reaching a decision which best implements the policies of the department.

(b) When appropriate, the commission may schedule a joint hearing to consider both the authorization to discharge wastewater and any water rights authorization necessary to make additional use of effluent through land application or other means of disposal.

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 November 15, 1984.

TRD-8411715 Susan Plettman
General Counsel
Texas Department of Water
Resources

Earliest possible date of adoption:
December 31, 1984
For further information, please call (512) 475-7845.

**TITLE 34. PUBLIC FINANCE
Part I. Comptroller of Public
Accounts
Chapter 3. Tax Administration
Subchapter M. Inheritance Tax
34 TAC §3.228**

The Comptroller of Public Accounts proposes amendments to §3.228, concerning payment of tax, penalty, and interest, and refunds (date of death on or after September 1, 1983).

The purpose of the amendments is to clarify payment due dates and the penalty provisions associated with the late payment of tax. Instructions on the payment of taxes included in an extended payment plan are included.

Billy Hamilton, revenue estimating director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. This rule is promulgated under the Tax Code, Title 2, and no fiscal implications for small businesses are required.

Mr. Hamilton also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is new information for the public regarding its tax responsibilities under changes made by the legislature. 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 D. Carolyn Busch, P.O. Box 13528, Austin, Texas 78711.

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

§3.228. Payment of Tax, Penalty [Penalties], and Interest, Refunds (Date of Death on or After September 1, 1983 [1981])

(a) Payment of tax.

(1) Payment of the tax arising from the transfer of property at death is due nine months after the date of death unless an extension to pay on a later specified date has been granted by the Internal Revenue Service.

(2) Payment of the tax arising from a generation-skipping transfer is due on the same date as the federal tax on generation-skipping transfers unless an extension to pay on a later specified date has been granted by the Internal Revenue Service.

(3)(1) Payment of the tax to the comptroller can be by personal check made payable to the treasurer of the State of Texas. However, the [Inheritance] Tax Administration Division may require payment by cashier's check or United States money order where warranted.

(4)(2) If a payment is insufficient to cover all taxes, interest, and/or penalty [penalties] due, the payment will be applied first against penalty [penalties], then interest, and then to the payment of tax.

(b) Penalty [Penalties].

(1) If any tax is not paid on or before the due date or approved extension date, a penalty of 5.0% of the unpaid tax is [shall become] due and payable. If the tax is not paid within 30 days after the due date or approved extension date, an additional penalty 5.0% of the unpaid tax is [shall become] due and payable.

(2) Penalty will be assessed, if not already assessed, if a deficiency determination is not paid within 30 days of the date of the determination, unless a redetermination hearing has been timely requested pursuant to the Tax Code, §111.009, or an extension of time to pay has been granted.]

(2)(3) Penalty will not be waived unless it is shown that late payment of tax is due to reasonable cause and not due to willful neglect. The burden of proving reasonable cause is on the personal representative of the estate.

(3)(4) Estates, trustees, or distributees that have been granted an extension of time to pay are required to pay on the extended [agreed] date to avoid assessment of penalty [penalties].

(c) Interest. Interest at the rate of 10% per annum is due on any inheritance tax on the transfer of property at death not paid within nine months from the date of death or on any generation-skipping transfer tax not paid on the original due date as specified by the Internal Revenue Code, regardless of extensions granted. Interest will be waived where the computed amount is less than \$5.00. Interest on payments made in installments is calculated on the total balance of the tax remaining unpaid. Any legislative changes in the interest rates will be reflected in the remaining tax payments from the effective date of the change.

(d) Extension of time to [file and] pay.

(1) If the due date for paying [filing] the federal estate tax [return] or generation-skipping transfer tax [re-

turn or the due date for paying such taxes] is extended by the Internal Revenue Service, then the [returns required and the] corresponding state tax shall be due and payable on the date specified by the Internal Revenue Service. Interest shall be due from the original due date of the tax.

(3) If a taxpayer is allowed by the Internal Revenue Service to pay the federal state and/or generation-skipping transfer tax over a period of time, the taxpayer may pay the state inheritance tax in installments over the same period of time. The amount of each inheritance tax payment must be in the same proportion to the total inheritance tax liability as the corresponding federal estate tax payment is to the total federal estate tax liability. The four-year limitation period for assessment of the tax begins on the due date of each payment.

(3) Estate representatives who do not request a federal extension to pay must pay any state inheritance taxes due by the original due date.

(4) If any installment due is not paid on or before the extended payment date, the total amount remaining unpaid, including penalty and interest on the delinquent tax, becomes due and payable immediately. The comptroller will issue an assessment for the balance due.

(5) The Tax Administration Division must be notified immediately of any changes to, or cancellation of, the Internal Revenue Service payout agreement. If the Internal Revenue Service payout agreement is cancelled prior to its conclusion, the inheritance tax liability must be paid within 10 days of the cancellation.

(6) Estates electing to extend payments under rules provided in the Internal Revenue Code, §6166, may also pay the state inheritance tax in the same period of time. Payments will consist of equal annual payments of principal, and of interest computed at 10% of the unpaid tax balance for the entire period of the payout.

(A) The amount of state taxes deferred will be determined by multiplying the percentage of estate taxes qualifying for federal extension by the total amount of state inheritance taxes due. All amounts not covered by this rule must be paid by the due date unless included under some other approved extension plan.

(B) A copy of the supplemental Form 706 filed yearly with the Internal Revenue Service, or other such documentation showing the adjusted estate tax and federal credit balances, or any other changes in the financial condition of the estate, must also be filed with the comptroller at the time they are requested to be filed with the Internal Revenue Service.

(7) Interest expense which is allowed as a deduction under federal estate tax law indirectly reduces the state inheritance tax liability through a reduction of the allowable federal credit for state death taxes. Estates which pay their inheritance tax liability by the original due date, but are granted an extension to pay by the Internal Revenue Service, may apply for a refund annually after the federal interest deduction has been determined. Estates which are paying both state inheritance tax and federal estate tax liabilities under an extended payment plan may reduce the annual payment to the state by an amount directly proportional to the reduction in federal payments allowed by the Internal Revenue Service. A copy of the supplemental Form 706 filed with the Internal Revenue Service showing the adjusted federal and state tax will form the basis for the adjustment to the inheritance tax payments.

[(e) Payout agreements.

[(1) If a taxpayer is allowed by the Internal Revenue Service to pay the federal estate and/or generation-skipping transfer tax over a period of time, the taxpayer may enter into a payout agreement with the comptroller to pay the state inheritance tax in installments over the same period of time. If the Internal Revenue Service does not extend the due date of the taxes or allow payment over a period of time, the taxpayer may still request a payout agreement from the comptroller. If the payout is approved, the comptroller will issue an assessment for the liability. The taxpayer must agree to extend the period for filing suit to collect the taxes for the duration of the payout agreement.

[(2) If any installment due under a payout agreement is not paid on or before the agreed date, the total amount remaining unpaid, including penalty and interest on the delinquent tax, becomes due and payable immediately. The comptroller will issue an assessment for the balance due.]

(e)[(f)] Refunds.

(1) Any personal representative, trustee, or distributee who has overpaid inheritance tax to the state may file a claim for refund with the [Inheritance] Tax Administration Division within four years from the date the tax is due and payable or within six months after any deficiency determination becomes final, whichever period is last to expire. Failure to file within the time limits constitutes a waiver of any demand for the alleged overpayment.

(2) A claim for refund will be considered by the comptroller only if it is in writing and specifically sets out the grounds upon which it is based. No specific form is required for the refund claim, but the written request should contain sufficient information to specify the amount of refund claimed, the grounds upon which it is based, the name of the person overpaying the tax, and, in the case of an estate, the name and date of death of the decedent [in the case of an estate]. If requested by the person overpaying the tax, a hearing may [shall] be granted. (See [generally,] §§1.1-1.42 [1 43] of this title (relating to Rules of Practice and Procedure) governing administrative hearings before the comptroller.

(3) (No change.)

(4) In a comptroller's final decision on a claim for refund on estates of decedents with a date of death on or after January 1, 1982, interest will [shall] be allowed at the rate of 10% per year on the amount found to be erroneously paid. Interest accrues from 60 days after the date of payment or the due date of the tax return, whichever is later, interest continues to accrue to the date of allowance of credit on account of the comptroller's final decision or to a date within 10 days prior to the date of the refund warrant.[,] The exact date will [to] be determined by the comptroller.

(f)[(g)] Waivers. For estates of decedents with a date of death on or after September 1, 1983, the statutory, or "automatic" lien, imposed on all estate assets at the date of death has been repealed. Lien releases (waivers) for an automatic lien will therefore not be necessary and will not be issued for estates with a date of death on or after September 1, 1983.

[(1) An estate representative may apply for a release of the inheritance tax lien on estate property by filing

an inheritance tax waiver form with the Inheritance Tax Division.

(2) A release or partial release of the inheritance tax lien may be granted if the return is not delinquent and one of the following circumstances exists:

[(A) no tax is due or will be due,

(B) tax is due and not delinquent or tax will be due, provided:

[(i) a sale or transfer of specific property is necessary to pay the tax imposed by this chapter or the federal estate tax or such sale is necessary to preserve the estate; and

[(ii) such sale is made for adequate and full consideration;

[(iii) sufficient surety arrangement is made, such as an escrow agreement, or a written personal guaranty of payment from a responsible third party acceptable to the comptroller; or

[(iv) the remaining property of the estate is sufficient to assure payment of any taxes due.

(3) A release or partial release of the inheritance tax lien may be granted if the return is delinquent and tax is due, provided:

[(A) the conditions in subparagraph (2)(B) of this subsection are met; and

(B) arrangement is made to withhold the tax from the proceeds of the sale.]

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 November 21, 1984

TRD-8411803 Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption.
December 31, 1984

For further information, please call (512) 475-1913.

34 TAC §3.229

The Comptroller of Public Accounts proposes amendments to §3.229, concerning collection action (date of death on or after September 1, 1983.)

The amendments conform the procedures for initiating a hearing to the comptroller's rules of practice and procedures. (See §1.1-1.42 of this title.) They also clarify the liabilities of a personal representative and transferees of estate property. The amendment explains the responsibilities of third parties to provide the comptroller with notice prior to the transfer of estate property under their control.

Billy Hamilton, revenue estimating director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. This section is promulgated under the Tax Code, Title 2, and no fiscal implications for small businesses are required.

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

the public benefit anticipated as a result of enforcing the rule as proposed is new information for the public regarding its tax responsibilities under changes made by the legislature. 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 D. Carolyn Busch, P.O. Box 13528, Austin, Texas 78711.

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

§3.229. Collection Action (Date of Death on or After September 1, 1983[1981]).

(a) Deficiency determination.

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

(3) Any person against whom a deficiency determination is made has the right to an administrative hearing if a petition for redetermination and statement of grounds is filed with the comptroller within 30 days from the date the deficiency determination is served. The requirement of requesting a hearing within the 30-day [days] period may be satisfied by filing a petition for relief, a form which can be obtained from any comptroller field office and by filing a statement of grounds which sets out in detail the reasons the taxpayer does not agree with the determination. If a petition and statement of grounds are [is] not timely filed, the determination becomes final at the expiration of the 30-day period. See §3.228 of this title (relating to Payment of Tax, Penalty [Penalties] and Interest, Refunds (Date of Death on or After September 1, 1983 [1981])) and §§1.1-1.42 [1.43] of this title (relating to Practice and Procedure) governing administrative hearings before the comptroller.

(b) Court action. If the person against whom a deficiency determination was issued does not pay the amounts determined to be due in an order or decision of the comptroller and allows these amounts to become delinquent, and if no appropriate arrangement for payment has been made, the attorney general may be notified to institute a suit for collection and/or foreclosure of any lien filed. [Tax lien.

[(1) If the comptroller has been unable to collect the delinquent tax, penalty, or interest from an estate and it is determined that real property in the estate has been transferred without a waiver of the inheritance tax lien, the transferee of such property may be assessed the delinquent tax, penalties, and interest.

[(2) Delinquent tax, interest, and penalties may also be assessed against a personal representative or person responsible for the tax who has delivered any property to any person before the inheritance taxes due on it have been paid or a release of the tax lien has been obtained.]

(c) Tax liability. [Court action. If the person against whom a determination was issued does not pay the amounts determined to be due in an order or decision of the comptroller and allows these amounts to become delinquent, and if no appropriate arrangement for payment has been made, the attorney general may be notified to institute a suit for collection and/or foreclosure of the lien.]

(1) If the comptroller has been unable to collect the delinquent tax, penalty, or interest from an estate and it is determined that property in the estate was transferred prior to payment of the tax, penalty, or interest, the transferee of the property may be assessed the delinquent tax, penalties, and interest, to the extent of the value of the property received, plus costs.

(2) A personal representative who transfers any of a decedent's property to any person without paying the inheritance tax, penalty, and interest due is personally liable for the tax, penalty, and interest to the extent of the value of the property transferred.

(d) Notification requirements.

(1) Banks, credit unions, savings and loan institutions, safe deposit institutions, and other depositories.

(A) For estates with a date of death prior to September 1, 1981, a description of any assets transferred to the heirs of a deceased depositor must be furnished to the comptroller. This includes the contents of safe deposit boxes as well as amounts held in accounts of these depositories. There is no requirement to delay the transfer of the decedent's property, and the report is due when the transfer actually takes place. For estates with a date of death after September 1, 1981, there are no requirements to inventory or make any report of a decedent's accounts to the comptroller's office.

(2) Oil companies.

(A) For estates with a date of death prior to September 1, 1981, a written release from the comptroller is required before royalties may be transferred.

(B) For estates with a date of death on or after September 1, 1981, ownership of royalty interests may be transferred from a deceased owner to a beneficiary without authorization from the comptroller's office.

(3) Insurance companies.

(A) Benefits payable to beneficiaries of an insurance policy or annuity where the owner's date of death was prior to September 1, 1981, are required to be reported to the comptroller upon the payment of the proceeds.

(B) Insurance or annuity proceeds paid to a deceased policy owner's beneficiaries may be released by an insurance company without prior notice to the comptroller if the decedent's date of death is on or after September 1, 1981.

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 November 21, 1984.

TRD-8411804

Earliest possible date of adoption:
December 31, 1984

For further information, please call (512) 475-1913.

34 TAC §3.230

The Comptroller of Public Accounts proposes amendments to §3.230, concerning closing documents.

These amendments conform the section to the statutory changes enacted by the legislature which repealed the "automatic" lien on property in an es-

tate. References to the no tax due certificate have been deleted, and a section on the probate certificate has been added.

Billy Hamilton, revenue estimating director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. This section is promulgated under the Tax Code, Title 2, and no fiscal implications for small businesses are required.

Mr. Hamilton also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is new information for the public regarding its tax responsibilities under changes made by the legislature. 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 D. Carolyn Busch, P.O. Box 13528, Austin, Texas 78711.

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

§3.230. Closing Documents (Date of Death on or After September 1, 1983 [1981]).

(a) Receipt.

(1) After a determination that all taxes due have been paid, the comptroller [Inheritance Tax Division] will issue a receipt

(2) The receipt is a recordable certificate and certifies that all inheritance taxes have been paid, the inheritance tax examination has been concluded, subject only to the exceptions found in the Texas Tax Code, §111.205 and §111.206, and releases all applicable liens [and when issued releases the comptroller's lien on all assets]. The receipt is also the comptroller's release of personal liability.

(3) If an estate, trustee, or distributee is required to file a federal estate tax return, the receipt will not be issued until the final federal determination and the information required to be filed pursuant to §3.225(e)(5) of this title (relating to Estates for which a Texas Tax Return is Required (Date of Death On or After September 1, 1983 [1981])) has been received by the comptroller and a determination has been made that no additional taxes are due.

(b) Inheritance tax probate certificate [No tax due certificate].

(1) A form upon which an estate representative may declare an estate is nontaxable is available upon request for use when required in the final settlement of a probated estate. The personal representative of a nontaxable probated estate may declare: [After a determination of no inheritance tax liability, the Inheritance Tax Division shall issue a no tax due certificate.]

(A) that all assets and documents belonging to the estate have been examined; and

(B) the value of the estate is insufficient to require a federal estate tax return be filed; or

(C) a federal estate tax return was filed and no inheritance tax was due Texas; and

(D) the estate and the personal representative are free from any claims by the State of Texas for any inheritance taxes owed.

(2) The personal representative may obtain blank forms from any comptroller field office or by contacting the Tax Assistance Section of the comptroller's Austin office [The no tax due certificate is a recordable certificate and when issued releases the comptroller's lien on all assets].

(3) The estate's personal representative(s) must sign the form and furnish an address where he/she may be contacted if necessary.

(4) The personal representative and/or the beneficiaries of an estate will be held personally liable to the extent of the value of the estate assets transferred or acquired upon which an inheritance tax was due but not paid.

(5) All information must be furnished before the comptroller can approve this certificate. Validation can be accomplished by presenting the completed form to any comptroller field office or by mailing the form to the comptroller's tax assistance section in Austin, Texas.

(c) Rendering the receipt or no tax due certificate void.

[(1) The receipt or no tax due certificate may be rendered void by the comptroller by his filing an affidavit with the county clerk with whom the original document was filed.

[(2) Circumstances which may warrant such action include:

[(A) erroneous issuance of a receipt or no tax due certificate; or

[(B) the issuance of a receipt for taxes which were paid by a check which is later returned uncollectible.]

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 November 20, 1984.

TRD-8411805 Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption:
December 31, 1984

For further information, please call (512) 475-1913.

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part III. Texas Youth Commission Chapter 81. General Provisions Case Management System for Delinquents

37 TAC §81.267

The Texas Youth Commission proposes new §81.267, concerning special precaution students. The proposed new section provides a system for alerting child care staff if a student has been identified as potentially suicidal or has special medical problems.

Byron Griffin, assistant executive director for child care, 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. Griffin 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 assurance that students in TYC facilities receive individualized treatment for special problems they may have. There is no anticipated economic cost to individuals as a result of enforcing the rule.

Comments on the proposal may be submitted to Martha K. McCann, Manuals Systems Coordinator, P.O. Box 9999, Austin, Texas 78766.

The new section is proposed under the Human Resources Code, §61.076, which provides the Texas Youth Commission with the authority to provide any medical or psychiatric treatment that is necessary.

§81.267. *Special Precaution Students.*

(a) Policy. The Texas Youth Commission identifies upon intake those students who require special precautions. Program staff are alerted to this need by use of color coded case files.

(b) Procedure

(1) Reception center suicide alert.

(A) Complete a mental health assessment at the time of admission. (Person responsible: nurse)

(B) Immediately notify dormitory staff if the student responds positively to the suicide assessment. Document on CCS-025. (Person responsible: nurse)

(C) Record notification in the daily shift log. (Person responsible: dormitory staff)

(D) Complete Section I of the suicide alert form (90.51.060A) for an identified student. (Person responsible: nurse)

(E) Forward suicide alert form to psychologist. (Person responsible: nurse)

(F) Review the committing county information of an identified student within 48 hours of admission. (Person responsible: psychologist)

(G) Complete Part II of suicide alert form (90.51.060A). Forward to psychiatrist. (Person responsible: psychologist)

(H) Interview the student within seven days of admission. (Person responsible: psychiatrist).

(I) Place on suicide alert a student who: (Person responsible: psychiatrist).

(i) has attempted a suicide which resulted in hospitalization;

(ii) has attempted or made suicidal gestures within the past 12 months;

(iii) has suicidal ideation within past 12 months; or

(iv) evidences severe depression.

(J) Complete Part III of suicide alert form and forward to the nurse. (Person responsible: psychiatrist)

(K) Copy the suicide alert form and file one copy in medical file. Forward original to admitting clerk. (Person responsible: nurse).

(L) Flag the medical and casework files of those students identified by the psychiatrist as suicide alerts by: (Person responsible: nurse and admitting clerk)

- (i) enclosing form in red plastic cover; and
- (ii) placing red plastic strip over name tag.

(N) Include the suicide alert form (in red plastic) and the red name tag cover when you send out placement packets. (Person responsible: community resource specialist)

(2) Receiving facility.

(A) Immediately review student files upon admission. (Person responsible: intake staff)

(B) Notify the direct care staff if a student file is flagged for suicide alert. (Person responsible: intake staff)

(C) Follow-up with a written memo. (Person responsible: intake staff)

(D) Immediately refer students flagged for suicide alert to psychiatrist. (Person responsible: nurse)

(E) Interview the student within seven days of admission to facility. Identify a therapist to work with the student: (Person responsible: consulting psychiatrist)

- (i) psychiatrist;
- (ii) psychologist; or
- (iii) medical psychiatric caseworker (MPC).

(F) Schedule individual interviews no less than once per week the first month. Document on CCS-035, Individual Counseling Record. (Person responsible: consulting psychiatrist, psychologist, or MPC)

(G) Schedule subsequent individual interviews according to student needs or progress. (Person responsible: consulting psychiatrist, psychologist, or MPC)

(H) Remove the student from suicide alert status when the student: (Person responsible: psychiatrist)

- (i) has stabilized;
- (ii) does not exhibit suicidal ideations; and
- (iii) does not make suicidal gestures.

(I) Notify the nurse of change in status. (Person responsible: psychiatrist)

(J) Remove the red plastic name tag cover when the psychiatrist removes the student from suicide alert status. (Person responsible: nurse)

(K) Notify direct care staff by memo of change of status. (Person responsible: nurse)

(L) Repeat steps outlined in subparagraphs (E) and (F) of this paragraph following transfer or revocation for a student whose file contains a suicide alert form in a red plastic cover. (Person responsible: intake staff)

(3) New suicide attempt/expressions.

(A) Refer the student to a mental health professional if a student without a prior history of suicide attempts or ideations makes an attempt or expresses suicidal thoughts during residence in a TYC facility, contract placement, or on parole. Programs need to assign persons responsible to fit their staff positions. (Person responsible: all staff)

(B) Place the student on suicide alert using the step outlined in paragraph (1)(N). (Person responsible: mental health professional)

(4) Reception center medical alert.

(A) Complete health assessment at time of admission. Record on CCS-008. (Person responsible: nurse)

(B) Notify dormitory staff of following conditions: (Person responsible: nurse)

- (i) epilepsy;

- (ii) diabetes;
- (iii) sickle cell anemia;
- (iv) hemophilia;
- (v) kidney disease;
- (vi) heart defect.

(C) Record notifications on daily shift log.

(Person responsible: dormitory staff)

(D) Complete Part I medical alert form (90.51.060B) and place in medical subfile. (Person responsible: nurse)

(E) Confirm the diagnosis at the time of admission physical examination. (Person responsible: physician)

(F) Complete Part II of the medical alert form. (Person responsible: physician)

(G) Copy the medical alert form and place original in a blue plastic cover and file in medical subfile. (Person responsible: nurse)

(H) Insert the blue plastic cover over the name tag of the medical subfile. (Person responsible: nurse)

(I) Forward the copy of medical alert form in blue plastic cover and blue plastic name tag to admitting clerk. (Person responsible: nurse)

(J) Flag the casework subfile. (Person responsible: admitting clerk).

(K) Include the medical alert form (in blue plastic) and the blue name tag cover when you send out placement packets. (Person responsible: community resource specialist)

(5) Receiving facility.

(A) Review files upon admission. (Person responsible: intake staff)

(B) Notify direct child care staff of medical diagnosis. (Person responsible: intake staff)

(C) Refer to physician for follow-up. (Person responsible: nurse or assigned caseworker)

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 November 20, 1984.

TRD-8411789 Ron Jackson
Executive Director
Texas Youth Commission

Earliest possible date of adoption:
December 31, 1984

For further information, please call (512) 452-8111,
ext. 390.

Chapter 89. Institutional Services for Children Committed for Delinquent Behavior

Purpose and Philosophy

37 TAC §89.1, §89.2

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Youth Commission, 8900 Shoal Creek Boulevard, Austin, or in the Texas

*Register office, Room 503E, Sam Houston Building,
201 East 14th Street, Austin.)*

The Texas Youth Commission proposes the repeal of §89.1 and §89.2, concerning purpose and philosophy. These rules are unnecessary because the information is contained in the Texas Human Resources Code, §61, and in §81.21-81.45 of this title, relating to child care standards.

Jerry Day, director of institutions, 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. Day also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is a consistent set of rules about the agency's policies and procedures. 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 Texas Human Resources Code, §61.034, which provides the Texas Youth Commission with the authority to make policies and adopt all rules necessary for the proper accomplishment of its functions.

§89.1. Purpose.

§89.2. Philosophy.

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 November 20, 1984

TRD-8411790 Ron Jackson
 Executive Director
 Texas Youth Commission

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For further information, please call (512) 452-8111,
ext. 390.

Rehabilitation

37 TAC §89.25

(Editor's note. The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Youth Commission, 8900 Shoal Creek Boulevard, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Youth Commission proposes the repeal of §89.25, concerning rehabilitation. This rule is unnecessary because the information may be found in §§81.21-81.23 of this title relating to child care standards introduction, skills-based treatment program, and individualized program plans.

Jerry Day, director of institutions, 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. Day also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is greater clarity in the agency's rules. 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, §61.034, which provides the Texas Youth Commission with the authority to make all rules and adopt policies necessary to the proper accomplishment of its functions.

§89.25. Purpose.

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

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TRD-8411791 Ron Jackson
 Executive Director
 Texas Youth Commission

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For further information, please call (512) 452-8111,
ext. 390

Daily Living

37 TAC §89.43

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Youth Commission, 8900 Shoal Creek Boulevard, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Youth Commission proposes the repeal of §89.43, concerning daily living. This rule is out of date. The responsibilities of the institution's child care staff are clearly designated throughout the agency's standardized job descriptions and the institutions manuals.

Jerry Day, director of institutions, 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. Day also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is current information about the agency's institutions. 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, Texas Youth Commission, P.O. Box 9999, Austin, Texas 78766.

The repeal is proposed under the Texas Human Resources Code §61.034, which provides the Texas Youth Commission with the authority to make policies and adopt all rules necessary to the proper accomplishment of its functions.

§89.43. Daily Living Staff.

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 November 20, 1984.

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Executive Director
Texas Youth Commission

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For further information, please call (512) 452-8111,
ext. 390.

Volunteer Programs

37 TAC §§89.61-89.63

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Youth Commission, 8900 Shoal Creek Boulevard, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Youth Commission proposes the repeal of §§89.61-89.63, concerning volunteer programs. These rules are unnecessary because of the new rules for volunteer services in Chapter 93 of this title, adopted May 8, 1984 (9 TexReg 2563).

Jerry Day, director of institutions, 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. Day also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is more consistency in the agency's rules for its institutions. 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 Texas Human Resources Code, §61.034, which provides the Texas Youth Commission with the authority to make policies and adopt all rules necessary for the proper accomplishment of its functions.

§89.61. Purpose of Volunteers.

§89.62. Volunteer Coordinator.

§89.63. Volunteer Advisory Boards.

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 November 20, 1984.

TRD-8411797 Ron Jackson
Executive Director
Texas Youth Commission

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ext. 390.



Medical, Psychological, and Psychiatric Services

37 TAC §§89.81-89.84

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Youth Commission, 8900 Shoal Creek Boulevard, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Youth Commission proposes the repeal of §§89.81-89.84, concerning medical, psychological, and psychiatric services. These rules are unnecessary because the information is found in §81.44 of this title, relating medical and dental services, which applies to institutions.

Jerry Day, director of institutions, has determined that for the first five-year period the repeal is in effect there will be no fiscal implications for state and local government or small businesses as a result of the repeal.

Mr. Day also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is more consistency in the agency's rules for its institutions. 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 Texas Human Resources Code, §61.034, which provides the Texas Youth Commission with the authority to make all policies and adopt rules necessary for the proper accomplishment of its functions

§89.81. *Provision of Medical Treatment.*

§89.82. *Health Program*

§89.83. *Individual Medical Assessment.*

§89.84. *Psychological and Psychiatric Services.*

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

Issued in Austin, Texas, on November 20, 1984

TRD-8411793 Ron Jackson
Executive Director
Texas Youth Commission

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December 31, 1984

For further information, please call (512) 452-8111,
ext. 390.

Mail Procedure

37 TAC §89.101, §89.102

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Youth Commission, 8900 Shoal Creek Boulevard, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Youth Commission proposes the repeal of §89.101 and §89.102, concerning mail procedure. These rules are unnecessary because the information can be found in §89.11 of this title, relating to student rights.

Jerry Day, director of institutions, 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. Day also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is consistency in the agency's rules for its institutions. There is no anticipated economic cost to individuals.

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 Texas Human Resources Code, §61.034, which provides the Texas Youth Commission with the authority to make all policies and adopt rules necessary for the proper accomplishment of its functions.

§89.101. *Privacy of Mail; Provisions for Contraband Control.*

§89.102. *Provisions for Freedom of Correspondence.*

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 November 20, 1984.

TRD-8411794 Ron Jackson
Executive Director
Texas Youth Commission

Earliest possible date of adoption.
December 31, 1984

For further information, please call (512) 452-8111,
ext 390



Visitation

37 TAC §89.111

(Editor's note. The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Youth Commission, 8900 Shoal Creek Boulevard, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Youth Commission proposes the repeal of §89.111, concerning visitation provisions. The agency is proposing to replace this rule with new §89.425, 89 430, 89 440, and 89.445 of this title, relating to visitation, as proposed in this issue of the *Texas Register*.

Jerry Day, director of institutions, 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. Day also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is more information about the agency's rules for visitation. 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, Texas Youth Commission, P O Box 9999, Austin, Texas 78766.

The repeal is proposed under the Texas Human Resources Code §61.034, which provides the Texas Youth Commission with the authority to make policies and adopt all rules necessary to the proper accomplishment of its functions.

§89.111. Visitation Provisions.

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 November 20, 1984.

TRD-8411795 Ron Jackson
 Executive Director
 Texas Youth Commission

Earliest possible date of adoption

December 31, 1984

For further information, please call (512) 452-8111,
ext. 390

Visitation

37 TAC §§89.425, 89.430, 89.440, 89.445

The Texas Youth Commission (TYC) proposes new §§89.425, 89.430, 89.440, and 89.445, concerning visitation; off-campus/overnight visits; visiting restriction; and visitation extension. These rules provide detail on the standard policies and procedures used by all TYC institutions to allow visitation for students.

Byron Griffin, assistant executive director for child care has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for local or state government or small businesses as a result of enforcing or administering the rules.

Mr. Griffin also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is increased efficiency and accountability for the management of student visitation leading to increased public protection for the communities where visitation occurs. 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 Martha K. McCann, Manuals System Coordinator, P.O. Box 9999, Austin, Texas 78766

The new sections are proposed under the Human Resources Code, §61.075, which provides the Texas Youth Commission with the authority to permit delinquent child liberty under supervision and on conditions it believes conducive to acceptable behavior.

§89.425. Visitation.

(a) Policy. Students have the right to receive visitors, limited only by consideration of security and order. Students have corresponding right to refuse to receive visitors. Visitation may occur from 9 a.m. to 5 p.m. seven days a week

(b) Procedure.

(1) Notification of visitation procedures.

(A) Send a copy of visitation rules with the letter to parents upon student's admission to the institution. (Person responsible: social service secretary)

(B) File copy of notification in student case-work subfile. (Person responsible: social service secretary)

(2) Visits.

(A) Direct visitors to report to the visitation area. Notify the student's dormitory director, youth activity supervisor (YAS) IV, or YAS staff that visitors are on campus. (Person responsible: all staff)

(B) Prepare, sign, and forward a copy of the visitation form to security. (Person responsible: dormitory director, YAS IV, or YAS staff)

(C) Notify outside security that a student has visitors on campus. (Person responsible: dormitory director, YAS IV, or YAS staff)

(D) Send student to visitation area. (Person responsible: dormitory YAS staff)

(E) Pick up the student and visitation form and deliver to the visitation area (high escape risk student only). (Person responsible: outside security)

(F) Complete the visitation form. Give the visitor a copy of visitation rules and explain them. (Person responsible: supervisory staff)

(G) Tell the visitor to contact the YAS staff before leaving campus. (Person responsible: supervisory staff)

(H) Transport the student to security for search after the visitors depart. (Person responsible: outside security)

(I) Search the student to check for contraband. (Females will be searched by female staff and males by male staff.) (Person responsible: security staff)

(J) Return the student to the dorm. (Person responsible: outside security)

(K) Note the visit and the student reaction to it in the daily log. (Person responsible: YAS staff)

(L) Document any refusal by the student to receive visitors on the incident report, CCIS-021. (Person responsible: dormitory directors or administrator on duty)

§89.430. Off-Campus/Overnight Visits.

(a) Policy. Students are permitted off-campus and overnight visits after they have been in residence for one-half of their minimum length of stay, have been recommended for such a visit by their group, and have approval from the dormitory committee and superintendent or his designated representative (assistant superintendent or youth program supervisor (YPS)).

(b) Procedure.

(1) Ensure the off-campus or overnight visit request is brought before the group for recommendation. Forward recommendations to the dormitory committee. (Person responsible: group leader)

(2) Approve or deny the visit. (Person responsible: dormitory committee)

(3) State the reasons for the decision in dormitory committee minutes if denied. (Person responsible: dormitory committee)

(4) Inform the student of the dormitory committee's decision within 12 hours of the decision. (Person responsible: group leader or dormitory director)

(5) Complete the visitor leave permit form CCIS-057 for approved visits and forward to the dormitory director for signature. (Person responsible: youth activity supervisor IV)

(6) Ensure that the visit meets these time requirements: (Person responsible: dormitory director)

(A) Off-campus. 9 a.m. to 5 p.m. (or 7 p.m. on weekends if visitor agrees in writing to furnish the evening meal.)

(B) Overnight: 9 a.m. to 5 p.m. the next day (or 7 p.m. if visitor agrees in writing to furnish the evening meal).

(7) Ensure that visitors are listed on the visitor form and are parents, legal guardians, or approved staff. (Person responsible: dormitory director)

(8) Forward the visitor leave permit to the superintendent or his designated representative (assistant superintendent or YPS) (Person responsible: dormitory director)

(9) Approve or deny the off-campus or overnight visit (Person responsible: superintendent or designee)

(10) If denied, state the reasons for the decision on the form and return it to the dormitory director. (Person responsible: superintendent or designee)

(11) If approved, send the visitation form to the director of security with a copy to the dormitory director. (Person responsible: superintendent or designee)

(12) Notify the student and the visitor of approval or denial (Person responsible: dormitory director)

(13) Have the student brought to the visitation area by the outside security upon arrival of approved visitors. (Person responsible: director of security or designee)

(14) Identify visitors by Texas driver's license or other acceptable identification (Person responsible: director of security or designee)

(15) See return from visit, 50.89.450 of the institutions manual for return of the student from the visit. (Person responsible: director of security or designee)

§89.440. Visiting Restrictions.

(a) Policy. Institutions may limit students' visits using time and place restrictions; requiring direct supervision; or denying the visit depending on the behavior of either student or the visitors

(b) Procedure

(1) Contact the YPS, assistant superintendent, or superintendent (in that order) Monday through Friday or the acting superintendent on weekends and holidays if visitors appear under the influence of drugs or alcohol or are hostile to the point of disruption (Person responsible: security dormitory staff)

(2) Meet the visitors and deny visitors to the campus if they appear to be under the influence of drugs or alcohol or hostile to the point of disruption. Call security to assist if needed (Person responsible: YPS, assistant superintendent, superintendent, or acting superintendent)

(3) Complete an incident report if a visitor is forced to leave. (Person responsible: security dormitory director)

(4) Deny or require staff-supervised visits if documentation exists that a visitor has passed contraband to a student or staff member, displayed hostility to a student, or aided a student in escaping in the past (Person responsible: superintendent or designee)

(5) Restrict visits to designated location under staff supervision and document on the visitation form if the student:

(A) has exhibited recent negative behavior as documented in the daily log, incident reports, or security referrals;

(B) is considered a run risk; or

(C) is considered a security risk. (Person responsible: YPS/dormitory director)

(6) Monitor visits when notified of restriction to ensure that visitors comply with rules. (Person responsible: assigned staff)

(7) Contact local law enforcement if necessary to remove an unauthorized or disruptive visitor from campus. (Person responsible: superintendents, assistant superintendent or acting superintendent only)

(8) Notify director of institutions immediately if local law enforcement was called. (Person responsible: superintendent)

§89.445. Visitation Extension.

(a) Policy. Students must return from off-campus and overnight visits at the designated time unless they get an extension of visiting hours prior to the expected time of return.

(b) Procedure.

(1) Tell student to call his dormitory director if he wants an extension. (Person responsible: dormitory staff)

(2) Approve or disapprove any extension on the visitation approval form. (Person responsible: dormitory director or youth activity supervisor IV)

(3) Notify security of any extensions. (Person responsible: dormitory director or YAS IV)

(4) Notify the acting administrator if a student without an extension is over 15 minutes late in returning. (Person responsible: security staff)

(5) Place the student who fails to return on time on run status. (Person responsible: security staff)

(6) Start run procedures. (See 50.89.470 of the institutions manual) (Person responsible: YAS)

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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Executive Director
Texas Youth Commission

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For further information, please call (512) 452-8111, ext. 390

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 35. Pharmacy Services

Subchapter UUUU. Support Documents

40 TAC §35.9802

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

ined in the offices of the Texas Department of Human Resources, 701 West 51st Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Department of Human Resources proposes the repeal of §35.9802, concerning the Texas drug code index. This section is repealed because the policy regarding the use of the Texas drug code index and supplements is contained in §35.1, concerning covered drugs, of the pharmacy services rules.

David Hawes, programs budget and statistics 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. Hawes also has determined that for each year of the first five years the repeal is in effect the anticipated public benefit is a clearer understanding of the department's pharmacy services rules. There is no anticipated economic cost to individuals as a result of the repeal.

Comments may be sent to Cathy Rossberg, Administrator, Policy Development Support Division—794, Texas Department of Human Resources 153-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

The repeal is proposed under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public assistance programs.

§35.9802. Texas Drug Code Index.

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 November 21, 1984.

TRD-8411800 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
December 31, 1984

For further information, please call (512) 450-3766.

Withdrawn Rules

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

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

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

TITLE 1. ADMINISTRATION Part V. State Purchasing and General Services Commission Chapter 113. Central Purchasing Division Purchasing

1 TAC §113.2, §113.3

The State Purchasing and General Services Commission has withdrawn from consideration for permanent adoption proposed amendments to §113.2 and §113.3, concerning the Central Purchasing Division. The text of the amended sections as proposed appeared in the September 28, 1984, issue of the *Texas Register* (9 TexReg 5034).

Issued in Austin, Texas, on November 20, 1984

TRD-8411755 James H. Quick
General Counsel
State Purchasing and General
Services Commission

Filed: November 20, 1984
For further information, please call (512) 475-5966
or STS 822-5966.

1 TAC §113.10

The State Purchasing and General Services Commission has withdrawn the adoption on an emergency basis of amendments to §113.10, concerning purchasing, effective December 11, 1984. The text of the amended section as adopted on an emergency basis appeared in the October 9, 1984, issue of the *Texas Register* (9 TexReg 5190).

Issued in Austin, Texas, on November 20, 1984

TRD-8411756 James H. Quick
General Counsel
State Purchasing and General
Services Commission

Filed: November 20, 1984
For further information, please call (512) 475-5966
or STS 822-5966

TITLE 4. AGRICULTURE Part II. Texas Animal Health Commission Chapter 51. Interstate Shows and Fairs

4 TAC §51.1

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed amendments to §51.1 submitted by the Texas Animal Health Commission have been automatically withdrawn, effective November 20, 1984. The amendments as proposed appeared in the May 18, 1984, issue of the *Texas Register* (9 TexReg 2735).

TRD-8411785
Filed November 20, 1984

TITLE 22. EXAMINING BOARDS Part XV. Texas State Board of Pharmacy

Chapter 291. Pharmacies Community Pharmacy (Class A)

22 TAC §291.32

The Texas State Board of Pharmacy has withdrawn the adoption on an emergency basis and simultaneous proposal for permanent adoption of amendments to §291.32, concerning a community pharmacy (Class A). The text of the amended section as proposed appeared in the June 1, 1984, issue of the *Texas Register* (9 TexReg 2948).

Issued in Austin, Texas, on November 19, 1984

TRD-8411783 Bob Watson
Director of Operations and
Administrative Services
Texas State Board of Pharmacy

Filed: November 20, 1984
For further information, please call (512) 478-9827.

**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.)

Credit Insurance

**Credit Life and Credit Accident and
Health Insurance on Loans of 60
Months or More**

059.03.49.001

The State Board of Insurance has withdrawn from consideration for permanent adoption proposed new Rule 059.03.49.001, concerning credit insurance. The text of the new rule as proposed appeared in the May 25, 1984, issue of the *Texas Register* (9 Tex-Reg 2858).

Issued in Austin, Texas, on November 15, 1984.

TRD-8411718 James W. Norman
 Chief Clerk
 State Board of Insurance

Filed: November 19, 1984
For further information, please call (512) 475-2950.

**Lloyd's Plan Insurance
Appointment or Substitution of an
Attorney in Fact as Actual Attorney in
Fact for a Lloyd's Plan Company and
Distinction between an Attorney in
Fact and a Deputy Attorney in Fact**

059.18.01.001-.004

The State Board of Insurance has withdrawn from consideration for permanent adoption proposed new

Rules 059.18.01.001-.004, concerning lloyd's plan insurance. The text of the new rules as proposed appeared in the August 7, 1984, issue of the *Texas Register* (9 TexReg 4246).

Issued in Austin, Texas, on November 21, 1984.

TRD-8411866 James W. Norman
 Chief Clerk
 State Board of Insurance

Filed: November 21, 1984
For further information, please call (512) 475-2950.

Experience Calls

059.53.08.003

The State Board of Insurance has withdrawn from consideration for permanent adoption proposed new Rule 059.53.08.003, concerning experience calls. The text of the new rule as proposed appeared in the May 25, 1984, issue of the *Texas Register* (9 Tex-Reg 2859).

Issued in Austin, Texas, on November 15, 1984.

TRD-8411726 James W. Norman
 Chief Clerk
 State Board of Insurance

Filed: November 19, 1984
For further information, please call (512) 475-2950.

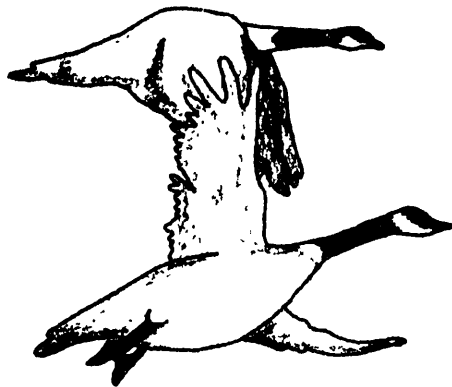


Adopted Rules

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 1. ADMINISTRATION Part V. State Purchasing and General Services Commission Chapter 113. Central Purchasing Division

Purchasing

1 TAC §113.9

The State Purchasing and General Services Commission adopts an amendment to §113.9, without changes to the proposed text published in the September 28, 1984, issue of the *Texas Register* (9 Tex-Reg 5035).

The amendment allows an exception to the discount-from-list procurement procedure for vendors of commodity Class 715 who cannot effectively comply with

this procedure. Bidders to Class 715 invitations to bid will not be required to furnish a current price list with their bid responses.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 601b, Article 3, which authorizes the commission to establish an economical system for purchasing all supplies, materials, services, and equipment for all state agencies, subject to certain specified exceptions.

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 November 20, 1984

TRD-8411753

Homer A. Foerster
Executive Director
State Purchasing and General
Services Commission

Effective date: December 11, 1984

Proposal publication date: September 28, 1984

For further information, please call (512) 475-5966
or STS 822-5966

1 TAC §113.10

The State Purchasing and General Services Commission adopts amendments to §113.10, with changes

to the proposed text published in the October 9, 1984, issue of the *Texas Register* (9 TexReg 5194).

The amendments implement necessary changes in commission rules relating to delegated purchases. The amendments add certain categories of delegated purchases, provide an exception from written bids for internal repairs, and establish a certification process and standards in the acquisition of services which would allow qualified agencies to not send purchasing documents to the commission as are required in other purchasing matters.

Several internal staff comments were made regarding the proposed amendments, and the commissioners' voted to delete subsection (e)(3) from the proposed amendments in its entirety. The commissioners felt that existing § 113.10(i) covered the subject sufficiently.

The amendments are adopted under Texas Civil Statutes, Article 601b, Article 3, which authorize the commission to establish an economical system for purchasing all supplies, materials, services, and equipment for all state agencies subject to certain specified exceptions.

§113.10. Delegated Purchases.

(a) General delegation. Pursuant to the provisions of Texas Civil Statutes, Article 601b, §3.08, competitive bidding, whether formal or informal, is not required for purchases not in excess of \$150. Purchases subject to Texas Civil Statutes, Article 6203c (required to be made from the Texas Department of Corrections, see also commission §113.11 of this title (relating to Texas Department of Corrections Purchases) and Texas Civil Statutes, Article 601b, §3.23), as well as purchases of products and services of blind and severely disabled persons subject to the Human Resources Code, Texas Civil Statutes, Chapter 122 (see also commission §113.12 of this title (relating to Purchase of Blind-Made Goods and Services) and Texas Civil Statutes, Article 601b, §3.22), shall be made in accord with those statutes and will not be affected by this delegation. By authority granted under Texas Civil Statutes, Article 601b, §3.06, the commission has delegated purchasing functions in the following cases to agencies of the state. (Spot and emergency purchase rules will apply to all types of delegate purchases.)

- (1)-(4) (No change.)
- (5) purchases made with federal grant funds;
- (6) direct publications;
- (7) fuel, oil, and grease purchases;
- (8) distributor purchases

(b) (No change.)

(c) Emergency purchases. Payment for emergency purchases of needed supplies, equipment, or services will be approved by this commission provided an emergency exists and the purchase is made in accordance with the following conditions.

(1) At least three oral bids must be obtained whenever possible on all purchases in excess of \$150, but not in excess of \$700. Written competitive bids must be obtained whenever possible on all purchases in excess of \$700. A signed written bid must always be obtained from the source of the purchase, except in the case of internal

repairs for which bids are not obtainable. In that situation, written estimates should be obtained whenever possible.

(2)-(5) (No change.)

(d) (No change.)

(e) Acquisition of services. The commission has approved a delegation of purchasing functions connected with the acquisition of all services described in the Act, §3.01(b), and not excluded therein from commission responsibility. Purchases made under this authority must be obtained through competitive bids and documentation forwarded to the commission for approval. If an agency receives certification as described in paragraph (1) of this subsection, it need not send to the commission documentation required by the commission except when the acquisition of services either is made under proprietary specifications requiring written justification in accord with Texas Civil Statutes, Article 601b, §3.09, or is anticipated to be in an amount in excess of \$25,000.

(1) Agency certification requirements.

(A) Eligibility for certification, in the implementation of these procedures, was determined on an 85% or better average compliance by an agency on its service transactions reviewed by the commission from April through September 1984. Subsequent eligibility will be determined on at least a 90% or better average compliance for a continuous six-month period. Notification of eligibility for certification will be made by the executive director of the commission to the agency head.

(B) The certification of an agency is subject to acceptance by the agency head on a form specified for that purpose and his or her designation of a chief purchasing officer and an alternate to act in the chief purchasing officer's absence. A copy of the signatures of the two designees must be provided to the commission on the acceptance form. Acceptance of certification by an agency requires its chief purchasing officer to supply complete supporting documents for sampled service vouchers at the request of the commission. In addition, acceptance of certification by an agency authorizes the commission to send a field auditor to the certified agency purchasing office for the purpose of conducting a compliance audit.

(C) Should an agency become certified, the following certification statement signed by its chief purchasing officer must be noted on the duplicate copy of its payment vouchers or attached thereto: "I hereby certify that this payment for services complies with the statutes and all SPGSC rules and procedures pertaining to the delegation of purchasing authority."

(i) Facsimile signatures on the certification statement are acceptable.

(ii) Responsibility for compliance with the statutes and all commission rules and procedures is vested in the agency's designated chief purchasing officer.

(2) Retaining certification

(A) To retain certification, an agency must maintain a minimal compliance level of 90%, based upon commission sample audits.

(B) If an agency should fall below the 90% compliance, the agency head and the chief purchasing officer will be notified of the loss of certification.

(C) Recertification may be accomplished after the agency achieves 90% or better average compliance for a continuous six-month period.

(f) (No change.)

(g) Direct publication orders may be made by an agency when such publications are not available through statewide contract or competitively. Direct publication orders shall be made in accord with guidelines suggested by the commission. Such orders include, but are not limited to:

- (1) foreign publications;
- (2) out-of-print or rare publications;
- (3) back issues of magazines, journals, and newspapers;
- (4) publications of professional societies;
- (5) maps for academic library use only;
- (6) prepared films, tapes, and discs (audio, visual, or both), as well as collections of such films, tapes, and discs, and microfilm or microfiche copies of films, tapes, and discs
- (7) Library of Congress cards.

(h) Fuel, oil, and grease purchases may be made by an agency at service stations or in bulk. Spot and emergency purchase procedures are particularly applicable to purchases at service stations. Fuel, oil, and grease purchases shall be made in accord with guidelines suggested by the commission.

(i) Distributor purchases cover the purchase of repair parts for a unit of major equipment that are needed immediately (see emergency purchases, subsection (c) of this section), or as maintenance contracts for laboratory/medical equipment. Distributor purchases shall be made by agency in accord with guidelines suggested by the commission.

(1) Examples of distributor purchases include repair parts for motor vehicles, farm tractors and equipment, road building machinery and equipment, heavy construction machinery and equipment, signal light maintenance contracts for laboratory/medical equipment, etc.

(2) An agency may not purchase any of the following on a distributor purchase basis: consumable items, labor of any kind (see service), will fit parts (non-OEM), major component replacements, parts for stock, contract items (regardless of contract minimum, electrical parts for electric motors, electrical switch panel boards, electrical accessories, etc.).

(j) Purchasing functions may be delegated to user agencies for a specific open market purchase only through approval by the commissioners given in open meeting. Requests for such approval should be made in writing to the executive director and signed by the chief executive officer of the requesting agency. All such requests should clearly set out the reasons and justifications for the request.

(k) Adherence to ethical standards. Employees of state agencies involved in purchasing under delegated authority shall adhere to the same ethical standards required of commission employees and set out in §111.4 of this title (relating to Breach of Ethical Standards). Such agency employees should also be aware of Texas Civil Statutes, Article 601b, relating to conflicts of interest, in their purchasing activities under delegated authority.

(l) Withdrawal of delegated purchase authority. The commission will make necessary verification to ensure compliance with established procedures and will withdraw

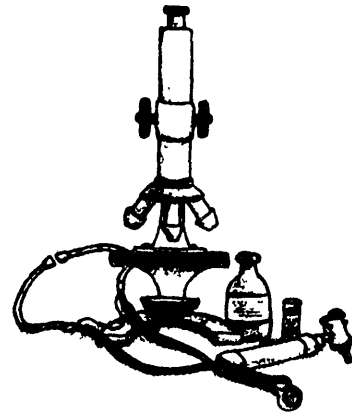
the delegated purchase privilege from any agency for continued violations after giving adequate warning.

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 November 20, 1984.

TRD-8411754 Homer A. Foerster
Executive Director
State Purchasing and General
Services Commission

Effective date: December 11, 1984
Proposal publication date: October 9, 1984
For further information, please call (512) 475-5966
or STS 822-5966.



TITLE 19. EDUCATION

Part II. Texas Education Agency

Chapter 78. Occupational Education and Technology

Subchapter A. General Provisions

19 TAC §78.1, §78.5

The Texas Education Agency adopts amendments to §78.1 and §78.5, without changes to the proposed text published in the August 24, 1984, issue of the *Texas Register* (9 TexReg 4546).

The amendments implement House Bill 72, 68th Legislature, 2nd Called Session, 1984. The amendments to §78.1 provide for State Board of Education approval of vocational programs, services, and activities for which districts may expend vocational education allotment funds under the Foundation School Program. The amendments have deleted references to teacher units, which are not used in the new funding system, and refer instead to approved program units. New subsection (c) provides that the State Board of Education shall prepare and annually update a master plan for vocational education in Texas in accordance with the Texas Education Code, §21.113. The amendment to §78.5 provides for the monitoring of vocational programs every three years, rather than every five years.

No comments were received regarding adoption of the amendments.

The amendments 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; and the Texas Education Code, §16.155, as amended by House Bill 72, 68th Legislature, 2nd Called Session, 1984, which provides for allotments for the vocational education program.

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 November 21, 1984.

TRD-8411883 W. N. Kirby
Interim Commissioner of
Education

Effective date December 12, 1984
Proposal publication date August 24, 1984
For further information, please call (512) 475-7077.

Subchapter B. Vocational Education by Contract or Agreement

19 TAC §78.21

The Texas Education Agency adopts an amendment to §78.21, without changes to the proposed text published in the August 24, 1984, issue of the *Texas Register* (9 TexReg 4547).

The amendment implements House Bill 72, 68th Legislature, 2nd Called Session, 1984. The amendment requires districts which contract to ensure that the cost to the state for contract students not exceed the cost that would result if the classes were operated by the school district itself. Maximum per student allotments for occupational education by contract shall be determined in accordance with the Texas Education Code, §16.155. Subsection (g) was deleted because the provisions no longer apply under the new funding system established by House Bill 72.

No comments were received regarding adoption of the amendment

The amendment 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; and the Texas Education Code, §16.155, as amended by House Bill 72, 68th Legislature, 2nd Called Session, 1984, which provides for allotments for the vocational education program.

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 November 21, 1984.

TRD-8411882 W. N. Kirby
Interim Commissioner of
Education

Effective date December 12, 1984
Proposal publication date August 24, 1984
For further information, please call (512) 475-7077.

Subchapter D. Secondary School Vocational Education Vocational Program Approval

19 TAC §§78.61-78.69

The Texas Education Agency adopts amendments to §78.62, with changes to the proposed text published in the August 24, 1984, issue of the *Texas Register* (9 TexReg 4547). There was an error in §78.62(a). The term "program units" was mistakenly published as "programs units." Sections 78.61 and 78.63-78.69 are adopted without changes and will not be republished.

The sections concern secondary school vocational education. These sections have been amended to implement House Bill 72, 68th Legislature, 2nd Called Session, 1984. House Bill 72 changed the funding system for vocational education from one based on the allocation of teacher units to one based on a per pupil allocation for eligible vocational students. The amendments implement this change by deleting all references to teacher units. Under the new system, districts will be approved to operate vocational program units and may spend their allocated vocational funds for the support of such units.

The amendment to §78.61 replaced a definition of a vocational program unit for the previously used vocational teacher unit. Similar changes in terminology occur throughout the amendments.

Section §78.62(c)(4), which linked vocational sunset review to the accreditation cycle, has been repealed, since the accreditation cycle is now based on three years rather than five years.

In §78.63, new subsection (j) provides for the approval of fractional program units in districts with fewer than 1,600 students in average daily attendance. New subsection (k) requires each district to conduct a cost study in connection with any request for new or additional vocational program units to determine if it is more cost-effective to operate the program in the district than to offer it through a contractual agreement.

In §78.69, the new vocational program unit funding system is set out. The section includes directions for determining student contact hours and a provision making all allotments subject to the availability of funds. Subsections (a)-(g) and (j), including the tables, all implemented the previous funding system and are deleted from the section. New subsection (i) includes special funding provisions for students in vocational education for the handicapped (VEH).

The title of the undesignated heading has been changed from "Teacher Units" to "Vocational Program Approval."

No comments were received regarding adoption of the amendments.

The amendments 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, and the Texas Education Code, §16.155, as amended by House Bill 72, which provides for allotments for the vocational education program.

§78.62. General Provisions.

(a) Annual school district applications. Requests for approval of vocational program units shall be a part of the annual program plan for vocational education of the school district. Applications shall be considered in the light of:

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

(b) Approved programs. Programs composed of courses to prepare students for occupations, as identified in the certified list of courses published annually by the Central Education Agency, shall be eligible for approval when justified. When programs composed of courses to prepare students for other occupations are contemplated, prior approval must be given by the Central Education Agency. Each application must be submitted by the superintendent of schools for review. After completion of the review, the applying school will be notified as to acceptability of the proposal in relation to program accreditation and approval.

(c) Sunset provisions.

(1) Each approved vocational program unit shall be reviewed at least every five years to reestablish approval status. To justify continued approval, the following items will be considered:

(A)-(I) (No change.)

(2) If the review process indicates that the vocational program unit has discrepancies that can be corrected, the local education agency may be granted a one-year period to correct the identified discrepancies. If the discrepancies are not removed during the one-year period, the vocational program unit will be discontinued.

(3) When the review process indicates that a vocational program unit is to be discontinued, the local education agency shall have the option to request that the program unit be redirected to an approved vocational program unit with a different occupational objective.

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 November 21, 1984

TRD-8411881 W N Kirby
Interim Commissioner of
Education

Effective date December 12, 1984
Proposal publication date August 24, 1984
For further information, please call (512) 475-7077.

Vocational Ancillary Services

19 TAC §78.81, §78.82

The Texas Education Agency adopts amendments to §78.81, with changes to the proposed text published in the August 24, 1984, issue of the *Texas Register* (9 TexReg 4548) Section 78.81, in the definition of vocational counselor, should read "Vocational counselor positions shall be approved." The published proposed text read "vocational counselor position."

There are no other changes in this section. New §78.82 is adopted without changes and will not be republished.

The sections implement House Bill 72, 68th Legislature, 2nd Called Session, 1984. House Bill 72 changed the system of funding vocational education from a system based on the allocation of personnel units to one based on dollar allocations per vocational student. The changes in the rules reflect this new funding system. Under the new system, ancillary units will no longer be allocated. Districts will be approved for such positions by the Central Education Agency, and vocational funds may then be used by the district to pay salaries of personnel assigned to the positions. The undesignated heading has been changed from "Ancillary Units" to "Vocational Ancillary Services."

The amendments to §78.81 define the purposes for which vocational administrator, vocational counselor, vocational job placement coordinator, and vocational supervisor positions may be approved.

New §78.82 concerns vocational ancillary services funding. This new section provides that funds from the district's vocational education allotment may be used to pay full or partial salaries to persons assigned a vocational ancillary position provided the Central Education Agency has granted the district approval for the position and the person assigned holds a certificate for the specific vocational ancillary position involved. Persons assigned full time to approved vocational ancillary positions may be assigned non-vocational duties; however, salary for the portion of time involved in nonvocational duties shall be paid from sources other than vocational education.

No comments were received regarding adoption of the amendments.

The amendments and new section 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, and the Texas Education Code, §16.155, as amended by House Bill 72, which provides for allotments for the vocational education program.

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

Vocational administrator position—Vocational administrator positions shall be approved for the purpose of furnishing administration and leadership to the vocational education programs, services, and activities conducted by the school district.

Vocational counselor position—Vocational counselor positions shall be approved to perform one or more of the following functions related to vocational education:

(A)-(F) (No change.)

Vocational job placement coordinator positions—Vocational job placement coordinator positions shall be approved for the purpose of providing:

(A)-(F) (No change.)

Vocational supervisor positions—Vocational supervisor positions shall be approved for the purpose of providing administrative and supervisory services to vocational education programs, services, and activities conducted by the school district.

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 November 21, 1984.

TRD-8411889 W N Kirby
Interim Commissioner of
Education

Effective date: December 12, 1984
Proposal publication date: August 24, 1984
For further information, please call (512) 475-7077.



Ancillary Units

19 TAC §78.82

The Texas Education Agency adopts the repeal of §78.82, without changes to the proposal published in the August 24, 1984, issue of the *Texas Register* (9 TexReg 4549).

The section concerned the allocation of vocational administrator, supervisor, job placement coordinator, and vocational counselor units to school districts. House Bill 72, 68th Legislature, 2nd Called Session, 1984, changed the system of funding vocational education from a system based on the allocation of personnel units to one based on dollar allocations per vocational student. Existing §78.82 has been repealed since it is not consistent with current law. Provisions for vocational ancillary services funding are found in new §78.82, which reflects the new funding system.

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; and the Texas Education Code, §16.155, as amended by House Bill 72, which provides for allotments for the vocational education program.

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 November 21, 1984

TRD-8411892 W. N. Kirby
Interim Commissioner of
Education

Effective date: December 12, 1984
Proposal publication date: August 24, 1984
For further information, please call (512) 475-7077.

Vocational Students

19 TAC §78.102, §78.103

The Texas Education Agency adopts amendments to §78.102 and §78.103, without changes to the proposed text published in the August 24, 1984, issue of the *Texas Register* (9 TexReg 4550).

These amendments implement House Bill 72, 68th Legislature, 2nd Called Session, 1984, which changed the system of funding vocational education from a system based on personnel units to one based on per pupil allocation for vocational students. The amendment to §78.102 deletes a reference to vocational teacher units and refers instead to approved program units, which are part of the new funding system. The amendments to §78.103 make a similar change and also clarify that districts must identify cooperative program units as either two-credit or three-credit units and that all students enrolled in the same program unit must receive the same units of credit if they successfully complete the requirements for the course.

No comments were received regarding adoption of the amendments.

The amendments 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; and the Texas Education Code, §16.155, as amended by House Bill 72, which provides for allotments for the vocational education program.

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 November 21, 1984.

TRD-8411891 W. N. Kirby
Interim Commissioner of
Education

Effective date: December 12, 1984
Proposal publication date: August 24, 1984
For further information, please call (512) 475-7077.

Program Standards

19 TAC §§78.121, 78.122, 78.124

The Texas Education Agency adopts amendments to §§78.121, 78.122, and 78.124, without changes to the proposed text published in the August 24, 1984, issue of the *Texas Register* (9 TexReg 4550).

These amendments implement House Bill 72, 68th Legislature, 2nd Called Session, 1984, which changed the allocation system for vocational education from one based on teacher units to one based on a dollar allocation per pupil. The amendments to §§78.121, 78.122, and 78.124 have deleted references to teacher units and refer instead to approved program units to implement the new funding system.

House Bill 72 also added §13.907 to the Texas Education Code, which requires each teacher to teach not

less than four hours each school day. The program requirements for agriculture programs require that each program include a supervised occupational experience program for students. Consumer and home-making education programs must include an extended learning experience for each student. Teachers in cooperative education programs, in which students combine classroom work with actual on-the-job training, must visit each student training station at least eight times each school year.

The Texas Administrative Code, Title 19, Chapter 75, concerning curriculum, specifies essential elements for each of these programs. It is part of the vocational teacher's responsibility to supervise the extended learning experiences to ensure that they contribute to mastery of the essential elements specified in Chapter 75.

Because the extended learning experiences are an integral part of the vocational education program, as specified in Chapter 75, the amendment to §78.122 provides that, for teachers in agriculture and home-making, one hour per day of supervising the extended learning experience may, at the discretion of the local district, be counted as classroom teaching to meet the minimum teaching duty requirement in the Texas Education Code, §13.907. For the cooperative education program, the amendment provides that teachers must be assigned specific times each day for the purpose of supervising on-the-job training, and that, at the discretion of the local district, up to two hours of such on-the-job supervision may be counted toward the minimum teaching duty requirement.

The amendment to §78.122(e) clarifies that prevocational classes are not approvable in industrial arts, occupational orientation, or cosmetology.

No comments were received regarding adoption of the amendments.

The amendments 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; and the Texas Education Code, §16.155, as amended by House Bill 72, which provides for allotments for the vocational education program.

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 November 21, 1984.

TRD-8411893 W N Kirby
Interim Commissioner of
Education

Effective date. December 12, 1984
Proposal publication date. August 24, 1984
For further information, please call (512) 475-7077.



Allocation of Funds for Supportive Purposes

19 TAC §§78.131, 78.133, 78.134

The Texas Education Agency adopts amendments to §§78.131, 78.133, and 78.134, without changes to the proposed text published in the August 24, 1984, issue of the *Texas Register* (9 TexReg 4551).

These amendments implement House Bill 72, 68th Legislature, 2nd Called Session, 1984, which changed the allocation system for vocational education from one based on teacher units to one based on per pupil dollar allocation. The amendments delete references to teacher units and refer instead to approved program units to implement the new funding system. The amendments to §78.134 also deleted a specific reference to a \$50 allocation per teacher unit and provided instead for an annual allocation per approved program unit, from funds available, in an amount to be determined by the commissioner of education. This change allows the commissioner of education to adjust this allocation to ensure that vocational education funding does not exceed the maximum allowed.

No comments were received regarding adoption of the amendments.

The amendments 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; and the Texas Education Code, §16.155, as amended by House Bill 72, which provides for allotments for the vocational education program.

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 November 21, 1984

TRD-8411875 W N Kirby
Interim Commissioner of
Education

Effective date. December 12, 1984
Proposal publication date. August 24, 1984
For further information, please call (512) 475-7077.

19 TAC §78.132

The Texas Education Agency adopts the repeal of §78.132, without changes to the proposal published in the August 24, 1984, issue of the *Texas Register* (9 TexReg 4552)

House Bill 72, 68th Legislature, 2nd Called Session, 1984, established a new funding system for vocational education, based on a per pupil dollar allocation rather than a teacher unit allocation. As part of this change in the funding system, since teacher units are no longer allocated, the Texas Education Code, §16.103(f), which authorized the \$400 allocation per teacher unit, was repealed. Because the Texas Education Code, §16.103(f), was repealed, 19 TAC

§78.132, which implemented this subsection of the Code, was also repealed

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; and the Texas Education Code, §16.155, as amended by House Bill 72, which provides for allotments for the vocational education program.

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 November 21, 1984.

TRD-8411890 W N Kirby
Interim Commissioner of
Education

Effective date: December 12, 1984
Proposal publication date: August 24, 1984
For further information, please call (512) 475-7077.

Chapter 81. Instructional Resources Subchapter D. State Textbook Program General Provisions

19 TAC §81.63

The Texas Education Agency adopts an amendment to §81.63, without changes to the proposed text published in the August 24, 1984, issue of the *Texas Register* (9 TexReg 4553).

The amendment implements provisions of House Bill 72, 68th Legislature, 2nd Called Session, 1984. House Bill 72 provided for the State Textbook Committee to report directly to the State Board of Education and repealed the Texas Education Code, §12.12, which authorized the commissioner of education to remove books from the list recommended by the State Textbook Committee in making his own textbook recommendations to the board.

The amended section removes the authority of the commissioner of education to reject or delete material from materials to be used with textbooks. Section 81.63 concerns materials available for use with textbooks. Such materials shall not contain any textual material or other subject matter previously deleted, rejected, or disapproved by the State Textbook Committee or the State Board of Education.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §12.16(b), which authorizes the State

Board of Education to make rules concerning the selection of textbooks

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 November 21, 1984.

TRD-8411876 W N Kirby
Interim Commissioner of
Education

Effective date: December 12, 1984
Proposal publication date: August 24, 1984
For further information, please call (512) 475-7077.

General Content Requirements and Manufacturing Standards

19 TAC §81.71

The Texas Education Agency adopts an amendment to §81.71, without changes to the proposed text published in the August 24, 1984, issue of the *Texas Register* (9 TexReg 4553).

The amendment implements House Bill 72, 68th Legislature, 2nd Called Session, 1984. House Bill 72 provided for the State Textbook Committee to report directly to the State Board of Education and repealed the Texas Education Code, §12.12, which authorized the commissioner of education to remove books from the list recommended by the State Textbook Committee in making his own textbook recommendations to the board.

Section 81.71 concerns general content requirements and limitations of textbooks. The amendment deletes the authorization for the commissioner of education to require deletions from textbooks or other material submitted for adoption. New §81.127, relating to report of the commissioner of education, sets out a procedure by which the commissioner will negotiate with publishers concerning changes recommended by the State Textbook Committee and/or by the commissioner. Final determination of all changes to be required is the responsibility of the State Board of Education.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §12.16(b), which authorizes the State Board of Education to make rules concerning the selection of textbooks.

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 November 21, 1984.

TRD 8411877 W N Kirby
Interim Commissioner of
Education

Effective date: December 12, 1984
Proposal publication date: August 24, 1984
For further information, please call (512) 475-7077.



State Adoption, Acquisition, and Custody of Textbooks

19 TAC §§81.110, 81.125-81.127, 81.129

The Texas Education Agency adopts amendments to §§81.110, 81.125, 81.126, and 81.129, and new §81.127, without changes to the proposed text published in the August 24, 1984, issue of the *Texas Register* (9 TexReg 4554).

The sections concern the State Textbook Program. The amended sections and new section implement House Bill 72, 68th Legislature, 2nd Called Session, 1984. House Bill 72 provided for the State Textbook Committee to report directly to the State Board of Education and repealed the Texas Education Code, §12.12, which authorized the commissioner of education to remove books from the list recommended by the State Textbook Committee in making his own textbook recommendations to the board.

Amended §81.110 and §81.126 provide for the State Textbook Committee to report to the State Board of Education rather than the commissioner of education. The amendment to §81.125 provides for hearings before the State Textbook Committee, rather than joint hearings before the committee and the commissioner of education.

New §81.127 concerns the textbook report of the commissioner of education. This section provides for the thorough review of the recommended textbooks by the commissioner of education. The review includes per pupil price and manufacturing characteristics of the books, which are not considered by the textbook committee, as well as accuracy of content and compliance of content with statutes, rules, and the proclamation. The rules also authorize the commissioner to confer with the publishers to ascertain which changes publishers would be willing to make in their books, should such recommended changes be required by the board.

The amendment to §81.129 provides for the board's receipt of the report of the State Textbook Committee and the report of the commissioner of education. New subsections (f) and (g) address removal of books from the list recommended by the State Textbook Committee. New subsection (h) contains provisions for a delayed adoption. These new subsections replace similar language which was contained in §81.127, which has been repealed. These rules are effective for the current textbook adoption.

No comments were received regarding adoption of the amendments and new section.

The amendments and new section are adopted under the Texas Education Code, §12.16(b), which authorizes the State Board of Education to make rules concerning the selection of textbooks.

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 November 21, 1984.

TRD-8411879 W. N. Kirby
Interim Commissioner of
Education

Effective date: December 12, 1984
Proposal publication date: August 24, 1984
For further information, please call (512) 475-7077.

19 TAC §81.127

The Texas Education Agency adopts the repeal of §81.127, without changes to the proposal published in the August 24, 1984, issue of the *Texas Register* (9 TexReg 4555).

The section concerned recommendations of textbooks for state adoption by the commissioner of education. House Bill 72, 68th Legislature, 2nd Called Session, 1984, provided for the State Textbook Committee to report directly to the State Board of Education and repealed the Texas Education Code, §12.12, which authorized the commissioner of education to remove books from the list recommended by the State Textbook Committee.

Section 81.127 set out the procedure by which the commissioner of education reviewed the books recommended by the State Textbook Committee. The section included authority both to delete books from the recommended list and to require publishers to make changes in books on the list. This section has been repealed because the commissioner of education no longer has such authority.

New §81.127, relating to report of the commissioner of education, preserves the review of recommended textbooks by the commissioner of education, which is important to help ensure that textbooks are accurate, affordable, and of good manufacturing quality. However, new §81.127 gives the State Board of Education all authority to delete books from the recommended list and to require changes in books which remain on the list. The provision concerning the delayed adoption in existing §81.127(g) has been moved to new §81.129(h).

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Education Code, §12.16(b), which authorizes the State Board of Education to make rules concerning the selection of textbooks.

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 November 21, 1984.

TRD-8411878 W. N. Kirby
Interim Commissioner of
Education

Effective date: December 12, 1984
Proposal publication date: August 24, 1984
For further information, please call (512) 475-7077.

**Chapter 137. Teacher Education
Subchapter B. Commission on Standards
for the Teaching Profession**

19 TAC §137.23

The Texas Education Agency adopts amendments to §137.23, with changes to the proposed text published in the August 24, 1984, issue of the *Texas Register* (9 TexReg 4555). Subsection (a)(6) is amended to clarify that the two faculty members from higher education must be involved in an academic field in which teachers are certified. In subsection (a), "a" has been changed to "an" before "18."

This section concerns the composition of the Commission on Standards for the Teaching Profession. The amended section adds two members to the Commission on Standards for the Teaching Profession. The two additional members are the chairman of the Coordinating Board, Texas College and University System, or the chairman's designee from the board membership, and a dean of a college of liberal arts, arts and sciences, fine and applied arts, natural and social sciences, or similar college within an institution of higher education in Texas. This action is anticipated to improve the liaison between the Commission on Standards for the Teaching Profession and the Coordinating Board, Texas College and University System, and increase representation on the commission for those sections of the university community which are not part of the college of teacher education but which do have a part in the preparation of future teachers.

The composition of the Commission on Standards for the Teaching Profession is composed of 18 members including six classroom teachers, two instructional support personnel, four administrators, two deans or chairmen of schools of education, one dean of a college of liberal arts, arts and sciences, fine and applied arts, natural and social sciences, or similar college within an institution of higher education in Texas, two faculty members involved in a higher education academic field in which teachers are certified, one of whom shall be from teacher education, and the chairman of the Coordinating Board, Texas College and University System, or the chairman's designee from the board membership.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Education Code, §13.031, which authorizes the State Board of Education to appoint the Commission on Standards for the Teaching Profession.

§137.23. Composition of Commission.

(a) There is hereby created an 18-member Commission on Standards for the Teaching Profession which shall consist of:

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

(4) two deans or chairmen of schools of education;

(5) one dean of a college of liberal arts, arts and sciences, fine and applied arts, natural and social sciences, or similar college within an institution of higher education in Texas;

(6) two faculty members involved in a higher education academic field in which teachers are certified, one of whom shall be from teacher education; and

(7) the chairman of the Coordinating Board, Texas College and University System, or the chairman's designee from the board membership.

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

(d) Persons serving in the positions listed in subsection (a)(4)-(6) of this section must, in addition to the requirements specified therein, have five years' experience in the field of higher 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 November 20, 1984.

TRD-8411894 W. N. Kirby
Interim Commissioner of
Education

Effective date: December 12, 1984
Proposal publication date: August 24, 1984
For further information, please call (512) 475-7077.

**TITLE 22. EXAMINING BOARDS
Part XII. Board of Vocational Nurse
Examiners**

**Chapter 235. Licensing
Application for Licensure**

**22 TAC §§235.4, 235.5, 235.7, 235.11,
235.15, 235.16**

The Board of Vocational Nurse Examiners adopts amendments to §§235.4, 235.5, 235.7, 235.11, 235.15, and 235.16, without changes to the proposed text published in the October 19, 1984, issue of the *Texas Register* (9 TexReg 5413).

The amendments provide uniformity in reexamination criteria, provide clarity, and define educational criteria for licensure.

Comments in favor of the amendments were received from McKenna Memorial Hospital, New Braunfels.

Comments were received from Travis State School, Austin, and Mercy Hospital, Jourdanton, against allowing four opportunities to write the examination.

Graduates of vocational nursing programs have always been allowed four opportunities to write the examination. The amendments provide uniformity of re-examination criteria.

The amendments are adopted under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to govern its procedures and to carry in effect the purposes of the law.

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 November 19, 1984.

TRD-8411757 Joyce A. Hammer
Executive Director
Board of Vocational Nurse
Examiners

Effective date: December 11, 1984
Proposal publication date: October 19, 1984
For further information, please call (512) 836-2071.

Part XV. Texas State Board of Pharmacy Chapter 291. Pharmacies Community Pharmacy (Class A) 22 TAC §291.36

The Texas State Board of Pharmacy adopts new §291.36, with changes to the proposed text published in the June 1, 1984, issue of the *Texas Register* (9 TexReg 2948).

This new section establishes standards to regulate and control the practice of Class A pharmacies dispensing sterile products to further protect the public health, safety, and welfare and establishes standards to regulate and control the practice of Class A pharmacies dispensing sterile products. Further clarification regarding access to the area of the pharmacy containing sterile products, in the absence of the pharmacist, was added to subsection (c)(3). Also revised was the information required on the dispensing container to include only the name or identifying code of the pharmacist who prepared the admixture in subsection (f)(3)(H).

One comment received questioned the access to the pharmacy by nonpharmacist personnel when the pharmacist was not present; clarification of nonporous floors, ceilings, and walls; further clarification regarding the room containing the laminar flow hood; and the suggestion of emergency night boxes for after-hours patients.

Commenting in favor of the section was Garry P. Lake, R.Ph.

Section (c)(3) was amended to further state that the pharmacy may authorize personnel to gain access to that area of the pharmacy containing sterile products, in the absence of the pharmacist, for the purpose of retrieving dispensed prescriptions to deliver to patients. The board did not feel further clarification was needed regarding other sections addressed by the comment.

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

§291.36. Class A Pharmacies Dispensing Sterile Products.

(a) Purpose. The purpose of this section is to provide standards in the conduct, practice, activities, and operations of a Class A pharmacy dispensing sterile products. Except where noted in this section, Class A pharmacies dispensing sterile products shall comply with the provisions of §§291.31-291.35 of this title (relating to Definitions; Personnel; Operational Standards; Records; and Prescription Records) and the following subsections.

(b) Pharmacist-in-charge responsibilities. In addition to those responsibilities described in §291.32(a) of this title (relating to Personnel), the pharmacist-in-charge shall have the responsibility for, at a minimum, the following:

- (1) preparation and sterilization of parenteral medications compounded within the pharmacy;
- (2) admixture of parenteral products, including education and training of personnel concerning incompatibility and provision of proper incompatibility information when the admixture of parenteral products is not performed within the pharmacy;
- (3) bulk compounding of drugs;
- (4) storage of all materials, including drugs, chemicals, and biologicals, and establishment of specifications for procurement where appropriate;
- (5) filling and labeling all containers from which drugs are to be distributed, administered, or dispensed;
- (6) records of all transactions of the pharmacy as may be required by applicable state and federal laws and rules, as may be necessary to maintain accurate control over, and accountability for, all pharmaceutical materials;
- (7) participation in those aspects of the facility's patient care evaluation program relating to pharmaceutical material utilization and effectiveness;
- (8) implementation of the policies and decisions of the appropriate committees relating to pharmaceutical services of the facility;
- (9) labeling, storage, dispensing, and distribution of investigational new drugs, including maintenance of information in the pharmacy concerning the dosage form, route of administration, strength, actions, uses, side effects, adverse effects, interactions, and symptoms of toxicity of investigational new drugs; and
- (10) meeting all inspection and other requirements of the Texas Pharmacy Act and these rules.

(c) Environment. In addition to those standards outlined in §291.33(b) of this title (relating to Operational Standards), the environmental standards for Class A pharmacies dispensing sterile products are as follows.

(1) General requirements.

(A) The pharmacy shall be enclosed and lockable.

(B) The pharmacy shall have adequate space necessary for the storage, compounding, labeling, dispensing, and sterile preparation of drugs prepared in the pharmacy, and additional space, depending on the size and scope of pharmaceutical services.

(C) The pharmacy shall be arranged in an orderly fashion and shall be kept clean. All required equipment shall be clean and in good operating condition.

(D) A sink with hot and cold running water, exclusive of restroom facilities, designated primarily for use of admixtures, shall be available within the pharmacy facility to all pharmacy personnel and shall be maintained in a sanitary condition at all times.

(2) Special requirements. The pharmacy shall have a designated area for the laminar air flow hood for the preparation of sterile products, which shall:

(A) be designed to avoid outside traffic and air flow;

(B) have nonporous and cleanable surfaces, walls, and floors;

(C) be ventilated in a manner not interfering with laminar flow hood conditions; and

(D) not be used for bulk storage for supplies and materials.

(3) Security requirements.

(A) The pharmacy shall have locked storage for Schedule II controlled substances and other controlled drugs requiring additional security.

(B) All areas occupied by a pharmacy shall be capable of being locked by key or combination, so as to prevent access by unauthorized personnel.

(C) The pharmacy may authorize personnel to gain access to that area of the pharmacy containing sterile products, in the absence of the pharmacist, for the purpose of retrieving dispensed prescriptions to deliver to patients. If the pharmacy allows such after-hours access, the area containing the sterile products shall be a separate, enclosed and lockable area. A list of the authorized personnel having such access shall be in the pharmacy's policy and procedure manual.

(d) Equipment and supplies. In addition to the requirements outlined in §291.33(c) of this title (relating to Operational Standards), Class A pharmacies dispensing sterile products shall have the following equipment:

(1) metric-apothecary weight and measure conversion charts; and

(2) a semiannually certified laminar air flow hood and other equipment necessary for the preparation of sterile products.

(e) Library. In lieu of the library requirements outlined in §291.33(d) of this title (relating to Operational Standards), Class A pharmacies dispensing sterile products shall maintain a reference library which includes current copies of the following:

(1) laws:

(A) Texas Pharmacy Act and rules;

(B) Texas Dangerous Drug Law;

(C) Texas Controlled Substances Act and regulations; and

(D) Federal Controlled Substances Act and regulations or official publication describing the requirements of the Federal Controlled Substances Act and regulations;

(2) *American Hospital Formulary Service or Facts and Comparisons*, with current supplements;

(3) *Handbook of Injectable Drugs* or comparable type; and

(4) at least one of the following references:

(A) *United States Pharmacopeia—National Formulary (USP-NF)*;

(B) *United States Dispensatory (USD)*; or

(C) *Remington's Pharmaceutical Sciences*.

(f) Sterile products.

(1) The pharmacist-in-charge shall have the responsibility for preparation and sterility assurance of parenteral products compounded within the facility.

(2) The pharmacist-in-charge shall have the responsibility for admixture of parenteral products, including education and training of personnel concerning incompatibility and provision of proper incompatibility information.

(3) At the time of delivery of the medication, the dispensing container bears a label with at least the following information:

(A) date dispensed;

(B) name of physician;

(C) name of patient;

(D) directions for use;

(E) unique identification number;

(F) name and amount of drug(s) added;

(G) name of the basic solution;

(H) name or identifying code of person who prepared admixture, and

(I) expiration date of solution based on published data.

(g) Policy and procedure manual. To obtain a pharmacy license, a policy and procedure manual as it relates to sterile products shall be available for inspection at the pharmacy. The manual shall include policies and procedures for:

(1) security;

(2) equipment;

(3) sanitation;

(4) reference materials;

(5) drug storage;

(6) drug dispensing;

(7) drug labeling—relabeling;

(8) drug destruction and returns;

(9) delivery of drugs;

(10) record keeping;

(11) investigational drugs;

(12) quality assurance procedures to include:

(A) recall procedures;

(B) storage and dating;

(C) educational procedures for professional staff, nonprofessional staff, and patient;

(D) sterile procedures to include a log of the temperature of the refrigerator, routine maintenance, and report of hood certification; and

(E) sterile testing;

(13) duties for professional and nonprofessional staff; and

- (14) public safety
- (h) Unique requirements
 - (1) Quality assurance. A quality control program shall be initiated which requires testing on a regular basis to assure that the procedures for the preparation of sterile products are being performed as outlined in the policy and procedure manual.

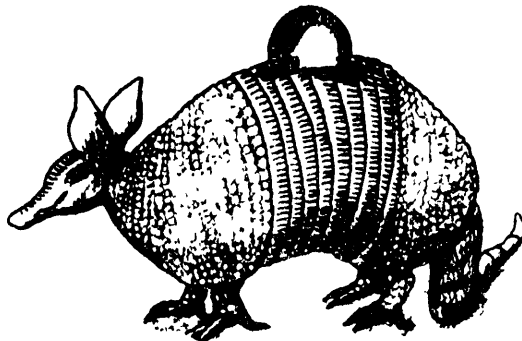
(2) Disposal of drugs. Drugs shall be disposed in a manner so as not to endanger the public health.

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 November 19, 1984

TRD-8411782 Fred S. Brinkley, Jr., R Ph
Executive Director/Secretary
Texas State Board of Pharmacy

Effective date December 11, 1984
Proposal publication date June 1, 1984
For further information, please call (512) 478-9827.



TITLE 25: HEALTH SERVICES
Part II. Texas Department of
Mental Health and Mental
Retardation
Chapter 401. Texas Board of Mental
Health and Mental Retardation
Subchapter A. Definitions

25 TAC §401.1

The Texas Department of Mental Health and Mental Retardation adopts the repeal of §401.1, concerning definitions related to the Texas Board of Mental Health and Mental Retardation, without changes to the proposal published in the September 21, 1984, issue of the *Texas Register* (9 Tex Reg 4955). The ideas contained in this subchapter have been largely incorporated into a new policy manual that is contemporaneously adopted by reference in this issue of the *Texas Register*.

No public comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 5547-202, §2.11(b), which provides the commissioner with the authority to promulgate rules subject to the basic and general policies of the Texas Board of Mental Health and Mental Retardation.

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 November 21, 1984

TRD-8411873 Gary E. Miller, M D
Commissioner
Texas Department of Mental
Health and Mental Retardation

Effective date: December 12, 1984
Proposal publication date September 21, 1984
For further information, please call (512) 465-4670.

Subchapter B. Organization

25 TAC §401.11

The Texas Department of Mental Health and Mental Retardation adopts the repeal of §401.11, concerning organization of the Texas Board of Mental Health and Mental Retardation, without changes to the proposal published in the September 21, 1984, issue of the *Texas Register* (9 Tex Reg 4956). The ideas contained in this subchapter have been largely incorporated into a new policy manual that is contemporaneously adopted by reference in this issue of the *Texas Register*.

No public comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 5547-202, §2.11(b), which provides the commissioner with the authority to promulgate rules subject to the basic and general policies of the Texas Board of Mental Health and Mental Retardation.

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 November 21, 1984.

TRD-8411872 Gary E. Miller, M D
Commissioner
Texas Department of Mental
Health and Mental Retardation

Effective date: December 12, 1984
Proposal publication date September 21, 1984
For further information, please call (512) 465-4670.

Subchapter C. Procedures

25 TAC §§401.21-401.25

The Texas Department of Mental Health and Mental Retardation adopts the repeal of §401.21-401.25,

concerning procedures of the Texas Board of Mental Health and Mental Retardation, without changes to the proposal published in the September 21, 1984, issue of the *Texas Register* (9 Tex Reg 4956). The ideas contained in this subchapter have been largely incorporated into a new policy manual that is contemporaneously adopted by reference in this issue of the *Texas Register*.

No public comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 5547-202, § 2 11(b), which provides the commissioner with the authority to promulgate rules subject to the basic and general policies of the Texas Board of Mental Health and Mental Retardation

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 November 21, 1984

TRD-8411871 Gary E Miller, M D
Commissioner
Texas Department of Mental
Health and Mental Retardation

Effective date. December 12, 1984

Proposal publication date September 25, 1984

For further information, please call (512) 465-4670

Subchapter D. Duties

25 TAC §§401.31-401.46

The Texas Department of Mental Health and Mental Retardation adopts the repeal of §§401.31-401.46, concerning duties of the Texas Board of Mental Health and Mental Retardation, without changes to the proposal published in the September 21, 1984, issue of the *Texas Register* (9 Tex Reg 4956). The ideas contained in this subchapter have been largely incorporated into a new policy manual that is contemporaneously adopted by reference in this issue of the *Texas Register*.

No public comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 5547-202, § 2.11(b), which provides the commissioner with the authority to promulgate rules subject to the basic and general policies of the Texas Board of Mental Health and Mental Retardation.

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 November 21, 1984

TRD-8411870 Gary E Miller, M D
Commissioner
Texas Department of Mental
Health and Mental Retardation

Effective date: December 12, 1984

Proposal publication date: September 21, 1984

For further information, please call (512) 465-4670

Subchapter E. Basic and General Policies

25 TAC §§401.61-401.76

The Texas Department of Mental Health and Mental Retardation adopts the repeal of §401.61-401.76, concerning basic and general policies of the Texas Board of Mental Health and Mental Retardation, without changes to the proposal published in the September 21, 1984, issue of the *Texas Register* (9 Tex Reg 4957). The ideas contained in this subchapter have been largely incorporated into a new policy manual that is contemporaneously adopted by reference in this issue of the *Texas Register*.

No public comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 5547-202, § 2 11(b), which provides the commissioner with the authority to promulgate rules subject to the basic and general policies of the Texas Board of Mental Health and Mental Retardation.

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 November 21, 1984

TRD-8411869 Gary E Miller, M D
Commissioner
Texas Department of Mental
Health and Mental Retardation

Effective date December 12, 1984

Proposal publication date. September 21, 1984

For further information, please call (512) 465-4670.

Subchapter G. Appointment and Service of Heads of Institutions and Facilities Administered by the TDMHMR

25 TAC §§401.121-401.128

The Texas Department of Mental Health and Mental Retardation (TDMHMR) adopts the repeal of §§401.121-401.128, concerning appointment and service of heads of institutions and facilities administered by the TDMHMR, without changes to the proposal published in the September 21, 1984, issue of the *Texas Register* (9 Tex Reg 4958). The ideas contained in this subchapter have been largely incorporated into a new policy manual that is contemporaneously adopted by reference in this issue of the *Texas Register*

No public comments were received regarding adoption of the repeal

The repeal is adopted under Texas Civil Statutes, Article 5547-202, § 2.11(b), which provides the commissioner with the authority to promulgate rules subject to the basic and general policies of the Texas Board of Mental Health and Mental Retardation.

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 November 21, 1984.

TRD-8411868 Gary E. Miller, M.D.
Commissioner
Texas Department of Mental
Health and Mental Retardation

Effective date: December 12, 1984
Proposal publication date: September 21, 1984
For further information, please call (512) 465-4670.

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 November 21, 1984.

TRD-8411953 Gary E. Miller, M.D.
Commissioner
Texas Department of Mental
Health and Mental Retardation

Effective date: December 12, 1984
Proposal publication date: October 5, 1984
For further information, please call (512) 465-4670.



Chapter 405. Client (Patient) Care Subchapter CC. Standards of Texas Department of Mental Health and Mental Retardation Facilities and Centers—Quality Assurance

25 TAC §405.734

The Texas Department of Mental Health and Mental Retardation adopts amendments to §405.734, concerning scope of responsibilities of TDMHMR with regard to quality assurance, without changes to the proposal published in the October 5, 1984, issue of the *Texas Register* (9 Tex Reg 5138). The amendment specifies that the department will enact the policies of the Texas Board of Mental Health and Mental Retardation as expressed in the board's policy manual. The manual is adopted by reference contemporaneously with the repeal of the rules it replaces (Chapter 401, Subchapters A-E and G of this title concerning Texas Board of Mental Health and Mental Retardation).

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 5547-202, §2.11(b), which provides the commissioner with the authority to promulgate rules subject to the basic and general policies of the Texas Board of Mental Health and Mental Retardation.

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.)

Life, Health, and Accident Insurance Variable Annuity Contracts

059.03.72.001-.004

The State Board of Insurance adopts the repeal of Rules 059.03.72.001-.004, without changes to the proposal published in the May 18, 1984, issue of the *Texas Register* (9 TexReg 2739).

Rules 059.03.72.001-.004 concern variable annuity contracts. The 68th Legislature, 1983, enacted the Insurance Code, Article 3.75, relative to variable annuity and variable life insurance contracts. The present rules are not appropriate under the new statute. The present rules were adopted under the Insurance Code, Article 3.72, which is now repealed. Accordingly, these rules are repealed.

No comments were received regarding an option of the repeal.

The repeal is adopted under the Insurance Code, Article 3.72, §15, pursuant to which the State Board of Insurance is authorized and directed to issue such reasonable rules and regulations as may be necessary to carry out the various purposes and provisions of Article 3.72, and in augmentation thereof.

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 November 15, 1984

TRD-8411719 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: December 10, 1984
Proposal publication date: May 18, 1984
For further information, please call (512) 475-2950.

**Rating and Policy Forms
Duty of Fire Marshal****059.05.43.001**

The State Board of Insurance adopts the repeal of Rule 059.05.43.001, without changes to the proposal published in the July 20, 1984, issue of the *Texas Register* (9 TexReg 3917).

Rule 059.05.43.001 adopted by reference certain rules pertaining to the storage and sale of fireworks. This rule is replaced by Rules 059.41.92.501-.506, which set out substantively the same rules in regular *Texas Register* format. There is no change in board practices or requirements resulting from the simultaneous repeal of Rule 059.05.43.001 and its replacement with Rules 059.41.92.501-.506.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Insurance Code, Article 1.04, and Texas Civil Statutes, Article 9205, which provide the State Board of Insurance with the authority to adopt rules necessary and appropriate to fulfill its duties in licensing and regulating the possession, use, and sale of fireworks in Texas.

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 November 15, 1984.

TRD-8411720 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: December 10, 1984
Proposal publication date: July 20, 1984
For further information, please call (512) 475-2950.

059.05.43.002

The State Board of Insurance adopts the repeal of Rule 059.05.43.002, without changes to the proposal published in the July 20, 1984, issue of the *Texas Register* (9 TexReg 3917).

Rule 059.05.43.002 adopts by reference certain rules pertaining to the safe storage, handling, and use of flammable liquids at retail service stations. This rule is being replaced by Rules 059.41.92.601-.619, which set out substantively the same rules in regular *Texas Register* format. There is no change in board practices or requirements resulting from the simultaneous repeal of Rule 059.05.43.002 and adoption of Rules 059.41.92.601-.619.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Insurance Code, Article 1.04, and Texas Civil Statutes, Article 9201, which provide the State Board of Insurance with authority to formulate, adopts, and promulgate rules necessary and appropriate to fulfill its duties in licensing and regulating the safe storage, handling, and

use of flammable liquids at retail service stations in Texas.

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 November 20, 1984.

TRD-8411772 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: December 11, 1984
Proposal publication date: July 20, 1984
For further information, please call (512) 475-2950.

059.05.43.005

The State Board of Insurance adopts the repeal of Rule 059.05.43.005, without changes to the proposal published in the July 20, 1984, issue of the *Texas Register* (9 TexReg 3918).

Rule 059.05.43.005 adopts by reference certain rules pertaining to the licensing and servicing of portable and fixed fire extinguisher systems. This rule is replaced by Rules 059.41.92.100-.107, 109-.113, .115, .116, .118-.122, and .124-.127, which reflect complete reorganization and editorial change. The board is of the opinion that current Rule 059.05.43.005 lacks necessary flexibility, clarity, and definition for the power and duties set forth in the Insurance Code, Article 5.43-1.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Insurance Code, Article 1.04 and Article 5.43-1, which provides the State Board of Insurance with the authority to formulate, adopt, and promulgate rules necessary and appropriate to fulfill its duties in regulating and licensing the portable and fixed fire extinguisher system industry in Texas.

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 November 15, 1984.

TRD-8411721 James W. Norman
Chief Clerk
State Board of Insurance

Filed: December 10, 1984
Proposal publication date: July 20, 1984
For further information, please call (512) 475-2950.

Liquidation**Texas Life, Accident, Health, and
Hospital Service Insurance Guaranty
Association Plan of Operation****059.27.05.001-.007**

The State Board of Insurance adopts new Rules 059.27.05.001-.007, without changes to the proposed

text published in the August 7, 1984, issue of the *Texas Register* (9 TexReg 4254)

These rules set forth the plan of operation of the Life, Accident, Health, and Hospital Service Guaranty Insurance Association, referred to as the association, established under the Insurance Code, Article 21.28-D, as amended (the Life, Accident, Health, and Hospital Service Insurance Guaranty Association Act). The board adopts the association's plan of operation as rules under the Administrative Procedure and Texas Register Act to meet all possible procedural requirements of the law. This adoption is primarily procedural. The only substantive changes from the existing plan of operation are found in Rule 059.27.05.002(c)

No comments were received regarding adoption of the new rules.

The new rules are adopted under the Insurance Code, Article 21.28-D, as amended, pursuant to which the State Board of Insurance may approve or adopt the association's plan of operation.

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 November 15, 1984

TRD-8411724 James W Norman
Chief Clerk
State Board of Insurance

Effective date December 10, 1984
Proposal publication date August 7, 1984
For further information, please call (512) 475-2950.

State Fire Marshal Fireworks Rules

059.41.92.501 .507

The State Board of Insurance adopts new Rules 059 .41.92.501-.507, without changes to the proposed text published in the July 24, 1984, issue of the *Texas Register* (9 TexReg 3999).

These rules address the storage and sale of fireworks. The rules are put in regular *Texas Register* format and replace Rule 059.05.43.001, which is substantively the same regulations adopted by reference. There is no change in board practices or requirements as a result of the adoption of Rules 059.41.92.501-.507 and the simultaneous repeal of Rule 059.05.43.001.

No comments were received regarding adoption of the new rules

The new rules are adopted under the Insurance Code, Article 1.04, and Texas Civil Statutes, Article 9205, which provide the State Board of Insurance with the authority to adopt rules necessary and appropriate to fulfill its duties in licensing and regulating the possession, use, and sale of fireworks in Texas.

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 November 15, 1984

TRD-8411725 James W Norman
Chief Clerk
State Board of Insurance

Effective date: December 10, 1984
Proposal publication date July 24, 1984
For further information, please call (512) 475-2950.

Flammable Liquids

059.41.92.601-.620

The State Board of Insurance adopts new Rules 059 41.92.603 and .616 with changes to the proposed text published in the July 24, 1984, issue of the *Texas Register* (9 TexReg 4003). Rules 059.41.92.601, .602, 604-.615, and .617-.620 are adopted without changes and will not be republished.

These rules address the safe storage, handling, and use of flammable liquids at retail service stations. The rules are in regular *Texas Register* format and are adopted to replace Rule 059 05.43.002, which is substantively the same rules adopted by reference. There will be no change in board practices or requirements as a result of the adoption of Rules 059 41.92.601-.620 as a replacement to Rule 059.05.43.002. The only change from the rules as proposed is in Rule 059.51.92.603(a), where a grammatical change is made.

No comments were received regarding the adoption of the new rules.

The new rules are adopted under the Insurance Code, Article 1.04, and Texas Civil Statutes, Article 9201, which provide the State Board of Insurance with the authority to formulate, adopt, and promulgate rules necessary and appropriate to fulfill its duties in regulating the safe storage, handling, and use of flammable liquids at retail service stations in Texas.

.603. *Retractivity.*

(a) Application and enforcement These rules apply and shall be enforced as to all retail service stations and to storage tanks and piping at bulk plants, wherein or whereupon flammable liquids are stored, handled, or used, or installed, or just devoted to flammable liquids storage, handling, or use on or after the effective date of these regulations. These rules also apply and shall be enforced as to any retail service stations or to storage tanks and piping at bulk plants, erected or installed prior to and existing as of July 15, 1970, except that any such retail service station or bulk plant not in strict compliance with the provisions of these rules may be continued in use, provided they do not constitute a distinct hazard to life or adjoining property.

(b) Notification to owner When the fire marshal deems that the continued use will constitute a distinct hazard to life or adjoining property, he shall notify the owner or operator and specify reasons in writing, and shall state

the time, not less than 20 days thereafter, and place at which the owner or operator may appear and offer evidence thereon to the fire marshal, who shall make findings thereon and certify such findings to the State Board of Insurance.

(c) Nonconformity. For purposes of this rule, nonconformity with these rules:

(1) existing on July 15, 1970, with respect to the location or arrangement of buildings, tanks, pumps, or to spacing or clearances between these installations or between these installations and adjoining property lines, shall be allowed to continue, unless deemed to be distinctly hazardous.

(2) existing on July 15, 1970, with respect to vents or pressure relief devices on tanks, control valves on tanks or piping systems, ventilation, or sources of ignition, when such are deemed upon inspection by the fire marshal to be distinctly hazardous, shall be corrected or eliminated.

(d) Additional or replacement facilities. At any retail service station or bulk plant existing as of July 15, 1970, any existing nonconformity, the continuance of which is allowed under the foregoing provisions, shall not prevent the installation of additional or replacement facilities which in and of themselves are in conformity with these regulations.

(e) Continued operation allowed. When required correction or elimination of existing nonconformity necessitates the temporary nonuse of one or more facilities, then a reasonable time, considering the amount of work to be done, the availability of materials, and the need for continued operation of the facility, shall be allowed therefor. Provided that, when work involving reconstruction or modernization of storage facilities is undertaken at a location, then any required elimination or correction of nonconformity there shall be made in the course of the work.

.616. Heating Equipment.

(a) Installation. Heating equipment shall be installed as provided in subsections (b)-(f) of this rule.

(b) Exception. Heating equipment may be installed in the conventional manner in an area except as provided in subsections (c)-(f) of this rule.

(c) Special room. Heating equipment may be installed in a special room separated from an area classified by Table III by walls having a fire resistance rating of at least one hour and without any openings in the walls within eight feet of the floor into an area classified in Table III. This room shall not be without any openings in the walls within eight feet of the floor into an area classified in Table III. This room shall not be used for combustible storage, and all air for combustion purposes shall come from outside the building.

(d) Gas or oil equipment.

(1) Heating equipment using gas or oil fuel may be installed in the lubrication, sales, or service room where there is no dispensing or transferring of Class I liquids provided the bottom of the combustion chamber is at least 18 inches above the floor and the heating equipment is protected from physical damage by vehicles.

(2) Heating equipment using gas or oil fuel listed for use in garages may be installed in the lubrication or service room where Class I liquids are dispensed,

provided the equipment is installed at least eight feet above the floor.

(d) Electronic equipment. Electrical heating equipment shall conform to the standards and requirements of Rule 059.41.92.615 of this title (relating to Electrical Equipment) to the extent such standards and requirements are applicable.

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 November 20, 1984.

TRD-8411773 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: December 11, 1984

Proposal publication date: July 24, 1984

For further information, please call (512) 475-2950.

Health Maintenance Organizations Forms for Use in Conjunction with Health Maintenance Organization Rules

059.51.11.001

The State Board of Insurance adopts new Rule 059.51.11.001, without changes to the proposed text published in the August 7, 1984, issue of the *Texas Register* (9 TexReg 4264).

This new rule adopts by reference certain application and filing forms, instructions, checklists, and other blanks to be used in conjunction with rules relating to health maintenance organizations. Although the adopted rule is not changed from the proposed rule published in the *Texas Register*, the forms which are adopted by reference by the rule are changed.

The form adopted by paragraph (1) is changed to reflect changes in Rule 059.51.02.002. There are other editorial changes to this form as well.

The form adopted by paragraph (2) is changed to require the health maintenance organization's federal employer's identification number instead of its Internal Revenue Service tax class.

The form adopted by paragraph (3) is changed to require the title of a director or partner of the health maintenance organization instead of a director only.

The form adopted by paragraph (4) is changed to require information from an officer, director, or partner respecting his or her present or proposed position with the health maintenance organization instead of the present requirement of information respecting his or her chief occupation. The employment record of an officer, director, or partner is extended from 10 to 20 years. There are other editorial changes to this form.

There are various editorial changes to the form adopted by paragraph (5). The form adopted by paragraph (7) is changed by adding two new items to the check-

list for a health maintenance organization application for a certificate of authority. One is the requirement for a certified copy of final action by the Texas Health Facilities Commission, if action is taken by the commission. The other is a requirement that leases for administrative space and medical space, if applicable, be provided as a part of the application for a certificate of authority. There are editorial changes to the form adopted by paragraph (8).

No comments were received regarding adoption of the new rule.

The new rule is adopted under the Texas Health Maintenance Organization Act, §22, pursuant to which the board may promulgate such reasonable rules and regulations as are necessary to carry out the provisions of the Act.

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

Issued in Austin, Texas, on November 19, 1984

TRD-8411734 James W. Norman
Chief Clerk
State Board of Insurance

Effective date December 11, 1984
Proposal publication date August 7, 1984
For further information, please call (512) 475-2950

**TITLE 31. NATURAL RESOURCES
PART X. Texas Water
Development Board
Chapter 355. Water Loan Assistance
Fund
Water Conservation, Water Quality, and
Water Development Planning and
Research and Flood Control Planning
Fund**

31 TAC §§355.101-355.108

The Texas Water Development Board adopts the repeal of §§355.101-355.108, without changes to the proposal published in the October 16, 1984, issue of the *Texas Register* (9 TexReg 5368).

The repeal is necessitated by the proposal that these rules be incorporated in substance into new §§355.101-355.110, with revisions made primarily to simplify and clarify the existing rules.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Water Code, Chapter 15, Subchapter F, §§5.131, 5.132, and 15.002, which provides the Texas Water Development Board with the authority to make any rules nec-

essary to carry out the powers and duties under the provisions of the Water Code and other laws of this state.

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 November 20, 1984

TRD-8411730 Susuan Plettman
General Counsel
Texas Department of Water
Resources

Effective date: December 11, 1984
Proposal publication date: October 16, 1984
For further information, please call (512) 475-7845.

31 TAC §§355.101-355.110

The Texas Water Development Board adopts new §§355.101-355.110, without changes to the proposed text published in the October 16, 1984, issue of the *Texas Register* (9 TexReg 5368).

The new sections, which replace previously existing §§355.101-355.108, define with greater clarity and simplicity the standards, management, and operation of the research fund. Additionally, to assure that the benefits of expenditures from the fund are distributed as widely throughout the state as possible, new §355.102 increases the generally required share of local funding for flood control planning projects from 25% to 50%, with a minimum of 25% local funding in special cases where the applicant provides evidence of hardship, while new §355.104 gives projects with statewide or regional application higher priority than those having exclusively local effect.

The new sections provide more precise guidelines for the Department of Water Resources in making decisions about the allocation of funds for research and flood protection planning projects.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Water Code, Chapter 15, Subchapter F, §§5.131, 5.132, and 15.002, which provides the Texas Water Development Board with the authority to make any rules necessary to carry out the powers and duties under the provisions of the Water Code and other laws of this state.

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 November 20, 1984

TRD-8411731 Susuan Plettman
General Counsel
Texas Department of Water
Resources

Effective date: December 11, 1984
Proposal publication date: October 16, 1984
For further information, please call (512) 475-7845.

**TITLE 34. PUBLIC FINANCE
Part I. Comptroller of Public
Accounts
Chapter 3. Tax Administration
Subchapter O. State Sales and Use Tax
34 TAC §3.313**

The Comptroller of Public Accounts adopts new §3.313, without changes to the proposed text published in the October 16, 1984, issue of the *Texas Register* (9 TexReg 5373).

The section explains the sales and use tax responsibilities of sellers of cable television service. Cable television services are taxable as a result of legislative changes made in the Sales Tax Act, effective October 2, 1984.

No comments were received regarding adoption of the new section.

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

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

Issued in Austin, Texas, on November 21, 1984.

TRD-8411807 Bob Bullock
Comptroller of Public Accounts

Effective date: December 12, 1984
Proposal publication date: October 16, 1984
For further information, please call (512) 475-1913.

Open Meetings

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

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

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

Texas Air Control Board

Friday, December 7, 1984. Committees of the Texas Air Control Board and the full board will meet in Room 332, 6330 Highway 290 East, Austin. Times, committees, and agendas follow.

9 a.m. The Monitoring and Research Committee will hear a report on fiscal year 1984 research projects, approve fiscal year 1985 outlines of work for acid deposition and visibility, and hear a report on future ambient air monitoring activities.

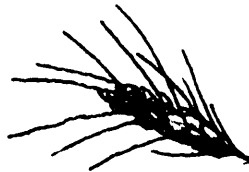
10 a.m. The Mobile Source Emissions Committee will consider the award of a contract to the North Central Texas Council of Governments to assist in developing post-1982 ozone state implementation plan revisions for Dallas County and Tarrant County.

10:30 a.m. The board will approve the November 9, 1984, minutes; present service awards; hear reports on subjects including sunset review, the Harris County Motor Vehicle Inspection and Maintenance Program, and purchasing procedures, consider and act on a proposed agency contract; revise compliance date extensions for surface coat-

ing operations; and consider a hearing examiner's reports and new business.

Contact: Paul M. Shinkawa, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711.

Filed: November 26, 1984, 3:53 p.m.
TRD-8411931-8411933



Texas Commission on Alcoholism

Saturday, December 1, 1984, 10 a.m. The Texas Commission on Alcoholism will meet at the Fort Brown Hotel, 1900 East Elizabeth, Brownsville. Items on the agenda include approval of the minutes, appeals of audit findings and refund due, the Advisory Council report, proposed abstinence and responsible use policies, DWI certification and waivers, election of officers, allocation of additional 1985 fiscal year block grant funds, public comments, and the executive

director's report. The commission also will meet in executive session.

Contact: Becky Davis, 1705 Guadalupe Street, Austin, Texas 78701, (512) 475-2577.

Filed: November 20, 1984, 1:35 p.m.
TRD-8411752

Addition to the previous agenda:

The commission also will consider program administration policies.

Contact: Becky Davis, 1705 Guadalupe Street, Austin, Texas 78701, (512) 475-2577.

Filed: November 21, 1984, 1:39 p.m.
TRD-8411832

Texas Antiquities Committee

Monday, December 10, 1984, 9:30 a.m. The Texas Antiquities Committee will meet in Room 310, State Capitol, Austin. Items on the agenda include approval of the September 18, 1984, minutes; state archeological landmark nominations for the Halbouty Geoscience Building in Brazos County; the

President's Home at Tarleton State University in Erath County; the Schneider Store Building in Travis County; the Carroll Thompson School in Lubbock County; the Old Hidalgo School and Teacherage in Hidalgo County; Sites 31:106:3:60 and 31:106:3:61 in El Paso County; Sites 41GD13, 14, 39, 40, 41, 42, and 41GD46, 41VT58, 59, 62, 63, and 66 in Goliad and Victoria Counties, Site 41WA2 in Walker County; and Site 41LK273 in Live Oak County; state archeological landmark designations for the Fort Worth Stockyards sign in Tarrant County; the Temple Beth Israel in Harris County; Sites 41BX628 and 41BX629 in Bexar County; the Laguna Gloria rockshelter in Travis County; Pace McDonald Site 41AN51 in Anderson County; Landergin Mesa Site 41OL2 in Oldham County; Washington Square Mound Site 41NA49 in Nacogdoches County; Copp, Breaks State Park Sites 41HX6-8, 10, 11, 13-18, 20-23, 27, 29, 30, 32, 34-38, 40 in Hardeman County; Sites 41GD15-21, 21A, 22-27, 30, 30A, 31, 33-35, 41VT39, 43-47, 49, 51, and 52-57 in Goliad and Victoria Counties; Fort Croghan in Burnet County, 41BT205; and the Navidad River wreck Site 41JK9 in Jackson County; the Pillot Building in Harris County; the Landmark Inn artifact reburial issue and artifact curation; and a report of staff activities.

Contact: Debra Frierson, Box 12276, Austin, Texas 78711, (512) 475-6328.

Filed: November 26, 1984, 4:49 p.m.
TRD-8411946

Apprenticeship and Training Advisory Committee

Friday, December 7, 1984, 8:30 a.m. The Apprenticeship and Training Advisory Committee will meet in Building I, Texas State Technical Institute (TSTI), Eucalyptus and Rebel Drive, Harlingen. Items on the agenda include a tour of the TSTI-Harlingen campus, the apprenticeship coordinator's report, the Finance Committee report concerning the fiscal year 1985 cost study, the Planning Committee report concerning planning for the 1985 state apprenticeship conference, and the Research Committee report concerning the impact of the new state education law (House Bill 72, 68th Legislature, 2nd Called Session, 1984) on apprenticeship.

Contact: Dan C. Lowe, 201 East 11th Street, Austin, Texas 78701, (512) 834-4194.

Filed: November 21, 1984, 4:19 p.m.
TRD-8411949

State Board of Canvassers

Tuesday, November 27, 1984, 10:30 a.m. The State Board of Canvassers met in emergency session in Room 127, State Capitol, Austin. According to the agenda, the board conducted the official canvass of the November 6, 1984, general election in accordance with the Texas Election Code, Article 8.38. The emergency status was necessary due to a scheduling conflict.

Contact: Donnette Smith, Sam Houston Building, Room 908, 201 East 14th Street, Austin, Texas 78711, (512) 475-3091.

Filed: November 20, 1984, 2:59 p.m.
TRD-8411771

Texas Department of Corrections

Tuesday, November 27, 1984, 10 a.m. The Board of the Texas Department of Corrections met in emergency session in the conference room, Aviall Aviation, Love Field, Dallas. Items on the agenda included a consultant contract award concerning a comprehensive corrections plan and authorization for construction and for remodeling. The board also met in executive session in accordance with Texas Civil Statutes, Article 6252-17, §2(e), to consider the Ruiz case and other litigation matters. The emergency status was necessary because the litigation matters required discussion.

Contact: R. K. Procutner, P O. Box 99, Huntsville, Texas 77340, (409) 295-6371, ext. 160

Filed: November 20, 1984, 10:40 a.m.
TRD-8411733

Texas County and District Retirement System

Tuesday, December 11, 1984, 1 p.m. The Board of Trustees of the Texas County and District Retirement System (TCDRS) will meet at the Hyatt Regency Hotel, 208 Barton Springs Road, Austin. According to the agenda summary, the board will discuss proposed amendments to the TCERS Act, read the September 13, 1984, minutes; consider and pass on applications for service retirement benefits and disability retirement benefits; review and act on reports from the actuary, legal counsel, investment counsel, and director; consider the proposed budget

for 1985; elect officers for 1985; and set the date of the March meeting.

Contact: J. Robert Brown, 400 West 14th Street, Austin, Texas 78701, (512) 476-6651.

Filed: November 26, 1984, 9:04 a.m.
TRD-8411884

Texas Education Agency

Monday, November 26, 1984, 1:30 p.m. The Committee for Finance and Programs of the State Board of Education of the Texas Education Agency (TEA) met in emergency session in the boardroom, TEA North Building, 1200 East Anderson Lane, Austin. Items on the agenda included discussion of the price differential index and econometric model and review and discussion of testimony received from the public hearing on the price differential index held at 10 a.m. on November 26, 1984. If necessary, this meeting would have continued at 7:30 a.m. on Tuesday, November 27, 1984, in Room 101-E, TEA North Building, 1200 East Anderson Lane. The emergency status was necessary because this meeting originally was posted for 8:30 a.m. on November 27, 1984; however, if the hearing ended early, this would enable the committee to meet and complete its business in one day, thus saving committee time and travel expenses.

Contact: Beverly J. Bardsley, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077.

Filed: November 21, 1984, 4:05 p.m.
TRD-8411856

Tuesday, November 27, 1984, 7:30 a.m. The Committee for Finance and Programs of the State Board of Education of the TEA made a time change for a meeting held in Room 101-E, TEA North Building, 1200 East Anderson Lane, Austin. The agenda remained the same. The emergency status was necessary because the time changed from 8:30 a.m. to 7:30 a.m. to enable the committee to meet to complete its business as quickly as possible.

Contact: Beverly J. Bardsley, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077

Filed: November 21, 1984, 4:05 p.m.
TRD-8411857

Saturday, December 1, 1984, 9 a.m. The Committee for Students of the State Board of Education of the TEA revised the agenda of a meeting to be held in the boardroom, TEA North Building, 1200 East Anderson Lane, Austin. Items on the revised agenda include a report from the subcommittee on the proposed University Interscholastic

League (UIL) rule changes and committee action on those changes and a public hearing to receive public opinions on issues related to promotion, absences, and participation in extracurricular activities. Persons wishing to reserve a time for presenting testimony may contact Walter Rambo at (512) 475-6838. The meeting originally was posted in error as a meeting of the Committee for Personnel of the State Board of Education.

Contact: Walter Rambo, 201 East 11th Street, Austin, Texas 78701, (512) 475-6838.

Filed: November 21, 1984, 4:18 p.m.
TRD-8411865

Texas Employment Commission

Wednesday, November 28, 1984, 9 a.m. The Texas Employment Commission (TEC) met in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission considered prior meeting notes; conducted a public comment period; considered the Comprehensive Language Services Program, Attorney General Opinion JM-204, an action plan concerning consultant contracts, a proposed legislative package, contracts concerning the Office of the Attorney General, participation in Bureau of Labor Statistics programs, adoption of a proposed amendment to 40 TAC §301.17, automation of appeals, reports of administrative staff on operations, funding, and legislation, actions, if any, resulting from the executive session meeting, and the date and agenda items for the next meeting. The commission also met in executive session pursuant to Texas Civil Statutes, Article 6252-17, §2(e)-(g) or (j), to consider the TEC's sale, lease, or purchase of real property under Senate Bill 1355 and otherwise; discuss with attorneys the Tullis v. Grisham case, Tullis and Joiner merit system appeals, and related matters; and consider the United Farm Workers of America v. TEC challenging agricultural labor exemption, evaluation of the administrator, and other matters.

Contact: Steve Hollahan, TEC Building, Room 660, 15th Street and Congress Avenue, Austin, Texas, (512) 397-4400.

Filed: November 20, 1984, 3:39 p.m.
TRD-8411776

Wednesday, November 28, 1984, 9 a.m. The Texas Employment Commission (TEC) made an emergency change in location for

a meeting held in Room 304T, TEC Building, 12th and Trinity Streets, Austin. The emergency session was necessary because the meeting room originally posted was undergoing renovation and it was determined too late for timely posting that the construction would not be completed until some time in December 1984.

Contact: Steve Hollahan, TEC Building, Room 660, 12th and Trinity Streets, Austin, Texas 78701, (512) 397-4400.

Filed: November 26, 1984, 4:06 p.m.
TRD-8411936

Friday, November 30, 1984, 9 a.m. The Advisory Council of the TEC will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the council will approve the prior meeting notes and the annual report text, hear committee reports, discuss proposed legislative issues, and set a tentative date and agenda items for the next meeting.

Contact: Steve Hollahan, TEC Building, Room 660, 15th Street and Congress Avenue, Austin, Texas, (512) 397-4400.

Filed: November 20, 1984, 3:39 p.m.
TRD-8411777

Addition to the previous agenda:

The council changed the location of the meeting to Room 360T, TEC Building, 12th and Trinity Streets, Austin.

Contact: Steve Hollahan, TEC Building, Room 660, 12th and Trinity Streets, Austin, Texas, (512) 397-4400.

Filed: November 21, 1984, 4 p.m.
TRD-8411880

Tuesday, December 4, 1984, 9 a.m. The Texas Employment Commission 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, internal procedures of the Office of Commission Appeals, consider and act on higher level appeals in unemployment compensation cases on Docket 49, and set the date of the next meeting.

Contact: Courtenay Browning, TEC Building, Room 608, 15th Street and Congress Avenue, Austin, Texas 78701, (512) 397-4415

Filed: November 26, 1984, 4:07 p.m.
TRD-8411937

Finance Commission of Texas

Thursday, November 29, 1984, 3 p.m. The Savings and Loan Section of the Finance Commission of Texas revised the agenda of a meeting held in the Ruby Room, Level I, Tower Section, Loews Anatole Hotel, 2201 Stemmons Freeway, Dallas. According to the revised agenda, the section replaced consideration of general provisions concerning loans and investments with consideration of reserves.

Contact: Alice Thompson, 1004 Lavaca Street, Austin, Texas 78701, (512) 475-7991.

Filed: November 20, 1984, 11:47 a.m.
TRD-8411744

Texas Department of Health

Committees of the Texas Board of Health of the Texas Department of Health (DOH) and the full board will meet at 1100 West 49th Street, Austin. Days, times, rooms, committees, and agendas follow.

Friday, November 30, 1984, 10 a.m. In Room G-107, the Legislative Committee will approve legislation for the department's legislative package.

Friday, November 30, 1984, 11 a.m. In Room T-604, the Environmental Health Committee will discuss recommendations submitted by the Municipal Solid Waste and Resource Recovery Advisory Council and proposed sanitation regulations.

Friday, November 30, 1984, 11 a.m. In Room G-108, the Hospitals Committee will discuss types of information the department may require from hospitals for health planning purposes.

Friday, November 30, 1984, 1 p.m. In Room T-610, the board will approve the October 20, 1984, minutes, a commendatory resolution for Lucile R. Hestir and a board resolution supporting the efforts of the Texas Diabetes Council, discuss rapid deposit alternatives for state agencies; hear the commissioner's report and a report of the Texas Diabetes Council; consider final adoption of rules concerning professional counselors on continuing education requirements, establishing qualifications and fitness of an applicant, and amendments to the fee schedule, continuing education requirements for emergency medical services (EMS) personnel, establishment, operation, expansion, and improvement of comprehensive EMS systems, and block grant hearings procedures, extension of emergency rules and final adoption of rules for obtaining approval of preprofessional experience and internship

programs for the licensure of dietitians, re-proposal of rules concerning specialized EMS vehicle requirements and amendments concerning co-pay procedures for family planning services, and proposed amendments to the kidney health care rules. The board also will meet in executive session

Saturday, December 1, 1984, 8 a.m. The Personnel Committee will approve the extension of employment beyond age 70 and appointments to the Sanitarian, Kidney, Maternal and Child Health Genetics, and Tuberculosis Advisory Committees

Saturday, December 1, 1984, 8:30 a.m. The board will hear a report of the Genetics Advisory Committee, the Environmental Health Committee, the Legislative Committee on approval of legislation for the department's package for the 69th Legislature, the Hospitals Committee, Budget Committee reports concerning approval to purchase data processing equipment for the Bureau of Vital Statistics and reappropriation of fiscal year 1984 funds for purchase of capital equipment at the San Antonio State Chest Hospital, Personnel Committee reports concerning a request for extension of employment beyond age 70 and appointments to the Sanitarian, Kidney Health Care, Tuberculosis, and Maternal and Child Health Genetics Advisory Committees, and a report concerning the low birth weight plan for Texas; consider proposed rules on consumer health protection, sanitation regulations, and retail food establishments; approve resolutions submitted by the Municipal Solid Waste and Resource Recovery Advisory Council; and set meeting dates for 1985. The board also will meet in executive session

Contact: Gary A. Fuchs, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: November 21, 1984, 4:01 p.m.
TRD-8411859-8411861, 8411864,
8411862, 8411863

Saturday, December 1, 1984, 9:30 a.m. The General Advisory Committee of Crippled Children's Services of the DOH will meet in the conference room, second floor, 1101 East Anderson Lane, Austin. Items on the agenda include consideration of applications from physicians and from hospitals seeking program participation approval, a program status report, and review of expenditure trends for specific program-covered medical conditions and possible cost containment measures

Contact: James P. Rambin, 1100 West 49th Street, Austin, Texas 78756, (512) 465-2666.

Filed: November 21, 1984, 4:04 p.m.
TRD-8411858

Texas Housing Agency

Wednesday, November 28, 1984, 10 a.m.

The Board of Directors of the Texas Housing Agency met at Howard Johnson's Motor Lodge, 7800 IH 35 North, Austin. Items on the agenda summary included presentation of the quarterly financial report, the status report on single family programs, the status report on responses to the request for proposals for a data processing plan, and presentation and acceptance of the fiscal year 1984 annual audit; and consideration and possible action on the single family policy statement and a proposed resolution authorizing and approving the issuance, sale, and delivery of \$8 multifamily rehabilitation housing revenue bonds (Robin Square Development).

Contact: Earline Jewett, P.O. Box 13941, Austin, Texas 78711, (512) 475-0812.

Filed: November 20, 1984, 4:53 p.m.
TRD-8411786

University of Houston System

Tuesday, December 4, 1984, 11 a.m. The Board of Regents of the University of Houston System will meet in Room 22, Petroleum Training Institute, University of Houston-Victoria, Victoria. Items on the agenda include evaluation of employees; the Academic Affairs and Campus Relations Committee report; Finance Committee report; Regental Policy Committee report; Facilities, Planning, and Building Committee Report; and the president's report.

Contact: Michael T. Johnson, 4600 Gulf Freeway, Suite 500, Houston, Texas 77023, (713) 749-7545.

Filed: November 26, 1984, 9:43 a.m.
TRD-8411888

State Board of Insurance

Friday, November 30, 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 7875—application of Allstate Insurance Company, Northbrook, Illinois, to acquire control of Kemper County Mutual Insurance Company, Garland

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: November 21, 1984, 2:06 p.m.
TRD-8411845

Tuesday, December 4, 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 summary, the section will conduct a public hearing in Docket 7816—whether the Group II health and accident insurance agent's license held by Johnny Lee Burns, Dallas, should be canceled or revoked.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: November 26, 1984, 12:08 p.m.
TRD-8411901

Tuesday, December 4, 1984. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. Times and agendas follow

10 a.m. According to the agenda summary, the board will consider a joint motion for dismissal of the appeal of Johnnie Small from action of the Texas Catastrophe Property Insurance Association, a joint motion for dismissal of the appeal of Mrs. Paul Bleimeyer from action of the Texas Catastrophe Property Insurance Association; a decision on the appeal of Josephina A. Cintron from action of the Texas Catastrophe Property Insurance Association; the commissioner's and fire marshal's reports, including personnel matters; and board orders.

2 p.m. According to the agenda summary, the board will consider final action on Rule 059.03.68.001; amendments to Rules 059.05.26.101 and .102, 059.53.02.003, and 059.53.10.003; the repeal of Rules 059.03.36.004 and .005; proposed amendments to Rules 059.21.21.107 and 059.05.03.001, the proposed repeal of Rules 059.21.49.007-.101; a proposed amendment to the health maintenance organization rules, proposed rules respecting overhead assessment rates for the examination of companies; and emergency rules respecting blanks and other forms for annual statements

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: November 26, 1984, 3:43 p.m.
TRD-8411928, 8411929

The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings at 1110 San Jacinto Street, Austin. Days, times, rooms, and dockets follow.

Wednesday, December 5, 1984, 9 a.m. In Room 353, the section will consider Docket 7876—application for amendment to the ar-

Texas Register

articles of incorporation of Employers National Life Insurance Company, Dallas.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: November 26, 1984, 12:08 p.m.
TRD-8411902

Wednesday, December 5, 1984, 9:30 a.m. In Room 342, the section will consider Docket 7864—application for original charter for AOA Insurance Company, Dallas.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: November 26, 1984, 12:08 p.m.
TRD-8411903

Wednesday, December 5, 1984, 10 a.m. In Room 342, the section will consider Docket 7865—merger of AOA Insurance Company, Dallas, into American Eagle Insurance Company, a Nevada corporation.

Contact: Tom I. McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: November 26, 1984, 12:08 p.m.
TRD-8411904

Thursday, December 6, 1984, 9 a.m. In Room 342, the section will consider Docket 7854—application for amendment to the articles of incorporation of PWM Life Insurance Company, Dallas

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: November 26, 1984, 12:08 p.m.
TRD-8411905

Thursday, December 6, 1984, 1:30 p.m. In Room 353, the section will consider Docket 7849—application of International Service Insurance Company, Fort Worth, for approval of revaluation of home office property.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: November 26, 1984, 12:08 p.m.
TRD-8411906

Friday, December 7, 1984, 9 a.m. In Room 342, the section will consider Docket 7833—application for amendment to the articles of incorporation of Home Life Insurance Company of Texas, San Augustine

Contact: Tom I. McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: November 26, 1984, 12:08 p.m.
TRD-8411907

Friday, December 7, 1984, 10:30 a.m. In Room 342, the section will consider Docket 7880—application of Home Life Insurance Company of Texas, San Augustine, to acquire certain outstanding shares of its stock.

Contact: Tom I. McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: November 26, 1984, 12:08 p.m.
TRD-8411908

Monday, December 10, 1984, 9 a.m. In Room 353, the section will consider Docket 7842—whether the Group II health and accident insurance agent's license held by John Lloyd Aune and the local recording agent's license held by John Lloyd Aune, doing business as John Lloyd Aune Insurance Agency, Paris, should be canceled or revoked.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: November 26, 1984, 12:08 p.m.
TRD-8411909

Monday, December 10, 1984, 1:30 p.m. In Room 353, the section will consider Docket 7846—whether the local recording agent's license held by Anderson-Reynolds & Houchin Agency, Inc., Amarillo, should be canceled or revoked.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: November 26, 1984, 12:08 p.m.
TRD-8411910



Texas State Board of Medical Examiners

Friday-Thursday, November 30-December 6, 1984, 8 a.m. daily. The Texas State Board of Medical Examiners made emergency additions to the agenda of a meeting to be held at 1101 Camino La Costa, Austin. The additions concern possible consideration of a matter involving a licensee under provisions of Texas Civil Statutes, Article 4495b, §4 13, and consideration of legislative issues. The emergency status is necessary because information regarding these additions re-

cently became available and needs board attention.

Contact: Jean Davis, P.O. Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: November 26, 1984, 2:15 p.m.
TRD-8411924

Texas Department of Mental Health and Mental Retardation

Wednesday, November 28, 1984, 5 p.m. The Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation rescheduled a meeting held in the auditorium, 909 West 45th Street, Austin. According to the agenda, the board considered the status of pending or contemplated litigation. The meeting originally was scheduled for November 27, 1984.

Contact: Gary E. Miller, M.D., P.O. Box 12668, Austin, Texas, (512) 465-4588.

Filed: November 20, 1984, 3:52 p.m.
TRD-8411779

Friday, December 7, 1984, 9 a.m. The Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation (TDMHMR) will meet in the auditorium, 909 West 45th Street, Austin. Items on the agenda include approval of the November 9, 1984, minutes; the proposed lease of Abilene State School property to the Abilene Regional MHMR Center; quarterly budget additions and revisions for fiscal year 1985; nomination of land of the oil and gas lease at Rusk State Hospital; a proposed unification agreement concerning the Lubbock State School oil and gas lease; policies on mental retardation services; duties of the commissioner; a citizen's comments; and the status of pending or contemplated litigation.

Contact: Gary E. Miller, M.D., P.O. Box 12668, Austin, Texas, (512) 465-4588.

Filed: November 26, 1984, 4:33 p.m.
TRD-8411945

Texas Motor Vehicle Commission

Tuesday, December 4, 1984, 9 a.m. The Texas Motor Vehicle Commission will meet in Suite 302, 815 Brazos Street, Austin. According to the agenda summary, the commission will adopt the September 26, 1984, minutes; consider hearing reports in Dockets 369, 377, and 382 and orders of dismissal in Dockets 336, 345, 346, 348-361, 362, and

378; and discuss pending litigation and the financial report.

Contact: Russell Harding, 815 Brazos Street, Suite 300, Austin, Texas 78701, (512) 476-3587.

Filed: November 21, 1984, 2:07 p.m.
TRD-8411847

Board of Pardons and Paroles

Monday-Friday, December 3-7, 1984, 1:30 p.m. Monday-Thursday and 11 a.m. Friday. A three-member 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 releasees subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2713.

Filed: November 21, 1984, 10:44 a.m.
TRD-8411816

Tuesday, December 4, 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, (512) 459-2704.

Filed: November 21, 1984, 10:44 a.m.
TRD-8411817

Texas State Board of Pharmacy

Tuesday-Thursday, November 27-29, 1984, 8:30 a.m. daily. The Texas State Board of Pharmacy made an emergency addition to the agenda of a meeting held at the Austin South Plaza Hotel, 3401 IH 35 South, Austin. The addition concerned hearing testimony and reviewing evidence of alleged violations of those laws which persons are subject to administrative sanctions and what forms the sanctions were to take. The emergency status was necessary because documentation received regarding these pro-

posed agreed board orders necessitated board consideration.

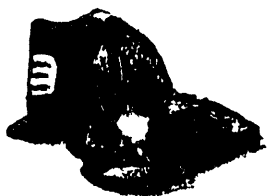
Contact: Bob Watson, 211 East Seventh Street, Suite 1121, Austin, Texas 78701.

Filed: November 20, 1984, 3:49 p.m.
TRD-8411778

Tuesday-Thursday, November 27-29, 1984, 8:30 a.m. daily. The Texas State Board of Pharmacy made an emergency addition to the agenda of a meeting held at the Austin South Plaza Hotel, 3401 IH 35 South, Austin. The addition concerned testimony and review of evidence of alleged violations of those laws which persons are subject to administrative sanctions and what form the sanctions would take. The emergency status was necessary because a district court order required a rehearing of this item.

Contact: Bob Watson, 211 East Seventh Street, Suite 1121, Austin, Texas 78701.

Filed: November 26, 1984, 1:52 p.m.
TRD-8411914



Polygraph Examiners Board

Tuesday and Wednesday, December 11 and 12, 1984, 9 a.m. daily. The Polygraph Examiners Board will meet at the Texas Department of Public Safety, 5805 North Lamar Boulevard, Austin. Items on the agenda include conducting and grading of licensing examinations, the signing of agreed board orders, and consideration and action upon any other polygraph-related business which may come before the board.

Contact: Candy Moore, P O. Box 4087, Austin, Texas 78773.

Filed: November 26, 1984, 9:51 a.m.
TRD-8411896

Texas Department of Public Safety

Thursday, November 29, 1984, 10 a.m. The Public Safety Commission of the Texas Department of Public Safety met at 5805 North Lamar Boulevard, Austin. Items on the agenda included approval of the minutes and consideration of budget matters, per-

sonnel matters, and other unfinished business.

Contact: James B. Adams, 5805 North Lamar Boulevard, Austin, Texas, (512) 465-2000, ext. 3700.

Filed: November 21, 1984, 9 a.m.
TRD-8411788

Public Utility Commission of Texas

Friday, November 30, 1984, 10 a.m. The Hearings Division of the Public Utility Commission of Texas (PUC) will meet in emergency session in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will conduct a prehearing conference in Docket 5023—application of CP&L, HL&P, and SWEPSCO for a + 400 kv HVdc transmission line from Walker County Station south to the South Texas Nuclear Project. The emergency status is necessary so that the utility can begin extensive data gathering.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 26, 1984, 9:53 a.m.
TRD-8411897

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

Tuesday, December 4, 1984, 10 a.m. Dockets 5783, 5790, 5772, 5885, 5728, 5553, 5130, 5474, 5544, 5539, 5756, 5834, and 5865. The division 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: November 21, 1984, 3:10 p.m.
TRD-8411855

Monday, December 10, 1984, 10 a.m. A hearing on the merits in Docket 5917—application of Crest Utility Company for a water rate increase, and Docket 5918—application of Crest Utility Corporation for a rate increase.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 21, 1984, 2:06 p.m.
TRD-8411846

Thursday, December 13, 1984, 9 a.m. A prehearing conference in Docket 5849—ap-

plication of Montgomery Investors Development Corporation for a certificate of convenience and necessity.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: November 20, 1984, 2:08 p.m.
TRD-8411758

Friday, December 14, 1984, 9 a.m. The proposed staff statewide generating forecast.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: November 21, 1984, 10:12 a.m.
TRD-8411813

Tuesday, December 18, 1984, 9 a.m. A hearing on the merits in Docket 5993—appeal of West Texas Utilities Company from the rate-making actions of the City of Baird, *et al*

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: November 20, 1984, 2:08 p.m.
TRD-8411759

Thursday, January 3, 1985, 9 a.m. A discovery dispute prehearing in Docket 5951—application of Wax-Mid, Inc., for a certificate of convenience and necessity to provide water utility service within Ellis County

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: November 20, 1984, 2:11 p.m.
TRD-8411760

Monday, January 28, 1985, 9 a.m. A hearing on the merits in Docket 5979—application of Mid-South Electric Cooperative Association for a rate increase

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: November 20, 1984, 2:10 p.m.
TRD-8411761

Tuesday, February 5, 1985, 9 a.m. A hearing in Docket 5951—application of Wax-Mid, Inc., for a certificate of convenience and necessity to provide water utility service within Ellis County.

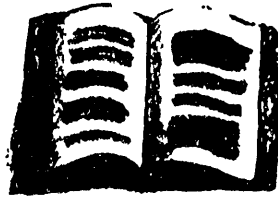
Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: November 20, 1984, 2:11 p.m.
TRD-8411762

Wednesday, February 20, 1985, 10 a.m. A hearing on the merits in Docket 5907—application of Hickory Water Works for a certificate of convenience and necessity within Atascosa County

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 20, 1984, 2:10 p.m.
TRD-8411763



Railroad Commission of Texas

Monday, December 3, 1984, 9 a.m. The Railroad Commission of Texas will meet in Room 309, 1124 IH 35 South, Austin. The commission will consider and act on division agendas as follows.

The Administrative Services 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: November 21, 1984, 10:49 a.m.
TRD-8411818

The Automatic Data Processing 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: November 21, 1984, 10:49 a.m.
TRD-8411819

The Flight Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Ken Fossler, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1103

Filed: November 21, 1984, 10:52 a.m.
TRD-8411820

Various matters falling within the Gas Utilities Division's regulatory jurisdiction.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0461.

Filed: November 21, 1984, 2:01 p.m.
TRD-8411848

Additions to the previous agenda:

Consideration of Gas Utilities Docket 5008—statement of intent filed by HPI

Transmission, Inc., to change rates charge to Houston Pipe Line Company.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas, (512) 475-0461

Filed: November 21, 1984, 2:02 p.m.
TRD-8411849

Consideration of Gas Utilities Docket 4714 consolidated—appeal of the Rio Grande Valley Gas Company from the actions of various cities in its South Texas service area and statements of intent to change rates in the related environs and rural areas in Cameron, Hidalgo, Jim Hogg, Starr, and Willacy Counties.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas, (512) 475-0461.

Filed: November 21, 1984, 2:02 p.m.
TRD-8411850

The Office of Information Services director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711.

Filed: November 21, 1984, 10:51 a.m.
TRD-8411821

The LP-Gas Division director's report on division administration, budget, procedures, and personnel matters and the repeal of 16 TAC §9.28 of the LP-gas safety rules

Contact: Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711

Filed: November 21, 1984, 10:50 a.m.
TRD-8411825

Various matters falling within the Oil and Gas Division's regulatory jurisdiction

Contact: Liz Nauert, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: November 21, 1984, 10:51 a.m.
TRD-8411822

Additions to the previous agenda:

Whether or not to initiate rule-making proceedings to amend SWR 36 (16 TAC §3.36).

Contact: Kimberly Kiplin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1180.

Filed: November 21, 1984, 10:51 a.m.
TRD-8411823

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: November 21, 1984, 10:49 a.m.
TRD-8411824

The Personnel Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Pete Edgar, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120.

Filed: November 21, 1984, 10:50 a.m.
TRD-8411826

The Office of Research and Statistical Analysis director's report on division administration, budget, procedures, and personnel matters.

Contact: Gail Gemberling, P.O. Drawer 12967, Austin, Texas 78711.

Filed: November 21, 1984, 10:50 a.m.
TRD-8411827

The Office of the Special Counsel director's report relating to pending litigation, state and federal legislation, and other budget, administrative, and personnel matters

Contact: Walter Earl Ithe, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186

Filed: November 21, 1984, 10:51 a.m.
TRD-8411828

The Surface Mining and Reclamation Division's Docket 033—permit application approval and permit issuance for Chevron USA Inc.'s Probst-McGriff Mine, an order terminating the escrow bonding agreement with the Texas Municipal Power Agency and releasing certain negotiable government securities held for its Gibbons Creek Mine under Permit 6, and 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: November 21, 1984, 10:50 a.m.
TRD-8411829

Various matters falling within the Transportation Division's regulatory jurisdiction

Contact: Michael A. James, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330

Filed: November 21, 1984, 10:52 a.m.
TRD-8411830

Texas Rehabilitation Commission

Thursday, November 29, 1984, 2 p.m. The Advocacy and Public Information Committee of the Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission (TRC) met via conference call originating from Room 163, 118

East Riverside Drive, Austin. Items on the agenda included continuation of discussion of agency budget items and other legislative priorities.

Contact: Joellen F. Simmons, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8867.

Filed: November 20, 1984, 2:07 p.m.
TRD-8411764

Committees of the Texas Planning Council for Developmental Disabilities of the TRC will meet in Room 302, 118 East Riverside Drive, Austin. Days, times, committees, and agendas follow.

Friday, November 30, 1984, 9:30 a.m. The Monitoring and Evaluation Committee will consider perfection of the agenda; a committee report; the council annual report, including the format and new Developmental Disabilities Act requirements; the Nominating Committee selection; the grants management status report; and the fiscal year 1985 grant funding process

Contact: Joellen F. Simmons, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8867

Filed: November 20, 1984, 2:07 p.m.
TRD-8411765

Thursday, December 6, 1984, 1:30 p.m. The Executive Committee will consider an overview of the Developmental Disabilities Act of 1984; council policies, including review and recommendations to the council and other policy suggestions, membership of the Texas Planning Council concerning Developmental Disabilities Act of 1984 requirements and representation by other agencies, rules of the commission concerning review of Chapter 109, relating to the Developmental Disabilities Program grants process; the Developmental Disabilities Program budget concerning fiscal year 1984 versus fiscal year 1985 and the fiscal year 1984 unobligated balance; the status of the Sunset Advisory Commission report; the Developmental Disabilities Program MBO plan; the planning calendar for short- and long-range matters; the grant audit status report; the university affiliated facility concerning the status of the TRIMS application, the NADDC Advisory Task Force; the 1985 RFP process concerns; the Coalition on Mental and Developmental Disabilities update; the Autism Task Force final report; and the Christmas newsletter update

Contact: Joellen F. Simmons, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8867.

Filed: November 21, 1984, 2:04 p.m.
TRD-8411851

Friday, December 7, 1984, 8:30 a.m. The Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission (TRC) will meet in Room 101-B, 158 East Riverside Drive, Austin. According to the agenda summary, the council will approve the September 7, 1984, minutes; consider perfection of the agenda, the Developmental Disabilities (D.D.) Act of 1984; the Executive Committee report concerning council policies and membership of the council; the Monitoring and Evaluation Committee report concerning the 1984 committee report and the grants management report; the Planning Committee report concerning the 1985 D.D. forum and a process to review state plans; the Advocacy and Public Information Committee report concerning review of the TRC, Texas Department of Human Resources, and Texas Department of Mental Health and Mental Retardation agency budget items and other legislative priorities; the executive director's report concerning the 1985 D.D. budget and the Sunset Advisory Committee report, the protection and advocacy report, the Autism Task Force report; Nominating Committee selections; an Intermediate Community Services Program update; the UAI Program application update, and public comments

Contact: Joellen F. Simmons, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8867

Filed: November 26, 1984, 1:32 p.m.
TRD-8411911

Friday, December 7, 1984, 9:30 a.m. The Board of the TRC will meet at 118 East Riverside Drive, Austin. According to the agenda summary, the board will consider communications; approve the September 14, 1984, minutes, hear the commissioner's report on operations and the deputy commissioner's reports on administrative and support services, the Vocational Rehabilitation Program, and the Disability Determination Division, and consider new business, including approval of rules of the TRC for the D.D. Program. The board also will meet in executive session

Contact: Vernon H. Newman, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8126.

Filed: November 26, 1984, 2:15 p.m.
TRD-8411925

University System of South Texas

Tuesday, November 27, 1984, 1:30 p.m. The Board of Directors of the University

System of South Texas made additions to the agenda of a meeting held in the system boardroom, Kingsville. The additions concerned consideration of the October 11, 1984, minutes, the chancellor's report; and an executive session to discuss personnel matters, the acquisition of real estate, and legal matters within the system.

Contact: William C English, P O Box 1238, Kingsville, Texas 78363, (512) 595-2208

Filed: November 20, 1984, 2:07 p.m.
TRD-8411766

**Board of Tax Professional
Examiners**

Monday, December 3, 1984, 3 p.m. The Committee for Informal Attention to Complaints of the Board of Tax Professional Examiners will meet in the conference room, 9501 IH 35 North, Austin. According to the agenda summary, the committee will resolve a complaint by Gene Lumpkin, chairman, Appraisal Review Board, Milam County Central Appraisal District, v Gene Blake, chairman, Appraisal District Board of Directors, Milam County Appraisal District, and consider lodging of a complaint by the board v Roy Brewer

Contact: Sam H Smith, 9501 IH 35 North, Austin, Texas 78761, (512) 834-4981 or (800) 252-9304

Filed: November 21, 1984, 2:06 p.m.
TRD-8411852



**Teacher Retirement System of
Texas**

Friday, December 7, 1984, 10 a.m. The Investment Advisory Committee of the Teacher Retirement System of Texas will meet at the Loews Anatole Hotel, 2201 Stemmons Freeway, Dallas. Items on the agenda include approval of the minutes, an update of investments for the preceding quarter and a report on forward commitments, discussion of changes to the investment policy, alternative investments, the economic outlook and market conditions, and quarterly cash flow management, approval of investment objectives, consideration of proposed

changes to the approved common stock list; and allocation of cash flow for the current quarter.

Contact: Clark Manning, 1001 Trinity Street, Austin, Texas 78701, (512) 397-6400.

Filed: November 26, 1984, 9:23 a.m.
TRD-8411886

Texas A&M University System

Sunday, November 25, 1984. Committees of the Board of Regents of the Texas A&M University System (TAMUS) met at the MSC Annex, Texas A&M University, College Station. Times, committees, and agenda summaries follow.

10 a.m. The Planning and Building Committee considered cancellation of unexpended balances of appropriations for TAMUS; a report of contract actions by the chancellor for TAMUS, a report of construction project appropriations and authorizations by the chancellor for TAMUS; a report of contract actions by the deputy chancellor or presidents for TAMUS; action on bids for Texas A&M University (TAMU), Prairie View A&M University (PVAMU), Texas Agricultural Experiment Station (TAES), and Texas A&M University at Galveston (TAMUG); an appropriation for detailed designs for TAMU; an appropriation for a design for TAMU and PVAMU; an appropriation for preliminary design for TAMU and TAMUG, and appropriation of funds for the maintenance of agricultural and engineering facilities on the west campus and TAMU Research and Extension Center at Bryan for TAMUS

1 p.m. The Committee for Service Units considered authorization to executive a license agreement with Gesellschaft fur Biotechnologische Forschung mbH for TAES; appointment of Doyle L Moore as associate director *emeritus* for the Texas Agricultural Extension Service (TAEX); the approval to transfer funds for program development for the Texas Engineering Experiment Station (TEES), the acceptance of land from Leonora O'Neal Masterson for the Texas Forest Service (TFS); and the authorization to execute an electrical power line right-of-way easement across the Indian Mound Nursery at Alto for TFS

1:15 p.m. The Committee for Academic Campuses considered the approval of an enrollment management plan for the College of Business Administration at TAMU; the establishment of an Institute of Ocular

Pharmacology at TAMU; the establishment of field trip fees for TAMU, and an increase in the room reservation and damage deposit fee at Tarleton State University (TSU)

1:30 p.m. The Cash Oversight Committee considered the authorization to implement a cash management program for PVAMU and reports from the administration relating to the management of cash and investments.

2 p.m. The Executive Committee received reports from various ad hoc committees; the sale of an oil, gas, and sulphur lease for TAMUS; the administration of government classified contracts for TAMUS; the execution of an electrical transmission line right-of-way easement for TAMUS; execution of a natural gas transmission pipeline right-of-way easement for TAMUS, the insurance program for TAMUS; budget and fiscal changes and personnel actions for TAMUS; appointments and promotions for TAMUS, terminations of employment for TAMUS; gifts, loans, and bequests for TAMUS, appropriations from an available university fund for TAMU, implementation of a cash management program at PVAMU, funding for a computer upgrade for TSU; appropriation of building use fees for TSU; confirmation of a vending machine contract for TFS, authorization to sell utility services to the Association of Former Students for TAMU; consideration of land matters for TAMUS; naming of facilities for TAMUS; consideration of litigation for TAMUS; the purchase of land for TAMUS, consideration of personnel matters for TAMUS, and authorization for Dr J M Prescott to be appointed to a nonelective position outside TAMUS

Contact: Vickie E Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603

Filed: November 20, 1984, 11:57 a.m.
TRD-8411745-8411749

Monday, November 26, 1984, 8:30 a.m.

The Board of Regents of the Texas A&M University System met at the MSC Annex, Texas A&M University, College Station. Items on the agenda summary include construction for TAMUS; consideration of a license agreement for TAES; an appointment of an associate director *emeritus* for TAEX; transfer of funds for program development for TEES, the acceptance of land for TFS; the execution of an electrical power line right-of-way easement for TFS; approval of an enrollment management plan for the College of Business Administration at TAMU; the establishment of an Institute of Ocular Pharmacology at TAMU; the es-

establishment of field trip fees for TAMU; an increase in the room reservation and damage deposit fee at TSU; implementation of a cash management program for PVAMU; the sale of an oil, gas, and sulphur lease for TAMUS; the administration of government classified contracts for TAMUS; the execution of an electrical transmission line right-of-way easement for TAMUS; execution of a natural gas transmission pipeline right-of-way easement for TAMUS; the insurance program for TAMUS; budget and fiscal changes and personnel actions for TAMUS; appointments and promotions for TAMUS; terminations of employment for TAMUS; gifts, loans, and bequests for TAMUS; appropriations from the available university fund for TAMU; authorization for Dr. J. M. Prescott to be appointed to a nonelective position outside TAMUS; funding for a computer upgrade for TSU; appropriation of building use fees for TSU; confirmation of a vending machine contract for TFS; authorization to sell utility services to the Association of Former Students for TAMU; consideration of land matters for TAMUS; naming of facilities and roads for TAMUS; consideration of litigation for TAMUS; the purchase of land for TAMUS; and consideration of personnel matters for TAMUS.

Contact: Vickie E. Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: November 20, 1984, noon.
TRD-8411750

Texas Southern University

Friday, December 7, 1984. Committees of the Board of Regents of Texas Southern University (TSU) will meet in Room 117, Hannah Hall, 3100 Cleburne Avenue, TSU campus, Houston. Times, committees, and agendas follow.

8:30 a.m. The Development Committee will receive reports from the administration on university fundraising and hear a status report on educational and developmental gifts and grants.

9 a.m. The Building and Grounds Committee will consider approval of payments for construction contracts, approval/ratification of building contracts, a construction change order, improvements to land, the sale of improvements, a report on central plant expansion and renovation, and a progress report on ongoing construction projects.

10:15 a.m. The Finance Committee will consider monthly fiscal reports on university operations, approve short-term university investments, and consider revisions in the university's biennial budget request.

11 a.m. The Personnel and Academic Affairs Committee will receive enrollment and curricula data from the administration and consider academic program changes, appointments to the faculty and staff, requests for leave from faculty members, the cancellation of appointments and changes in the status of certain personnel, and changes in the Faculty Manual.

11:30 a.m. The Student Affairs Committee will receive reports from the administration on student organization and activities, dormitory renovation progress reports, and status reports.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: November 20, 1984, 10:33 a.m.
TRD-8411738-8411742

Friday, December 7, 1984, 1:30 p.m. The Board of Regents of TSU will meet in Room 203, Sterling Student Life Center, TSU campus, Houston. Items on the agenda include receipt and consideration of reports from the Finance, Building and Grounds, Personnel and Academic Affairs, and Development Committees; reports from the president, and consideration of changes in the Faculty Manual. The board also will meet in executive session.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: November 20, 1984, 10:33 a.m.
TRD-8411743

Texas Woman's University

Thursday, December 6, 1984, 1:30 p.m. The Board of Regents of Texas Woman's University will meet on the 16th Floor, Administration and Conference Tower, Denton. According to the agenda summary, the board will consider approval of the September 20, 1984, minutes; personnel additions and changes; gifts and grants; agreements and contracts; federal funds; the sale of surplus property; the purchase of insurance policies; change orders; the small class report for fall 1984; revisions in the late registration process and fees; a report regarding institutional ethnicity; and a report of the

president. The board also will meet in executive session.

Contact: Dr. Mary Evelyn Blagg Huey, P.O. Box 23925, Denton, Texas 76204, (817) 383-1466.

Filed: November 26, 1984, 2:19 p.m.
TRD-8411923

Texas Turnpike Authority

Tuesday, December 4, 1984, 10 a.m. The Board of Directors of the Texas Turnpike Authority will meet in the Regency I Room, Executive Inn, 3232 West Mockingbird Lane, Dallas. According to the agenda summary, the board will consider approval of the October 9, 1984, minutes; final adoption of budgets for calendar year 1985 for the Dallas North Tollway, Mountain Creek Lake Bridge, and Houston Ship Channel Bridge projects; approval of Contract DNT-115, a construction progress report, ratification of actions of the chairman of the board pursuant to Resolution 858, and purchase of right-of-way parcels, all with respect to the Dallas North Tollway Extension project; and the payment of rental of toll collection equipment with respect to the Houston Ship Channel Bridge project. The board also will meet in executive session to consider pending or contemplated litigation, personnel matters, and the purchase or value of real property.

Contact: Harry Kabler, P.O. Box 190369, Dallas, Texas 75219, (214) 522-6200.

Filed: November 21, 1984, 2:04 p.m.
TRD-8411853

Texas Water Commission

Wednesday, November 28, 1984, 10 a.m. The Texas Water Commission met in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission considered Application 4458 of Frank Abate, Pat Abate, Pat Abate and Tony Lombardo, Falls County, Brazos River Basin; Application 4462 of Tony Lombardo and wife, Providence Lombardo, Falls County, Brazos River Basin; Application 4463 of Pat Abate, Falls County, Brazos River Basin; and an application of Charles Owen for proposed water quality Permit 12909-01, Tarrant County, Trinity River Basin.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Texas Register

Filed: November 20, 1984, 10:24 a.m.
TRD-8411736

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

Tuesday, December 4, 1984, 10 a.m. In Room 118, the commission will consider water district bond issues, release of escrow, use of surplus funds, standby charge, water quality proposed permits, amendments and renewals, and the filing and setting of hearing dates.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: November 21, 1984, 1:41 p.m.
TRD-8411833

Tuesday, December 4, 1984, 2 p.m. In Room 118, the commission will consider an application of Lake Cities Municipal Utility Authority, P.O. Box 355, Lake Dallas, Texas 75065, to the Texas Department of Water Resources for a temporary order to authorize a discharge of partially treated domestic wastewater from its domestic wastewater treatment plant located on the shore of Lake Lewisville (Garza-Little Elm Reservoir) approximately 1½ miles west of IH 35 and 600 feet north of the Lake Dallas city limit in Denton County. The applicant proposes to expand and improve the sewage treatment facility.

Contact: Paula Hilsenbeck, P.O. Box 13087, Austin, Texas 78711, (512) 475-7845

Filed: November 26, 1984, 1:48 p.m.
TRD-8411916

Wednesday, December 5, 1984, 3 p.m. In Room 118, the commission will consider an application of the City of San Antonio, Leon Creek Wastewater Treatment Plant, in care of Gregory J. Kuchy, P.E., Assistant Wastewater Facilities Manager, City of San Antonio, P.O. Box 9066, San Antonio, Texas 78285, to the Texas Department of Water Resources for a temporary order to authorize the discharge of treated wastewater effluent at a volume not to exceed an average flow of 24 million gallons per day (36 million daily maximum) from the Leon Creek Wastewater Treatment Plant, which is located approximately one mile west of the intersection of Mauerman Road and Pleasanton Road in Bexar County. The applicant proposes to route flows around the stormwater clarifier which is used as the chlorine contact basin to remove and replace the existing influent and effluent lines for the stormwater clarifier. The construction is part of a two-year plant expansion and up-

grading of the treatment facility. Additional discharges will be requested in the future to complete the entire project. The applicant is presently developing a package that will include all necessary discharges and a time table of planned construction activities. This information will be used to prepare a comprehensive request for temporary discharges.

Contact: Kenneth Petersen, P.O. Box 13087, Austin, Texas 78711, (512) 475-7841.

Filed: November 26, 1984, 1:48 p.m.
TRD-8411915

Thursday, December 6, 1984, 9 a.m. In Room 122, the commission will conduct a conference with Bill Green of the Donna Irrigation District and others representing Lower Rio Grande Valley water districts.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: November 27, 1984, 9 a.m.
TRD-8411948

Wednesday, December 12, 1984, 10 a.m. In Room 118, the commission will consider an application of Southern Montgomery County Municipal Utility District, P.O. Box 100, Spring, Texas 77373, to the Texas Department of Water Resources for a temporary order to authorize a discharge of partially treated domestic wastewater effluent at a volume not to exceed an average flow of one million gallons per day from its wastewater treatment plant which is located west of the Missouri Pacific Railroad, approximately ¼ mile north of its crossing with Spring Creek in Montgomery County. The applicant proposes that such a request is necessary as a part of an expansion project to bring total plant capacity to two million gallons per day.

Contact: Savannah Robinson, P.O. Box 13087, Austin, Texas 78701, (512) 475-7851.

Filed: November 26, 1984, 1:48 p.m.
TRD-8411913

Addition to the previous agenda.

The commission will consider an application of Roy and Thomas C. Bedford, doing business as Cut-N-Shoot Mobile Home Park, for proposed water quality Permit 12820-01, Montgomery County, San Jacinto River Basin; and an application of Clark Development Company for proposed water quality Permit 12885-01, San Jacinto County, Trinity River Basin.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: November 20, 1984, 10:25 a.m.
TRD-8411737

Thursday, December 13, 1984, 11 a.m. In Room 118, the commission will consider an application of the City of Wake Village, P.O. Box 3776, Wake Village, Texas 75501, to the Texas Department of Water Resources for a temporary order to authorize a discharge of partially treated domestic wastewater effluent at a volume not to exceed an average flow of 500,000 gallons per day (1.25 million gallons daily maximum) from its sewage treatment facility which is located south of the intersection of Redwater Road and the T&P Railroad, in the northeast corner of the City of Wake Village, Bowie County. The applicant proposes to make repairs to its sewage treatment facility.

Contact: Paula Hilsenbeck, P.O. Box 13087, Austin, Texas 78711, (512) 475-7841.

Filed: November 26, 1984, 1:49 p.m.
TRD-8411912

Wednesday, December 19, 1984, 10 a.m. In Room 124A, the commission will consider Application 4512 of Olive L. Ridley and Elgan M. Ridley III seeking a permit to divert and use 160 acre-feet of water per annum directly from the San Antonio River, San Antonio River Basin, for irrigation use in Karnes County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: November 21, 1984, 1:43 p.m.
TRD-8411834

Addition to the previous agenda.

The commission will consider Application 3803A of Olive L. Ridley and Elgan M. Ridley III seeking an amendment to Permit 3517, which authorized the diversion and use of 80 acre-feet of water per annum directly from the San Antonio River, San Antonio River Basin, for irrigation use in Karnes County. The applicants seek to amend the permit to increase annual diversion to 160 acre-feet of water and to increase the acreage irrigated per annum to 240 acres out of a 334.4-acre tract.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: November 21, 1984, 1:43 p.m.
TRD-8411835

Monday, January 7, 1985, 10 a.m. In Room 152, the commission will consider Application 4513 of William N. Walker seeking a permit to divert and use 1,350 acre-feet of water per annum from Lake Fork Creek, tributary of the Sabine River, Sabine River Basin, for irrigation use in Wood County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: November 21, 1984, 1:43 p.m.
TRD-8411836

Tuesday, January 8, 1985, 9 a.m. In Room 124A, the commission will consider an application of Morris K. Gully, Jr., 1301 IH 35 South, Austin, Texas 78741, to the Texas Department of Water Resources for proposed Permit 13016-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 950,000 gallons per day from the proposed Hunters Bend Utility Systems Wastewater Treatment Plant, which is to serve the needs of the proposed Hunters Bend subdivision.

Contact: Carl X. Forrester, P.O. Box 13087, Austin, Texas 78711, (512) 475-7856

Filed: November 20, 1984, 2:20 p.m.
TRD-8411770

Wednesday, January 9, 1985, 9:30 a.m. The Texas Water Commission will meet at the Haslet Community Center, next door to the fire hall, Haslet. According to the agenda summary, the commission will consider an application of Galilee Corporation, P.O. Box 386, Keller, Texas 76248, to the Texas Department of Water Resources for proposed Permit 13008-01 to authorize a discharge of treated domestic sewage effluent at a volume not to exceed an average flow of 100,000 gallons per day from the proposed Blue Mound Hills Sewage Treatment Plant, which is to serve the needs of a residential development.

Contact: Lee Ann Newberry Jones, P.O. Box 13087, Austin, Texas 78701, (512) 475-1339.

Filed: November 21, 1984, 1:42 p.m.
TRD-8411837

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

Thursday, January 10, 1985, 9:30 a.m. In Room 124A, the commission will consider an application of the City of Presidio, P.O. Box 1130, Presidio, Texas 79845, to the Texas Department of Water Resources for proposed Permit 12955-01 to authorize the discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 350,000 gallons per day from the proposed North Wastewater Treatment Plant, which is to serve the citizens of Presidio.

Contact: Robert Caine, P.O. Box 13087, Austin, Texas 78711, (512) 475-1468.

Filed: November 21, 1984, 3:27 p.m.
TRD-8411950

Friday, January 11, 1985, 10 a.m. In Room 618, the commission will consider an application of Cameron County Fresh Water Supply District 1 seeking to amend Certificate of Adjudication 23-464, which authorizes a Class B priority right to divert and use not to exceed 486.375 acre-feet of water per annum from the Rio Grande, Rio Grande Basin, for irrigation use in Hidalgo County. The applicant acquired 93 acres of Class B water rights in 1971 for irrigation use. The applicant now seeks to change the purpose of use of 93 acres of water rights from irrigation to municipal use and to authorize diversion of not to exceed 93 acre-feet of water per annum for municipal use, change the place of use from Hidalgo County to Cameron County, and to change the point of diversion.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514

Filed: November 21, 1984, 1:43 p.m.
TRD-8411838

Thursday, January 17, 1985, 10 a.m. In Room 618, the commission will consider an application of Brookhill Corporation, Inc., seeking to extend the time for commencement of construction to correct deficient and unsafe conditions on an existing dam and 36 acre-foot recreation reservoir on Meetinghouse Branch, tributary of Menard Creek, tributary of the Trinity River, Trinity River Basin, in Liberty County, under Permit 3739.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: November 21, 1984, 1:43 p.m.
TRD-8411839

Addition to the previous agenda.

The commission will consider Application 4514 of Independent American Development Corporation seeking a permit to authorize the construction of, and initial filling and impoundment of water in a proposed five acre-foot capacity reservoir on an unnamed tributary of Marshall Branch, tributary of Denton Creek, tributary of the Elm Fork Trinity River, tributary of the Trinity River, Trinity River Basin, for recreational use on the applicant's golf course in Denton County

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: November 21, 1984, 1:44 p.m.
TRD-8411840

Monday, January 21, 1985, 10 a.m. In Room 124A, the commission will consider Application 4148A of Farms of Texas Company, a general partnership, seeking to

amend Permit 3845 to authorize the diversion from the Old Channel South Sulphur River, tributary of the South Sulphur River, tributary of the Sulphur River, Sulphur River Basin, of an additional 7,246 acre feet of water per annum either directly to the fields or to a proposed 3,623 acre-foot capacity off-channel reservoir for subsequent use to irrigate an additional 3,162 acres of land within a 16,711.19 acre tract which includes land in Delta, Lamar, Hopkins, Red River, and Franklin Counties. The proposed reservoir will be located in Delta County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: November 21, 1984, 1:44 p.m.
TRD-8411841

Friday, January 25, 1985, 10 a.m. In Room 618, the commission will consider Application 4515 of Sullivan Development Company, Inc., seeking a permit to construct and maintain four on-channel dams and reservoirs on an unnamed tributary of Clear Fork Trinity River, tributary of the Trinity River, Trinity River Basin, for recreational (aesthetic) purposes within a development in Tarrant County. The applicant further requests authorization to divert and use a total of 106.06 acre-feet of water from an unnamed tributary of the Clear Fork Trinity River, tributary of the Trinity River, Trinity River Basin, to initially fill the reservoirs, which would thereafter be maintained at a constant level with groundwater

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: November 21, 1984, 1:44 p.m.
TRD-8411842

Addition to the previous agenda:

The commission will consider an application of Norbert L. Rohmfeld and Dorothy Rohmfeld seeking to amend Certificate of Adjudication 14-1118, which authorized the diversion and use of nine acre-feet of water per annum from an existing reservoir on Pony Creek, tributary of the Colorado River, Colorado River Basin, for irrigation use in Runnels County. The applicants seek to amend the certificate to increase the annual appropriation from nine to 25 acre-feet of water per annum, to increase the maximum irrigated acreage, to increase the overall area of which 15 acres may be irrigated, and to increase the maximum diversion rate from one cfs to two cfs (900 gpm)

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: November 21, 1984, 1:43 p.m.
TRD-8411843

**Texas Department of Water
Resources**

Friday, December 14, 1984, 10 a.m. The Texas Department of Water Resources will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the department will conduct a public hearing to solicit comments regarding proposed revisions to the department's rules concerning design criteria for dams and other aspects of dam safety.

Contact: Patrick Sullivan, P. O. Box 13087, Austin, Texas 78711, (512) 475-6943

Filed: November 26, 1984, 10:40 a.m.
TRD-8411900

Regional Agencies

Meetings Filed November 20

The Brazos Higher Education Authority, Inc., Board of Directors, revised the agenda of a meeting held at the City Club of Waco, 801 Washington Avenue, Waco, on November 28, 1984, at noon. Information may be obtained from Murray Watson, Jr., P. O. Box 1308, 111 South 18th Street, Waco, Texas 76701, (817) 753-0913

The Colorado River Municipal Water District, Board of Directors, met at 400 East 24th Street, Big Spring, on November 27, 1984, at 10 a.m. Information may be obtained from O. H. Ivie, P. O. Box 869, Big Spring, Texas 79720

The Lamar County Appraisal District, Board of Directors, met at 1523 Lamar Avenue, Paris, on November 29, 1984, at 4 p.m. Information may be obtained from L. I. Ricketson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822

The Lubbock Regional Mental Health and Mental Retardation Center, Board of Trustees, met at 3800 Avenue H, Lubbock, on November 26, 1984, at noon. Information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, (806) 763-4213

The Mental Health and Mental Retardation Regional Center of East Texas, Board of Trustees Executive Committee, met in the boardroom, 2323 West Front Street, Tyler, on November 29, 1984, at 4 p.m. Information may be obtained from Richard J. DeSanto, P. O. Box 4730, Tyler, Texas 75712, (214) 597-1351

The Northeast Texas Municipal Water District, Board of Directors, met at 1003 Linda Drive, Dangierfield, on November 26, 1984, at 7 p.m. Information may be obtained from Homer Tanner, P. O. Box 680, Dangierfield, Texas 75638, (214) 645-2241

The West Texas Municipal Power Agency, Board of Directors, met in the emergency operation center, city hall, Lubbock, on November 27, 1984, at 9:30 a.m. Information may be obtained from R. Michael Simmons, 8240 MoPac Expressway, Austin, Texas 78759, (512) 346-4011.
TRD-8411768

Meetings Filed November 21

The Alamo Area Council of Governments, Executive Committee, met in Suite 420, 118 Broadway, San Antonio, on November 28, 1984, at noon. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201.

The Austin-Travis County Mental Health and Mental Retardation Center, Operations and Planning Committee, met in the executive conference room, 1430 Collier Street, Austin, on November 26, 1984, at 7:30 a.m. The Board of Trustees met at 111 East First Street, Austin, on November 27 and 29 and December 4, 1984, at 7:30 a.m. daily. Information may be obtained from Glenda Boyle or Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141

The Capital Area Rural Transportation System, Board of Directors, met in the conference room, Suite 100, 2520 IH 35 South, Austin, on November 29, 1984, at 9:30 a.m. Information may be obtained from Nancy Kowieski, 2201 Post Road, Room 103, Austin, Texas 78704, (512) 443-0904

The Dallas Area Rapid Transit Authority, Personnel Committee, met at 601 Pacific Avenue, Dallas, on November 26, 1984, at 4 p.m. The Budget and Finance Committee met at the same location on the same day at 4 p.m. The Board met at the same location on November 27, 1984, at 6:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278

The Lee County Appraisal District, Board of Directors, met at 218 East Richmond Street, Giddings, on November 28, 1984, at 9 a.m. Information may be obtained from

James L. Dunham, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618

The Nueces River Industrial Development Authority met in Conference Room 2710, First City Tower, 1001 Fannin, Houston, on November 28, 1984, at 11 a.m. Information may be obtained from Con Mims, P. O. Box 349, Uvalde, Texas 78801, (512) 278-6810.

The Panhandle Regional Planning Commission, Board of Directors, met in the conference room, first floor, Briercroft Building, Eighth and Jackson Streets, Amarillo, on November 29, 1984, at 1:30 p.m. Information may be obtained from Polly Jennings, P. O. Box 9257, Amarillo, Texas 79105, (806) 372-3381.

The Trinity River Industrial Development Authority, Board of Directors, met at 5300 South Collins, Arlington, on November 27, 1984, at 10:30 a.m. Information may be obtained from Ramona A. Winer, 5300 South Collins, Arlington, Texas 76010, (817) 467-4343.

TRD-8411811

Meetings Filed November 26

The Amarillo Mental Health and Mental Retardation Regional Center, Board of Trustees, met in emergency session in Room J-13, Psychiatric Pavilion, 7201 Evans Street, Amarillo, on November 27, 1984, at 1 p.m. The Executive Committee of the Board of Trustees also met in emergency session in Room G-15 at the same location on the same day at noon. Information may be obtained from Claire Rigler, P. O. Box 3250, Amarillo, Texas 79106, (806) 353-7235

The Bastrop County Appraisal District, Board of Directors, met at 1200 Cedar Street, Bastrop, on November 29, 1984, at 7:30 p.m. Information may be obtained from Clifton L. Kessler, P. O. Drawer 578, Bastrop, Texas 78602, (512) 321-3925.

The Bell County Appraisal District will meet in the commissioners courtroom, second floor, Bell County Courthouse, Belton, on December 19, 1984, at 6:45 p.m. Information may be obtained from Tolly Moore, P. O. Box 390, Belton, Texas 76513-0390, (817) 939-3521, ext. 410

The Brown County Appraisal District will meet at 403 Fisk Avenue, Brownwood, on

December 3, 1984, at 7 p.m. Information may be obtained from Alvis Sewalt, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676.

The Central Plains Mental Health and Mental Retardation Center, Board of Trustees, met at 2601 Dimmitt Road, Plainview, on November 29, 1984, at 7 p.m. Information may be obtained from Rick Van Hersh, 2700 Yonkers, Plainview, Texas 79072, (806) 296-2726

The Dallas Area Rapid Transit Authority, Communications and Community Involvement Committee, met in emergency session at 601 Pacific Avenue, Dallas, on November 27, 1984, at 6 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, will meet at 611 North Dallas Avenue, Lamesa, on December 5, 1984, at 7 a.m. Information may be obtained from Tom Anderson, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060.

The Deep East Texas Council of Governments, Regional Health Planning Advisory Committee, met at the Lufkin Rodeway Inn, U.S. Highway 59 South, Lufkin, on November 29, 1984, at 6.30 p.m. Information may be obtained from Randy Blanks, P.O. Box 1423, Lufkin, Texas 75901.

The East Texas Council of Governments, Private Industry Council, met at 3800 Stone Road, Kilgore, on November 29, 1984, at 9:30 a.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

The Region VII Education Service Center, Board of Directors, will meet at the Summit Club, MBank, Longview, on December 6, 1984, at 7 p.m. Information may be obtained from Don J. Peters, 818 East Main Street, Kilgore, Texas 75662, (214) 984-3071.

The Gillespie County Appraisal District, Board of Directors, met in emergency session in the City Hall Assembly Room, Fredericksburg, on November 28, 1984, at 3 p.m. Information may be obtained from Gary Neffendorf, P.O. Box 429, Fredericksburg, Texas 78624.

The Hays County Central Appraisal District, Board of Directors, will meet at the Courthouse Annex, San Marcos, on December 3, 1984, at 4 p.m. Information may be obtained from Lynnell Sedlar, 102 LBJ Drive, San Marcos, Texas 78666.

The Middle Rio Grande Development Council, Private Industry Council, met in emergency session at the Country Store Restaurant, Cotulla, on November 28, 1984, at 11 a.m. Information may be obtained from Juan Pablo Velez, P.O. Box 702, Carrizo Springs, Texas 78834, (512) 876-3533

The Sabine Valley Regional Mental Health and Mental Retardation Center, Board of Trustees, met at 810 East Magrill, Longview, on November 29, 1984, at 7 p.m. Information may be obtained from Ronald R. Cookston, P.O. Box 6800, Longview, Texas 75608, (214) 297-2191.

The Tyler County Tax Appraisal District, Board of Review, will meet at 103 Pecan, Woodville, on December 5, 1984, at 9 a.m. Information may be obtained from Mary F. Mann, (409) 283-3736

The Wheeler County Appraisal District, Board of Review, met in the commissioners court room, Wheeler County Courthouse, Wheeler, on November 28, 1984, at 1 p.m. The Board of Directors will also meet at the County Courthouse Square, Wheeler, on December 3, 1984, at 2 p.m. Information may be obtained from Marilyn Copeland, P.O. Box 349, Wheeler, Texas 79096, (806) 826-5900.

TRD-8411887

Meetings Filed November 27

The Dallas Area Rapid Transit Authority, Service Plan/Work Program Committee, will meet at 601 Pacific Avenue, Dallas, on November 30, 1984, at 3:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Trinity River Authority of Texas, Board of Directors, will meet at 5300 South Collins Street, Arlington, on December 5, 1984, at 10 a.m. Information may be obtained from Jack C. Worsham, Box 60, Arlington, Texas 76004-0060, (817) 467-4343.

TRD-8411948

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

Texas Air Control Board Amendment of Contract Award

On March 16, 1984, pursuant to the provisions of Texas Civil Statutes, Article 6252-11c, a consultant contract was awarded by the Texas Air Control Board to Colorado State University (contractor) to develop a mechanics training program to ensure proper repair and maintenance of vehicle emission control systems. Notice is hereby given of the intent to modify the existing contract after 10 days from the date of this publication.

The proposed modification will require the contractor to incorporate program revisions developed from the completion of pilot testing of the courses and prepare for the field tests of the training program, establish guidelines to actively recruit Harris County automotive technicians to provide a minimum total of 200 course participants, conduct field tests of the automotive technician training programs, evaluate field tests conducted by participating institutions, and prepare a final revision of the training program based on evaluation of field test activities.

The complete name and business address of the consultant is Colorado State University, National Center for Vehicle Emission Control and Safety, Department of Industrial Sciences, Fort Collins, Colorado 80523.

As proposed, this modification will increase the amount of the original award by \$75,000. When executed, this modification will extend the contract ending date to August 31, 1985.

This modification will require that the contractor provide by January 15, 1985, field test versions of course materials and associated evaluation and quality assurance and certification instruments with accompanying guidelines and techniques. By January 15, 1985, the contractor will also establish guidelines to actively recruit a minimum of 200 Harris County automotive technicians as field participants. The modification will further require the contractor to complete field testing of the automotive technician training courses by June 30, 1985. Finally, by August 31, 1985, the contractor shall provide a final

version of the new technology training programs based on evaluation of the field tests.

Issued in Austin, Texas, on November 20, 1984

TRD-8411775

Bill Stewart, P E
Executive Director
Texas Air Control Board

Filed: November 20, 1984

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

Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period of November 12-16, 1984.

Information relative to the following applications, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

A copy of all material submitted by the applicant is available for public inspection at the central office of the Texas Air Control Board at the previously mentioned address, and at the regional office for the air quality control region within which the proposed facility will be located.

Listed are the names of the applicants and the cities in which the facilities are located; type of facilities; location of the facilities (if available); permit numbers; and type of application—new source or modification.

Texas Eastman Company, Longview; resin plant expansion; off Highway 149, Harrison; 9552; new source

Henderson Clay Products, Inc., Marshall; brick kiln; 1700 North Franklin, Harrison County; 9553; new source

Bishop Cogeneration Project, Bishop, cogeneration facility; Bishop, Nueces County; 9554; new source

Liquid Energy Corporation, Bridgeport; gas processing plant with compression; Highway 114, Wise County; 9555, new source

Cooper and Woodruff, Inc., Amarillo; rock-crusher; Loop 335 and IH 27, Randall County; 158M; new source

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

TRD-8411854 Paul M. Shinkawa
Director of Hearings
Texas Air Control Board

Filed November 21, 1984
For further information, please call (512) 451-5711, ext 354



Texas Commission on Alcoholism Request for Proposals

The Texas Commission on Alcoholism (TCA), under the authority of Texas Civil Statutes, Article 5561c, is soliciting proposals to initiate, support, and enhance the activities and services of new councils on alcoholism. A total of \$89,619 in federal block funds is available. Any non-profit council on alcoholism or committee on alcoholism located in Texas and serving Texas residents which has been incorporated for two years or less as of December 21, 1984, may apply for a maximum of \$10,000.

Approved projects will be funded for the period May 1, 1985-August 31, 1985. No funds will be available after August 31, 1985, for continuation funding of these council activities.

The closing date for application submission is 5 p.m. on December 21, 1984.

To obtain a proposal packet or more information, contact the regional alcoholism services director in the council of governments serving the county in which your organization is located, or call the Grants and Contracts Department, Texas Commission on Alcoholism, in Austin, (512) 475-2577.

Issued in Austin, Texas, on November 13, 1984

TRD-8411751 Ross Newby
Executive Director
Texas Commission on
Alcoholism

Filed: November 20, 1984
For further information, please call (512) 475-2577

Banking Department of Texas Application to Acquire Control of a State Bank

Texas Civil Statutes, Article 342-401a, require 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 November 19, 1984, the banking commissioner received an application to acquire control of First City Bank of LaPorte, La Porte, by Patrick A. Callahan, trustee, Gus Groos, Clifford Hyde, Karl Johnston, P. J. Mock, Jr., and W. Randolph Woodward of LaPorte; Barry Blocker of Friendswood, George Britton, William Githens, Ira Green, Charles Lawrence, and James Tichenor of Houston; and James Maas of Seabrook.

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

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

TRD-8411769 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: November 20, 1984
For further information, please call (512) 475-4451

Texas Department of Community Affairs Announcement of Contract Awards

The Texas Department of Community Affairs (TDCA) announces that the following units of general local government have each been selected as contract recipients for community development project funds under the Texas Community Development Program established pursuant to Texas Civil Statutes, Article 4413(201), §4A. The first 10 local governments were selected for discretionary funding under the community development project fund. The next 15 contract recipients will be receiving marginal awards from the regional allocations. The remaining local governments were selected under the regular competition of the community development program fund.

Although 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.

List of Cities/Counties	Amount of Funding
Lyford	\$ 375,000
La Joya	\$ 250,000
Alamo	\$ 433,250
Mercedes	\$ 500,000
New Waverly	\$ 307,280
Freeport	\$ 476,894
El Campo	\$ 500,000

Texas Register

Caldwell	\$ 324,250
Premont	\$ 456,512
Winters	\$ 161,870
Seymour	\$ 59,146
Melvin	\$ 154,793
Seminole	\$ 260,720
Odem	\$ 302,665
Cactus	\$ 142,835
Wharton County	\$ 472,068
Bridge City	\$ 62,699
Ennis	\$ 217,610
Luling	\$ 168,698
Rockdale	\$ 181,486
Hillsboro	\$ 129,807
Bonham	\$ 108,195
Seadrift	\$ 152,178
Palmer	\$ 165,629
Mathis	\$ 500,000
Cuney	\$ 320,000
Gladewater	\$ 339,650
Mineola	\$ 108,879
Hidalgo County	\$ 402,950
Bayside	\$ 426,400
Grand Total	\$ 8,461,464

Issued in Austin, Texas, on November 20, 1984

TRD-8411784 Douglas C Brown
General Counsel
Texas Department of Community
Affairs

Filed: November 20, 1984
For further information, please call (512) 443-4100,
ext. 210.

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Lender Credit Card		
Quarterly Rate—		
Article 15.02(d) ⁽¹⁾		
01/01/85-03/31/85	19.60%	N/A
Standard Annual Rate—		
Article 1.04(a)(2) ⁽²⁾		
01/01/85-03/31/85	19.60%	19.60%
Retail Credit Card Annual Rate—		
Article 1.11 ⁽³⁾		
01/01/85-03/31/85	19.60%	N/A
Annual Rate Applicable to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from		
01/01/85-03/31/85	19.74%	N/A
Judgment Rate—		
Article 1.05, §2		
12/01/84-12/31/84	10.00%	10.00%

- (1) For variable rate commercial transactions only
- (2) Only for open-end credit as defined in Texas Civil Statutes, Article 5069-1 01(f)
- (3) Credit for personal, family, or household use
- (4) Credit for business, commercial, investment, or other similar purpose

Issued in Austin, Texas, on November 26, 1984

TRD-8411895 Sam Kelley
Consumer Credit Commissioner

Filed November 26, 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⁾ Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1)		
12/03/84-12/09/84	18.00%	18.00%
Monthly Rate—Article 1.04(c)⁽¹⁾		
12/01/84-12/31/84	18.00%	18.00%
Standard Quarterly Rate—Article 1.04(a)(2)		
01/01/85-03/31/85	19.60%	19.60%
Retail Credit Card Quarterly Rate—Article 1.11⁽³⁾		
01/01/85-03/31/85	19.60%	N/A

Office of the Governor Request for Proposals

Invitation for Program Proposals. The Criminal Justice Division (CJD), Office of the Governor, under the authority of its enabling act, Texas Civil Statutes, Article 4413(32a), and in compliance with Texas Civil Statutes, Article 1200f, announces a request for proposals (RFP) for continuing education courses or seminars for municipal court judges and municipal court personnel. Requests for proposals will be accepted from statewide professional associations of municipal court judges and municipal court personnel for programs to be funded in fiscal year 1985.

The deadline for submission of proposals in response to this request will be 5 p.m. on Friday, January 11, 1985.

The CJD reserves the right to accept or reject any or all proposals submitted and to negotiate modifications to improve the quality and cost-effectiveness of any proposal.

Proposals shall be considered based on adherence to the educational requirements of Texas Civil Statutes, Article 1200f; merit of the program; cost-effectiveness of the program; availability of funds; and ability of the appli-

cant to manage the proposed program and of the applicant or the applicant's contractor to deliver any proposed services

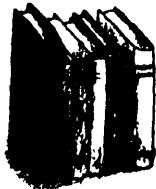
This RFP in no way obligates the CJD to award grant funds or to pay costs incurred as a result of responding to this RFP

Detailed information regarding qualifications and requirements is set forth in the request for proposals instructions For further information regarding this notice, or to obtain copies of the RFP instruction, please contact: Gilbert J. Pena, Executive Director, Criminal Justice Division, P O Box 12428, Austin, Texas 78711, (512) 475-3001

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

TRD-8411812 Gilbert J. Pena
Executive Director
Criminal Justice Division
Office of the Governor

Filed: November 21, 1984
For further information, please call (512) 475-3001.



Texas Department of Health Denial of Radioactive Material License

On October 12, 1984, the Bureau of Radiation Control denied an application for a radioactive material license submitted by R & B Swabbing, doing business as R&B Perforating, Inc., P O Box 43, Riviera, Texas 78379. The denial was based on apparent falsification of information contained in the license application regarding user qualifications and experience.

In accordance with *Texas Regulations for Control of Radiation* Part 13.3, this notice affords the opportunity for a hearing to show cause why the radioactive material license should not be denied. A written request for a hearing must be received within 30 days from the date of publication of this notice to be valid. Such written request must be filed with David K. Lacker, Director, Radiation Control Program, 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a hearing be timely filed, the denial of the radioactive material license will be final at the end of the 30-day period of notice.

Issued in Austin, Texas, on November 19, 1984

TRD-8411815 Robert A. MacLean, M D
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: November 21, 1984
For further information, please call (512) 835-7000.

Intent to Revoke a Radioactive Material License

The Bureau of Radiation Control, Texas Department of Health, is seeking the revocation of Radioactive Material License 8-2860, issued to Lavaca Testing, Inc., P.O. Box 670, Port Lavaca, for the following reasons:

(1) In accordance with *Texas Regulations for Control of Radiation* (TRCR) Part 41.32, Radioactive Material License 8-2860 expired July 31, 1983. The licensee has not submitted a request to renew the radioactive material license.

(2) The licensee failed to respond to a certified letter from the agency dated April 9, 1984.

(3) The licensee no longer possesses radioactive material.

All attempts by the agency to contact the licensee have been unsuccessful. Therefore, the Texas Department of Health, Bureau of Radiation Control, recommends that the radioactive material license issued to Lavaca Testing, Inc., be revoked immediately.

In accordance with TRCR Part 13.8, this notice affords the opportunity for a hearing to show cause why the radioactive material license should not be revoked. A written request for a hearing must be received within 30 days from the date of publication of this notice to be valid. Such written request must be filed with David K. Lacker, Director, Radiation Control Program, 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a hearing be timely filed, the radioactive material license will be revoked 14 days after the end of the 30-day period of notice.

Issued in Austin, Texas, on November 19, 1984

TRD-8411952 Robert A. MacLean, M D
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: November 21, 1984
For further information, please call (512) 835-7000.

Texas Health Facilities Commission Applications Accepted for Amendment, Declaratory Ruling, Notices of Intent, and Petition for Reissuance of Certificate of Need

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 fa

cilities; 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 or interested person to any of the previously stated applications, that person must file a proper request to become a party or interested person to the application within 10 days after the date of this publication of notice. If the 10th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. A request to become a party or interested person 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 or interested person.

The contents and form of a request to become a party or interested person to any of these applications must meet the criteria set out in 25 TAC §515.9. Failure of a party or interested person to supply the necessary information in the correct form may result in a defective request to become a party or interested person.

Polly Ryon Memorial Hospital, Richmond
AH82-0823-095A(110884)

CN/AMD—Request for an increase in the square footage of new construction from 134,381 square feet to 140,628 square feet and an extension of the completion deadline from October 10, 1986, to February 1, 1987, in Certificate of Need AH82-0823-095, which authorized the certificate holder to conduct a construction and renovation program involving 134,381 square feet of new construction and 21,628 square feet of renovation.

American Healthcare Management, Inc., for St Luke's Lutheran Hospital, San Antonio
AH81-1222-014A(111584)

CN/AMD—Request for an extension of the completion deadline from December 31, 1984, to April 1, 1985, in Certificate of Need AN81-1222-014, which authorized the certificate holder to conduct an extensive construction and renovation project.

Issued in Austin, Texas, on November 26, 1984

TRD-8411885 John R. Neel
 General Counsel
 Texas Health Facilities
 Commission

Filed: November 26, 1984
For further information, please call (512) 475-6940.



Texas Housing Agency Public Hearing

The Texas Housing Agency (THA) will conduct a public hearing concerning public approval for the issuance of industrial development bonds for residential real property. In accordance with federal law, the THA intends to seek public approval from the attorney general, the governor, or other applicable elected representative or designated official of the State of Texas for the issuance of a series of multifamily residential development revenue bonds (the bonds), in amounts not expected to exceed the approximate amounts set forth as follows:

Pursuant to the statutory authority of the THA, the bonds are being proposed to provide financing for sanitary, decent, and safe dwelling accommodations for persons and families of low income and families of moderate income. If issued, the bonds will constitute limited obligations of the THA. Neither the State of Texas nor any political subdivision other than the THA will be liable for the bonds. The bonds will not constitute a debt of the State of Texas.

The executive administrator or deputy administrator of the THA will hold a public hearing on residential projects proposed to be financed by the bonds. The hearing will be held Friday, November 30, 1984, at 3 p.m. at the Westin Galleria, 13340 Dallas Parkway, Dallas, Texas 75240, (214) 934-9494. The proposed residential projects and descriptions of each are as follows:

(1) \$8.6 million for the benefit of Crossmark Partners I, a Texas general partnership, having Crossmark Investment and Fairmont Leasing Partnership as general partners, to provide financing for a multifamily rental residential development consisting of approximately 200 units to be located on approximately 10.5 acres located off the northeast corner of Jupiter and Chaparral Roads in the Cottonwood Bend Subdivision, Allen, Collin County.

(2) \$13 million for the benefit of Calvary Hill Limited Partnership, having Lowell Burk, Richard Shaw, and Larry Stern as general partners, to provide financing for a multifamily rental residential development consisting of approximately 390 units to be located on approximately eight acres to the northeast of the intersection of Lombardy Lane and Brockbank Drive in Dallas, Dallas County.

(3) \$15 million for the benefit of Lina Street Joint Venture, having Lowell Burk, Richard Shaw, and Larry Stern as general partners, to provide financing for a multifamily rental residential development consisting of approximately 406 units to be located on approximately 10.16 acres on the west side of Lina Street between Timberglen and Rosemeade Parkway, in Dallas, Denton County.

All interested persons are invited to attend the hearing to express their views on the projects and the proposed issuance of the bonds. For details, contact Stan Kantrowitz, General Counsel, Texas Housing Agency, 411 West 13th Street, Suite 700, Austin, Texas 78701, (512) 475-0812 or (800) 792-1119.

Persons who intend to appear at the hearing and express views are encouraged to contact Mr. Kantrowitz before

the hearing. Any interested persons unable to attend the hearing may submit their views in writing to Mr. Kantrowitz before the hearing. All written comments will be made available for review by all parties attending the public hearing.

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

TRD-8411787 Stan Kantrowitz
General Counsel
Texas Housing Agency

Filed November 20, 1984
For further information, please call (512) 475-0812.

Texas Department of Human Resources

Extension of Closing Date for Proposals

The Texas Department of Human Resources is extending the closing date for the receipt of offers for services in the Office of Information Systems as originally published in the October 23, 1984, issue of the *Texas Register* (9 TexReg 5492).

The new closing date is December 4, 1984.

Issued in Austin, Texas, on November 21, 1984

TRD-8411799 Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Filed: November 21, 1984
For further information, please call (512) 450-3766.

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 incorporation of Whittaker Health Services of Texas, Inc., to be a domestic health maintenance organization. The home office is to be in San Antonio.

(2) Application for a name change by Alamo Title Company, a domestic title insurance company. The home office is in San Antonio. The proposed new name is Alamo Title Insurance of Texas.

(3) Application for admission to do business in Texas of American European Reinsurance Corporation, a foreign fire and casualty insurance company. The home office is in New York, New York.

(4) Application for incorporation of Texas Investors Life Insurance Company, to be a domestic life insurance company. The home office is to be in Waco.

(5) Application for a name change by Providentmutual Variable Life Insurance Company, a foreign life insurance company. The home office is in Philadelphia,

Pennsylvania. The proposed new name is Provident Variable Life Insurance Company.

(6) Application for a name change by International Service Life Insurance Company. The home office is in Dallas. The proposed new name is ISL Life Insurance Company.

(7) Application for admission to do business in Texas of Phoenix General Insurance Company, a foreign fire and casualty insurance company. The home office is in Hartford, Connecticut.

Issued in Austin, Texas, on November 20, 1984

TRD-8411774 James W. Norman
Chief Clerk
State Board of Insurance

Filed November 20, 1984
For further information, please call (512) 475-2950.

Railroad Commission of Texas Request for Proposals

The Railroad Commission of Texas (RCT) invites offers for consulting engineering services. This request is exempted from the advertising and reporting requirements of Texas Civil Statutes, Article 6252-11c, which does not apply to the employment of registered professional engineers.

The RCT is the designated state rail planning agency and as such it is the recipient of Federal Railroad Administration (FRA) grant funds to be applied on a 70%-30% matching basis towards railroad branch line rehabilitation. The next such rehabilitation project is to be on the 20.1 miles of track controlled and operated by the Brownsville and Rio Grande International Railroad (BRG) which is located on terminal properties within the Brownsville Navigation District (BND) in Cameron County. The BRG is currently operated in accordance with FRA track safety standards for excepted track for operations at speeds not exceeding 10 mph. This project will upgrade the line for safe and efficient operation at 25 mph Class 2 standards. The BRG will be contractually required to maintain the line at no less than Class 2 standards subsequent to completion of the rehabilitation project.

For information on the services required and response procedures, contact Robert Farnsworth, Rail Planner, Railroad Commission of Texas, Transportation Division, Rail Planning Section, 1124 IH 35 South, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 445-1183.

Starting Date. The contract for these services will begin with Phase I, preconstruction, as soon as possible

Deadline for Submission of Proposals. This proposal request will close at 5 p.m. on Friday, December 14, 1984.

To schedule a visit to the site, call Gil Gillette, President and Chief Operating Officer, Brownsville and Rio Grande International Railroad, (512) 831-7731.

Proposals should be sent to the Railroad Commission of Texas, Transportation Division, Rail Planning Section,

1124 IH 35 South, P.O. Drawer 12967, Austin, Texas 78711-2967, Attention: Robert Farnsworth, Rail Planner.

General Information. The RCT reserves the right to accept or reject any or all proposals submitted. In the event that the RCT selects a contractor to provide the delivery of services described herein, its choice will be based on demonstrated competence, qualifications, and the reasonableness of the fee for services.

Issued in Austin, Texas, on November 19, 1984

TRD-8411831 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Filed, November 21, 1984

For further information, please call (512) 445-1183.

Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of November 12-16, 1984.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-2678.

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

November 12-16, 1984

AmeriFirst Properties, Incorporated, Houston; municipal utility district, northwest of Houston, along the south bank of Dinner Creek at a point approximately 3,800 feet west of Barker-Cypress Road in Harris County, Texas; 13023-01, new permit

Olympic International Trucks, Incorporated, Houston; truck dealership and service center; on the east side of Hunting Bayou, at a point approximately

300 feet south of McCarty Road, at East 610, in Harris County, 13038-01; new permit

Harris County Municipal Utility District 77 and Jack Leeka, Houston; municipal utility district; approximately two miles north-northwest of the confluence of Cypress Creek and Spring Creek, approximately four miles northeast of the intersection of Aldine-Westfield Road and Treschwig Road in Harris County; 13029-01; new permit

Pete G. Santikos and Timothy M. Ballantyne, Houston; multifamily, commercial, and light industrial park; approximately 1,600 feet west and 700 feet south of the intersection of State Highway 6 and Beechnut Street in Fort Bend County; 13042-01; new permit

The City of Winfield; wastewater treatment plant, approximately 400 feet north of Interstate Highway 30 access road and 1,500 feet west of FM Road 1734 in Winfield, Titus County, 12146-01, amendment

Hood County Utilities, Granbury; development of residences and recreational vehicles, on the north shore of Lake Granbury approximately two miles from the Lake Granbury Dam and south of Hood County Road 309 in Hood County; 13022-01, new permit

Austin Partners, Incorporated, Centerpoint; light industrial/commercial park with some multifamily residences; approximately 3,000 feet northeast of the intersection of IH 35 and McCarty Lane in Hays County; 13040-01; new permit

Lake Interests, Incorporated, Houston, housing development; approximately four miles south and 0.3 mile east of the intersection of State Highway 156 and U.S. Highway 190 in San Jacinto County; 13039-01; new permit

Colorado Oaks Enterprises, Incorporated, Columbus; housing subdivision; approximately 1 1/4 miles east-northeast of the intersection of FM Road 109 and Zimmerscheidt Road approximately 9 1/2 miles north of the City of Columbus in Colorado County; 13018-01; new permit

River Run, Incorporated, Mineral Wells; 91-home residential subdivision; approximately 1,500 feet south of the U.S. Highway 180 crossing of the Brazos River, approximately four miles west of downtown Mineral Wells in Palo Pinto County, 13011-01; new permit

Chacko Thomas and Associates, Incorporated, doing business as Pleasant Grove, LaPorte; mobile home park, recreational vehicle park, store, and car wash; 1.4 miles east of Highway 146, bounded on the north by IH 10 and on the south by a Chambers County drainage ditch in Chambers County; 13033-01, new permit

AMVAC Chemical Corporation, Longview; manufacturing plant; southwest of Talley Road and the Atchinson Topeka and Santa Fe Railroad four miles southeast of the rail intersection with IH 20 and 13 miles southeast of the City of Longview in Harrison County; 02738; new permit

The City of Dayton; wastewater treatment plant; approximately 4,200 feet southeast of the intersection of U.S. Highway 90 and Winfree Road, in southeast Dayton in Liberty County; 10564-03; new permit

Victor Balaban, Houston; residential subdivision, apartments, and church; on the west side of Airline Drive, south of Halls Bayou and north of Gulf Bank Road in Harris County; 12999-01; new permit

Harris County, Texas; Spring; little league park; at 25011 West Hardy, approximately 7,300 feet south of the City of Spring in Harris County; 13027-01; new permit

Borden Metal Products Company, Incorporated, Channelview; steel fabrication plant; at 1514 Sheldon Road in Channelview, in Harris County; 13034-01; new permit

Harris County Water Control and Improvement District 75, Seabrook; wastewater treatment plant; near the intersection of Red Bluff Road and Kirby Road in southeast Harris County; 10106-01; renewal

United States Department of the Army, San Antonio; army base storage activity; at Camp Stanley, approximately two miles north of Leon Springs, east of IH 10 and near the intersection of IH 10 and Tompkin Road in Bexar County; 12111-01; renewal

The City of Frost; wastewater treatment plant; approximately 0.4 mile northwest of the intersection of State Highway 22 and FM Road 667 in Navarro County; 10444-01; renewal

Columbia-Brazoria Independent School District, West Columbia; elementary school plant; approximately one mile south of State Highway 36 from a point approximately 4½ miles southwest of the City of West Columbia and in Brazoria County; 12103-01; renewal

Medina County Water Control and Improvement District 2, D'Hanis; wastewater treatment plant; on the west side of Nester Lane approximately 2,000 feet south of the intersection of Nester Lane and South Street in D'Hanis in Medina County; 11144-01; renewal

The City of Port Lavaca, wastewater treatment plant; approximately ¼ mile northwest of the State Highway 238 crossing of Little Chocolate Bayou in Calhoun County; 10251-02; renewal

TWA, Incorporated, and Tennchase, Incorporated, doing business as Westchase Two, Houston; interim sewage treatment plant; west of downtown Houston approximately ¾ mile southeast of the intersection of Westheimer Road and Cooper Road in Harris County; 12006-01; renewal

The City of Hearne; wastewater treatment plant; approximately one mile east of the intersection of U.S. Highways 190 and 79 and FM Road 50 in Robertson County; 10046-02; renewal

The City of Nash; wastewater treatment plant; approximately 1,000 feet north of U.S. Highway 82 southwest and adjacent to Waggoner Creek in the City of Nash in Bowie County; 10711-01; renewal

The City of Morgan's Point, wastewater treatment plant; at the west end of Barbour's Cut approximately 6,500 from the entrance of Barbour's Cut into the Houston Ship Channel in Harris County; 10779-01; renewal

The City of Gruver; wastewater treatment plant; approximately 0.8 mile east of State Highway 136 and 0.6 mile west of State Highway 15 southeast of the City of Gruver in Hansford County, 10751-01; renewal

The City of Waxahachie; wastewater treatment plant; between the MKT Railroad and Waxahachie Creek in the southern portion of the City of Waxahachie, Ellis County; 10379-01; renewal

The City of Ennis; wastewater treatment plant; approximately 1½ miles south of the intersection of State Highway 34 and FM Road 1183, approximately 2½ miles south of the intersection of IH 45 and State Highway 34 in Ellis County; 10443-01; renewal

The City of Lovelady; wastewater treatment plant; approximately 750 feet south of West Houston Street (FM Road 1280) near the western city limits of Lovelady in Houston County; 10734-01; renewal

The City of Wortham; wastewater treatment plant; approximately ¼ mile east of State Highway 14 and 1.0 mile north of FM Road 27 in the northeast section of Wortham in Freestone County; 10551-01; renewal

Douglas D. Lewis, Austin; new single family residential subdivision; approximately 6,000 feet southwest of the intersection of Nuckols Crossing Road and Chunn Road and approximately 6,000 feet generally south of the Jimmy Clay Golf Course in Travis County; 13032-01; new permit

John Lloyd Development Company, Austin; municipal utility district; north of the City of Pflugerville, approximately 1,500 feet southeast of Wilke Lane and approximately 2,500 feet northeast of Pflugerville Loop in Travis County; 13019-01; new permit

The City of Maypearl; wastewater treatment plant, located approximately 0.5 mile south of the intersection of FM Road 66 and FM Road 157 in Ellis County; 10431-01; renewal

Texas Industries, Incorporated, Bristol; open pit sand and gravel mine; 3.1 miles northeast of the town of Bristol in Ellis County; 02734; new permit

Fort Bend County Municipal District 13, Sugar Land; regional sewerage system; on the west side of Oil Field Road, approximately two miles due south of State Highway 6, southeast of U.S. Highway 59 and southeast of the City of Sugar Land in Fort Bend County; 12833-02; new permit

Lamar Consolidated Independent School District, Rosenberg; intermediate school; 3.5 miles generally south of the City of Rosenberg and approximately 1,300 feet east of the intersection of J. Meyer Road and State Highway 36 in Fort Bend County; 13006-01; new permit

Lamar Consolidated Independent School District, Rosenberg; elementary school; 4.5 miles east-southeast

of the City of Rosenberg and approximately one mile east of the intersection of U S Highway 59 and FM Road 762 in Fort Bend County, 13007-01; new permit

Stabilized Materials Company, Richmond, sand and gravel dredging operation, 4.5 miles southeast of the City of Richmond and 1.5 miles north of the intersection of Crabb River Road and U S Highway 59 in Fort Bend County, 02739, new permit

Block House Municipal Utility District, Austin, commercial and residential housing development, approximately 1.25 miles east and two miles north of the intersection of U S Highway 183 and FM Road 1431 in Williamson County, 13031-01, new permit

U.S. Army Corps of Engineers, Georgetown, northwest of the Lake Georgetown Dam and southeast of the Lake Georgetown project office in Williamson County, 12091-01, new permit

The City of Taylor, wastewater treatment plant, approximately 0.6 mile south of the intersection of U.S. Highway 79 and FM Road 112 and just east of Mustang Creek, southeast of the City of Taylor in Williamson County; 10299-01, renewal

Farco Mining of Texas, Laredo, coal mine and preparation plant, west of and adjacent to FM Road 1472 at a point approximately 31 miles southwest of the City of Laredo, Webb County, 02733; new permit

Farco Mining of Texas, Laredo, coal mine and preparation plant, west of and adjacent to FM Road 1472 at a point approximately 41 miles northwest of the City of Laredo, Webb County, 02732, new permit

Peyton L. Thompson, Houston, resort/residential complex, just west of Gum Branch approximately 4.6 miles west of the intersection of Shepard Hill Road and IH 45 near northern Lake Conroe in Montgomery County, 13010-01, new permit

North-Belt Hardy Joint Venture, Houston, multi-family development, approximately 1,500 feet north of the intersection of FM Road 525 and Luth Street north of the City of Houston in Harris County; 13009-01, new permit

Plautz Corporation, The Woodlands, residential/commercial complex, approximately 1.7 miles west of the intersection of IH 45 and Sawdust Road and 600 feet north of Panther Branch in southern Montgomery County, 13028-01, new permit

Mount Houston Road Municipal Utility District, Houston, planned commercial and residential development; approximately one mile east and 0.5 mile south of the intersection of West Mount Houston Road and West Montgomery Road in Harris County, 11154-02; new permit

The City of Blum, wastewater treatment plant, east of FM Road 933, approximately 1,200 feet south of the Nolan River in Hill County, 10820-01, new permit

The City of Hubbard; wastewater treatment plant; south of Hubbard, approximately two miles south of the intersection of State Highways 31 and 171 in Hill County, 10534-01, renewal

The City of Josephine, wastewater treatment plant; approximately 0.2 mile north and 0.7 mile east of the intersection of FM Road 6 and FM Road 1777 in Collin County, 10887-01; renewal

Texas Parks and Wildlife Department, Port Lavaca; marine fisheries and research station, immediately west of the County Line Road in Calhoun County, approximately 5½ miles south of Texas State Highway 35 and approximately 19 miles east of Port Lavaca, Calhoun County; 11587-01, renewal

The City of Snook; wastewater treatment plant, approximately 1.4 miles northeast of the intersection of FM Road 60 and FM Road 2155 in Burleson County; 11430-01, renewal

The City of Clarksville, wastewater treatment plant, approximately 1½ miles southeast of the intersection of U S Highway 82 and Texas State Highway 37, approximately ¾ mile east of FM Road 910 in Red River County; 10148-01, renewal

Polk County, Livingston, wastewater treatment plant, on the east bank of the Trinity River, approximately one mile downstream from the Lake Livingston Dam and approximately 6½ miles southwest of the City of Livingston in Polk County; 11223-01, renewal

Texas Department of Corrections, Huntsville, sewage treatment plant, approximately 3,500 feet northwest of the intersection of State Highway 90A in Fort Bend County, 10986-01, renewal

The City of Alvarado, wastewater treatment plant; southeast of Alvarado, approximately 1,000 feet south of the intersection of IH 35W and FM Road 3136 adjacent to the North Fork of Chambers Creek in Johnson County, 10567-01, renewal

The Red River Authority of Texas, Wichita Falls, sewage treatment plant, approximately 2,300 feet east of FM Road 1954 and 5.4 miles southeast of the intersection of U S Highway 281 and FM Road 1954 in Clay County, 11445-01, renewal

The City of Crawford, wastewater treatment plant, southeast of Crawford, about ½ mile east of State Highway 317 and ¼ mile south of FM Road 185 in McLennan County, 10656-01, renewal

The City of Shiner, wastewater treatment plant; approximately one mile southeast of the intersection of U S Highway 90A and State Highway 95 in the City of Shiner, Lavaca County, 10280-01, renewal

U S Army Corps of Engineers, Fort Worth, sewage treatment plant, approximately 160 feet north and 400 feet east of the intersection of Road B and Road F within Stillhouse Park, 12156-01, renewal

U S Army Corps of Engineers, Fort Worth, sewage treatment plant, approximately 280 feet north and 160 feet west of the intersection of Road J and Road M within Dana Peak Park, 12156-02, renewal

Lajitas Utility Company, Incorporated, Houston, wastewater treatment plant, approximately 900 feet south of Ranch to Market Road 170 and 2,200 feet east of the Rio Grande in Brewster County; 12167-01; renewal

Union Oil of California, Nederland; petroleum refinery; on the north side of FM Road 366 approximately 1,500 east of the intersection of FM Road 366 with State Highway 347 adjacent to the City of Nederland, Jefferson County; 00316; amendment

Texas Utilities Mining Company, Tatum and Henderson; lignite mining areas; within 40 miles of the Martin Lake Steam Electric Station, Mine Area A is adjacent to and southeast of Martin Lake; Mine Area B is northeast of Mine Area A; Mine Area C is approximately three miles east of the City of Tatum, Rusk-Panola Counties, and Mine Area D is approximately two miles North of the City of Henderson, Rusk County; 02644; amendment

The City of College Station; wastewater treatment plant; adjacent to the west side of Carters Creek approximately ¼ mile east of the State Highway 6 bypass, and approximately 4,000 feet north and 1,800 feet east of the intersection of State Highway 6 East bypass and Texas Avenue in Brazos County; 10224-01; renewal

The City of Iowa Park; wastewater treatment plant; southwest of the City of Iowa Park, approximately 0.25 mile west of FM Road 368 and one mile north of FM Road 367 in Wichita County; 10691-01; amendment

The City of Normangee; wastewater treatment plant; on Caney Creek east of FM Road 39 approximately 1,800 feet north of County Line Road (OSR) in Leon County; 10356-01; renewal

The City of Hawkins; wastewater treatment plant; approximately 1,600 feet south of U.S. Highway 80 and approximately 1,200 feet west of State Highway 14 in Wood County; 10439-01; renewal

Alamo Manufacturing Company, a wholly owned subsidiary of Phillips Investment Company, a subsidiary of Phillips Petroleum Company, Conroe; plant manufacturing drilling mud additives; approximately one mile south of the FM 1485 and Jefferson Chemical Road Junction and west of the Texaco Chemical Plant in Montgomery County; 02745; amendment

Issued in Austin, Texas, on November 16, 1984

TRD-8411713 Mary Ann Hefner
 Chief Clerk
 Texas Water Commission

Filed October 19, 1984

For further information, please call (512) 475-4514.

Notice is hereby given that the EPA fiscal year 1985 oversight plan for the management of the program is available for public review at the TDWR offices at the Stephen F. Austin Building, Room 1127, 1700 North Congress Avenue, Austin. Contact Jack Kramer at (512) 475-1190 if more information is desired

Comments from the public on revision of the EPA oversight plan will be accepted for 30 days after publication of this notice.

Issued in Austin, Texas, on November 19, 1984

TRD-8411767 Susan Plettman
 General Counsel
 Texas Department of Water
 Resources

Filed: November 20, 1984

For further information, please call (512) 475-7845.



Texas Department of Water Resources Public Notice

Pursuant to the Federal Clean Water Act, the Texas Department of Water Resources (TDWR) has been delegated responsibility to manage the U.S. Environmental Protection Agency's (EPA) Municipal Wastewater Treatment Construction Grants Program.

**Office of the Secretary of State
Texas Register Publication Schedule**

Following are the deadline dates of the December 1984 issues of the *Texas Register*. Unless noted by a ★, deadlines for a Tuesday edition of the *Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication.

Publication Schedule for the *Texas Register*

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
Tuesday, December 4	Wednesday, November 28	Thursday, November 29
Friday, December 7	Monday, December 3	Tuesday, December 4
Tuesday, December 11	Wednesday, December 5	Thursday, December 6
Friday, December 14	Monday, December 10	Tuesday, December 11
Tuesday, December 18	Wednesday, December 12	Thursday, December 13
Friday, December 21	Monday, December 17	Tuesday, December 18
Tuesday, December 25	Wednesday, December 19	Thursday, December 20
Friday, December 28		
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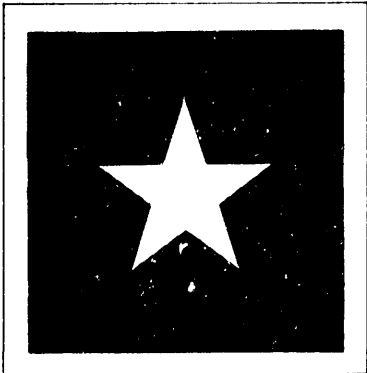
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