

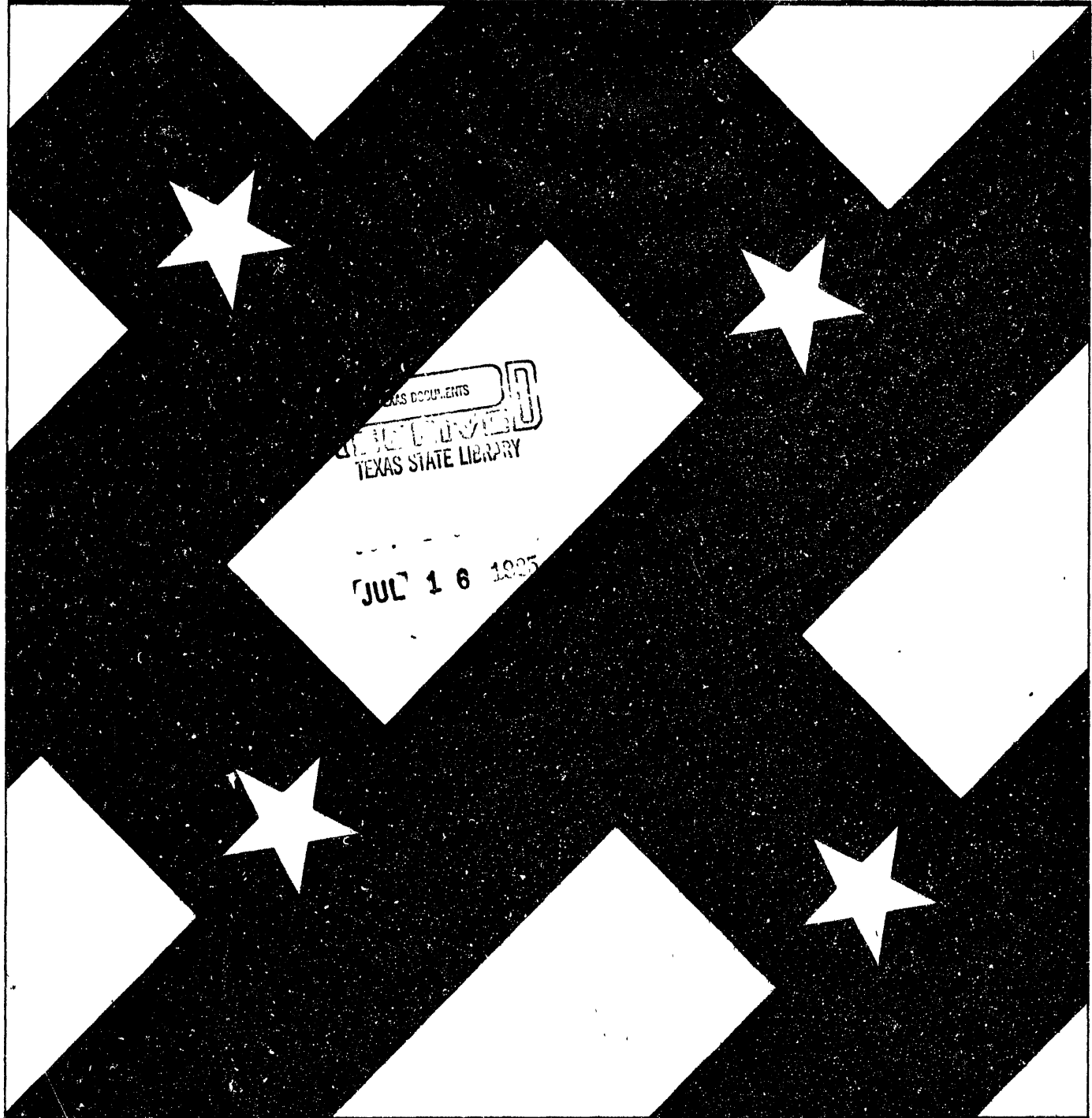
S500.6  
R263  
10:53

FILE COPY

# Texas Register

Volume 10, Number 53, July 16, 1985

Pages 2269 - 2292



## Highlights

The **Texas Board of Architectural Examiners** proposes amendments concerning written examinations for architects. Earliest date of adoption - August 16.....page 2272

The **Texas Air Control Board** proposes

amendments concerning general provisions. Proposed date of adoption - September 20.....page 2275

The **Comptroller of Public Accounts** proposes admendments concerning motor fuels tax. Earliest date of adoption - August 16.....page 2277

**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 1985 with the exception of June 25, July 9, August 30, December 3, and December 31, by the Office of the Secretary of State.

Material in the *Texas Register* is the property of the State of Texas. However, it may be copied, reproduced, or republished by any person for any purpose whatsoever without permission of the *Texas Register* director, provided no such republication shall bear the legend *Texas Register* or "Official" without the written permission of the director. The *Register* is published under Texas Civil Statutes, Article 6252-13a. Second class postage is paid at Austin, Texas, and additional entry offices.

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

**Information Available:** The 11 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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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
- The Legislature—bills submitted to, signed by, and vetoed by the Governor and bills that are submitted to the Governor and enacted without his signature
- 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: "10 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "Issue date 10 TexReg 3."

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

## Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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



## Texas Register Publications

a division of the  
Office of the Secretary of State  
P.O. Box 13824  
Austin, Texas 78711-3824  
512-475-7886

**Myra A. McDaniel**  
Secretary of State

Director  
**Dave Harrell**

Documents Section Coordinator  
**Jane Hooks**

Document Editors  
**Cynthia Coeke,**  
**Cynthia Y. Rodriguez-Perez**  
Open Meetings Specialists  
**Judy Brewster, Colleen M. Smith**

Production Section Coordinator  
**Sue Bumpous**

Production Editor  
**Melinda Vaughan**

Circulation Section Coordinator  
**Dee Wright**

Circulation Assistant  
**Kristine Hopkins Mohajer**

TAC Editors  
**William Craig Howell**  
**Hollie Glaser**  
**Tracie L. Miller**  
**Dennis W. Zabel**  
**Richard Manning II**

Subscriptions—one year (96 regular issues and four index issues), \$80; six months (48 regular issues and two index issues), \$60. Single copies of most issues of the *Texas Register* are available at \$3.00 per copy.

---

# Table of Contents

---

## Emergency Rules

- Texas Department of Labor and Standards
- 2271—Manufactured Housing Division

## Proposed Rules

- Texas Board of Architectural Examiners
- 2272—Architects
- Texas Board of Private Investigators and Private Security Agencies
- 2275—Fees
- Texas Air Control Board
- 2275—General Provisions
- 2276—Permits
- Comptroller of Public Accounts
- 2277—Tax Administration
- Texas Department of Human Resources
- 2278—Day Activity and Health Services

## Adopted Rules

- Railroad Commission of Texas
- 2280—LP-Gas Division
- Texas Department on Aging
- 2281—Support Documents

## Open Meetings

- 2282—Texas Department of Agriculture
- 2282—Texas Antiquities Committee
- 2282—Texas Board of Chiropractic Examiners
- 2282—East Texas State University
- 2283—Texas Education Agency
- 2283—Good Neighbor Commission
- 2283—Texas Department of Health
- 2283—Texas Health and Human Services Coordinating Council
- 2284—Texas Historical Commission

- 2284—State Board of Insurance
- 2284—Texas Board of Land Surveying
- 2284—Board of Pardons and Paroles
- 2284—Texas State Board of Public Accountancy
- 2284—Public Utility Commission of Texas
- 2285—State Securities Board
- 2285—Boards for Lease of State-Owned Lands
- 2285—Stephen F. Austin State University
- 2285—Texas Water Commission
- 2286—Texas Department of Water Resources
- 2287—Texas Youth Commission
- 2287—Regional Agencies

## In Addition

- Texas Department of Agriculture
- 2289—Amendment to Consultant Contract Award
- Texas Air Control Board
- 2289—Public Hearing
- Texas Department of Corrections
- 2290—Consultant Proposal Request
- 2290—Intent to Select Sites for New Prison Units
- Texas Economic Development Commission
- 2290—Private Activity Bond Allocation Report
- Texas Housing Agency
- 2291—Public Hearing
- Texas Department of Human Resources
- 2291—Consultant Proposal Request
- Public Utility Commission of Texas
- 2291—Consultant Contract Award
- Texas Water Commission
- 2292—Applications for Waste Disposal Permits

# TAC Titles Affected

## TAC Titles Affected--July

The following is a list of the administrative rules that have been published this month.

### TITLE 4. AGRICULTURE

Part II. Texas Animal Health Commission	
4 TAC §35.6	2182

### TITLE 7. BANKING AND SECURITIES

Part VI. Credit Union Department	
7 TAC §91.506	2165
Part VII. State Securities Board	
7 TAC §109.13	2149

### TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas	
16 TAC §§5.146-5.148	2236
16 TAC §5.315	2236
16 TAC §5.420	2217
16 TAC §5.422, §5.423	2236
16 TAC §§7.21, 7.22, 7.24, 7.27, 7.29, 7.31, 7.36, 7.37, 7.39, 7.41	2236
16 TAC §9.191	2280
Part IV. Texas Department of Labor and Standards	
16 TAC §69.78	2165
16 TAC §69.125	2271

### TITLE 19. EDUCATION

Part II. Texas Education Agency	
19 TAC §75.141	2149, 2152, 2217, 2236
19 TAC §75.151, §75.152	2153
19 TAC §77.358, §77.359	2191
19 TAC §141.481	2237

### TITLE 22. EXAMINING BOARDS

Part I. Texas Board of Architectural Examiners	
22 TAC §1.46	2272
22 TAC §1.105	2272
22 TAC §1.124	2273
22 TAC §§1.162, 1.164-167	2273
22 TAC §1.172	2274
22 TAC §1.192, §1.193	2274
Part IX. Texas State Board of Medical Examiners	
22 TAC §§163.2, 163.3, 163.9	2182
Part XI. Board of Nurse Examiners	
22 TAC §217.5	2219
22 TAC §217.13	2191
Part XX. Texas Board of Private Investigators and Private Security Agencies	
22 TAC §423.1	2183
22 TAC §455.1	2275

### TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health	
25 TAC §73.11	2216
Part II. Texas Department of Mental Health and Mental Retardation	
25 TAC §§403.71-403.90	2153
25 TAC §§403.71-403.76	2154
25 TAC §§405.281-405.294	2183
25 TAC §§405.281-405.291	2184
25 TAC §§405.281, 405.283, 405.288, 405.290-405.293	2190
25 TAC §§405.286, 405.287, 405.289	2190
25 TAC §§405.621-405.630	2156
25 TAC §§405.621-405.629	2157
25 TAC §405.693	2159

### TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department	
31 TAC §57.351	2216
31 TAC §§65.190-65.203, 65.208-65.212, 65.215, 65.216, 65.218-65.220, 65.222-65.227, 65.229, 65.230	2192
31 TAC §§65.191, 65.193-65.224	2192
31 TAC §§65.331-65.334	2186
31 TAC §§65.354, 65.356, 65.358, 65.359, 65.361, 65.368	2193
Part III. Texas Air Control Board	
31 TAC §101.1	2276
31 TAC §116.7, §116.11	2276

### TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts	
34 TAC §1.9	2239
34 TAC §1.28	2240
34 TAC §3.173	2277
34 TAC §3.194	2278
34 TAC §3.51	2219
34 TAC §3.53	2220
34 TAC §3.56	2220
34 TAC §3.57	2220
34 TAC §3.102	2221
34 TAC §3.104	2221
34 TAC §3.105	2222
34 TAC §3.122	2222
34 TAC §3.124	2222
34 TAC §3.125	2223
34 TAC §3.181	2223
34 TAC §3.292	2224
34 TAC §3.544	2150
34 TAC §3.549	2150
34 TAC §3.555	2151
Part IV. Employees Retirement System of Texas	
34 TAC §67.1	2240
34 TAC §71.10	2224
34 TAC §75.1	2225

### TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources	
40 TAC §251.8	2281
40 §§50.901-50.904	2195
40 TAC §§50.2905-50.2908	2278
40 TAC §§50.3901-50.3909	2194
40 TAC §§50.3901-50.3915	2194
40 TAC §50.4901, §50.4902	2195
Part III. Texas Commission on Alcoholism	
40 TAC §§153.1, 153.4-153.6, 153.32, 153.33, 153.36, 153.38, 153.41, 153.42	2187
Part XII. Texas Advisory Board of Occupational Therapy	
40 TAC §361.2	2226
40 TAC §363.1	2226
40 TAC §365.1, §365.3	2226
40 TAC §367.1	2227
40 TAC §369.1	2228
40 TAC §371.1	2228
40 TAC §373.1	2229
40 TAC §374.1	2230
40 TAC §375.1, §375.2	2230
40 TAC §379.1	2232
40 TAC §381.1	2233
40 TAC §383.1	2233
40 TAC §385.1	2234
40 TAC §387.1	2234

# Emergency

## Rules

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

**Symbology in amended emergency 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 16. ECONOMIC  
REGULATION  
Part IV. Texas Department  
of Labor and Standards  
Chapter 69. Manufactured  
Housing Division  
General Requirements  
★ 16 TAC §69.125**

The Texas Department of Labor and Standards is renewing the effectiveness of the emergency adoption of amended §69.125 for a 60-day period effective July 8, 1985. The text of the amended §69.125 originally was published in the March 29, 1985, issue of the *Texas Register* (10 TexReg 1051).

Issued in Austin, Texas, on July 8, 1985  
TRD-856046      Booker T. Morris III  
                         General Counsel  
                         Texas Department of  
                         Labor and Standards

Effective date: July 8, 1985  
Expiration date: September 18, 1985  
For further information, please call  
(512) 475-0155.

★      ★      ★



# 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. Also, in the case of substantive rules, a public hearing must be granted if requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members.

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

## TITLE 22. EXAMINING BOARDS

### Part I. Texas Board of Architectural Examiners

#### Chapter 1. Architects

##### Subchapter C. Written Examinations

#### ★22 TAC §1.46

The Texas Board of Architectural Examiners proposes amendments to §1.46, concerning grading procedures for all examinations. The section is amended to clarify that no reviews will be granted.

Robert H. Norris, AIA, executive 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 or small businesses as a result of enforcing or administering the rule.

Mr. Norris also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is knowledge of the grading importance of the parts of an impending examination; or, that review by a candidate of his or her previously failed graphic portion of the examination may benefit a candidate's performance in subsequent examinations. The anticipated economic cost to individuals who are required to comply with the rule as proposed is \$25 each year in 1986-1990 for each individual requesting a copy of Division C, and \$5.00 each year in 1986-1990 for each individual requesting a copy of Division B.

Comments on the proposal may be submitted to Robert H. Norris, AIA, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758, (512) 458-1363.

The amendments are proposed under Texas Civil Statutes, Article 249a, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

**§1.46. Grading.** Grading procedures for all examinations will be given to the candidates prior to the examination [available

from the board office upon request]. There will be no review of examinations. Candidates may obtain a copy of his or her graphic portions of Division B and Division C upon written request and payment of \$5.00 for Division B, \$25 for Division C. (Checks should be made payable to the Texas Board of Architectural Examiners.)

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 July 5, 1985.

TRD-856072

Robert H. Norris, AIA  
Executive Director  
Texas Board of  
Architectural  
Examiners

Earliest possible date of adoption:

August 16, 1985  
For further information, please call  
(512) 458-1363.

★ ★ ★

#### Subchapter F. Architect's Seal

#### ★22 TAC §1.105

The Texas Board of Architectural Examiners proposes an amendment to §1.105, concerning the requirement that a registered architect be full-time in each office in the State of Texas where architectural services are performed. The amendments clarify the board's interpretation of an existing rule requiring an architect to be full-time in an office where architecture is practiced.

Robert H. Norris, AIA, executive 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. The effect on small businesses will be labor costs to add one registered architect or to replace one nonregistered technical person with one registered architect in each office practicing architecture. A large majority of existing offices already conform to this rule. The cost per employee is the increased labor cost of one registered architect in each office practicing architecture where one does not presently exist.

Mr. Norris also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is the assurance of minimum technical competency in each office where architecture is practiced. 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 Robert H. Norris, AIA, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758, (512) 458-1363.

The amendment is proposed under Texas Civil Statutes, Article 249a, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

#### §1.105. Prohibited Use.

- (a) (No change.)
- (b) Each office in the State of Texas where architectural service is offered or performed shall have a Texas registered architect employed and practicing on a full-time basis in that office.

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 July 5, 1985.

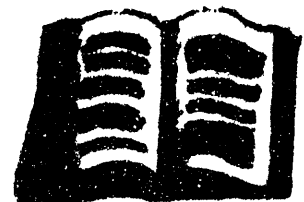
TRD-856073

Robert H. Norris, AIA  
Executive Director  
Texas Board of  
Architectural  
Examiners

Earliest possible date of adoption:

August 16, 1985  
For further information, please call  
(512) 458-1363.

★ ★ ★



## Subchapter G. Titles, Firm Names, and Assumed Names

### ★ 22 TAC §1.124

The Texas Board of Architectural Examiners proposes amendments to §1.124, concerning assumed name certificates. The section is amended to show the requirements for and description of the assumed name certificate currently required by the existing rule.

Robert H. Norris, AIA, executive director, has determined that for the first five-year period the rule will be in effect there will be fiscal implications as a result of enforcing or administering the rule. The anticipated effect on state government is an estimated additional cost of \$50 in 1986 and \$55 in 1989. There will be no cost in 1987, 1988, or 1990. There is no anticipated effect on local governmental or small businesses.

Mr. Norris also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is the assurance of minimum technical competency in each office where architecture is practiced. 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 Robert H. Norris, AIA, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758, (512) 458-1363.

The amendments are proposed under Texas Civil Statutes, Article 249a, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

#### §1.124. Assumed Names.

(a) Any person engaging in the practice of architecture in this state, under any business title other than the real name or real names of a registered architect or registered architects, whether individually, or as an association, partnership, or corporation, shall file in the office of this board a certificate, on a form promulgated by the board, stating the full name and residence address of each registered architect [person] engaging in that practice, the place (including street, number, city, and zip code) where the practice is principally conducted, and the title under which the practice [it] is conducted. (See also §1.105(b) of this title (relating to Prohibited Use.)) Said certificate shall be signed by the registered architect or architects, through which the individuals, association, partnership, or corporation is authorized to practice and the principal, senior partner, administrative head, or corporate president, as the case may be, of the organization for which the certificate is filed.

(b) Upon the retirement, withdrawal,

disassociation, or new association of any registered architect from the organization, a new certificate, as described in subsection (a) of this section, must be filed at the board office within 30 days of the effective date of the change to reflect the change in the responsible architect's association with the organization. New certificates must also be executed upon a change of address of any person listed on the original certificate and upon change of address of the operation's location. All certificates described in subsection (a) of this section must be signed by the architect(s) and the principal, senior partner, administrative head or corporate president, as the case may be. [A person who has filed such a certificate shall, upon his discontinuing, retiring, or withdrawing from such practice, or in the case of a change of residence of such a person or the location where the practice is conducted, file in the office of this board a statement under oath that the information is correct.]

(c) In the case of the death of the registered architect who has previously filed a certificate, the certificate reflecting the changed circumstances [such persons as have submitted certificates, such statements] may be executed [filed] by the executor or administrator of his [the] estate.

(d) (No change.)

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

Issued in Austin, Texas, on July 5, 1985.

TRD-858074

Robert H. Norris, AIA  
Executive Director  
Texas Board of  
Architectural  
Examiners

Earliest possible date of adoption:  
August 18, 1985  
For further information, please call  
(512) 458-1363.

★ ★ ★

## Subchapter I. Charges Against Architects: Action

### ★ 22 TAC §§1.162, 1.164-1.167

(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 Board of Architectural Examiners, Suite 107, 8213 Shoal Creek Boulevard, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Board of Architectural Examiners proposes the repeal of §§1.162 and 1.164-1.167, concerning hearings of violations of Texas Civil Statutes, Article 249a, by architects. These sections are repealed so that some of the provisions of the Administrative Procedure Act as

they relate to board disciplinary hearings can be incorporated.

Robert H. Norris, AIA, executive director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Mr. Norris 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 the assurance of due process of legal rights of the public and of individual architects as it relates to Texas Civil Statutes, Article 249a, and the rules and regulations of the board. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Robert H. Norris, AIA, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758, (512) 458-1363.

The amendment is proposed under Texas Civil Statutes, Article 249a, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§1.162. Charges Against Architects.

§1.164. Brief of Complaint.

§1.165. Determination by the Board.

§1.166. Hearings.

§1.167. Procedures.

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 July 5, 1985.

TRD-858076

Robert H. Norris, AIA  
Executive Director  
Texas Board of  
Architectural  
Examiners

Earliest possible date of adoption:  
August 18, 1985  
For further information, please call  
(512) 458-1363.

★ ★ ★

The Texas Board of Architectural Examiners proposes new §§1.162 and 1.164-1.167, concerning implementation of the Administrative Procedure and Texas Register Act when conducting disciplinary hearings of violations of Texas Civil Statutes, Article 249a, by architects. The sections are amended to incorporate the Administrative Procedure Act to give proper notice to board registrants of the nature and procedures of disciplinary hearings so that hearings may be conducted more efficiently.

Robert H. Norris, AIA, executive director, 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. Norris also has determined that for each year of the first five years the rules are in effect the public benefit anticipated as a result of enforcing the rules is the assurance of due process of legal rights of the public and of individual architects. 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 Robert H. Norris, AIA, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758, (512) 458-1363.

The new section is proposed under Texas Civil Statutes, Article 249a, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

**§1.162. Definition of Complaint.** In order for the board to act on complaints against architects filed with the board by persons other than the board's enforcement staff, the complaint shall be submitted in writing, on a form provided by the board, and acknowledged before a notary public. All unsworn complaints shall be kept in an information file as required by the Regulation of the Practice of Architecture Act, Texas Civil Statutes, Article 249a, §5(e).

**§1.164. Administrative Procedure and Texas Register Act.** The provisions of the Administrative Procedure and Texas Register Act (APTRA) shall apply to the conduct of all disciplinary hearings, with additional rules as may be hereinafter adopted by the board which shall be in addition to and not inconsistent with the APTRA.

**§1.165. Informal Disposition.** Informal hearings of disciplinary actions may be conducted after the filing of a sworn complaint but before a formal board hearing is set. Informal disposition may be made of any proceeding by stipulation, agreed settlement, consent order, or default. Informal hearings may be chaired by one board member, or the designate or representative of the board. The board shall present its evidence substantiating the complaint and the respondent may present its evidence by correspondence or appearance at the informal hearings, in an effort to bring about an adjustment and equitable solution to the matter without a formal hearing before the full board. All informal dispositions of matters shall not be final and effective until the full board, at a regularly called session, endorses and renders its acceptance of the proposed agreement of the parties. Such informal hearing shall be held without prejudice to the right of the board thereafter, if the controversy is not resolved, to institute a formal hearing governing the same matters, or

the right of the registrant involved, if the controversy is not resolved, to request a formal hearing.

**§1.166. Notice of Hearings.** Prior to an informal or formal hearing by the board, the respondent shall be advised of the specifics in the complaint as well as the date, time, and place of such informal or formal hearings, provided however, that notice of said hearing shall be served upon the respondent no less than 30 days prior to the date set for said hearing.

**§1.167. Appeals from Board Orders.** A registrant who is aggrieved by a decision of the board, may file suit within 30 days of receipt of a copy of the board's order in the district court of Travis County. Trial shall be as set out in Texas Civil Statutes, Article 249a.

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 July 5, 1985.

TRD-856075

Robert H. Norris, AIA  
Executive Director  
Texas Board of  
Architectural  
Examiners

Earliest possible date of adoption:  
August 16, 1985

For further information, please call  
(512) 458-1363.



★ 22 TAC §1.172

The Texas Board of Architectural Examiners proposes amendments to §1.172, concerning clarification of language relating to disciplinary punishment of violations of Texas Civil Statutes, Article 249a. The amendments clarify wording as to the board's decision in disciplinary hearings.

Robert H. Norris, AIA, executive 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 or small businesses as a result of enforcing or administering the rule.

Mr. Norris also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is the assurance of due process of legal rights of architects and the public, as it relates to Texas Civil Statutes, Article 429a, and the rules and regulations of the board. 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 Robert H. Norris, AIA, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758, (512) 458-1363.

The amendments are proposed under Texas Civil Statutes, Article 249a, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

**§1.172. Punishment [Findings].**

(a) At the conclusion of each hearing and after careful consideration of all the evidence, the board shall make a decision [finding] in each case[, including reasons therefor. Notice of board's decision shall be furnished to all parties]. The board may find that:

(1) the complaint is without merit [respondent is found not guilty], and should be [the charges are] dismissed;

(2) the complaint is substantiated and the respondent has violated the registration law, board rules, and regulations involved [is found guilty]. If the finding is guilty, the board shall then determine the penalty to be imposed. The penalty resulting from finding of guilty shall be one of the following.

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

(C) Suspension. The formal notice of the board [chairman] that the finding of guilty has resulted in suspension of the respondent's certification of registration for a stated period of time as determined by the board; all or part of which suspension may be probated under such terms as may be determined by the board.

(D) (No change.)

(b) When the board has made its findings, and imposed the penalty, the meeting of the board shall stand recessed as to that case, subject to recall by the chair. If a hearing is not concluded on the day it commences, the board shall, to the extent possible, proceed with the conduct of the hearing on each subsequent working day until the hearing is concluded.

[(c) The board shall be the final judge of the admissibility and value of all submitted evidence.]

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

Issued in Austin, Texas, on July 5, 1985.

TRD-856077

Robert H. Norris, AIA  
Executive Director  
Texas Board of  
Architectural  
Examiners

Earliest possible date of adoption:  
August 16, 1985

For further information, please call  
(512) 458-1363.





## Subchapter J. Violations by Unregistered Persons

### ★ 22 TAC §1.192, §1.193

The Texas Board of Architectural Examiners proposes amendments to §1.192 and §1.193, concerning complaints of violations of Texas Civil Statutes, Article 249a, by unregistered persons. The board only has jurisdiction over unregistered persons to the extent of seeking injunctive relief from the courts.

Robert H. Norris, AIA, executive director, 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. Norris also has determined that for each year of the first five years the rules are in effect the public benefit anticipated as a result of enforcing the rules is the assurance of due process of legal rights of the public and architects. 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 Robert H. Norris, AIA, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758, (512) 458-1363.

The amendments are proposed under Texas Civil Statutes, Article 249a, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

**§1.192. Complaints; Alleged Violations.** Complaints alleging violation of law or lawful rules and regulations, the enforcement of which is a responsibility of the [this] board, shall [should] be addressed to the board office, substantiated by evidence, and signed by the complainant before a [and, where appropriate, acknowledged by] notary public. No verbal communications of complaints shall be investigated by the board. All unsworn complaints shall be kept in a file in the board office as required by Texas Civil Statutes, Article 249a, §5(c), regulation of the practice of architecture.

**§1.193. Investigation.** Sworn written complaints alleging violations [reaching the board office] shall be confirmed and preliminarily investigated by the board's enforcement staff and executive director. After preliminary investigation the executive director, with the assistance of the board's enforcement staff and counsel, shall:

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

(3) refer the matter to the board counsel for injunctive relief [hearing].

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

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

Issued in Austin, Texas, on July 5, 1985.

TRD-856078

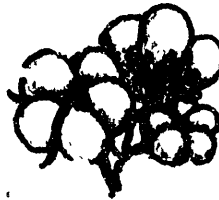
Robert H. Norris, AIA  
Executive Director  
Texas Board of  
Architectural  
Examiners

Earliest possible date of adoption:

August 16, 1985

For further information, please call  
(512) 458-1363.

★ ★ ★



## Part XX. Texas Board of Private Investigators and Private Security Agencies Chapter 455. Fees

### ★ 22 TAC §455.1

The Texas Board of Private Investigators and Private Security Agencies proposes an amendment to §455.1, concerning license fee and other fees. The first 16 paragraphs of the section remain unchanged, and a 17th paragraph is proposed to establish a fee for resubmission of fingerprints for classification

Clema D. Sanders, executive 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. The effect on small business will depend on the number of employees. The cost of compliance will be the same for both small and large businesses based on the cost per employee.

Ms. Sanders also has determined that for each year of the first five years the rule is in effect there is no public benefit anticipated as a result of enforcing the rule. The anticipated economic cost to individuals who are required to comply with the rule as proposed will not normally exceed \$150 per company in 1985-1989

Comments on the proposal may be submitted to Clema D. Sanders, Executive Director, Texas Board of Private Investigators and Private Security Agencies, P.O. Box 13509, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 4413, §11, which provide the Texas State Board of Private Investigators and Private Security Agen-

cies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of the Act.

**§455.1. Fees.** The board has established the following fees for the administration of this Act:

(1)-(16) (No change.)

(17) Resubmission of fingerprints—

\$15.

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 July 8, 1985.

TRD-856087

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

Earliest possible date of adoption:

August 16, 1985

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

★ ★ ★

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part III. Texas Air Control Board

#### Chapter 101. General Provisions

### ★ 31 TAC §101.1

The Texas Air Control Board (TACB) proposes an amendment to §101.1, concerning definitions. The amendment makes the definition of "major facility/stationary source" consistent with that of "major modification." Both terms are used by the TACB solely to determine the applicability of new source review under provisions of the Federal Clean Air Act. The definition of "major modification" contains a qualifying statement which specifies this condition. The TACB proposes to add the same qualifier to the definition of "major facility/stationary source."

Bennie Engelke, management and staff services 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 or small businesses as a result of enforcing or administering the rule.

Steve Spaw, P.E., Central Regulatory Operations Program director, has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is improved clarity of a definition and a better public understanding of its application by the TACB. There is no anticipated economic cost to individuals who

are required to comply with the rule as proposed.

A public hearing on this proposal is scheduled for 10 a.m. on August 12, 1985, in the auditorium, Texas Air Control Board, 6330 Highway 290 East, Austin.

Copies of the proposed revision are available from Barry Irwin at the TACB central office and all TACB regional offices. Public comment, both oral and written, on the proposal is invited at the hearing. The TACB would appreciate receiving five copies of any written testimony prior to or at the hearing. Written testimony received by 4 p.m. on August 13, 1985, at the TACB central office, will be included in the hearing record and should be sent to the Regulation Development Division, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

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

**§101.1. Definitions.** Unless specifically defined in the Act or in the rules of the board, the terms used by the board have the meanings commonly ascribed to them in the field of air pollution control. In addition to the terms which are defined by Texas Civil Statutes, Article 4477-5, the following terms when used in this part (31 TAC Part III) shall have the following meaning unless the context clearly indicates otherwise.

**Major facility/stationary source (used solely for the purpose of determining the applicability of new source review under provisions of the Federal Clean Air Act)—** Any facility/stationary source which emits, or has the potential to emit, 100 tons per year or more of any air contaminant (including volatile organic compounds) for which a national ambient air quality standard has been issued.

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 July 8, 1985.

TRD-856069      Bill Stewart, PE  
Executive Director  
Texas Air Control Board

Proposed date of adoption  
September 20, 1985

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

## Chapter 116. Permits

### ★ 31 TAC §116.7, §116.11

The Texas Air Control Board (TACB) proposes an amendment to §116.7, concerning special permits, and amendments to §116.11, concerning permit fees.

The proposed amendment to §116.7 deletes the phrase from subsection (f) which excludes applications for permits under §116.7 from requirements to pay permit fees. This exclusion must be removed for the TACB to charge permit fees for review of applications for special permits, as is being proposed in concurrent action.

The proposed amendments to §116.11 expand the applicability of permit fees to include special permits and permit amendments, increase the maximum project cost of calculation, and increase the maximum fee to be paid. These changes and the accompanying fee increases are proposed in response to newly adopted changes to the Texas Clean Air Act. The Act, as amended by the 69th Legislature, 1985, requires the TACB to recover at least 50% of the agency's permitting and enforcement expenses through permit and inspection fees and establishes a new maximum fee that can be charged by the TACB.

In addition, the TACB proposes some word changes to improve readability and to remove any references to special exemptions. The section which formerly authorized special exemptions was repealed by the TACB in January 1985.

Bennie Engelke, management and staff services director, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for local government as a result of enforcing or administering the rules. The anticipated effect on state government is an estimated increase in revenue of \$1,964,000 each year in 1986-1990. There are fiscal implications, as described under economic costs of the proposal, for small businesses proposing to construct or modify a significant source of air contaminants.

Steve Spaw, PE., Central Regulatory Operations Program director, has determined that for each year of the first five years the rules are in effect the public benefit anticipated as a result of enforcing the rules is the recovery of funds commensurate with agency costs to review and issue permits. The anticipated economic cost to individuals who are required to comply with the rules as proposed is 0.1% of the estimated capital cost of the project for which permit application is made, with a minimum fee of \$300 per project and a maximum fee of \$25,000 per project.

A public hearing on this proposal is scheduled for 10 a.m. on August 12, 1985, in the auditorium, Texas Air Control

Board, 6330 Highway 290 East, Austin.

Copies of the proposed revision are available from Barry Irwin at the TACB central office and all TACB regional offices. Public comment, both oral and written, on the proposal is invited at the hearing. The TACB would appreciate receiving five copies of any written testimony prior to or at the hearing. Written testimony received by 4 p.m. on August 13, 1985, at the TACB central office, will be included in the hearing record and should be sent to the Regulation Development Division, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

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

### §116.7. Special Permits.

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

(f) Section 116.10 of this title (relating to Public Notification and Comment Procedure [and §116.11 of this title (relating to Permit Fees)]) shall not apply to applications submitted under this section.

(g) (No change.)

### §116.11. Permit Fees.

(a) **Applicability.** Any person who applies for a permit to construct a new facility or to modify an existing facility pursuant to §116.1 of this title (relating to Construction Permit) shall remit, at the time of application for such permit, a fee based on the estimated capital cost of the project. The fee will be determined as set forth in subsection (b) of this section (relating to Determination of Fees).

(b) **Determination of fees.**

(1) (No change.)

(2) The following fee schedule may be used by a permit applicant to determine the fee to be remitted with a permit application.

(A) (No change.)

(B) If the estimated capital cost of the project is \$300,000 to \$25 [\$7.5] million, the fee is 0.1% of the estimated capital cost of the project.

(C) If the estimated capital cost of the project is over \$25 [\$7.5] million, the fee is \$25,000 [\$7,500].

(3) An application for a construction permit, special permit, or permit amendment for which the fee is calculated according to the schedule included in paragraph (2) of this subsection shall include a certification that the estimated capital cost of the project as defined in paragraph (1) of this subsection is less than or equal to the cost estimate used to determine the required fee if the estimated capital cost of the project is less than \$25 [\$7.5] million. Certification of the estimated capital cost

★      ★      ★

of the project may be spot checked and evaluated for reasonableness during permit processing. The reasonableness of the project capital cost estimates used as a basis for permit fees shall be determined by the extent to which such estimates include fair and reasonable estimates of the capital value of the direct and indirect costs listed in subparagraphs (A) and (B) of this paragraph.

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

(4) A fee of \$25,000 [\$7,500] shall be required if no estimate of capital project cost is included with a permit application.

(c) Payment of fees. All permit fees will be remitted in the form of a check or money order made payable to the Texas Air Control Board and delivered with the application for construction permit, **special permit, or permit amendment** to the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723. Required fees must be received before the agency will begin examination of the application.

(d) (No change.)

(e) Fees not required. Fees will not be charged for operating permits, [permit amendments,] permit revision, **standard** exemptions, site approvals for permitted portable facilities, changes of ownership, or changes of location of permitted facilities.

(f) Return of fees. Fees must be paid at the time an application for construction permit, **special permit, or permit amendment** is submitted. If no permit or amendment is issued by the agency or if the applicant withdraws the application prior to issuance of the permit or amendment, one-half of the fee will be refunded except that the entire fee will be refunded for any such [permit] application for which a [specific or] standard exemption is **allowed** [issued]. No fee will be refunded after a permit or amendment has been issued by the agency.

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 July 8, 1985.

TRD-856071 Bill Steward, PE  
Executive Director  
Texas Air Control Board

Proposed date of adoption.  
September 20, 1985  
For further information, please call  
(512) 451-5711, ext. 354



## TITLE 34. PUBLIC FINANCE

### Part I. Comptroller of Public Accounts

#### Chapter 3. Tax Administration

##### Subchapter L. Motor Fuels Tax

### ★ 34 TAC §3.173

The Comptroller of Public Accounts proposes amendments to §3.173, concerning refunds on gasoline and diesel fuel tax. The amendments eliminate the requirement to submit invoices and other documentation with refund claims and allow a tax refund on fuel used in power take-off operation by gasoline-powered ready mix concrete trucks and solid waste refuse trucks.

Billy Hamilton, director of revenue estimating, has determined that for the first five-year period the rule will be in effect there will be fiscal implications as a result of enforcing or administering the rule. The anticipated effect on state government is a loss of fuels tax revenue of \$414,000 in 1985, \$431,000 in 1986; \$448,000 in 1987; \$466,000 in 1988, \$485,000 in 1989; and \$504,000 in 1990. Under the current fund structure, 10% of motor fuel receipts is allocated for enforcement. The remainder is allocated 25% to the available school fund and 75% to the state highway fund. This section is promulgated under the Tax Code, Title 2, and no statement of the fiscal implications for small business is required. There is no anticipated effect on local government.

Mr. Hamilton also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is the elimination of some of the paperwork involved in fuel tax refunds. Those taxpayers affected by the provisions for cement trucks and refuse trucks will pay taxes based more nearly on their highway use of gasoline. There are no anticipated additional costs to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to D. Carolyn Busch, Director, Tax Administration, P.O. Box 13528, Austin, Texas 78711.

These 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 motor fuels tax.

§3.173. *Refunds on Gasoline and Diesel Fuel Tax.*

- (a) (No change.)
- (b) Time limitation. [The time limita-

tion for filing] a claim for refund **must be filed [is]** before the expiration of one year from the first day of the calendar month following:

- (1) purchase; [or]
- (2)-(3) (No change.)

(c) Filing forms and documentation.

Each type of claim for refund must be filed on a form furnished by the comptroller and **documentation must be maintained** [must be accompanied by supporting documentation] to fully substantiate the claim, including identification of each vehicle or type of equipment in which the fuel was used. Categories of refund claims are:

(1) Exports from Texas nonpermitted purchaser. A claim for refund can be filed only on gasoline or diesel fuel exported in quantities of 100 gallons or more. **Invoices reflecting that the tax was assessed and documentation that the fuel was exported must** [The claim must be supported by the original invoice(s) issued by the seller to the purchaser reflecting that the state tax was assessed; and also supported by proof of export which shall] be one of the following:

(A)-(E) (No change.)

(2) Sales by dealers to the federal government. For the purposes of this section, the federal government means any department, board, bureau, agency, corporation, or commission created or wholly owned by the United States government. **Evidence that sales were made to the federal government must be maintained and must consist of** [The claim for refund of taxes on gasoline or diesel fuel sold by dealers who have paid the state tax must be supported by]:

(A) (No change.)

(B) copies of the invoice(s) when a U.S. National Credit Card—Standard Form 149 was used for the purchase, and **including** [will include] the license number or official vehicle designation if fuel is delivered into the fuel supply tank of a motor vehicle; or

(C) (No change.)

(3) Loss by [of] fire or other accident. A loss for which tax refund is claimed must be caused either by fire or other accident, and the claimant must **maintain a complete record documenting the incident which** [prove that an accident] occurred, and establishing that the exact quantity of the fuel claimed as lost was actually lost as result of **that incident** [such accident].

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

(4) Claim for refund on gasoline or diesel fuel used off highway. A claim for refund on fuel used solely for off-highway purposes must [will:]

[(A)] list each off-highway vehicle or piece of equipment; and

[(B)] the total number of gallons which have been used.; and

[(C)] **Documentation showing that the state tax was assessed and a schedule listing the number of gallons of fuel used**

in both on- and off-highway vehicles and equipment must be maintained [be supported with the original invoice(s) issued by the seller or other documentation showing the state tax has been assessed and by a distribution schedule identifying each off-highway vehicle or piece of equipment and the number of gallons of fuel used and each highway motor vehicle and the number of gallons delivered into each, if any, fuel covered by the invoices(s) or other documents supporting the claim was used in motor vehicles on the public highways].

(5) Incidental highway use. A refund claim may be filed by a person who used gasoline or diesel fuel in motor vehicles incidentally on the highway when the incidental travel on the public highway is infrequent, unscheduled, and is insignificant to the total operation of the motor vehicle. [The claim shall:]

(A) [be supported by] a record showing the date and miles traveled during each highway trip must be maintained.; and]

(B) (No change.)

(6) Sales by diesel fuel dealer for off-highway use. [A refund claim filed by Diesel fuel dealers who have paid the state tax to their supplier and thereafter made a tax-free sale on which a refund claim is filed must maintain [shall support the claim by] copies of invoices issued on each tax-free sale. The invoices must [shall] have the name and address of the dealer stamped or preprinted on the invoice, and be completed including:

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

(7) Gasoline or diesel-powered motor vehicles equipped with power take-off or auxiliary power units with metering devices. A person filing a refund claim for gasoline or diesel fuel used to propel motor vehicles with approved measuring or metering devices which measure or meter the fuel used in the stationary operations must maintain records on each vehicle so equipped and the records must reflect:

(A) the miles driven as shown by any type of odometer;

(B) the gallons delivered to each vehicle; and

(C) the gallons used as recorded by the meter or other measuring device.

(8) Gasoline-powered ready mix concrete trucks and solid waste refuse trucks equipped with power take-off or auxiliary power units. Operators of gasoline-powered ready mix concrete trucks and solid waste refuse trucks equipped with power take-off or auxiliary power units mounted on the motor vehicle and using the fuel supply tank of the motor vehicle may claim refund on 30% of the total gasoline used in this state by each vehicle. Records must be maintained reflecting:

(A) each motor vehicle so equipped;

(B) the miles traveled by each vehicle as recorded by any type of odometer;

(C) the gallons delivered to each

vehicle; and

(D) the date of delivery.

(9) Federal agency claim for refund on tax-paid purchase. A federal government agency may file a claim for refund on state taxes paid on gasoline and diesel fuel used exclusively by that agency. Records maintained by the agency must [The refund claim shall] include:

(A)-(B) (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 July 9, 1985.

TRD-85E112 Bob Bullock  
Comptroller of Public  
Accounts

Earliest possible date of adoption:

August 16, 1985

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

★ ★ ★

#### ★ 34 TAC §3.194

The Comptroller of Public Accounts proposes an amendment to §3.194, concerning credit or refund of diesel fuel tax used in power take-off or auxiliary power unit. The amendment authorizes a percentage refund of tax for fuel used by power take-off units or auxiliary power units mounted on solid waste refuse trucks.

Billy Hamilton, director of revenue estimating, has determined that for the first five-year period the rule will be in effect the fiscal implications for state government as result of enforcing or administering the rule is a loss of fuels tax revenue of \$1 060 million in 1985, \$1.103 million in 1986, \$1.147 million in 1987, \$1.193 million in 1988, \$1.24 million in 1989, and \$1.29 million in 1990. Under the current fund structure, 10% of motor fuel receipts is allocated for enforcement. The remainder is allocated 25% to the available school fund and 75% to the state highway fund. This rule is promulgated under the Tax Code, Title 2, and no statement of the fiscal implications for small businesses is required. There are no fiscal implications for local governments as a result of enforcing or administering the rule as proposed.

Mr Hamilton also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is that taxpayers affected by this rule will pay diesel taxes based more nearly on their highway use of fuel. There are no additional costs to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to D. Carolyn Busch, Director, Tax

Administration, P.O. Box 13528, Austin, Texas 78711.

These 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 motor fuels tax.

§3.194. Credit or Refund of Diesel Fuel Tax Used in Power Take-off or Auxiliary Power Unit.

(a) (No change.)

(b) Methods for determining diesel fuel used in power take-off or auxiliary power unit operations.

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

(5) Certain ready mix concrete trucks. Operators of ready mix concrete trucks and solid waste refuse trucks equipped with power take-off or auxiliary power units mounted on the vehicle and using the fuel supply tanks of the vehicle, may take a tax credit or claim refund of 30% of the total taxable diesel fuel used in this state by each vehicle.

(6) (No change.)

(c) (No change.)

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

Issued in Austin, Texas, on July 9, 1985

TRD-85E113 Bob Bullock  
Comptroller of Public  
Accounts

Earliest possible date of adoption:

August 16, 1985

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

★ ★ ★

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Resources

#### Chapter 50. Day Activity and Health Services

##### Provider Eligibility

#### ★ 40 TAC §§50.2905-50.2908

The Texas Department of Human Resources proposes new §§50.2905-50.2908, concerning provider eligibility in its day activity and health services (DAHS) chapter. Authority for the proposed policies is already included in the provider contract and additional details within that authority are being added to the DAHS rules and provider handbook. The proposed sections address policies concerning change of facility ownership, reasons a facility may not participate in the program, reasons for placing a facility on vendor

hold, duration and effective dates of provider contracts.

David Hawes, Office of Financial and Data Management administrator, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small business as a result of enforcing or administering the rules.

Mr Hawes has also determined that for each year of the first five years the rules as proposed are in effect the anticipated public benefit is a better understanding of the policies by providers, resulting in more efficient operation of the program. There is no economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be sent to Cathy Rossberg, Administrator, Policy Development Support Division—342, Texas Department of Human Resources 153-E, PO Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

The new sections are proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

**§50.2905. Change of Ownership.** Change of ownership is any change in the business organization which changes the entity responsible for the operation of the facility.

(1) **Obligation of the seller.** The seller must notify the Texas Department of Human Resources, Provider Services Division, in writing 10 days before any proposed change in ownership.

(2) **Obligation of the purchaser.** The contract for participation for a DAHS facility allows for issuance of a new contract to the new owner. If there is a change of ownership, the Texas Department of Human Resources (DHR) issues a new contract to the new owner effective on the date of ownership transfer, unless the new owner has not met the requirements in these sections. The new contract is subject to the terms and conditions of the previous owner's contract that were in effect at the time of transfer of ownership including, but not limited to, the following:

- (A) any plan of correction;
- (B) an expiration date;
- (C) compliance with health, safety, and program standards;
- (D) compliance with the ownership and financial interest disclosure re-

quirements in 42 Code of Federal Regulations §455.100 *et seq.*;

(E) compliance with civil rights requirements in 45 Code of Federal Regulations Parts 80, 84, and 90;

(F) compliance with additional requirements imposed by DHR.

**§50.2906. Facility Ceases to Participate.** A DAHS facility loses its status as a participating facility if:

(1) the facility withdraws voluntarily from the program. The owner or director must request withdrawal in writing from DHR at least 60 days before the withdrawal date;

(2) the Texas Department of Human Resources (DHR) does not recertify the facility for a new time-limited provider contract;

(3) the DHR invokes the cancellation clause in the contract because deficiencies cited by the certifying officer or utilization review team are not corrected within the time limits allowed by DHR;

(4) the DHR decertifies the facility;

(5) the facility's license expires;

(6) The Texas Department of Health (DOH) revokes the facility's license. The DOH notifies DHR of the action taken and DHR assumes responsibility for canceling the facility's status as a participating facility;

(7) the DHR cancels the contract because DHR determines that the facility is in breach of contract.

**§50.2907. Vendor Hold.**

(a) The Texas Department of Human Resources (DHR) may withhold a facility's vendor payments for reasons that include, but are not limited to, the following:

(1) failure to comply with the terms of the contract;

(2) failure to disclose business transaction information related to ownership of the facility;

(3) failure to keep the information contained in the application current;

(4) failure to submit cost reports by the requested date;

(5) change in the ownership of the facility;

(6) termination of the contract (voluntary or involuntary).

(b) If a facility's vendor payments are withheld as a result of a change of ownership or termination of the contract, DHR may, at its sole option, allow the current

owner of the facility to obtain a surety bond or an irrevocable letter of credit to cover the adjustments or exceptions involved. Usually, the surety bond equals the average monthly vendor payment made to the facility. If an acceptable surety bond or letter of credit is presented to DHR, the vendor payments may be released.

**§50.2908. Contracts.**

(a) The Texas Department of Human Resources may enter only into time-limited contracts with a DAHS facility. The terms of any contract may not extend beyond one 12-month period.

(b) The effective date of the provider contract for an initial certification is the date the on-site survey is completed by the Texas Department of Health (DOH), if the facility meets:

(1) all health and safety standards;

(2) all program standards as certified by the DHR certifying officer; and

(3) any other requirements imposed by DHR.

(c) If the facility does not meet all of the requirements specified for an initial certification, the contract is effective on the earlier of the following dates:

(1) the day the facility meets all requirements; or

(2) the day the certifying officer accepts the facility's plan of correction.

(d) The effective date of the provider contract for facilities which have a current contract is the day after the expiration date of the previous contract, if the facility continues to meet certification and contract requirements.

(e) The effective date for any provider contract cannot be earlier than the effective date of the license issued by the DOH.

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 July 10, 1985.

TRD-856125

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Resources

Earliest possible date of adoption.

August 16, 1985

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

★ ★ ★

# 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.

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. If an agency adopts the rule with changes to the proposed text, the proposal will be republished with the changes.

## TITLE 16. ECONOMIC REGULATION

### Part I. Railroad Commission of Texas

#### Chapter 9. LP-Gas Division Subchapter G. Division V

##### ★ 16 TAC §9.191

The Railroad Commission of Texas adopts new §9.191, with changes to the proposed text published in the April 26, 1985, issue of the *Texas Register* (10 Tex-Reg 1313).

The Texas Natural Resources Code mandates promulgation of regulations which promote or tend to promote the health, safety, and welfare of the general public. The new section requires the use of an identification label on vehicles powered by LP-gas. This, in turn, allows emergency response personnel to know, in cases of accidents, that a fuel other than gasoline is present at a site. Since LP-gas is effectively controlled by different means than gasoline, the identification label can significantly reduce the risks to life and property after accidents occur.

The new section requires that each vehicle designed for use on the public highways bear a small black and white label which identifies the vehicle as one powered by LP-gas. This label will be located in the same area on each vehicle and will enable emergency response personnel to identify the energy source rapidly and efficiently. Filling a motor fuel container on a vehicle not properly marked will be a violation of the safety rules.

The LP-Gas Division received comments on the proposal from Lowry Carpenter of the Texas LP-Gas Association, Hershel Welch of Welchgas, and Dan T. Moody of Eddins-Walcher Company, all of whom expressed opposition to the new section. Each person questioned the need for an identifying label, citing the overall safety of LP-gas as a motor or mobile fuel and the uncommon strength of LP-gas containers, especially when compared to gasoline under similar circumstances. Further, each commenter disagreed with the requirement that the label be placed on a surface other than the rear bumper, noting the potential for damage to paint.

The new section is not intended to question the safety of motor and mobile fuel



containers and systems. On the contrary, the commission is well apprised of the safety in these kinds of fuel systems when properly used. The strength and performance of LP-gas containers is well documented, especially when compared to gasoline tanks. However, the fact remains that most vehicles on the road today are powered by gasoline and lack any indication to the contrary, and emergency response personnel generally approach vehicles as though they were gasoline powered. Since LP-gas exhibits physical properties dramatically different from gasoline, it is vitally important that LP-gas be treated appropriately in these kinds of emergency circumstances to reduce the risks to life and property. The label required by this section will enable response teams to quickly and accurately identify LP-gas systems and containers. The knowledge that LP-gas is involved in an accident could help emergency response personnel substantially reduce the risks to life and property. This is not because LP-gas is a more dangerous substance than gasoline, but because the public generally does not anticipate the presence of LP-gas at an accident site.

The section requires placement of the identification sticker on a surface other than the rear bumper for very good reasons. The rear bumper of almost any vehicle is the surface most likely to be frequently abraded, and, in accident situations, is often torn from the subject vehicle or distorted beyond recognition. To affix the label to this area would undermine its usefulness. While the arguments made regarding the value of paint are not without some merit, the commission notes that other types of labels (i.e., automobile brand names and dealership decals) frequently are affixed to the vertical surfaces of trucks and automobiles

without serious devaluation of the vehicle. The addition of a relatively small, plain sticker should not cause serious harm to the worth of any vehicle.

Overall, the commission has determined that the potential good which may come from the accurate and rapid identification of LP-gas in an emergency situation justifies the minimal costs associated with affixing and maintaining such a label. The use of this kind of label is endorsed by the National Fire Prevention Association, the National LP-Gas Association, and 46 other states in the union.

The new section is authorized by the Texas Natural Resources Code, §113.051, which requires the Railroad Commission of Texas to promulgate and adopt rules and standards which protect or tend to protect the health, safety, and welfare of the general public.

**§9.191. Identification Labels.** LP-gas may not be introduced into any vehicle powered by LP-gas and designed for regular use on public roadways unless such vehicle is properly identified pursuant to this section. Such vehicles shall be identified by a weather-resistant diamond-shaped label located on an exterior vertical or near-vertical surface on the lower right rear of the vehicle (on the trunk of a vehicle so equipped, but not on the bumper of any vehicle) inboard from any other markings. When LP-gas mobile fuel containers are located in compartments or cabinets which act to obstruct view of said containers, such a label shall be placed on the access door of the compartments or cabinets. The label shall be approximately 4¾ inches (120 millimeters) long by 3¼ inches (83 millimeters) high. The markings shall consist of a border and letters "PROPANE" (letters one inch minimum height centered in the diamond) of

silver or white reflective luminous material  
on a black background as follows:



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 July 8, 1985

TRD-856064      Walter Earl Lillie  
Special Counsel  
Railroad Commission of  
Texas

Effective date November 1, 1985  
Proposal publication date April 26, 1985  
For further information, please call  
(512) 475-1301.

★      ★      ★

**TITLE 40. SOCIAL  
SERVICES AND  
ASSISTANCE**  
Part IX. Texas Department  
on Aging  
Chapter 251. Support  
Documents  
Statutes and Regulations

★ 40 TAC §251.8

The Texas Department on Aging adopts  
new §251.8, without changes to the pro-  
posed text published in the April 2, 1985,  
issue of the *Texas Register* (10 TexReg  
1102).

The section clarifies the civil rights poli-  
cy and procedures governing the opera-  
tion of the department, its grantees, and  
subgrantees involved in providing service  
for the elderly. The section enumerates  
civil rights standards for compliance re-  
porting civil rights complaints and pro-  
cedures and remedies where discrimina-  
tion is confirmed.

No comments were received regarding  
adoption of the new section.

The new section is adopted under the  
Human Resources Code, §101, which pro-  
vides the Texas Department on Aging  
with the authority to adopt rules govern-  
ing the function of the department.

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

Issued in Austin, Texas, on July 9, 1985.

TRD-858126      O. P. (Bob) Bobbit  
Executive Director  
Texas Department on  
Aging

Effective date July 31, 1985  
Proposal publication date April 2, 1985  
For further information, please call  
(512) 475-2717

★      ★      ★



# Open Meetings

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. Some notices may be received too late to be published before the meeting is held, but all notices are published in the *Register*.

**Emergency meetings and agendas.** Any of the governmental entities named above must have notice of an emergency meeting, an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published.

**Posting of open meeting notices.** All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol, Austin. These notices may contain more detailed agendas than what is published in the *Register*.

## Texas Department of Agriculture

**Thursday, July 25, 1985, 10:30 a.m.** The Produce Recovery Fund Board of the Texas Department of Agriculture will meet in the district office, Expressway 83, two blocks west of Morningside Road, San Juan. According to the agenda, the board will conduct an administrative hearing to determine if payment should be made from the produce recovery fund on the claim of Joe F. Ackerman v. Progressive Grove, Inc., the holder of a commission merchant license.

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

**Filed:** July 10, 1985, 9:02 a.m.  
TRD-856115

The Texas Department of Agriculture will conduct administrative review hearings in the district office, Expressway 83, two blocks west of Morningside Road, San Juan. Days, times, and agendas follow.

**Thursday, July 25, 1985, 3 p.m.** Possible violation of Texas Agriculture Code, §101.013, by A & W Produce, as petitioned by Estopy-Cantrell Farms.

**Thursday, July 25, 1985, 4 p.m.** Possible violation of Texas Agriculture Code, §101.013, by Top Quality Fruit and Produce, as petitioned by Salazar Farms.

**Thursday, July 25, 1985, 5 p.m.** Possible violation of Texas Agriculture Code, §101.013, by Top Quality Fruit and Produce, as petitioned by Plantation Produce Company.

**Friday, July 26, 1985, 9 a.m.** Possible violation of Texas Agriculture Code, §76.116 (1)(2) by Hershel White, doing business as Norman and White Aero.

**Friday, July 26, 1985, 10:30 a.m.** Possible violation of Texas Agriculture Code, §76.116 (a)(4) by Gene Moore, doing business as Moore Flying Service.

**Friday, July 26, 1985, 5 p.m.** Possible violation of Texas Agriculture Code, §76.116 (a)(1) by Jeff Burke, Jr., doing business as Farm Services, Inc.

**Contact:** Deborah Brown, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

**Filed:** July 10, 1985, 9:03 a.m.  
TRD-856116-856121

★ ★ ★

## Texas Antiquities Committee

**Friday, July 12, 1985, 9:30 a.m.** The Texas Antiquities Committee submitted an emergency revised agenda for a meeting held in Room 117, Sam Houston Building, 201 East 14th Street, Austin. Items on the revised agenda included the approval of Minutes 81; nominations for and designation of state archeological landmarks; discussion of proposals for curaton of the Platora/Kenon/Purvis collection; a resolution for support for House Resolution 25/Senate Resolution 676, the Abandoned Shipwreck Act of 1985; and a staff report. The emergency status was necessary because two of the agenda items were deleted.

**Contact:** Robert Mabry, P.O. Box 12276, Austin, Texas 78711, (512) 475-4242.

**Filed:** July 9, 1985, 2:34 p.m.  
TRD-856089

★ ★ ★

## Texas Board of Chiropractic Examiners

**Wednesday-Friday, July 17-19, 1985, 8 a.m. daily.** The Texas Board of Chiropractic Examiners will meet at Kramer Hall, Concordia Lutheran College, 3400 IH 35 North, Austin, and in Suite 245, Building C, 1300 East Anderson Lane, Austin. According to the agenda summary, on Wednesday the board will meet at Concordia Lutheran College to conduct examinations; on Thursday, the board will conduct written exams at Concordia College and meet at the Anderson Lane location to approve the previous meeting minutes, conduct an enforcement

hearing for Homer Adams, D.C., and Roland Nadeau, D.C., and discuss the operating budget; and on Friday the board will continue to conduct written exams at Concordia Lutheran College, and meet at the Anderson Lane location to grade tests and sign licenses, and consider the appointment of new committee members by the chairman.

**Contact:** Bobbye Ferris, 1300 East Anderson Lane, Building C, Suite 245, Austin, Texas 78752, (512) 835-2006.

**Filed:** July 9, 1985, 4:04 p.m.  
TRD-856105

★ ★ ★

## East Texas State University

**Wednesday, July 17, 1985.** Committees of the Board of Regents and the Board of Regents of East Texas State University (ETSU) will meet at the ETSU Metroplex Commuter Facility, 2625 Anita Drive, Garland. Times, committees, and agendas follow.

**9 a.m.** The Student and University Advancement Committee of the Board of Regents will consider a foundation services contract and receive a report on student recruitment plans.

**9 a.m.** The Academic Affairs Committee of the Board of Regents will consider faculty promotion recommendations for ETSU-Commerce and ETSU-Texarkana.

**9:30 a.m.** The Executive Committee of the Board of Regents will consider holiday schedules, athletic hall of fame nominations, employment policy, and the fiscal year 1986 meeting schedule. The committee also may meet in executive session.

**10 a.m.** The Board of Regents will consider a foundation services contract, students recruitment plans, faculty promotion recommendations, fiscal matters for fiscal years 1985 and 1986, inventory adjustments, holiday schedules, athletic hall of



fame nominations, employment policy, and the fiscal year 1986 meeting schedule. The board also will meet in executive session.

**Contact:** Dayton T. Cole, East Texas State University, Commerce, Texas 75428, (214) 886-5539.

**Filed:** July 9, 1985, 2:10 p.m.  
TRD-856088, 856086, 856085  
856084

★ ★ ★

### Texas Education Agency

**Thursday, July 11, 1985.** Committees of the State Board of Education of the Texas Education Agency made emergency revisions to agendas of meetings held in the TEA North Building, 1200 East Anderson Lane, Austin. Times, committees, rooms, and agendas follow.

**10 a.m.** The Committee of the Whole met in the boardroom with staff attorneys in accordance with Texas Civil Statutes, Article 6252-17, §2(e), to discuss pending litigation. The emergency status was necessary to respond promptly to pending litigation.

**2 p.m.** The Committee for Finance and Programs met in the boardroom to make a revision of the agency operating plan/budget for 1984-1985. The emergency status was necessary since the board will not be meeting in August, and this is the last meeting at which changes to the budget for this fiscal year can be approved.

**2 p.m.** The Committee for Personnel met in Room 101-E to discuss a proposed amendment to 19 TAC §121.14, concerning evidence of educational attainment. The emergency status was necessary to ensure that school districts are aware, before the start of the 1985-1986 school year, that acquisition of a degree during the school year no longer automatically changes a teacher's minimum salary.

**Contact:** W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

**Filed:** July 10, 1985, 4:01 p.m.  
TRD-856158-856160

**Friday, July 12, 1985, 3 p.m.** The Committee for Long-Range Planning of the State Board of Education of the Texas Education Agency made an emergency addition to the agenda of a meeting held in Room 101-E, TEA North Building, 1200 East Anderson Lane, Austin. According to the agenda, the committee discussed a proposed preliminary plan for a coordinated database for accountability. The emergency status was necessary to ensure that the committee is kept aware of the status of this project.

**Contact:** W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

**Filed:** July 10, 1985, 4:01 p.m.  
TRD-856161

**Saturday, July 13, 1985, 8:30 a.m.** The State Board of Education of the Texas Education Agency made an emergency revision to the agenda of a meeting held in the boardroom, TEA North Building, 1200 East Anderson Lane, Austin. According to the agenda, the board discussed revision of the agency operating plan/budget for 1984-1985 and a proposed amendment to 19 TAC §121.14, concerning evidence of educational attainment. The emergency status was necessary since the board will not be meeting in August, and this is the last meeting at which changes to the budget for this fiscal year can be approved. The proposed amendment to the section must be considered to ensure that school districts are aware, before the start of the 1985-1986 school year, that acquisition of a degree during the school year no longer automatically changes a teacher's minimum salary.

**Contact:** W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

**Filed:** July 10, 1985, 4:02 p.m.  
TRD-856162

★ ★ ★

### Good Neighbor Commission

**Wednesday, July 17, 1985, 10 a.m.** The Finance Committee of the Good Neighbor Commission will meet in the conference room, KCOR Radio Station, 1115 West Martin, San Antonio. According to the agenda, the committee will review amounts of contributions, total expenses, and other aspects of the committee responsibilities.

**Contact:** Lauro Cruz, P.O. Box 12007, Austin, Texas 78711, (512) 475-3581.

**Filed:** July 9, 1985, 4:40 p.m.  
TRD-856110

**Wednesday, July 17, 1985, 2 p.m.** The GNC Award Committee of the Good Neighbor Commission (GNC) will meet in the conference room, KCOR Radio Station, 1115 West Martin, San Antonio. According to the agenda, the committee will review the purpose, criteria, and nomination form and other material with reference to the GNC award.

**Contact:** Lauro Cruz, P.O. Box 12007, Austin, Texas 78711, (512) 475-3581.

**Filed:** July 9, 1985, 4:40 p.m.  
TRD-856111

★ ★ ★

### Texas Department of Health

**Friday, July 19, 1985, 9 a.m.** The Municipal Solid Waste Management and Resource Recovery Advisory Council of the Texas Department of Health will meet in the T-610

boardroom, 1110 West 49th Street, Austin. Items on the agenda include approval of minutes; legislation review; Texas air pollution control considerations as they apply to waste-to-energy facilities; the proposed U.S. tax reform and its effect on resource recovery; technological and environmental aspects of waste-to-energy; a briefing on public information efforts for small quantity hazardous waste generators; and a discussion of future council activities.

**Contact:** Jack C. Carmichael, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7271.

**Filed:** July 10, 1985, 2:07 p.m.  
TRD-856152

★ ★ ★

### Texas Health and Human Services Coordinating Council

**Monday, July 22, 1985.** Committees of the Texas Health and Human Services Coordinating Council and the full council will meet jointly at the State Capitol, Austin. Times, committees, rooms, and agendas follow.

**9 a.m.** The Planning and Goals Subcommittee and the Data and Information Development Subcommittee will meet in the Senate Reception Room to discuss the minutes of the last joint meeting; the state services for children study; indigent health care; population projections; a service information management system evaluation and update proposal; and the long-range data needs of the Planning and Advisory Committee.

**Contact:** Beck Runte, P.O. Box 12418, Austin, Texas 78711, (512) 475-1306.

**Filed:** July 9, 1985, 3:36 p.m.  
TRD-856103

**10:30 a.m.** The Studies Subcommittee will meet in the Senate Reception Room to discuss an update on the council study of state services for children and youth; an update on residential care study; a progress report on the interagency working group on child abuse in state institutions; a progress report on the council project on the homeless in Texas; and information on indigent health care legislation implementation.

**Contact:** Deborah Greene, P.O. Box 12428, Austin, Texas 78711, (512) 475-1306.

**Filed:** July 9, 1985, 3:36 p.m.  
TRD-856100

**1:30 p.m.** The Issues Committee will meet in the Senate Chambers to consider the May 3, 1985, minutes; and discuss the Data and Information Development, Planning and Goals, and the Studies Subcommittees' reports.

**Contact:** Lynn Leverty, P.O. Box 12428, Austin, Texas (512) 475-1306.

Filed: July 9, 1985, 3:36 p.m.  
TRD-856101

2:30 p.m. The council will meet in the Senate Chambers to consider and vote on action items presented by the subcommittees.

Contact: Lynn Leverty, P.O. Box 12428, Austin, Texas (512) 475-1306.

Filed: July 9, 1985, 3:36 p.m.  
TRD-856102

★ ★ ★

### Texas Historical Commission

Monday, July 15, 1985, 9 a.m. The State Historic Preservation Officers Committee of the Texas Historical Commission met in emergency session at the Carrington-Covert House, 1511 Colorado, Austin. Items on the agenda include review and evaluation of Texas historic preservation grant pre-applications for fiscal year 1986 and a review of potential appointees to the State Board of Review. The emergency status was necessary because the committee must evaluate pre-applications and select potential board members before the entire commission meets on July 22 in Fort Davis. A previous committee meeting was postponed because of another commitment for the chairman.

Contact: Stan Graves, P.O. Box 12276, Austin, Texas 78711, (512) 475-3094.

Filed: July 10, 1985, 10:51 a.m.  
TRD-856127

★ ★ ★

### State Board of Insurance

Wednesday, July 17, 1985, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance made an emergency revision to the agenda of a meeting to be held in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 9207—whether disciplinary action should be taken against Philip Craig Shaffer, Dallas, who holds a Group I legal reserve life insurance agent's license and local recording agent's license issued by the board. The emergency status was necessary to correct the docket number to be 9027, rather than 9001, and exists due to the unavailability of the witness to appear for hearing at another date.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: July 10, 1985, 1:23 p.m.  
TRD-856139

★ ★ ★

### Texas Board of Land Surveying

Monday and Tuesday, August 12 and 13, 1985, 8 a.m. daily. The Texas Board of Land Surveying will meet in the Marriott Hotel, 6121 IH 35 North, Austin. According to the agenda, the board will conduct examinations for registered public surveyor, licensed state land surveyor, surveyor in training, then grade and evaluate the papers.

Contact: Betty J. Pope, 1106 Clayton Lane, Suite 210W, Austin, Texas 78723, (512) 452-9247.

Filed: July 9, 1985, 2:06 p.m.0  
TRD-856090

★ ★ ★

### Board of Pardons and Paroles

Monday, July 15, 1985, 10 a.m. The Board of Pardons and Paroles met in emergency session at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board considered a halfway house request for proposal and a Sunset Commission report.

Contact: Gladys Sommers, 8610 Shoal Creek Boulevard, Austin, Texas 78711, (512) 459-2704.

Filed: July 10, 1985, 11:07 a.m.  
TRD-856135

★ ★ ★

### Texas State Board of Public Accountancy

Thursday, July 18, 1985, 9 a.m. The Technical Standards Review Committee of the Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. According to the agenda summary, the committee will discuss recommendations regarding specific complaints against licensees and a request for guidance in handling an alleged violation of technical standards by certified public accountants in industry.

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

Filed: July 10, 1985, 12:58 p.m.  
TRD-856136

★ ★ ★

### Public Utility Commission of Texas

The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Days, times, and agendas follow.

Wednesday, July 17, 1985, 11 a.m. A prehearing conference in Docket 6361—ap-

plication of Kerrville South Water Company for tariff amendments.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 9, 1985, 3:11 p.m.  
TRD-856106

Friday, July 19, 1985, 11 a.m. A prehearing conference in Docket 6371—appeal of Pelican Bay Utility Company, Inc., from the rate ordinance of the City of Pelican Bay.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 9, 1985, 3:11 p.m.  
TRD-856107

Monday, July 22, 1985, 10 a.m. A prehearing conference in Docket 5914—application of Travis County Water Control and Improvement District 17 for a water utility certificate of convenience and necessity.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 9, 1985, 3:12 p.m.  
TRD-856108

Wednesday, July 24, 1985, 1:30 p.m. A prehearing conference in Docket 6333—application of Hopewell Water Supply Corporation for an amendment to its certificate of convenience and necessity.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 9, 1985, 3:11 p.m.  
TRD-856109

Friday, July 26, 1985, 10 a.m. A prehearing conference in Docket 6284—application of Kendall County Utility Company for a certificate of convenience and necessity to provide water service in Kendall County.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 10, 1985, 3:01 p.m.  
TRD-856155

Monday, August 12, 1985, 11 a.m. A prehearing conference in Docket 6295—complaint of Russell Whitehouse against Guadalupe Valley Electric Cooperative, Inc.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 10, 1985, 3:01 p.m.  
TRD-856156

Monday, August 19, 1985, 10 a.m. A hearing on the merits in Docket 6340—application of Texas-New Mexico Power Company for a declaratory order regarding the manner of disbursement of a fuel overrecovery

from Houston Lighting and Power Company.

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** July 10, 1985, 3:02 p.m.  
TRD-856157

★ ★ ★

### State Securities Board

**Friday, July 19, 1985, 9:30 a.m.** The State Securities Board will meet in Room 119, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will discuss the minutes of the last meeting, new business items for subsequent meetings, previously-published proposals to amend 7 TAC §109.13 to increase uniformity of subsection (k) with the uniform limited offering exemption adopted by the North American Securities Administrators (NASAA) and to add new subsection (l) to provide an exemption for intrastate offerings sold, in part, to accredited investors; amending §109.14 to allow offerings made pursuant to the Act, §5Q, to use §109.13(l); repeal §109.4, concerning public solicitation or advertisements; repeal §109.9, concerning oil and gas offerings; the creation of new §133.29, concerning a form titled "Form 133.29—Sales under Regulation §109.13(l); repeal §133.29, concerning a form titled "Form 133.29—Sales under Regulation 109.4(11); amending §107.2 so that the definition of "business days" would reference new §109.13(l); and amend §117, the "Administrative Guidelines for Registration of Real Estate Programs" to incorporate amendments made by NASAA; proposals for possible publication for public comment to amend §115, concerning dealers and salesmen to clarify registration classifications and lessen confusion regarding registration requirements; create new §133.16, a form titled "Agreement for Maintenance and Inspection of Records"; repeal §133.16, a form titled "Agreement for Inspection of Records"; repeal §133.223, a form relating to maintenance of records; amend §133.11, a form titled "Form 133.11—Sales Report Form for Noncontinuous Offerings" to reference §113.10, which requires that sales reports be filed; amend §101.2(f) to reflect amendments by the 69th Legislature, 1985, to the Act, §25, regarding legal interpretations by the general counsel; amend §107.2 such that the definition of "investment adviser" would require registration where personalized investment advice is rendered; a rule interpreting §10-1.B, a rule defining "stock exchange" for the purposes of the Act, §6.F, and instituting an agency "positive action" program; general agency operations, with reports from division directors and the

securities commission. The board also will meet in executive session pursuant to Texas Civil Statutes, Article 6252-17, §2(g).

**Contact:** Richard D. Latham, 1800 San Jacinto Street, Austin, Texas, (512)474-2233.

**Filed:** July 10, 1985, 4:15 p.m.  
TRD-856163

★ ★ ★

### Boards for Lease of State-Owned Lands

**Thursday, July 18, 1985, 1:30 p.m.** The Board of Lease of Texas Department of Corrections of the Boards for Lease of State-owned Lands will meet in Room 831, 1700 North Congress Avenue, Austin. According to the agenda, the board will approve the minutes of the previous board meeting; consider and approve nominations, terms, conditions, and procedures for the October 1, 1985, oil, gas, and other minerals lease sale; and consider and approve the \$100 nomination fee.

**Contact:** Linda K. Fisher, 1700 North Congress Avenue, Room 835, Austin, Texas 78701, (512) 475-0352.

**Filed:** July 10, 1985, 4:34 p.m.  
TRD-856164

★ ★ ★

### Stephen F. Austin State University

**Monday, July 22, 1985, 9 a.m.** The Board of Regents of Stephen F. Austin State University will meet at Henderson Clay Products Lodge, Huxley Bay. Items on the agenda summary include the consideration of personnel items; approval of parking regulations; approval of fiscal year 1985 budget adjustments; renewal of bank depository contracts; and the approval of scholarship regulations.

**Contact:** William R. Johnson, Box 6078, Nacogdoches, Texas 75962, (409) 569-2201.

**Filed:** July 10, 1985, 2:08 p.m.  
TRD-856151

★ ★ ★

### Texas Water Commission

**Thursday and Friday, August 1 and 2, 1985, 9 a.m. daily.** The Texas Water Commission will meet in Room 515, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will conduct a hearing regarding the water controversy between the City of Farmers Branch vs. the City of Dallas.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** July 10, 1985, 1:56 p.m.  
TRD-856140

**Wednesday, August 14, 1985, 10 a.m.** The Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will conduct a hearing on Cameron County Fresh Water Supply District 1 to amend Certificate of Adjudication 23-455, Rio Grande Basin, Hidalgo County.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** July 9, 1985, 2:07 p.m.  
TRD-856091

**Wednesday, August 14, 1985, 10 a.m.** The Texas Water Commission will meet in the district courtroom, second floor, Maverick County Courthouse, 500 Quarry Street, Eagle Pass. According to the agenda summary, the commission will conduct a hearing for Maverick County Water Control and Improvement District 1 to amend its Certificate of Adjudication 23-2671 in the Rio Grande Basin, Maverick County.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** July 9, 1985, 2:07 p.m.  
TRD-856092

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

**Wednesday, August 14, 1985, 10 a.m.** In Room 618, a hearing on Application 4582 of J. Weldon and Peggy Simmons: Jack and Mary Francis Simmons for a permit to construct and maintain a two-section reservoir complex on an unnamed tributary of Sanders Creek, tributary of the Red River, Red River Basin, and construct and maintain a berm and to divert water from an unnamed tributary of Sanders Creek, tributary of Red River, Red River Basin, for irrigation purposes in Fannin County.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** July 10, 1985, 1:56 p.m.  
TRD-856141

**Monday, August 19, 1985, 10 a.m.** In Room 152, a hearing on Application 4578 of Martha S. Jameson, David Mack Jameson, Leonard W. Stasney, Marcia D. Stasney, Margaret Sute Stasney, and Grace B. Stasney for a permit to divert and use not to exceed 820 acre-feet of water per annum from the Brazos River, Brazos River Basin, for irrigation purposes in Falls County.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed: July 10, 1985, 1:57 p.m.**  
**TRD-856142**

**Addition to the previous agenda**

A hearing on Application 4577 of George Bingham, Juanita Sue Bingham, Bryan Bingham, and Kellie Bingham for a permit to divert and use 40 acre-feet of water per annum from an existing dam and reservoir on an unnamed tributary of Martins Creek, tributary of Martins Creek, tributary of Copperas Creek, tributary of Leon Creek, tributary of Little River, tributary of Brazos River, Brazos River Basin, for irrigation purposes in Comanche County.

**Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.**

**Filed: July 10, 1985, 1:57 p.m.**  
**TRD-856143**

**Friday, August 23, 1985, 10 a.m.** In Room 618, a hearing on Application 4581 of Anderson Development Corporation for a permit to divert and use not to exceed 1,637 acre-feet of water per annum from the Brazos River, Brazos River Basin, for irrigation purposes in Robertson County

**Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.**

**Filed: July 10, 1985, 1:58 p.m.**  
**TRD-856144**

**Additions to the previous agenda:**

A hearing on Application 4580 of Anderson Development Corporation for a permit to divert and use 1,000 acre-feet of water per annum directly from the Brazos River, Brazos River Basin, for irrigation purposes in Robertson County.

**Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.**

**Filed: July 10, 1985, 1:58 p.m.**  
**TRD-856145**

A hearing on Application 4579 of Anderson Development Corporation for a permit to divert and use 1,200 acre-feet of water per annum directly from the Brazos River, Brazos River Basin, for irrigation purposes in Robertson County.

**Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.**

**Filed: July 10, 1985, 1:59 p.m.**  
**TRD-856146**

**Monday, August 26, 1985, 10 a.m.** In Room 152, a hearing on Application 4584 of F. E. Appling Interests, a partnership, for a permit to divert and use 166.75 acre-feet of water per annum from West Mustang Creek, tributary of Mustang Creek, tributary of Navidad River, tributary of Lavaca River, Lavaca River Basin, for irrigation purposes in Wharton County.

**Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.**

**Filed: July 10, 1985, 2 p.m.**  
**TRD-856147**

**Addition to the previous agenda:**

A hearing on Application 4583 of Anton Brandl, Jr., and Dorothy Brandl for a permit to divert and use not to exceed 104.4 acre-feet of water per annum from West Mustang Creek, tributary of Mustang Creek, tributary of Navidad River, tributary of Lavaca Creek, Lavaca River Basin, for irrigation purposes in Wharton County.

**Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.**

**Filed: July 10, 1985, 2 p.m.**  
**TRD-856148**

**Friday, August 30, 1985, 10 a.m.** In Room 618, a hearing of the City of Brownsville to amend Certificate of Adjudication 23-207, Rio Grande Basin, Cameron County.

**Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.**

**Filed: July 9, 1985, 2:07 p.m.**  
**TRD-856093**

**Additions to the previous agenda:**

A hearing of the City of Brownsville to amend Certificate of Adjudication 23-96, Rio Grande Basin, Cameron County.

**Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.**

**Filed: July 9, 1985, 2 p.m.**  
**TRD-856094**

A hearing of the City of Brownsville to amend Certificate of Adjudication 23-155, Rio Grande Basin, Cameron County.

**Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.**

**Filed: July 9, 1985, 2:08 p.m.**  
**TRD-856095**

**Friday, September 6, 1985, 10 a.m.** In Room 618, a hearing on Application 4586 of Del Williams and Gloria Williams, doing business as Crawfish Isle Plantation to maintain an existing off-channel reservoir complex consisting of an outer levee with five reservoirs within this perimeter having a total capacity of 170 acre-feet of water, and to divert up to 272 acre-feet of water per annum directly from the Guadalupe River into the off-channel reservoirs in the Lavaca-Guadalupe Coastal Basin, for industrial purposes, Calhoun County.

**Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.**

**Filed: July 9, 1985, 2:08 p.m.**  
**TRD-856096**

**Addition to the previous agenda:**

A hearing on Application 4585 of Larry Niemann and Carol P. Niemann to divert and use 120 acre-feet of water per annum from the San Saba River, tributary of the

Colorado River, Colorado River Basin, for irrigation purposes, in San Saba County.

**Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.**

**Filed: July 9, 1985, 2:09 p.m.**  
**TRD-856097**

**Monday, September 9, 1985, 10 a.m.** In Room 618, a hearing on Application 4587 of Wiggins Land Company to impound 126.5 acre-feet of water per annum in a reservoir to be created by the reconstruction of a dam on Williams Creek, tributary of Menard Creek, tributary of Trinity River, Trinity River Basin, for recreation and domestic use, Polk County.

**Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.**

**Filed: July 9, 1985, 2:09 p.m.**  
**TRD-856099**

**Addition to the previous agenda:**

A hearing on Application 4588 of Wiggins Land Company to impound 17 acre-feet of water per annum in a reservoir to be created by the reconstruction of a dam on Spring Branch, tributary of Williams Creek, tributary of Menard Creek, tributary of the Trinity River, Trinity River Basin, for recreation and domestic use, Polk County.

**Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.**

**Filed: July 9, 1985, 2:09 p.m.**  
**TRD-856098**

★ ★ ★

**Texas Department of Water Resources**

**Thursday, July 18, 1985, 1:30 p.m.** The Texas Water Development Board of the Texas Department of Water Resources will meet in Room 118, Stephen F. Austin Office Building, Austin. According to the agenda summary, the board will consider the minutes; the development fund report; the employment of a financial advisor and bond counsel and the sale of up to \$118 million of water development bonds; the extension of loan commitments to Leonard, Italy, Sour Lake, and Midlothian Water District and Red River Authority (Blossom); the use of surplus funds by Chateau Woods, Gladewater, and Kirbyville; the transfer of the loan commitment of Marion; financial assistance to Bogata, Cumby, Emory, and Harris Counties Water Control and Improvement District 1; the contract with the Texas Department of Health; amendments to Chapter 321 concerning construction grants and the project priority system; the revised waste load evaluation for East Fork Trinity River; construction grants and the project priority system; the

revised waste load evaluation for East Fork Trinity River; construction grant increase to Alice; amendments to water quality standards to Segment 0404 and Segment 2308; amending a contract with the attorney general; the Chapter 335 industrial solid waste rules; the Val Verde County and Wharton County sewage facilities rules; and the appointment of board members for the Lower Neches Valley Authority. The board also will meet in executive session to consider personnel matters.

Contact: Charles E. Nemir, P.O. Box 13087, Austin, Texas 78711, (512) 463-7847.

Filed: July 10, 1985, 3:21 p.m.  
TRD-856154

★ ★ ★

### Texas Youth Commission

**Monday, July 22, 1985, 1:30 p.m.** The Board of the Texas Youth Commission (TYC) will meet in the Hilton, Boone/Crockett Room, Y. O. Ranch, Kerrville. According to the agenda summary, the board will consider a Chaplain Program update by Mart Hoffman; a research update by Chuck Jefferds; a request for an attorney general opinion regarding detention of TYC wards in local detention facilities and Parrie Haynes trust property by Neil Nichols; and a change in policy regarding discharge at age 18 and payment to students released on parole by Byron Griffin.

Contact: Ron Jackson, P.O. Box 9999, Austin, Texas 78766, (512) 452-8111.

Filed: July 10, 1985, 1:54 p.m.  
TRD-856153

★ ★ ★

### Regional Agencies Meetings Filed July 9

**The Alamo Area Council of Governments, Executive Committee,** will meet in Room 420, Atlee B. Ayres Building, San Antonio, on July 24, 1985, at 12:30 p.m. Information may be obtained from Al J. Notzon, III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201.

**The Dewitt County Appraisal District, Board of Directors,** will meet at 103 Bailey Street, Cuero, on July 16, 1985, at 7:30 p.m. Information may be obtained from Wayne K. Woolsey, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753.

**The Lone Star Municipal Power Agency** met in the council chambers, Huntsville City Hall, 1212 Avenue M, Huntsville, on July 15, 1985, at 5:30 p.m. Information may be obtained from Cathy Locke, 8240 MoPac

Expressway, Austin, Texas 78759, (409) 764-3509.

**The Lower Neches Valley Authority, Board of Directors,** will meet at 7850 Eastex Freeway, Beaumont, on July 16, 1985, at 10:30 a.m. Information may be obtained from J. D. Nixon, P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011.

**The Texas Regional Planning Commissions' Employee Benefit Plan Agency, Board of Directors,** met at the Hyatt Regency, Austin, on July 12, 1985, at noon. Information may be obtained from Jim Ray, 508 West 12th Street, Austin, Texas 78701, (512) 478-4715.

TRD-856081

★ ★ ★

### Meetings Filed July 10

**The Bastrop County Appraisal District, Appraisal Review Board,** will meet at 1200 Cedar Street, Bastrop, on July 15-18, 1985, at 7:30 p.m. daily and July 20, 1985 at 8 a.m. Information may be obtained from Lorraine Perry, P.O. Drawer 578, Bastrop, Texas 78602, (512) 321-3925.

**The Cass County Appraisal District, Board of Review,** met at 208 West Houston Street, Linden, on July 15, 1985, at 9 a.m. Information may be obtained from Janelle Clements, 208 West Houston Street, Linden, Texas 75563, (214) 756-7545.

**The Central Texas Council of Governments, Transportation Planning Committee,** will meet at Franks's Lakeview Inn, Lake Belton damsite, Belton, on July 22, 1985, at 10 a.m. Information may be obtained from Gerald B. Bunker, P.O. Box 729, Belton, Texas 76513, (817) 939-1801.

**The Gonzales County Appraisal District, Board of Directors,** met in emergency session at 928 Saint Paul Street, Gonzales, on July 11, 1985, at 7 p.m. The Appraisal Review Board met at the same location on July 16-18, 1985, at 10 a.m. daily and also will meet at the same location on July 24, 1985, at 10 a.m. Information may be obtained from Nancy Seitz, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

**The Gregg Appraisal District, Board of Review,** will meet at 2010 Gilmer Road, Longview, on July 17, 1985, at 9 a.m. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.

**The Guadalupe-Blanco River Authority, Industrial Development Corporation,** will meet at 933 East Court Street, Seguin, on July 18, 1985, at 9:30 a.m. The Board of Directors will meet at the same location on the same day at 10 a.m. Information may

be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78156-0271, (512) 379-5822.

**The Jack County Appraisal District, Board of Directors,** will meet at the Los Creek Office Building, 216-D South Main, Jacksboro, on July 16, 1985, at 7 p.m. Information may be obtained from Doris G. Ray or Linda Williams, P.O. Box 850, Suite 207, 101 North Main, Jacksboro, Texas 76056, (817) 567-6301.

**The Johnson County Central Appraisal District, Appraisal Review Board,** will meet at 109 North Main, Cleburne, on July 16, 1985, at 9 a.m. Information may be obtained from Don Gilmore, 109 North Main, Cleburne, Texas 76031, (817) 645-3986.

**The Lee County Appraisal District, Board of Review,** will meet at 218 Richmond Street, Giddings, on July 16-19, 1985, at 9 a.m. daily. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

**The Lower Neches Valley Authority Industrial Development Corporation, Board of Directors,** will meet at 7850 Eastex Freeway, Beaumont, on July 16, 1985, at 10 a.m. Information may be obtained from J. D. Nixon, P.O. Drawer 3464, Beaumont, Texas 77704, (713) 892-4011.

**The Palo Pinto Appraisal District, Board of Directors,** will meet at the courthouse, Palo Pinto, on July 17, 1985, at 3 p.m. Information may be obtained from Edna Beatty, P.O. Box 250, Palo Pinto, Texas 76072, (817) 659-3651, ext. 208.

**The Rusk County Appraisal District, Appraisal Review Board,** will meet at 107 North Van Buren, Henderson, on July 16, 1985, at 7 p.m. Information may be obtained from Melvin R. Cooper, P.O. Box 7, Henderson, Texas 75653-0007, (214) 657-9696.

**The Wise County Appraisal District, Board of Directors,** met in emergency session at 206 South State Street, Decatur, on July 11, 1985, at 9 a.m. Information may be obtained from Angela Caraway, P.O. Box 509, Decatur, Texas 76234, (817) 627-3081 76234, (817) 627-3081.

TRD-856122

★ ★ ★

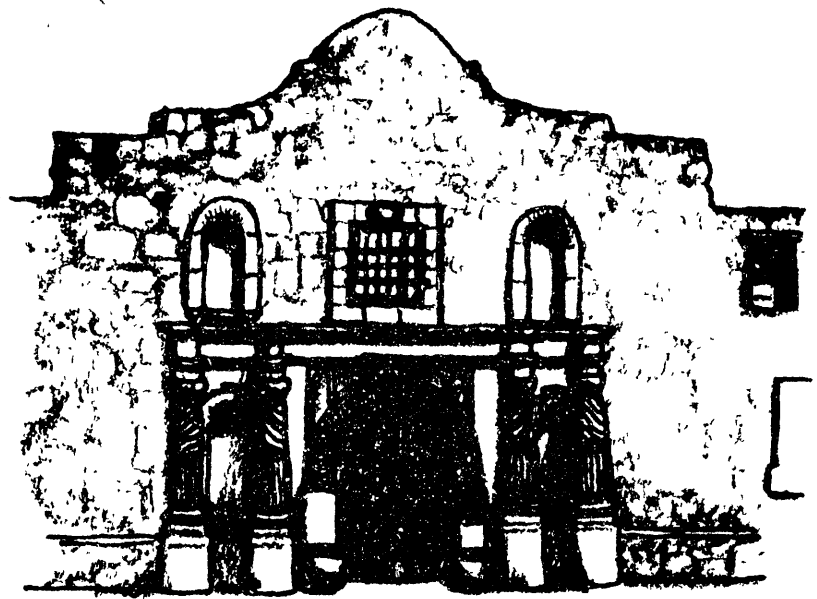


## Meetings Filed July 11

**The Austin Travis County Mental Health and Mental Retardation, Operations and Planning Committee, met in emergency session at 1430 Collier Street, Austin, on July 12, 1985, at 7:30 p.m. Information may be obtained from Sharon Taylor, 1430 Collier, Austin, Texas 78704, (512) 447-4141.**

**The Dallas County Appraisal District, Board of Directors, will meet at 2601 Live Oak Street, Dallas, on July 17, 1985, at 7 and 7:30 p.m. The Appraisal Review Board will meet at the same location on July 19, 1985, at 2 p.m. Information may be obtained from Rick L. Kuehler, 2601 Live Oak Street, Dallas, Texas 75204, (214) 826-0030. TRD-856265**

★ ★ ★



# In **Addition**

The *Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

## Texas Department of Agriculture Amendment to Consultant Contract Award

The Texas Department of Agriculture is amending the terms of the consultant contract awarded to Warren D. Lincoln published in the September 28, 1984, issue of the *Texas Register* (9 TexReg 5068).

**Terms.** The maximum value of the contract is not to exceed \$36,500 with a beginning date of September 10, 1984, and an ending date of August 31, 1985. This amendment shall be effective July 29, 1985.

Issued in Austin, Texas, on July 8, 1985

TRD-856048 Dolores Alvarado Hibbs  
Hearing Examiner  
Texas Department of Agriculture

Filed: July 8, 1985  
For further information, please call (512) 463-7583

★ ★ ★

## Texas Air Control Board Public Hearing

*(Editor's note: Some of the sections to which this hearing notice refers are published in this issue of the Register at 10 TexReg 2275.)*

Pursuant to the requirements of the Texas Clean Air Act (TCCA), Texas Civil Statutes, Article 4477-5, §3.09; 40 Code of Federal Regulations §51.4 of the Environmental Protection Agency regulations concerning state implementation plans; the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5; and 31 TAC §103.11(4) of the procedural rules of the Texas Air Control Board (TACB), the TACB will conduct a public hearing to receive testimony concerning revisions to its rules and to the state implementation plan.

Specifically, the TACB proposes to revise Regulation VI, control of air pollution by permits for new construction or modification, and to revise the TACB general rules. These revisions are proposed in response to amendments to the TCAA adopted by the 69th Legislature, 1985. These amendments require fees to be charged for inspections performed in enforcement of the TCAA, require the registration of facilities constructed prior to the implementation of the TACB permitting program and the payment of a fee for such registration, increase the maximum amount of the fees that may be charged by the TACB, and require the TACB to recover at least 50% of the agency's permitting and enforcement expenses.

The proposed revisions to the general rules add new §101.24, concerning inspection fees, and §101.25, concerning fees for registration of nonpermitted facilities. The pro-

posed new §101.24 requires accounts with emissions greater than 50 tons per year to remit an annual inspection fee and specifies the fees to be charged for late payment. The proposed new §101.25 requires, for each facility that must be registered with the TACB in accordance with the TCCA, §3.28(h), payment of a \$50 fee in connection with such registration. In addition, the proposed revisions to the general rules amend §101.1, concerning definitions, to clarify that the definition of major facility/stationary source applies only to determinations under federal new source review requirements.

The proposed revisions to TACB Regulation VI amend §116.7, concerning special permits, and §116.11, concerning permit fees. The amendments to §116.7 delete the phrase which provides that fees shall not be charged for special permits. The amendments to §116.11 expand the applicability of permit fees to include special permits and permit amendments and increase the maximum permit fee to \$25,000.

The hearing will be held at 10 a.m. on August 12, 1985, in the TACB auditorium, 6330 Highway 290 East, Austin. Public comment, both oral and written, on the proposed amendments is invited at the public hearing. The hearing is structured for the receipt of narrative comments. Interrogation or cross-examination is not permitted; however, a TACB staff member will be available to answer questions informally immediately before and after the hearing.

Written comments not presented at the hearing may be submitted to the TACB central office in Austin up to and including August 13, 1985. Materials received by 4 p.m. on that date will be considered by the board prior to any final action on the proposed revisions. Five copies of all written comments would be helpful to the board in making its review.

Copies of the proposed revisions are available for inspection at the central office of the TACB located at 6330 Highway 290 East, Austin, Texas 78723, and at the regional offices of the agency. For further information call Barry Irwin at (512) 451-5711.

Issued in Austin, Texas, on July 8, 1985

TRD-856068 Bill Stewart, P.E.  
Executive Director  
Texas Air Control Board

Filed: July 9, 1985  
For further information, please call (512) 451-5711, ext. 354.

★ ★ ★



## Texas Department of Corrections Consultant Proposal Request

A request for consulting services is filed under the provisions of Texas Civil Statutes, Article 6252-11c.

The Texas Department of Corrections (TDC) invites offers for program development consultant services to monitor, advise, and coordinate activities relating to the design, construction, rehabilitation, and maintenance of facilities during September 1985-August 1987.

The TDC intends to evaluate each proposal and may then award a contract based upon the consultant's demonstrated competence, knowledge, qualifications, and the reasonableness of the proposed fee.

The contact for offers of consultant services is Charles L. Smith, director of management services, Texas Department of Corrections, (409) 295-6371, extension 450. Details of the proposed scope of services are available upon request.

The closing date for receipt of offers of consulting services is August 12, 1985.

Issued in Huntsville, Texas, on July 9, 1985

TRD-856083      Leonard W. Peck, Jr.  
Legal Counsel  
Texas Department of Corrections

Filed: July 9, 1985  
For further information, please call (409) 295-6371.

★      ★      ★

## Intent to Select Sites for New Prison Units

It is the intent of the Texas Department of Corrections to construct and operate additional facilities on either existing department property or on property acquired at no cost to the department. The selection of sites for the additional units shall be based upon a review and analysis of a number of factors including cost-effectiveness, logistical support requirements, operational concerns, and legal mandates. Site designation is expected to be made by July 31, 1985.

Interested parties are invited to present comment and/or suggestions to the Texas Department of Corrections by contacting Bill Barry, Chief, Planning and Development, Texas Department of Corrections, P.O. Box 99, Huntsville, Texas 77340, (409) 295-6371, ext. 438.

In addition, the department shall hold a public meeting to obtain citizen input at 2 p.m. on July 24, 1985, in the Hazel B. Kerper Courtroom, Criminal Justice Center, Sam Houston State University, Huntsville.

Issued in Huntsville, Texas, on July 9, 1985.

TRD-856032      Leonard W. Peck, Jr.  
Legal Counsel  
Texas Department of Corrections

Filed: July 9, 1985  
For further information, please call (409) 295-6371.

★      ★      ★



## Texas Economic Development Commission

### Private Activity Bond Allocation Report

Private activity bonds (PABs) which were induced on or after June 19, 1984, are subject to a cap, as stipulated in the Federal Deficit Reduction Act of 1984. This cap is equal to \$150 per capita or approximately \$2.3 billion for the State of Texas for calendar year 1985.

Executive Order MW-27B states that the procedure for allocating this cap will be on a first-come, first-served basis, with the Texas Economic Development Commission (TEDC) being the tracking agency for the program. The information that follows is a summary report of the allocation activity for the week of July 1-5, 1985.

Total allocated principal amount of private activity bonds authorized to be allocated by MW-27B through July 5, 1985:

\$287,642,677.88

Comprehensive listing of bond issues which have received a reservation date as per MW-27B during the week of July 1-5, 1985:

Issuer	User	Amount
Trinity River Industrial Development Authority	Loma Corporation and Lancaster Colony Corporation	\$2.6 million
Longview Industrial Corporation	Longview Guest Inn Associates, Ltd.	\$4 million
Matagorda County Navigation District Number One	Central Power and Light Company	\$81.7 million

Total principal amount of Private Activity Bonds issued in accordance with MW-27B through July 5, 1985:

\$178,724,667.88

Comprehensive listing of bonds issued as per MW-27B during the week of July 1-5, 1985:

Issuer	User	Amount
Texas Small Business Industrial Development Corporation	Rock Investments	\$600,000
Longview Industrial Corporation	Marketplace Properties	\$8.4 million
City of El Paso Industrial Development Authority, Inc.	Electro-Wire Products of Texas, Inc.	\$3.6 million

Issued in Austin, Texas, on July 10, 1985.

TRD-856123      Rebecca J. Heflin  
Acting Executive Director  
Texas Economic Development  
Commission

Filed: July 10, 1985  
For further information, please call (512) 472-5069.

★      ★      ★



## 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 following approximate amounts.

The bonds, pursuant to the statutory authority of the THA, 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 public hearings on the residential projects proposed to be financed by the bonds. The hearing will be held at 10 a.m. on Thursday, July 25, 1985, in the Holiday Inn, I-10 East, 10155 East Freeway, Houston, 77027, (713) 675-2711. The proposed residential project and description are as follows:

\$9.8 million for the benefit of Colorado Club Apartments, Ltd., (whose general partner is Nash Phillips/Copus-Houston, Inc., a Texas corporation) to provide financing for a multifamily rental residential development for persons of low or moderate income consisting of approximately 300 units to be located on approximately 10 acres at 912 Normandy Drive, Houston, Harris County, (Colorado Club Apartments, THA Development 06083).

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 July 9, 1985.

TRD-856114 Stan Kantrowitz  
General Counsel  
Texas Housing Agency

Filed: July 10, 1985  
For further information, please call (512) 475-0812 or  
(800) 792-1119.

★ ★ ★



## Texas Department of Human Resources Consultant Proposal Request

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources (DHR) requests proposals for consultant/computer programming services.

**Description of Services.** The services requested consist of two parts. The contractor will analyze, design, program, test, and implement modifications to an existing Compucorp microcomputer system referred to hereafter as the social worker certification system. Specific activities to be performed are to review current operational system, review required modifications, perform analysis and design activities and review them with contract manager for approval before proceeding to programming, program the modifications in Compucorp computer basis language (CBASIC), unit test the changes and upon completion of programming provide system test using input from contract manager, implement the modified system, and document the system changes. The contractor will provide ongoing maintenance to the social worker certification system. Specific points to be considered are that on an as-needed basis the contractor will be required to provide maintenance and short modifications, and the contractor will be paid on an hourly basis.

**Selection Criteria.** Final selection will be made by a panel selected from the Licensing Division and the Office of Information Systems of DHR. This contract will not necessarily be awarded to the lowest bidder. Offers will be evaluated on a cost and qualitative basis according to background, experience, and knowledge of networking using the Compucorp 700 Series equipment.

**Contract Term.** The contract begins September 1, 1985, and ends August 31, 1987. Payments for the contract period are not expected to exceed \$45,000.

**Contact Person.** Prospective bidders may contact Michael O. Doughty, Director, Social Work Certification, Texas Department of Human Resources (160-W) P.O. Box 2960, Austin, Texas 78769, (512) 450-3248.

**Closing Date.** All bids must be received by DHR no later than 5 p.m. on August 19, 1985.

Issued in Austin, Texas, on July 10, 1985.

TRD-856124 Marlin W. Johnston  
Commissioner  
Texas Department of Human  
Resources

Filed: July 10, 1985  
For further information, please call (512) 450-3768.

★ ★ ★

## Public Utility Commission of Texas Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Public Utility Commission of Texas publishes this notice of consultant contract award. The consultant proposal request was published in the January 15, 1985, issue of the *Texas Register* (10 TexReg 190).

Contractors will develop, produce, and release a statewide promotional campaign designed to educate and motivate Texans to take energy management action in their homes and to increase citizen participation in energy-related ser-

services available through the Energy Efficiency Division of the Public Utility Commission.

The contractors selected to perform this service are Vance-Mathews, Inc., and Texas Energy Research Associates. Each contract is assigned a specific statement of work.

The total value and period of each contract is \$26,650 for May 28, 1985-October 31, 1985, for Vance-Mathews, Inc., and \$25,000 for May 28, 1985-October 31, 1985, for Texas Energy Resource.

Copies of all written evaluations and follow-up reports will be due on or before October 31, 1985.

Issued in Austin, Texas, on May 31, 1985.

TRD-856104 Rhonda Colbert Ryan  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: July 9, 1985  
For further information, please call (512) 458-0100.

★ ★ ★

## 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 July 1-5, 1985.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-2678.

Listed is the name of the applicant and the city in which each facility is located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal.

Period of July 1-5, 1985

The City of Reno; wastewater treatment plant; approximately 1½ miles southwest of the intersection of FM Road 195 and the county road which becomes North-west Seventh Street in the City of Reno in Lamar County; 12162-01; renewal

NL Treating Chemicals, NL Industries, Inc., Houston; oilfield chemicals production plant; at 17402 Wallisville Road in the City of Houston, Harris County; 01198; renewal

City of Lyford; wastewater treatment plant; east of Lyford, approximately 0.8 mile east and 0.6 mile south of the intersection of State Highway 448 and FM Road 1921 in Willacy County; 11210-01; renewal

The City of Hedley; wastewater treatment plant; north-east of the City of Hedley, approximately 1.2 miles north and 0.8 mile east of the intersection of U.S. Highway 287 and State Highway 203 in Donley County; 10709-01; renewal

Bammel Utility District, Houston; wastewater treatment plant; 6,400 feet downstream of the point Stuebner Air-line Road crosses Cypress Creek and on the south bank of the Cypress Creek in Harris County; 11105-01; renewal

Galveston County Water Control and Improvement District 8, Santa Fe; wastewater treatment plant; on the north side of North Seventh Street approximately ¼ mile east of the intersection of North Seventh Street and FM Road 646 in the City of Santa Fe in Galveston County; 10174-01; renewal

City of Sterling City; wastewater treatment plant; approximately 650 feet southwest of the intersection of U.S. Highway 87 and State Highway 158 just southeast of the City of Sterling City in Sterling County; 12147-01; renewal

Lumberton Municipal Utility District, Lumberton; wastewater treatment plant; approximately 1,000 feet east of U.S. Highway 69, approximately two miles north of the intersection of Tram Road and Highway 69 in Hardin County; 11709-01; renewal

Amoco Chemicals Corporation, Texas City; aromatic solvent manufacturing plant; on South Sixth Street approximately seven blocks south of Texas Avenue in Texas City, Galveston County; 00451; renewal

The City of Orange; wastewater treatment plant; 402 South 10th Street between Jackson Street and Polk Avenue in Orange, Orange County; 10626-01; renewal

Chung-Tai and Chung-Chih Tsai, Houston; wastewater treatment plant; 350 feet east of IH 45 and 450 feet south of its intersection with Richey Road in Harris County; 12130-01; renewal

The City of Taft; wastewater treatment plant; 1.4 miles east-northeast of the intersection of FM Road 631 and Rincon Road, northeast of Taft in San Patricio County; 10705-01; renewal

Issued in Austin, Texas, on July 5, 1985.

TRD-858035 Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Filed: July 8, 1985  
For further information, please call (512) 463-7888.

★ ★ ★