

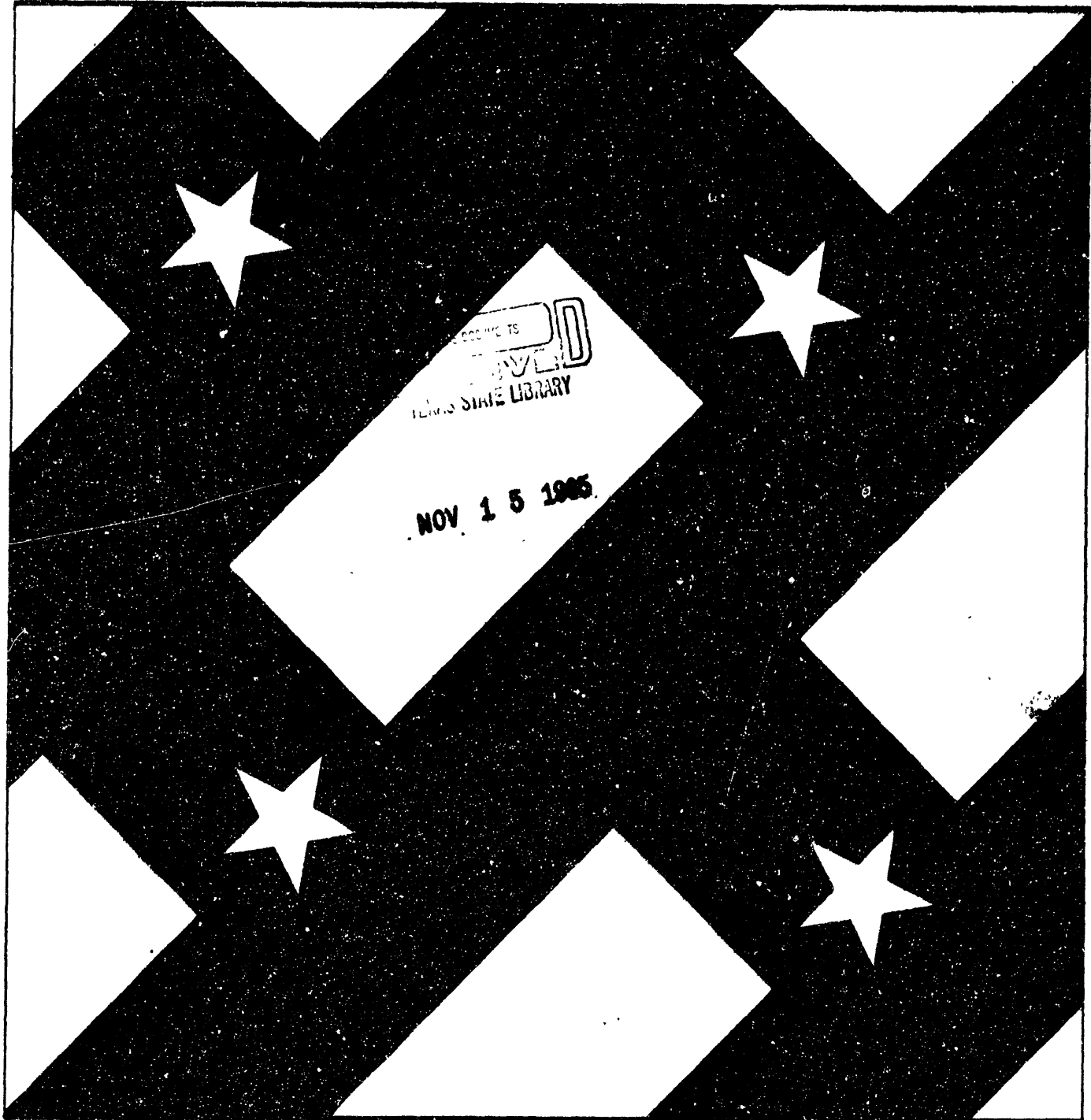
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Texas Register

Volume 10, Number 85, November 15, 1985

Pages 4395 - 4448



Highlights

The Texas Historical Commission proposes amendments concerning the Texas Main Street Project. Earliest possible date of adoption - December 16.....page 4404

The State Property Tax Board proposes an

amendment concerning tax record requirements. Earliest possible date of adoption - December 16.....page 4406

The Texas Education Agency adopts amendments concerning bilingual education and other special language programs. Effective date - November 28. page 4427

Office of
the Secretary
of State

Texas Register

The *Texas Register* (ISSN 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.

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- Governor—appointments, executive orders, and proclamations
- Secretary of State—summaries of opinions based on election laws
- State Ethics Advisory Commission—summaries of requests for opinions and opinions
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
- Open Meetings—notices of open meetings
- The Legislature—bills submitted to, signed by, ~~approved~~ adopted 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).



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Office of the Secretary of State
P.O. Box 13824
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512-463-5561

Myra A. McDaniel
Secretary of State

Director
Dave Harrell

Documents Section Coordinator
Jane Hooks

Document Editors
Cynthia Cooks,
Cynthia Y. Rodriguez-Perez
Molly Gardner

Open Meetings Specialist
Judy Brewster

Production Section Coordinator
Sue Bumpous

Production Editors
Jody Allen, Lisa Bauer

Typographer
Dawn VanCleave

Circulation Section Coordinator
Dee Wright

Circulation Assistant
Kristine Hopkins Mohajer

TAC Editors
William Craig Howell
Hollis Glaser

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- 1 TAC §111.18, §111.194347
- 1 TAC §115.34348
- 1 TAC §115.354330

Part VI. Texas Surplus Property Agency

- 1 TAC §143.14279

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- 4 TAC §11.84362
- 4 TAC §§19.3-19.6, 19.9, 19.124362
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- 7 TAC §91.8024348, 4361

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- 10 TAC §§102.2, 102.4-102.64320

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- 13 TAC §41.114349

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The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1814.

Appointments Made October 31

Advisory Board of Athletic Trainers

For a term to expire January 31, 1991:

Michael Kay Stephens
12409 Willow Bend
Austin, Texas 78758

Mr. Stephens is being reappointed.

Texas Antiquities Committee

For a term to expire January 31, 1987:

William Glase Reeder, Ph.D.
7014 Greenshores Drive
Austin, Texas 78732

Dr. Reeder is being reappointed.

Interagency Council on Early Childhood Intervention Services

For a term to expire February 1, 1987:

Patricia S. Bizzell
1008 Hermitage Drive
Austin, Texas 78753

Ms. Bizzell is being reappointed.

Governor's Criminal Justice Education in Public Schools, Project Advisory Committee

For a term to continue at the pleasure of
this governor:

Charlotte Ann Travis
239 Lovera
San Antonio, Texas 78212

Ms. Travis is replacing Bob Keck of Austin,
who resigned.

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

TRD-8510450

Mark White
Governor of Texas

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Appointments Made November 1

Texas Board of Land Surveying

For a term to expire January 31, 1991:

William C. Wilson, Jr.
1514 West Beauregard Avenue
San Angelo, Texas 76901

Mr. Wilson is being reappointed.

Texas Historical Records Advisory Board

For a term to expire January 23, 1988:

Dr. Dorman Winfrey
6503 Willamette
Austin, Texas 78723

Dr. Winfrey is being reappointed.

Texas Water Well Drillers Board

For terms to expire September 15, 1991:

Frank Del Rio
1217 Wilderness Drive
Austin, Texas 78746

Mr. Del Rio is replacing Mary Lou Parsons
of Odessa, whose term expired.

Barry Henderson
Box 244
Longview, Texas 75606

Mr. Henderson is replacing W. L. Rehkop
of Athens, whose term expired.

Issued in Austin, Texas, on November 1, 1985.

TRD-8510450

Mark White
Governor of Texas

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Appointments Made November 5

Commission on Law Enforcement Officer Standards and Education

For a term to expire August 30, 1991:

Charles W. Phelps
1501 Woodland Drive
Bryan, Texas 77801

Mr. Phelps is replacing W. H. "Henry"
Gardner of Highland Park, whose term
expired.

Texas Board of Land Surveying

For a term to expire January 31, 1991:

Fern Maddera
110 Brentwood
Levelland, Texas 79336

Ms. Maddera is replacing Robert Spears of
Midland, whose term expired.

Governor's Commission on Physical Fitness

For a term to expire June 13, 1991:

George F. Dillman
13361 Peyton Drive
Dallas, Texas 75240

Mr. Dillman is replacing James Walter Sim-
mons of San Antonio, whose term expired.

State Board of Plumbing Examiners

For a term to expire September 5, 1991:

Stanley J. Briers
4814 Palm
Seabrook, Texas 77586

Mr. Briers is being reappointed.

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

TRD-8510450

Mark White
Governor of Texas

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Attorney General

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

Requests for Opinions

RQ-646. Request from Chet Brooks, chairman, Senate Committee on Health and Human Resources, Austin, concerning the fee which a district clerk may charge for contempt actions for enforcement of child support orders and suits to modify child support and related questions.
TRD-8510399

★ ★ ★

RQ-647. Request from James A. Rasmussen, county attorney, Wichita Falls, concerning whether Texas Civil Statutes, Article 988(b), applies to a local public official's activities in his private capacity as the owner of an automobile garage.
TRD-8510400

★ ★ ★

RQ-648. Request from Oscar H. Mauzy, chairman, Senate Committee on Jurisprudence, Austin, concerning whether a city violates the Federal Age Discrimination in Employment Act, 29 United States Code §621, *et seq.*, by hiring police and fire department personnel under the age limit prescribed therein.
TRD-8510398

★ ★ ★

RQ-649. Request from Mike Driscoll, Harris County attorney, Houston, concerning whether employees of the Harris County Pre-Trial Release Agency are state or county employees.
TRD-8510397

★ ★ ★

RQ-650. Request from Mark G. Goode, engineer-director, State Department of Highways and Public Transportation, Austin, concerning whether House Bill 620, 69th Legislature, 1985, supersedes Texas Civil Statutes, Article 6674h, which require competitive bidding.
TRD-8510396

★ ★ ★

RQ-651. Request from Ray Farabee, chairman, Senate State Affairs Committee,

Austin, concerning whether the State of Texas may prohibit the taking of photographs in state-owned buildings.
TRD-8510395

★ ★ ★

RQ-652. Request from Gary Thompson, chairman, House County Affairs Committee, House of Representatives, Austin, concerning whether a rural fire prevention district may assess taxes against residents of a municipality which was incorporated subsequent to the creation of the district.
TRD-8510409

★ ★ ★

RQ-653. Request from Lloyd Criss, House Committee on Labor and Employment Relations, Austin, concerning when a county treasurer is required to deposit funds under Texas Civil Statutes, Article 1079a, and related questions.
TRD-8510408

★ ★ ★

RQ-654. Request from Luther Jones, El Paso County attorney, El Paso, concerning whether a political subdivision may annex territory which the legislature has designated as territory to be included in a new special district.
TRD-8510407

★ ★ ★

RQ-655. Request from Billy Ray Stubblefield, Williamson County attorney, Georgetown, concerning validity of payments to prisoners incarcerated in a county jail and related questions.
TRD-8510406

★ ★ ★

RQ-656. Request from Robert Bernstein, M.D., F.A.C.P., commissioner, Texas Department of Health, Austin, concerning rule-making authority to the Texas Board of Health with regard to massage therapists under House Bill 2012, 69th Legislature, 1985, Chapter 752.
TRD-8510405

★ ★ ★

RQ-657. Request from Mike Driscoll, Harris County attorney, Houston, concerning duty of a sheriff to comply with the requirements of the Code of Criminal Procedure, Article 38.33, regarding information to be obtained from a defendant convicted of driving while intoxicated.
TRD-8510404

★ ★ ★

RQ-658. Request from David H. Cain, chairman, House Committee on Transportation, House of Representatives, Austin, concerning whether administrative fees may be assessed by a justice of the peace or a municipal judge in traffic cases arising under Texas Civil Statutes, Article 6701d, §143A.
TRD-8510403

★ ★ ★

RQ-659. Request from Gibson D. Lewis, speaker of the House of Representatives, Austin, concerning whether a physician who grants to an individual a medical exemption from wearing a seat belt under Texas Civil Statutes, Article 6701d, §107c, may be liable in the event of an injury.
TRD-8510410

★ ★ ★

RQ-660. Request from Mike Driscoll, Harris County attorney, Houston, concerning constitutionality of House Bill 2370, 69th Legislature, 1985, Chapter 568 at 4427, which applies to counties and areas of counties outside the boundaries of cities of 1.5 million or more residents.
TRD-8510411

★ ★ ★

RQ-661. Request from Bruce Hineman, executive secretary, Teacher Retirement System of Texas, Austin, concerning whether Texas Civil Statutes, Title 110B, §35.4041, requires a school district to pay state retirement contributions on all compensation paid by the district and creditable with the retirement system.
TRD-8510369

★ ★ ★

RQ-662. Request from Carlos Valdez, Nueces County attorney, Corpus Christi, concerning the constitutionality of the Property Tax Code, §6.26, which permits assessment and collection of taxes by entities other than the county tax assessor-collector.

TRD-8510368

★ ★ ★

RQ-663. Request from Vernon M. Arrall, commissioner, Texas Rehabilitation Commission, Austin, concerning whether a member of the Texas Planning Council for Developmental Disabilities is entitled to compensatory per diem.

TRD-8510367

★ ★ ★

RQ-664. Request from Don R. Stiles, executive director, Texas Adult Probation Commission, Austin, concerning validity of Senate Bill 454, 69th Legislature, 1985, which added three members to the Texas Adult Probation Commission.

TRD-8510366

★ ★ ★

RQ-665. Request from George Pierce, chairman, Urban Affairs Committee, House of Representatives, Austin, concerning procedure for recovery of dishonored checks under Senate Bill 921, 69th Legislature, 1985.

TRD-8510365

★ ★ ★

RQ-666. Request from Bob Bush, chairman, Committee on Judiciary, House of Representatives, Austin, concerning whether a district judge whose term expires in 1988 may be a candidate for probate judge in 1986.

TRD-8510364

★ ★ ★

RQ-667. Request from James Ken Newman, chairman, Texas State Board of Registration for Professional Engineers, Austin, concerning validity of proposed disciplinary rules of the Texas State Board of Registration for Professional Engineers.

TRD-8510363

★ ★ ★

RQ-668. Request from Mike Driscoll, Harris County attorney, Houston, concerning whether a county clerk is entitled to receive a fee in connection with administration of trust funds under Senate Bill 449, 69th Legislature, 1985.

TRD-8510362

★ ★ ★

RQ-669. Request from Lloyd Criss, chairman, Committee on Labor and Employment Relations, House of Representatives, Austin, concerning whether airport crash and fire rescue personnel are within the provisions of Texas Civil Statutes, Article 5154c-1.

TRD-8510361

★ ★ ★

RQ-670. Request from William K. Zimmer, assistant district attorney, Conroe, concerning proper custodian of recognizances and bail bonds collected by a municipal judge prior to forfeitures.

TRD-8510360

★ ★ ★

RQ-671. Request from Stephen C. Howard, Orange County attorney, Orange, concerning whether court may dismiss charges for driving without liability insurance when an individual is insured, but the vehicle he is driving is not.

TRD-8510359

★ ★ ★

RQ-672. Request from W. N. Kirby, commissioner, Texas Education Agency, Austin, concerning current validity of a lease entered into by a school district in 1950.

TRD-8510384

★ ★ ★

RQ-673. Request from Ann P. Musgrove, Childress County attorney, Childress, concerning whether the City of Childress is exempt from taxes under the Property Code, §11.11, on city-owned airport land which is leased to individuals.

TRD-8510383

★ ★ ★

RQ-674. Request from Mary Evelyn Blagg Huey, president, Texas Woman's University, Denton, concerning whether an internal audit report of a university police department is excepted from disclosure under the Open Records Act, Texas Civil Statutes, Article 6252-17a.

TRD-8510382

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RQ-675. Request from Vernon M. Arrall, commissioner, Texas Rehabilitation Commission, Austin, concerning whether Texas Civil Statutes, Article 6252-11c, applies to psychologists which provide diagnostic and restoration services directly to clients of the Texas Rehabilitation Commission as part of the Vocational Rehabilitation Program.

TRD-8510381

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RQ-676. Request from Oscar Mauzy, chairman, Senate Committee on Jurisprudence, Texas Senate, Austin, concerning whether local probation department trainees are entitled to a flat rate automobile allowance.

TRD-8510380

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RQ-677. Request from Lias B. "Bubba" Steen, executive director, State Purchasing and General Services Commission, Austin, concerning construction of House Bill 1426, 69th Legislature, 1985, Chapter 722, which authorizes the state to convey certain real property in Bexar County by a closed bid procedure.

TRD-8510379

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RQ-678. Request from James M. Kuboviak, Brazos County attorney, Bryan, concerning liability of a county for buried cable damaged during widening of a road.

TRD-8510378

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RQ-679. Request from Kent A. Caperton, chairman, Senate Committee on Criminal Justice, Texas Senate, Austin, concerning whether a city council, a planning committee, or zoning board of adjustment is authorized to grant specific use permits in a home rule city.

TRD-8510377

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RQ-680. Request from Brad Wright, chairman, House Committee on Public Health, Austin, concerning whether House Bill 309, 69th Legislature, 1985, which imposes court costs on all convictions occurring on or after September 1, 1985, is an unconstitutional ex post facto law.

TRD-8510376

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RQ-681. Request from Gibson DuTerroil, chairman, Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons, Austin, concerning applicability to counties of the Human Resources Code, Chapter 122, which relates to the procurement of the products or services of disabled individuals.

TRD-8510375

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RQ-682. Request from Ray Keller, chairman, House Committee on Law Enforcement, Austin, concerning whether a sheriff or constable may contract with a private homeowner's association for law enforcement services in light of Senate Bill 245,

69th Legislature Session, 1985 (reconsideration of Attorney General Opinion JM-57).
TRD-8510374

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RQ-683. Request from Peggy Rosson, commissioner, and Dennis L. Thomas, commissioner, Public Utility Commission of Texas, Austin, concerning the extent to which former employee of the Public Utility Commission of Texas may participate in business before the commission.
TRD-8510392

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RQ-684. Request from Bob Bullock, Comptroller of Public Accounts, Austin, concerning per diem for members of state boards and commissions.
TRD-8510391

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Opinions

JM-354 (RQ-586). Request from Neal Birmingham, district attorney, Linden, concerning whether the exception Texas Civil Statutes, Article 6701d-11. 5(b), applies to pulpwood or logs being transported to a mill.

Summary of Opinion. The statutory exception in Texas Civil Statutes, Article 6701d-11, §5(b), for a forestry commodity prior to the processing of the commodity does not apply to a vehicle hauling logs or pulpwood from a wood yard to a lumber mill or paper mill.

TRD-8510402

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JM-355 (RQ-548). Request from Charles F. Aycock, Parmer County attorney, Farwell, concerning distribution of proceeds from the permanent school fund in Parmer County.

Summary of Opinion. Before distributing the funds to school districts, the commissioners court, as trustees of the county school fund, is under a duty to investigate whether or not certain permanent improvements will be made by a school district. In ascertaining this information, the commissioners court is required to manifest the care, skill, prudence, and diligence of an ordinary prudent man engaged in similar business affairs. Before funds are distributed to any school district in the county, the commissioners court must satisfy itself that the funds will be used within a reasonable time for either of the constitutional purposes. It is incumbent upon the county commissioners as trustees of the fund to formulate

a method to determine the scholastic population within a school district.
TRD-8510388

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JM-356 (RQ-624). Request from Ray Farabee, chairman, State Affairs Committee, Texas Senate, Austin, concerning whether Senate Bill 32, 69th Legislature, 1985, repealed Texas Civil Statutes, Article 4590-4, which relates to the removal of corneal tissue from a decedent.

Summary of Opinion. Senate Bill 32, 69th Legislature, 1985, which is to be codified as Texas Civil Statutes, Article 4590-6, did not impliedly repeal Texas Civil Statutes, Article 4590-4.

TRD-8510373

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JM-357 (RQ-638). Request from Mike Driscoll, Harris County, attorney, Houston, concerning county clerk's duties pursuant to House Bill 385, 69th Legislature, 1985, codified as Business and Commerce Code, §§17.81-17.93, which regulates going-out-of-business sales.

Summary of Opinion. The legislature did not prescribe a specific form for the permit to be issued pursuant to House Bill 385. The form of the permit should make clear that a person conducting a going-out-of-business sale is subject to House Bill 385. The \$20 fee covers all services of the clerk required by House Bill 385. The county clerk must retain the inventories unless they are microfilmed in accordance with Texas Civil Statutes, Article 1941(a). If the inventories are microfilmed, they should be put in the class for miscellaneous records; Texas Civil Statutes, Article 1941(a), §2(b)(7).

TRD-8510372

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JM-358 (RQ-546). Request from Tim Curry, criminal district attorney, Fort Worth, concerning whether a separate docket sheet is required for the criminal docket kept by district clerks.

Summary of Opinion. A district clerk may use the case file jacket to maintain a file docket without maintaining the same information on a separate sheet inside the jacket.

TRD-8510389

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JM-359 (RQ-599). Request from Mike Driscoll, Harris County attorney, Houston, concerning whether a county clerk may issue a marriage license without parental consent if either applicant is under 18 years of age and has previously been married.

Summary of Opinion. Clerks may not issue a marriage license to any person under

18, whether or not that person has been married before, unless the person seeking the license has parental consent or the consent of a judge. (Family Code, §1.52, §1.53.)

TRD-8510401

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JM-360 (RQ-350). Request from Robert O. Viterna, executive director, Commission on Jail Standards, Austin, concerning detention of persons in county jail under Texas Civil Statutes, Articles 5115 and 5547-26.

Summary of Opinion. The provisions in Texas Civil Statutes, Article 5115, on holding an apparently insane person in jail, have been impliedly repealed to the extent of inconsistency by Texas Civil Statutes, Article 5547-26, Article 5547-39, provides the circumstances under which a person detained in protective custody pursuant to Texas Civil Statutes, Article 5547-36, may be held in jail. A defendant in a criminal case remains a prisoner in jail or free on bail while his competency to stand trial is determined pursuant to the Code of Criminal Procedure, Article 46.02 or while the insanity defense under the Code of Criminal Procedure, Article 46.03 is decided in the trial on the merits.

TRD-8510412

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JM-361 (RQ-558). Request from Margaret M. Maisel, chairman, Industrial Accident Board, Austin, concerning whether the Industrial Accident Board may approve a compromise settlement agreement which covers only future medical expenses after liability for compensation benefits is admitted.

Summary of Opinion. The Industrial Accident Board may not approve a compromise settlement agreement when the carrier admits liability before the board and makes compensation payments for an injury enumerated in Texas Civil Statutes, Article 8306, and seeks to finally settle only future medical expenses in the compromise settlement agreement.

TRD-8510387

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JM-362 (RQ-643). Request from O. L. McCotter, Texas Department of Corrections, Huntsville, concerning interpretation of the Texas Prison Management Act, Texas Civil Statutes, Article 6184c.

Summary of Opinion. If the inmate population of the Texas Department of Corrections reaches 95% of capacity on one day, dips below 95% the next, and reaches 95% again on the third day, the director of the Texas Department of Corrections should award administrative good conduct time

only on the first day the population reaches 95% of capacity. (Texas Civil Statutes, Article 6184a, §2(b).) The Texas Department of Corrections must start the cycle of a curative measures set out in the Prison Management Act again, if the first cycle fails to reduce prison population below 95% of capacity.

TRD-8510370

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JM-363 (RQ-430). Request from H. Tati Santiesteban, chairman, Natural Resources Committee, Texas Senate, Austin, concerning authority of a judge to restrict the type of bail available to a defendant.

Summary of Opinion. A magistrate has broad discretion in setting the amount and conditions of bail which an accused to post bail in cash only, nor may be set a differential bail bond amount depending upon whether a cash or surety bond is given.

TRD-8510390

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JM-364 (RQ-565). Request from Garry Mauro, commissioner, General Land Office, Austin, concerning whether the applicant holds land "under color of title" pursuant to the Texas Constitution, Article VII, §4A, when there has been a break in the chain of title.

Summary of Opinion. The phrase "color of title" in the Texas Constitution, Article VII, §4A, has the same definition as "color of title" in Texas Civil Statutes, Article 5508.

TRD-8510386

JM-365 (RQ-575). Request from S. Dorbandt Carroll, Anderson County attorney, Palestine, concerning clarification of statutes relating to approval of subdivision plats.

Summary of Opinion. A map or plat of a subdivision located within the city of Palestine's one-mile extraterritorial jurisdiction shall not be filed with the county clerk without the authorization of both the city of Palestine and Anderson County. Both the city and the county may independently regulate subdivisions within the area of the one-mile extraterritorial jurisdiction except that, when the regulations of the city and the county are in conflict, the more stringent provisions prevail. Only the county is authorized to approve or disapprove plats of subdivisions located in unincorporated areas outside the city's one-mile extraterritorial jurisdiction.

TRD-8510385

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JM-366 (RQ-584). Request from Charles D. Travis, executive director, Texas Parks and Wildlife Department, Austin, concerning whether the Parks and Wildlife Commission may delegate certain permitting authority to the executive director of the department.

Summary of Opinion. The Texas Administrative Code, Chapter 31, §57.45, is invalid because it is inconsistent with the Parks and Wildlife Code, Chapter 86, and the Administrative Procedure and Texas Register Act, Article 6252-13a. The Parks and Wildlife Commission is not precluded

from delegating its authority to hold hearings on permit applications so long as the practice is in compliance with Article 6252-13a.

TRD-8510393

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Open Records Decision

ORD-432 (RQ-585). Request from Keith Stretcher, first assistant city attorney, Midland, concerning whether negatives of photographs taken by police officers at the scene of an accident are subject to disclosure under the Open Records Act, Texas Civil Statutes, Article 6252-17a.

Summary of Decision. Negatives of photographs taken by police officers at the scene of an accident are not excepted from disclosure under the Open Records Act, Texas Civil Statutes, Article 6252-17a, §3(a)(8); the family of a deceased has no right of privacy of the withholding of such photographs from the public.

TRD-8510394

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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 13. CULTURAL RESOURCES

Part II. Texas Historical Commission

Chapter 19. Texas Main Street Project

★ 13 TAC §19.2, §19.3

The Texas Historical Commission proposes amendments to §19.2 and §19.3, concerning the interagency council, and processing applications for designation as Main Street cities.

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

Anice Read, Texas Main Street Project director, has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections is to establish a uniform application procedure for selection of official Main Street cities. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Cindy Laguna Dally, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711-2276.

The amendments are proposed under Texas Civil Statutes, Article 6145, §§3, 7, 16, and 17, which provide the Texas Historical Commission with the authority to promulgate rules and regulations, furnish leadership, coordination, and services to groups and individuals in Texas with an interest in historic preservation; stimulate the development of historical resources in Texas; conduct programs, seminars, and workshops covering historic preservation.

§19.2. *The Interagency Council.*

(a) **Function.** The Main Street Interagency Council coordinates financial assistance to the Texas Main Street Project from state agencies and governmental

bodies, and processes applications for designation as official Texas Main Street cities. The council ranks the applying cities as to their merit and forwards this information to the **Main Street Committee of the Texas Historical Commission** [governor]. **The Main Street Committee then submits the information to the Texas Historical Commission for approval of five of the applicants** [The governor then selects and approves five of the applications] each year. The applicants chosen are designated official Texas Main Street cities and are eligible for various forms of assistance.

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

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

(a)-(d) (No change.)

(e) **Ranking the applications.** The applying cities will be ranked according to the preceding criteria by ballot at a meeting of the interagency council no later than 60 days after the application deadline. **The interagency council will then submit the ranked list to the Main Street Committee. The Main Street Committee will, in turn, submit the ranked list to the Texas Historical Commission.** [The executive director of the Texas Historical Commission will then submit the ranked list to the governor.]

(f) **Announcements.** Announcement of the five cities chosen by the **Texas Historical Commission** [governor] will be made no later than 75 days after the deadline for receiving applications.

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

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 October 31, 1985.

TRD-8510414 Curtis Tunnell
Executive Director
Texas Historical
Commission

Earliest possible date of adoption:
December 16, 1985
For further information, please call
(512) 475-3092.

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★ 13 TAC §19.4, §19.5

The Texas Historical Commission proposes new §19.4 and §19.5, concerning qualification as a self-initiated Main Street City, and assistance to be provided qualifying self-initiated cities.

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

Anice Read, Texas Main Street Project director, has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a program of technical assistance available to cities qualifying under the rules. The anticipated cost to individuals who are required to comply with the sections as proposed is training costs of \$350 in 1986, \$400 in 1987, \$450 in 1988, \$500 in 1989, and \$550 in 1990.

Comments on the proposal may be submitted to Cindy Laguna Dally, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711-2276.

The new sections are proposed under Texas Civil Statutes, Article 6145, §§3, 7, 16, and 17, which provide the Texas

Historical Commission with the authority to promulgate rules and regulations, furnish leadership, coordination, and services to groups and individuals in Texas with an interest in historic preservation; stimulate the development of historical resources in Texas; conduct programs, seminars, and workshops covering historic preservation.

§19.4. Qualification as a Self-Initiated Main Street City.

(a) The community must have a population of under 50,000.

(b) The community must have a full-time, paid Main Street Project manager.

(c) The Main Street program and its manager must be recognized by a resolution of support passed by the city council. This resolution must indicate who will fund and employ the Main Street manager (i.e., the city, chamber of commerce, downtown association, etc.), and who will be designated to supervise the Main Street Project manager (i.e., city manager, chamber of commerce executive vice president, etc.).

(d) The Main Street Project manager must complete the Main Street training provided by the Texas Historical Commission. This training consists of a five-day session every January and a five-day session every February.

(e) Monthly reports cosigned by the Main Street Project manager and the city administrator/manager must be submitted to the Texas Main Street office.

(f) The community must be certified on an annual basis by the Texas Main Street office in Austin to confirm that the community meets all of the criteria for designation as a self-initiated Main Street city. The community must notify and submit pertinent documentation to the Texas Main Street office by December 15 of each year to verify its intent to begin or continue its self-initiated Main Street Project.

§19.5. Assistance to be Provided Qualifying Self-Initiated Main Street Cities.

(a) For a stipend sufficient to cover staff time and expenses of the Texas Main Street office, training will be provided for the Main Street Project manager, which includes one week in January and one week in February; and for beginning managers, a training manual, a Texas Main Street handbook, and a Main Street slide show.

(b) The Main Street Project manager will receive the Main Street weekly update.

(c) The community will receive a minimum of two staff visits per year from the community programs coordinator and one visit from the marketing and design specialist to assist with goal setting, project evaluation, display techniques, and other identified local needs.

(d) The community will be recognized in all Texas Main Street publications.

(e) The community and Main Street manager will have access to the Texas Main Street network of information.

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 October 31, 1985.

TRD-8510416 Curtis Tunnell
Executive Director
Texas Historical
Commission

Earliest possible date of adoption:

December 16, 1985

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

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★13 TAC §19.6, §19.7

The Texas Historical Commission proposes new §19.6 and §19.7, concerning qualification as a self-initiated urban Main Street city, and assistance to be provided qualifying urban self-initiated cities.

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

Anice Read, Texas Main Street Project director, has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections is a program of technical assistance, available to cities qualifying under the sections. The anticipated economic cost to individuals who are required to comply with the sections as proposed is \$5,000 each year in 1986-1987, and \$5,500 each year in 1988-1990.

Comments on the proposal may be submitted to Cindy Laguna Dally, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711-2276.

The new sections are proposed under Texas Civil Statutes, Article 6145, §§3, 7, 16, and 17, which provide the Texas Historical Commission with the authority to promulgate rules and regulations, furnish leadership, coordination, and services to groups and individuals in Texas with an interest in historic preservation; stimulate the development of historical resources in Texas; conduct programs, seminars, and workshops covering historic preservation.

§19.6. Qualification as a Self-Initiated Urban Main Street City.

(a) The community must have a population of over 50,000.

(b) The community must have a full-time, paid Main Street Project manager.

(c) The Main Street program and its manager must be recognized by a resolution

of support passed by the city council. This resolution must indicate who will fund and employ the Main Street manager (i.e., the city, chamber of commerce, downtown association, etc.), and who will be designated to supervise the Main Street Project manager (i.e., city manager, chamber of commerce executive vice president, etc.).

(d) The Main Street Project manager must complete the Main Street training provided by the Texas Historical Commission. This training consists of a five-day session every January and a five-day session every February.

(e) Monthly reports cosigned by the Main Street Project manager and the city administrator/manager must be submitted to the Texas Main Street office.

(f) The community must be certified on an annual basis by the Texas Main Street office in Austin to confirm that the community meets all of the criteria for designation as a self-initiated Main Street city. The community must notify and submit pertinent documentation to the Texas Main Street office by December 15 of each year to verify its intent to begin or continue its self-initiated Main Street Project.

§19.7. Assistance to be Provided Qualifying Urban Self-Initiated Main Street Cities. For a stipend to the Texas Main Street office sufficient to cover staff time and expenses, eligible self-initiated urban Main Street cities will receive the following assistance:

(1) training for the local Main Street Project manager, including one week in January, one week in February, a training manual, a Texas Main Street handbook, and a Main Street slide show;

(2) Main Street weekly updates;

(3) two Main Street architectural staff visits, with one visit providing a design seminar and one visit providing building consultations;

(4) two staff visits from the Main Street Project director, community projects coordinator, or marketing and design specialist to assist with goal-setting, project evaluation, display techniques, or other identified local needs;

(5) recognition in all Texas Main Street publications; and

(6) access to the Texas Main Street network of information.

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 October 31, 1985.

TRD-8510415 Curtis Tunnell
Executive Director
Texas Historical
Commission

Earliest possible date of adoption:

December 16, 1985

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

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

Exemptions
★34 TAC §155.4

The State Property Tax Board proposes an amendment to §155.4, concerning appraisal records of all property. The section includes a requirement that appraisal records of all taxable property maintained by an appraisal district include the permanent identification number, make, and model of manufactured homes. This amendment will require for appraisal records to contain information necessary for a tax collector to file a notice of tax lien on a manufactured home with the Texas Department of Labor and Standards pursuant to the Property Tax Code, §32.015, added by Senate Bill 1267, 69th Legislature, 1985.

John Franklin Niles, general counsel, has determined that for the first five-year period the proposed section 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 section.

Mr. Niles also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be increased efficiency in collecting delinquent property taxes on mobile homes. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to John Franklin Niles, General Counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

The new section is proposed under the Property Tax Code, §5.03(a), which provides the State Property Tax Board with the authority to establish minimum standards for the administration and operation of an appraisal district; the Property Tax Code, §25.02(a), which authorizes the board to prescribe the form of the appraisal records; and the property Tax Code, §25.03(b), which authorizes the board to adopt rules establishing minimum standards for descriptions of property.

§155.4. Appraisal Records of All Property.

(a) (No change.)

(b) The appraisal records of all property shall be two lists—one list for real property and one list for personal property—and shall contain the following items of information as applicable:

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

(4) the general description of taxable personal property and location thereof, if available; and, if the property is a manufactured home, as defined in the Texas Manufactured Housing Standards Act, §3, Texas Civil Statutes, Article 5221f, the permanent identification number(s) or serial number(s) attached to the home, together with the make and model of the home;

(5)-(9) (No change.)

(10) the tax year to which the appraisal applies; and

(11) (No change.)

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

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

Issued in Austin, Texas, on November 8, 1985.

TRD-8510428 Ron Patterson
 Executive Director
 State Property Tax Board

Earliest possible date of adoption:

December 18, 1985

For further information, please call (512) 834-4800.

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★34 TAC §155.6

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the State Property Tax Board, 9501 IH 35 North, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The State Property Tax Board proposes the repeal of §155.6, concerning residential homestead application forms. The repealed section will be replaced by a new section prescribing revised contents for homestead application forms.

The proposed new section revises the prescribed contents of homestead exemption application forms to make the forms simpler and easier to read than those required by the current section. The section also requires residential homestead exemption application forms to require more information regarding mobile homes, pursuant to the Texas Property Tax Code, §11.432. The section deletes the requirement that the applicant swear or affirm the truth of the contents.

The new section regarding applications for this exemption is proposed for adoption in this issue of the *Texas Register*.

John Franklin Niles, general counsel, has determined that for the first five-year period the proposed section 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 section.

Mr. Niles also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section is enhancement of uniform procedures for administration of exemptions, and the promulgation of exemption applications which are both up to date and easier for taxpayers to complete. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to John Franklin Niles, General Counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

The repeal is proposed under the Texas Property Tax Code, §5.03(a), which provides the State Property Tax Board with the authority to establish minimum standards for the administration and operation of an appraisal district; the Texas Property Tax Code, §5.07(c), which provides that the board shall prescribe the contents of all forms necessary for the administration of the property tax system; and the Texas Property Tax Code, §11.43(f), which requires the board in prescribing the contents of exemption applications to ensure that the form requires an applicant to furnish the information necessary to determine the validity of the exemption claim.

§155.6. Exemption Applications for Residence Homesteads.

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

Issued in Austin, Texas, on November 6, 1985.

TRD-8510430 Ron Patterson
 Executive Director
 State Property Tax Board

Earliest possible date of adoption:

December 18, 1985

For further information, please call (512) 834-4800

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The State Property Tax Board proposes new §155.6, concerning residential homestead applications forms. The new section revises the prescribed contents of homestead exemption application forms to make the forms simpler and easier to read than those required by the current section. The new section also requires residential homestead exemption application forms to require more information regarding mobile homes, pursuant to the Texas Property Tax Code, §11.432. The new section deletes the requirement that the applicant swear or affirm the truth of the contents. The current rule regarding applications for this exemption is proposed for repeal in this issue of the *Texas Register*.

John Franklin Niles, general counsel, has determined that for the first five-year period the proposed section 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 section.

Mr. Niles also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section is enhancement of uniform procedures for administration of exemptions and the promulgation of exemption applications which are both up to date and easier for taxpayers to complete. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to John Franklin Niles, General Counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761

The new section is proposed under the Texas Property Tax Code, §5.03(a), which provides the State Property Tax Board with the authority to establish minimum standards for the administration and operation of an appraisal district; the Texas Property Tax Code, §5.07(c), which provides that the board shall prescribe the contents of all forms necessary for the administration of the property tax system; and the Texas Property Tax Code, §11.43(f), which requires the board to prescribe the contents of exemption applications to ensure that the form requires an applicant to furnish the information necessary to determine the validity of the exemption claim.

§155.6. Exemption Applications for Residence Homesteads.

(a) All appraisal offices shall prepare and make available applications for residence homestead exemptions.

(b) All applications shall contain spaces for the property owner to provide the following information:

(1) the name and address of the property owner;

(2) the street address or other description of the property, and, if the property is a mobile home, the make, model, and permanent identification number, together with a copy of the document of title to the mobile home if the mobile home is eight feet wide or wider, 40 feet long or longer, or occupies an area of 320 square feet, and the document of title has not been canceled;

(3) whether the property owner qualifies for the general residence homestead exemption. The application form shall require the property owner to indicate whether he owns the property, whether it was his residential homestead on January 1 of the year for which the application is filed, and whether he has claimed a residential homestead exemption on any other property for the year;

(4) whether the property owner qualifies for over-65 homestead exemptions;

(5) whether the property owner qualifies for disability exemptions.

(c) All applications shall require the applicant to sign and date the application.

(d) All applications for residence homestead exemptions shall contain a statement indicating that by signing the application, the applicant states that he is qualified for the exemptions indicated, and a statement that under Penal Code, §37.10, if the applicant intentionally makes a false statement on the application, he could receive a jail term of up to one year and a fine of up to \$2,000, or a prison term of two to 10 years and/or a fine of up to \$5,000.

(e) All applications shall contain instructions which state that the property owner need not apply for the exemption annually; that the applicant has a duty to notify the chief appraiser in written before May 1 when his entitlement to the exemption ends; and that the chief appraiser may require the property owner to reapply for the exemption.

(f) Where the application contains or requires other information, the information required by this section shall be printed on the front of the form. Otherwise, the application shall be prepared as a separate form from any other form.

(g) If the chief appraiser routinely requires supporting information or other documents for a homestead exemption, the appraisal office shall note the type(s) of documentation required on the application.

(h) The chief appraiser shall determine each application in accordance with the provisions of the Property Tax Code, Chapter 11.

(i) With each application form, the appraisal office shall provide a list of taxing units served by the appraisal district, together with all residential homestead exemptions they offer.

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

Issued in Austin, Texas, on November 6, 1985.

TRD-8510431 Ron Patterson
Executive Director
State Property Tax Board

Earliest possible date of adoption:
December 16, 1985
For further information, please call
(512) 834-4800.

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★ 34 TAC §155.17

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the State Property Tax Board, 9501 IH-35 North, Austin or in the Texas

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

The State Property Tax Board proposes the repeal of §155.17, concerning exemption application for charitable organizations. The repealed section will be replaced by a new section prescribing revised contents for charitable exemption application forms simultaneously proposed in this issue.

The proposed new section prescribes contents which are simpler and easier to read than those in the current section. The new section also reflects changes to the charter requirements for qualification under the Texas Property Tax Code, §11.18(c)(3)(B)(ii), and the addition of an exemption for charitable solicitation organizations in the Texas Property Tax Code, §11.18(c)(1)(0), as amended by Senate Bill 809, 69th Legislature, 1985. The new section also requires additional information concerning the financial activities of the organization and the use of the property by the applicant which is believed to be necessary in establishing the applicant's qualifications.

John Franklin Niles, general counsel, has determined that for the first five-year period the proposed 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. Niles 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 enhancement of uniform procedures for administration of exemptions and the promulgation of exemption applications which are both up to date and easier for taxpayers to complete. There is no anticipated economic cost to individuals as a result of the proposed repeal.

Comments on the proposal may be submitted to John Franklin Niles, General Counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

The repeal is proposed under the Texas Property Tax Code, §5.03(a), which provides the State Property Tax Board with the authority to establish minimum standards for the administration and operation of an appraisal district; the Texas Property Tax Code, §5.07(c), which provides that the board shall prescribe the contents of all forms necessary for the administration of the property tax system; and the Texas Property Tax Code, §11.43(f), which requires the board in prescribing the contents of exemption applications to ensure that the form requires an applicant to furnish the information necessary to determine the validity of the exemption claim.

§155.17. Exemption Application for Charitable Organizations.

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

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

Issued in Austin, Texas, on November 8, 1985.

TRD-8510432 Ron Patterson
Executive Director
State Property Tax
Board

Earliest possible date of adoption:

December 16, 1985

For further information, please call
(512) 834-4800.

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The State Property Tax Board proposes new §155.17, concerning charitable organization application forms.

The new section prescribes contents which are simpler and easier to read than those in the current section. The new section also reflects changes to the charter requirements for qualification under the Texas Property Tax Code, §11.18(c)(3)(B)(ii), and the addition of an exemption for charitable solicitation organizations in the Texas Property Tax Code, §11.18(c)(1)(O), as amended by Senate Bill 809, 69th Legislature, 1985. The new section also requires additional information concerning the financial activities of the organization and the use of the property by the applicant which is believed to be necessary in establishing the applicant's qualifications. The current section regarding applications for this exemption is proposed for repeal in this issue of the *Texas Register*.

John Franklin Niles, general counsel, has determined that for the first five-year period the proposed section 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 section.

Mr. Niles also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section is enhancement of uniform procedures for administration of exemptions and the promulgation of exemption applications which are both up to date and easier for taxpayers to complete. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to John Franklin Niles, General Counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

The new section is proposed under the Texas Property Tax Code, §5.03(a), which provides the State Property Tax Board with the authority to establish minimum standards for the administration and

operation of an appraisal district; the Texas Property Tax Code, §5.07(c), which provides that the board shall prescribe the contents of all forms necessary for the administration of the property tax system; and Texas Property Tax Code, §11.43(f), which requires the board in prescribing the contents of exemption applications to ensure that the form requires an applicant to furnish the information necessary to determine the validity of the exemption claim.

§155.17. Exemption Applications for Charitable Organizations.

(a) All appraisal offices shall prepare applications for charitable organization exemptions and make them available to the public.

(b) Each application form shall provide spaces for the applicant to indicate the following information:

(1) the name and address of the person who completes the application form;

(2) the capacity in which the person who completes the form serves the organization;

(3) the name of the organization and its mailing address;

(4) whether the organization is operated by an individual, an association, or a corporation;

(5) if corporate, whether the corporation is a nonprofit corporation;

(6) the real and personal property upon which the exemption is claimed;

(7) whether the organization owns the property on which the exemption is claimed;

(8) for each parcel of real property, the legal description of the property, the primary use of the property, whether the property is reasonably necessary in performing the organization's functions, any other uses of the property, and all parties other than the applicant organization which have used the property in the year preceding the application;

(9) for each item of personal property, the nature and location of the item;

(10) whether the organization is organized exclusively to perform religious, charitable, scientific, literary, and educational functions;

(11) whether the organization is organized exclusively to engage in and does exclusively engage in one or more of the functions listed in the Property Tax Code, §11.13(c)(1)(A)-(O), and which of those functions the organization engages in;

(12) all financial transactions for the preceding year which involved sale of an interest in the organization for gain, transfers of property between the organization and persons having an interest in the organization, and loans between the organization and persons having an interest in the organization; and whether the organization operates, or its charter permits it to operate, in a manner which permits the accrual of

profits or distribution of any form of private gain;

(13) where the applicant indicates that it engages in functions listed in the Property Tax Code, §11.18(c)(1)(O), the following additional information:

(A) whether the organization is governed by a volunteer board of directors;

(B) whether the organization is affiliated with a state or national organization that authorizes, approves, or sanctions volunteer charitable fund raising organizations;

(C) whether the organization qualifies for exemption under the Internal Revenue Code, §501(c)(3), as amended;

(D) whether the organization distributes contributions to at least five other associations, each of which is governed by a volunteer board of directors, qualifies for exemption under the Internal Revenue Code, §501(c)(3), receives a majority of its annual revenues from gifts and government grants, and provides services without regard to the recipient's ability to pay.

(c) The appraisal office shall indicate on the application form that the applicant must attach a copy of the charter, bylaws, or other documents adopted by the organization to govern its affairs.

(d) With respect to the documents described in subsection (c) of this section, the application shall contain spaces for the applicant to indicate:

(1) whether the documents pledge the organization's assets for use in performing its charitable functions and the page and paragraph number of such language;

(2) whether the documents require that upon dissolution of the organization that the organization's assets be transferred to a similar organization which is qualified for exemption under the Internal Revenue Code, §501(c)(3), as amended, or to the State of Texas;

(3) whether Internal Revenue Service regulations require that the documents provide for transfer of the organization's assets upon dissolution first to its members and then immediately from its members to a similar organization qualified for exemption under the Internal Revenue Code, §501(c)(3), as amended, or to the State of Texas.

(e) All applications shall require the applicant to sign and date the application, and indicate in what capacity he represents the organization.

(f) All applications shall include the following affirmation, above the signature and date spaces and below the spaces for information required by subsections (b)-(d) of this section:

"By signing this application, you designate the property described in the attached schedules A & B as the property against which the exemption for charitable organizations may be claimed in this appraisal district. You certify that this information is true and correct to the best of your knowledge and belief.

(g) All applications shall include the following statement in boldface type beneath the space for the signature and date:

Under Texas Penal Code, §37.10, if you make a false statement on this application, you could receive a jail term of up to 1 year and a fine of up to \$2,000, or a prison term of 2 to 10 years and a fine of up to \$5,000.

(h) If the chief appraiser routinely requires supporting documentation for any charitable exemption, the appraisal office shall note the types of documentation required on the application.

(i) All applications shall contain the following statement:

This application covers property you owned on January 1 of this year. You must file the completed application between January 1 and May 1 of this year. Be sure to attach any additional documents requested. If the chief appraiser grants the exemption, you do not have to reapply every year. You must reapply if the chief appraiser requires you to do so, or if you want the exemption to apply to property not listed in this application. However, you have a duty to notify the chief appraiser in writing if and when your right to this exemption ends

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

Issued in Austin, Texas, on November 6, 1985.

TRD-8510433 Ron Patterson
Executive Director
State Property Tax
Board

Earliest possible date of adoption:
December 16, 1985
For further information, please call
(512) 834-4800.

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★34 TAC §155.18

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the State Property Tax Board, 9501 IH 35 North, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The State Property Tax Board proposes the repeal of §155.18, concerning exemption applications for youth spiritual, mental, and physical development associations. The repealed section will be replaced by a new section prescribing revised contents for youth organization exemption application forms.

The proposed new section prescribes contents which are simpler and easier to read than those in the current section. The new section also requires additional information concerning the financial activities of the organization and the use of the property by the applicant which is believed to be necessary in establishing the applicant's qualifications

The new section regarding applications for this exemption is proposed for adoption in this issue of the *Texas Register*.

John Franklin Niles, general counsel, has determined that for the first five-year period the proposed 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. Niles 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 will include enhancement of uniform procedures for administration of exemptions and the promulgation of exemption applications which are both up to date and easier for taxpayers to complete. There is no anticipated economic cost to individuals as a result of the proposed repeal.

Comments on the proposal may be submitted to John Franklin Niles, General Counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

The repeal is proposed under the Texas Property Tax Code, §5.03(a), which provides the State Property Tax Board with the authority to establish minimum standards for the administration and operation of an appraisal district; the Texas Property Tax Code, §5.07 (c), which provides that the board shall prescribe the contents of all forms necessary for the administration of the property tax system; and the Texas Property Tax Code, §11.43(f), which requires the board in prescribing the contents of exemption applications to ensure that the form requires an applicant to furnish the information necessary to determine the validity of the exemption claim

§155.18. Exemption Applications for Youth Spiritual, Mental, and Physical Development Associations.

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

Issued in Austin, Texas, on November 6, 1985.

TRD-8510434 Ron Patterson
Executive Director
State Property Tax
Board

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December 16, 1985
For further information, please call
(512) 834-4800.

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The State Property Tax Board proposes new §155.18, concerning applications for youth spiritual, mental, and physical development association exemptions from taxation. The new section prescribes contents which are simpler and easier to read than those in the current section. The section also requires additional information concerning the financial activities of the organization and the use of the property by the applicant which is believed to be necessary in establishing the applicant's qualifications. The current section regarding applications for this exemption is proposed for repeal in this issue of the *Texas Register*

John Franklin Niles, general counsel, has determined that for the first five-year period the proposed section 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 section.

Mr. Niles also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section is enhancement of uniform procedures for administration of exemptions and the promulgation of exemption applications which are both up to date and easier for taxpayers to complete. There is no anticipated economic cost to individuals who are required to comply with the proposed section

Comments on the proposal may be submitted to John Franklin Niles, General Counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761

The new section is proposed under the Texas Property Tax Code, §5.03(a), which provides the State Property Tax Board with the authority to establish minimum standards for the administration and operation of an appraisal district, the Texas Property Tax Code, §5.07(c), which provides that the board shall prescribe the contents of all forms necessary for the administration of the property tax system; and the Texas Property Tax Code, §11.43(f), which requires the board to prescribe the contents of exemption applications to ensure that the form requires an applicant to furnish the information necessary to determine the validity of the exemption claim.

§155.18. Exemption Applications for Youth Spiritual, Mental, and Physical Development Organizations.

(a) All appraisal offices shall prepare applications for youth spiritual, mental, and physical development organization exemptions and make them available to the public.

(b) Each application form shall provide spaces for the applicant to indicate the following information:

- (1) the name and address of the person who completes the application form;
- (2) the capacity in which the person who completes the form serves the or-

ganization;

(3) the name of the organization and its mailing address;

(4) whether the organization is operated by an individual, an association, or a corporation;

(5) if corporate, whether the corporation is a nonprofit corporation;

(6) the real and personal property upon which the exemption is claimed;

(7) whether the organization owns the property on which the exemption is claimed;

(8) for each parcel of real property, the legal description of the property, the primary use of the property, whether the property is reasonably necessary in performing the organization's functions, any other uses of the property, and all parties other than the applicant organization which have used the property in the year preceding the application;

(9) for each item of personal property, the nature and location of the item;

(10) whether the organization engages primarily in promoting the spiritual, mental, and physical development of boys, girls, young men, or young women, and the types of activities in which the organization engages;

(11) all financial transactions for the preceding year which involved sale of an interest in the organization for gain, transfers of property between the organization and persons having an interest in the organization, and loans between the organization and persons having an interest in the organization; and whether the organization operates in a way that does not result in accrual of distributable profits or realization of private gain other than reasonable salaries or compensation for services rendered.

(c) The appraisal office shall indicate on the application form that the applicant must attach a copy of the charter, bylaws, or other documents adopted by the organization to govern its affairs.

(d) With respect to the documents described in subsection (c) of this section, the application shall contain spaces for the applicant to indicate:

(1) whether the documents pledge the organization's assets for use in performing its youth development functions and the page and paragraph number of such language;

(2) whether the documents require that upon dissolution of the organization that the organization's assets be transferred to a similar organization which is qualified for exemption under the Internal Revenue Code, §501(c)(3), as amended, or to the State of Texas.

(e) All applications shall require the applicant to sign and date the application, and indicate in what capacity he represents the organization.

(f) All applications shall include the following statement, above the signature and date spaces and below the spaces for

information required by subsections (b)-(d) of this section:

By signing this application, you designate the property described in the attached schedules A & B as the property against which the exemption for youth spiritual, mental, and physical development organizations may be claimed in this appraisal district. You certify that this information is true and correct to the best of your knowledge and belief.

(g) All applications shall include the following statement in boldface type beneath the space for the signature and date:

Under Section 37.10, Texas Penal Code, if you make a false statement on this application, you could receive a jail term of up to 1 year and a fine of up to \$2,000, or a prison term of 2 to 10 years and a fine of up to \$5,000.

(h) If the chief appraiser routinely requires supporting documentation for any youth development organization exemption, the appraisal office shall note the types of documentation required on the application.

(i) All applications shall contain instructions which state that the property owner need not apply for the exemption annually; that the applicant has a duty to notify the chief appraiser in writing before May 1 when his entitlement to the exemption ends; and that the chief appraiser may require the property owner to reapply for the exemption.

(j) Where the application contains or requires other information, the information required by this section shall be printed on the front of the form. Otherwise, the application shall be prepared as a separate form from any other form.

(k) The chief appraiser shall determine all applications in accordance with the provisions of the Property Tax Code, Chapter 11.

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

Issued in Austin, Texas, on November 6, 1985.

TRD-8510435

Ron Patterson
Executive Director
State Property Tax
Board

Earliest possible date of adoption:

December 16, 1985

For further information, please call
(512) 834-4800.

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★ 34 TAC §155.19

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the State Property Tax Board, 9501 IH 35 North, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The State Property Tax Board proposes the repeal of §155.19, concerning exemption applications for religious organizations. The repealed section will be replaced by a new section prescribing revised contents for religious organization exemption application forms.

The proposed section prescribes contents which are simpler and easier to read than those in the current section. The section also requires additional information concerning the financial activities of the organization and the use of the property by the applicant which is believed to be necessary in establishing the applicants qualifications.

The new section regarding applications for this exemption is proposed for adoption in this issue of the *Texas Register*.

John Franklin Niles, general counsel, has determined that for the first five-year period the proposed 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. Niles 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 will be enhancement of uniform procedures for administration of exemptions and the promulgation of exemption applications which are both up to date and easier for taxpayers to complete. There is no anticipated economic cost to individuals as a result of the proposed repeal.

Comments on the proposal may be submitted to John Franklin Niles, General Counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

The repeal is proposed under the Texas Property Tax Code, §5.03(a), which provides the State Property Tax Board with the authority to establish minimum standards for the administration and operation of an appraisal district; the Texas Property Tax Code, §5.07 (c), which provides that the board shall prescribe the contents of all forms necessary for the administration of the property tax system; and the Texas Property Tax Code, §11.43(f), which requires the board in prescribing the contents of exemption applications to ensure that the form requires an applicant to furnish the information necessary to determine the validity of the exemption claim.

§155.19. *Exemption Applications for Religious Organizations.*

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

Issued in Austin, Texas, on November 6, 1985.

TRD-8510436 Ron Patterson
Executive Director
State Property Tax
Board

Earliest possible date of adoption.

December 16, 1985

For further information, please call
(512) 834-4800.

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The State Property Tax Board proposes new §155.19, concerning applications for religious organization exemptions from property taxation. The new section prescribes contents which are simpler and easier to read than those in the current section. The new section also requires additional information concerning the financial activities of the organization and the use of the property by the applicant which is believed to be necessary in establishing the applicant's qualifications. The current section regarding applications for this exemption is proposed for repeal in this issue of the *Texas Register*.

John Franklin Niles, general counsel, has determined that for the first five-year period the proposed section 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 section.

Mr Niles also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section is enhancement of uniform procedures for administration of exemptions and the promulgation of exemption applications which are both up to date and easier for taxpayers to complete. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to John Franklin Niles, General Counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761

The new section is proposed under the Texas Property Tax Code, §5.03 (a), which provides the State Property Tax Board with the authority to establish minimum standards for the administration and operation of an appraisal district; the Texas Property Tax Code, §5.07(c), which provides that the board shall prescribe the contents of all forms necessary for the administration of the property tax system; and the Texas Property Tax Code, §11.43(f), which requires the board to

prescribe the contents of exemption applications to ensure that the form requires an applicant to furnish the information necessary to determine the validity of the exemption claim.

§155.19. Exemption Applications for Religious Organizations.

(a) All appraisal offices shall prepare applications for religious organization exemptions and make them available to the public.

(b) Each application form shall provide spaces for the applicant to indicate the following information:

(1) the name and address of the person who completes the application form;

(2) the capacity in which the person who completes the form serves the organization;

(3) the name of the organization and its mailing address;

(4) whether the organization is operated by an individual, an association, or a corporation;

(5) if corporate, whether the corporation is a nonprofit corporation;

(6) the real and personal property upon which the exemption is claimed;

(7) whether the organization owns the property on which the exemption is claimed;

(8) for each parcel of real property, the legal description of the property, whether the property is an actual place of religious worship, a residence for professional clergy, or foreclosure sale property held as part of the organization's endowment funds; and

(A) if the property is an actual place of religious worship, whether the primary use of the property is for religious worship; whether religious worship regularly takes place at the property; whether any portion of the property produces revenue; how any revenue is used; and whether the property is reasonably necessary for religious worship; or

(B) if the property is used as a residence for professional clergy, whether the property is used exclusively as a residence, whether it is occupied exclusively by persons whose principal occupation is to serve in the organization's clergy, whether any portion of the property produces revenue, how much land is used for each residence, and whether all of the property is reasonably necessary for use as a residence; or

(C) if the property is foreclosure sale property held by an endowment fund, whether the property was acquired by foreclosure to protect a bond or mortgage held by the endowment fund and used exclusively for the support of the organization; and, if so, the date of the foreclosure sale;

(9) for each item of personal property, the nature and location of the item;

(10) whether the organization is organized and operated primarily for the purpose of engaging in religious worship or

promoting the spiritual development or well-being of individuals;

(11) all financial transactions for the preceding year which involved sale of an interest in the organization for gain, transfers of property between the organization and persons having an interest in the organization, and loans between the organization and persons having an interest in the organization; and whether the organization operates in a way that does not result in accrual of distributable profits or realization of private gain other than reasonable salaries or compensation for services rendered.

(c) The appraisal office shall indicate on the application form that the applicant must attach a copy of the charter, bylaws, or other documents adopted by the organization to govern its affairs.

(d) With respect to the documents described in subsection (c) of this section, the application shall contain spaces for the application to indicate:

(1) whether the documents pledge the organization's assets for use in performing its religious functions and if so the page and paragraph number of such language;

(2) whether the documents require that upon dissolution of the organization that the organization's assets be transferred to a similar organization which is qualified for exemption under the Internal Revenue Code, §501(c)(3), as amended, or to the State of Texas.

(e) All applications shall require the applicant to sign and date the application, and indicate in what capacity he represents the organization.

(f) All applications shall include the following statement, above the signature and date spaces and below the spaces for information required by subsections (b)-(d) of this section:

By signing this application, you designate the property described in the attached schedules A & B as the property against which the exemption for religious organizations may be claimed in this appraisal district. You certify that this appraisal district. You certify that this information is true and correct to the best of your knowledge and belief

(g) All applications shall include the following statement in boldface type beneath the space for the signature and date:

Under Section 37.10, Texas Penal Code, if you make a false statement on this application, you could receive a jail term of up to 1 year and a fine of up to \$2,000, or a prison term of two to 10 years and a fine of up to \$5,000.

(h) If the chief appraiser routinely requires supporting documentation for any religious exemption, the appraisal office shall note the types of documentation required on the application.

(i) All applications shall contain instructions which state that the property owner need not apply for the exemption annually; that the applicant has a duty to

notify the chief appraiser in writing before May 1 when his entitlement to the exemption ends; and that the chief appraiser may require the property owner to reapply for the exemption.

(j) Where the application contains or requires other information, the information required by this section shall be printed on the front of the form. Otherwise, the application shall be prepared as a separate form from any other form.

(k) The chief appraiser shall determine all applications in accordance with the provisions of Property Tax Code, Chapter 11.

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

Issued in Austin, Texas, on November 6, 1985

TRD-8510437 Ron Patterson
Executive Director
State Property Tax
Board

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December 16, 1985
For further information, please call
(512) 834-4800

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★ 34 TAC §155.20

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the State Property Tax Board, 9501 IH 35 North, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The State Property Tax Board proposes the repeal of §155.20, concerning exemption applications for privately-owned schools. The repealed section will be replaced by a new section prescribing revised contents for private school exemption application forms.

The proposed new section prescribes contents which are simpler and easier to read than those in the current section. The section also requires additional information concerning the financial activities of the organization and the use of the property by the applicant which is believed to be necessary in establishing the applicant's qualifications.

The new section regarding applications for this exemption is proposed for adoption in this issue of the *Texas Register*

John Franklin Niles, general counsel, has determined that for the first five-year period the proposed section 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 section.

Mr. Niles also has determined that for each year of the first five years the sec-

tion is in effect the public benefit anticipated as a result of enforcing the section is enhancement of uniform procedures for administration of exemptions and the promulgation of exemption applications which are both up to date and easier for taxpayers to complete. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to John Franklin Niles, General Counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

The repeal is proposed under the Texas Property Tax Code, §5.03(a), which provides the State Property Tax Board with the authority to establish minimum standards for the administration and operation of an appraisal district; the Texas Property Tax Code, §5.07(c), which provides that the board shall prescribe the contents of all forms necessary for the administration of the property tax system; and the Texas Property Tax Code, §11.43(f), which requires the board in prescribing the contents of exemption applications to ensure that the form requires an applicant to furnish the information necessary to determine the validity of the exemption claim.

§155.20. Exemption Applications for Privately-Owned Schools.

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

Issued in Austin, Texas, on November 6, 1985.

TRD-8510438 Ron Patterson
Executive Director
State Property Tax
Board

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December 16, 1985
For further information, please call
(512) 834-4800.

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The State Property Tax Board proposes new §155.20, concerning private school exemption application forms. The new section prescribes contents which are simpler and easier to read than those in the current section. The new section also requires additional information concerning the financial activities of the organization and the use of the property by the applicant which is believed to be necessary in establishing the applicant's qualifications. The current section regarding applications for this exemption is proposed for repeal in this issue of the *Texas Register*.

John Franklin Niles, general counsel, has determined that for the first five-year period the proposed section 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 section.

Mr. Niles also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section is enhancement of uniform procedures for administration of exemptions and the promulgation of exemption applications which are both up to date and easier for taxpayers to complete. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to John Franklin Niles, General Counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

The new section is proposed under the Texas Property Tax Code, §5.03(a), which provides the State Property Tax Board with the authority to establish minimum standards for the administration and operation of an appraisal district; the Texas Property Tax Code, §5.07(c) which provides that the board shall prescribe the contents of all forms necessary for the administration of the property tax system; and the Texas Property Tax Code, §11.43(f), which requires the board to prescribe the contents of exemption applications to ensure that the form requires an applicant to furnish the information necessary to determine the validity of the exemption claim.

§155.20. Exemption Applications for Schools.

(a) All appraisal offices shall prepare applications for privately owned school exemptions and make them available to the public.

(b) Each application form shall provide spaces for the applicant to indicate the following information:

(1) the name and address of the school and the name of the person who completes the application form;

(2) the capacity in which the person who completes the form serves the school;

(3) the name and mailing address of the school operator;

(4) whether the school is operated by an individual, an association, or a corporation;

(5) if corporate, whether the corporation is a nonprofit corporation;

(6) the real and personal property upon which the exemption is claimed;

(7) whether the property is exclusively owned by the school operator;

(8) for each parcel of real property, the legal description of the property, the primary use of the property, whether the property is reasonably necessary for operation of the school, any other uses of the property, and all parties other than the applicant which have used the property in the year preceding the application;

(9) for each item of personal property, the nature and location of the item;

(10) whether the school maintains a regular faculty and curriculum;

(11) whether the school has a regularly organized body of students;

(12) whether classes normally meet at the buildings to be exempted;

(13) all financial transactions for the preceding year which involved sale of an interest in the school for gain, transfers of property between the school and persons having an interest in the school, and loans between the school and persons having an interest in the school; and whether the school operates in a way that does not result in accrual of distributable profits or realization of private gain other than reasonable salaries or compensation for services rendered.

(c) The appraisal office shall indicate on the application form that the applicant must attach a copy of the charter, bylaws, or other documents adopted by the school to govern its affairs.

(d) With respect to the documents described in subsection (c) of this section, the application shall contain spaces for the application to indicate:

(1) whether the documents pledge the school's assets for use in performing its educational functions and the page and paragraph number of such language;

(2) whether the documents require that upon dissolution of the school that the school's assets be transferred to a similar organization which is qualified for exemption under Internal Revenue Code, §501(c)(3), as amended, or to the State of Texas.

(e) All applications shall require the applicant to sign and date the application, and indicate in what capacity he represents the organization.

(f) All applications shall include the following statement, above the signature and date spaces and below the spaces for information required by subsections (b)-(d) of this section:

By signing this application, you designate the property described in the attached schedules A & B as the property against which the exemption for private schools may be claimed in this appraisal district. You certify that this information is true and correct to the best of your knowledge and belief.

(g) All applications shall include the following statement in boldface type beneath the space for the signature and date:

Under Section 37.10, Texas Penal Code, if you make a false statement on this application, you could receive a jail term of up to 1 year and a fine of up to \$2,000, or a prison term of two to 10 years and a fine of up to \$5,000.

(h) If the chief appraiser routinely requires supporting documentation for any school exemption, the appraisal office shall

note the types of documentation required on the application.

(i) All applications shall contain instructions which state that the property owner need not apply for the exemption annually; that the applicant has a duty to notify the chief appraiser in writing before May 1 when his entitlement to the exemption ends; and that the chief appraiser may require the property owner to reapply for the exemption.

(j) Where the application contains or requires other information, the information required by this section shall be printed on the front of the form. Otherwise, the application shall be prepared as a separate form from any other form.

(k) The chief appraiser shall determine all applications in accordance with the provisions of Chapter 11, Property Tax Code.

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

Issued in Austin, Texas, on November 6, 1985.

TRD-8510439

Ron Patterson
Executive Director
State Property Tax
Board

Earliest possible date of adoption:
December 16, 1985

For further information, please call
(512) 834-4800.

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Collecting

★ 34 TAC §155.41

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the State Property Tax Board, 9501 IH 35 North, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The State Property Tax Board proposes the repeal of §155.41, concerning the affidavit which a taxpayer must file with the appraisal district to obtain a deferral of collection of delinquent taxes, pursuant to the Texas Property Tax Code, §33.06. The new section is proposed simultaneously with the new §155.41, concerning the same subject

John Franklin Niles, general counsel, has determined that for the first five-year period the proposed 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. Niles 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 will be the

replacement of outdated forms with forms that are clear and concise and that accurately reflect legislative and judicial changes in this area of the law. There is no anticipated economic cost to individuals as a result of the proposed repeal.

Comments on the proposal may be submitted to John Franklin Niles, General Counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78767, within 30 days of publication

The repeal is proposed under the Texas Property Tax Code, §5.03(a), which provides the State Property Tax Board with the authority to establish minimum standards for the administration and operation of an appraisal district, and the Texas Property Tax Code, §5.07(c), which provides that the board shall prescribe the contents of all forms necessary for the administration of the property tax system.

§155.41. Tax Deferral Affidavit.

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

Issued in Austin, Texas, on November 6, 1985.

TRD-8510428

Ron Patterson
Executive Director
State Property Tax
Board

Earliest possible date of adoption:
December 16, 1985

For further information, please call
(512) 834-4800.

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The State Property Tax Board proposes new §155.41, concerning tax deferral affidavit. The section describes the affidavit which a taxpayer must file with the appraisal district to obtain a deferral of collection of delinquent taxes pursuant to the Texas Property Tax Code, §33.06. The new section is proposed simultaneously with the repeal of existing §155.41, concerning the same subject.

The new section differs from the section it replaces in that the contents required for the affidavit from have been changed to simplify the form and delete extraneous material.

John Franklin Niles, general counsel, has determined that for the first five-year period the proposed section 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 section

Mr. Niles also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section is the replacement of outdated forms with forms that are clear and con-

cise and that accurately reflect legislative and judicial changes in this area of the law. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to John Franklin Niles, General Counsel, State Property Tax Board, P.O. Box 15900, 9501 IH 35 North, Austin, Texas 78767, within 30 days of publication.

The section is proposed under the Texas Property Tax Code, §5.03(a), which provides the State Property Tax Board with the authority to establish minimum standards for the administration and operation of an appraisal district, and the Texas Property Tax Code, §5.07(c), which provides that the board shall prescribe the contents of all forms necessary for the administration of the property tax system.

§155.41. Tax Deferral Affidavit. All appraisal offices shall prepare affidavits for the over-65 homestead tax deferral provided by Property Tax Code, §33.06, and make them available to the public. The State Property Tax Board adopts by reference Model Form 33.06. Copies may be obtained from the state Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

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

Issued in Austin, Texas, on November 6, 1985.

TRD-8510429 Ron Patterson
Executive Director
State Property Tax
Board

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For further information, please call
(512) 834-4800.

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Chapter 161. Valuation Procedures

Special Property Valuation

★34 TAC §161.1

The State Property Tax Board proposes an amendment to §161.1, concerning valuation of open-space and agricultural lands. The current section adopts by reference the State Property Tax Board (SPTB) publication, *Guidelines for the Valuation of Agricultural Lands*. The amendment changes all references of net to land that appear in the current manual to conform the term to the amended definition of net to land in the Property Tax Code, §23.51(4). The amendment also adds to the manual a section

on the calculation of the additional tax known as the rollback tax, when a person changes the use of qualified open-space or agricultural land.

John Franklin Niles, general counsel, has determined that for the first five-year period the proposed section 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 section.

Mr. Niles also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be provision of a manual that is consistent with existing statutory requirements, and the addition of a section that will eliminate confusion and uncertainty in the calculation of a change-in-use rollback tax. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to John Franklin Niles, General Counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

The new section is proposed under the Property Tax Code, §23.52, which requires the board to develop and distribute to each appraisal office manuals setting forth methods of appraising and administering special appraisal, and the Property Tax Code, §5.07, which requires the board to prescribe the contents of all forms necessary for the administration of the property tax system, and a uniform record system to be used by all appraisal offices.

§161.1. Valuation of Open-Space and Agricultural Lands. The State Property Tax Board adopts by reference the *Guidelines for the Valuation of Agriculture Lands* as amended January 1, 1986, [February 26, 1982,] the amendment to be effective on February 1, 1986 [March 22, 1982]. This document is published by and available from the State Property Tax Board, 9501 IH 35 North, P.O. Box 15900, Austin, Texas 78761.

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

Issued in Austin, Texas, on November 6, 1985.

TRD-8510423 Ron Patterson
Executive Director
State Property Tax
Board

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December 16, 1985
For further information, please call
(512) 834-4800

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Chapter 163. Reporting Procedures

Other Tax Records

★34 TAC §163.5

The State Property Tax Board proposes an amendment to §163.5(b), concerning record movement of mobile homes. The Property Tax Code, §21.11, requires individuals to report all movements of mobile homes to the chief appraiser(s) of the appraisal district(s) involved in the move. The proposed amendment adds to the list of information that must be filed—the permanent identification number of the mobile home that has been moved. This addition would permit appraisal districts to follow movements of mobile homes, and thereby provide for more efficient collection of taxes that may be due on the mobile homes.

John Franklin Niles, general counsel, has determined that for the first five-year period the proposed section 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 section.

Mr. Niles also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section is a uniform records system for all appraisal districts to track the movement of mobile homes, which will allow taxing units to enforce the collection of any delinquent taxes that may exist on the mobile homes. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to John Franklin Niles, General Counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

The amendment is proposed under the Property Tax Code, §21.11, which requires the board to prescribe a form to record the movement of mobile homes, and the Property Tax Code, §5.07, which requires the board to prescribe the contents of all forms necessary for the administration of the property tax system, and a uniform record system to be used by all appraisal offices.

§163.5. Record Movement of Mobile Homes.

- (a) (No change.)
- (b) The record of the movement of the mobile home shall contain the following items of information:
 - (1)-(3) (No change.)
 - (4) the description of the mobile home moved, stating make, model year, model number, license number, size, permanent identification number, and any other related information;
 - (5)-(10) (No change.)
- (c)-i) (No change.)

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

Issued in Austin, Texas, on November 6, 1985.

TRD-8510425 Ron Patterson
Executive Director
State Property Tax
Board

Earliest possible date of adoption:
December 16, 1985
For further information, please call
(512) 834-4800.

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★34 TAC §163.7

The State Property Tax Board proposes new §163.7, concerning exempt property owned by the state. The proposed section implements the Property Tax Code, §11.48, which requires appraisal districts to list all property that is exempt from taxation, because it is owned by the State of Texas. The section describes all information that must be contained within a special property record, adopts by reference a form to be used by state agencies in confirming each property record, describes the methods by which an appraisal district may certify records to the State Property Tax Board, defines those agencies whose properties must be listed, and identifies types of property that need not be listed. The proposed section will take effect by January 1, 1986, which is the first year that appraisal districts are required to develop these special records.

John Franklin Niles, general counsel, has determined that for the first five-year period the proposed section 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 section.

Mr. Niles also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section is the provision of a uniform records system for all appraisal districts and state agencies to use in complying with the statutory requirements, and the development of a single list of all property owned by or for the State of Texas, which will assist the state in assuring that its properties are put to the most productive uses. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to John Franklin Niles, General Counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

The new section is proposed under the Property Tax Code, §11.48, which requires

the board to prescribe a form for the special property listing and to adopt forms to assist agencies in providing required information, and the Property Tax Code, §5.07, which requires the board to prescribe the contents of all forms necessary for the administration of the property tax system, and a uniform record system to be used by all appraisal offices.

§163.7. Exempt Property Owned by the State.

(a) All appraisal districts appraising property for ad valorem taxation are required by the Property Tax Code, §11.48, to develop a list of real property that is owned by the State of Texas.

(b) The chief appraiser shall prepare a special property record for each parcel of real property that is owned by or for the State of Texas on January 1 and is located within the county served by the appraisal district. The special property record for each property must comply with the tax record requirements of State Property Tax Board Rule, §155.1, and must contain:

(1) a description of the property, including a street address (if applicable), with separate descriptions of land, improvements, minerals, or other real property interests;

(2) the number of acres of the parcel (if applicable);

(3) an identification of each taxing unit in which the property is located;

(4) the name and address of the department or agency that holds title to the property or is responsible for managing or maintaining the property;

(5) a statement indicating whether or not the land or improvement is leased, and the taxable status of any lease;

(6) an indication by the chief appraiser if the property is exempt from taxation; and

(7) an indication by the chief appraiser if a Confirmation Form 11.48A was received from a state department or agency.

(c) The Property Tax Code, §11.48(e), requires the chief appraiser to deliver a copy of the property listing to the appropriate state department or agency by April 1, or as soon thereafter as practicable, to confirm the listed information. The chief appraiser must deliver to each state department or agency a copy of the State Property Record Form 11.48A showing property that is owned or managed by that agency. The record must be accompanied by a Confirmation Form 11.48A for use by the agency in reviewing and confirming the listing. Form 11.48A is adopted and incorporated into this section by reference. Copies of Form 11.48A may be obtained at the State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

(d) Section 11.48(f) requires the chief appraiser to certify a copy of the list of state-owned property to the State Property Tax Board no later than September 1 of

each year. The chief appraiser must list each parcel of real property owned by or for the State of Texas on a State Property Record Form 11.48B, which is adopted and incorporated into this section by reference. Copies of Form 11.48B may be obtained at the State Property Tax Board, P.O. Box 15900, Austin, Texas 78761. The listing shall contain each item enumerated in subsection (b)(1)-(7) of this section. Properties must be categorized alphabetically by state agency or department, as prescribed by the executive director. The chief appraiser may submit the listing by electronic tape, if approved in writing by the executive director before September 1. Any electronic tape must be accompanied by a hard-copy listing showing the contents of the tape. An appraisal district that submits a listing by electronic tape does not have to provide a copy of each State Property Record Form 11.48A.

(e) State department or agency as used within this section means:

(1) a board, commission, department, institution, office or other agency of the state government, an institution of higher education (other than a public junior college); and

(2) the following entities created under the Texas Constitution, Article 16, §59: Angelina and Neches River Authority; Bandera County River Authority; Brazos River Authority; Canadian River Municipal Water Authority; Central Colorado River Authority; Coastal Industrial Water Authority; Colorado River Municipal Water District; Guadalupe-Blanco River Authority; Guadalupe River Authority; Gulf Coast Waste Disposal Authority; Lavaca-Navidad River Authority; Lower Colorado River Authority; Lower Concho River Water and Soil Conservation Authority; Lower Neches Valley Authority; North Central Texas Municipal Water Authority; Nueces River Authority; Red River Authority of Texas; Rio Grande Valley Municipal Water Authority; Sabine River Authority; San Antonio River Authority; San Jacinto River Authority; Trinity River Authority of Texas; Upper Colorado River Authority; Upper Guadalupe River Authority; and Upper Neches River Municipal Water Authority.

(f) The chief appraiser is not required to list:

(1) property that is owned or held by the State Department of Highways and Public Transportation;

(2) easements that are held by any agency or department;

(3) permanent university fund property; or

(4) tidal lands or lands submerged by public waters or riverbeds and streambeds.

(g) If the chief appraiser cannot determine which department or agency holds title to the property or is responsible for managing or maintaining the property,

the property shall be listed in the name of the State of Texas.

(h) The chief appraiser is not required to appraise property required to be listed by this section.

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

Issued in Austin, Texas, on November 6, 1985

TRD-9510424 Ron Patterson
Executive Director
State Property Tax
Board

Earliest possible date of adoption:
December 16, 1985

For further information, please call
(512) 834-4800

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Chapter 165. Practice and Procedure

Rules of Practice and Procedure

★ 34 TAC §§165.71-165.74

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the State Property Tax Board, 9501 IH 35 North, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The State Property Tax Board proposes the repeal of §§165.71-165.74, concerning governing administrative hearings on protests of school district taxable market value. The proposal is part of a reorganization of the board's rules of practice and procedure. The repealed sections will be replaced by new sections governing the procedure for protesting school district taxable value, protesting determinations of an appraisal district's level and uniformity of appraisals, and protesting audit findings of school district taxable value. The new procedural sections, published in this issue of the *Texas Register*, will prescribe procedures for protests of the 1985 property value study that will occur in the spring of 1986.

John Franklin Niles, general counsel, 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. Niles 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 replacement with procedural sections that prescribe each type of protest related to the annual property value study that may be presented with the board. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to John Franklin Niles, General Counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78781.

This repeal is proposed under the Education Code, §11.86, which requires the board to adopt procedural rules governing the conduct of protest hearings; the Property Tax Code, §5.10, which requires the board to conduct an annual study of the level of appraisals in each appraisal district; and Texas Civil Statutes, Article 6252-13a, §4, which require a state agency to adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available concerning administrative action.

§165.71. *Protests Arising from School District Index Values.*

§165.72. *Conduct of Hearing.*

§165.73. *Proposed Decision.*

§165.74. *Final Decision.*

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

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

TRD-8510440 Ron Patterson
Executive Director
State Property Tax
Board

Earliest possible date of adoption:
December 16, 1985

For further information, please call
(512) 834-4800

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★ 34 TAC §§165.71-165.77

The State Property Tax Board proposes new §§165.71-165.77, concerning rules of practice and procedure. The new sections establish procedures governing administrative hearings on protests of school district taxable market value, procedures for protesting determinations of an appraisal district's level and uniformity of appraisals, and protesting findings of audits of a school district's taxable market value. The proposal is part of a reorganization of the board's rules of practice and procedure. Current rules of procedure are proposed for repeal in this issue of the *Texas Register*. The procedural rules prescribe procedures for protests beginning with the 1985 property value study in the spring of 1986.

John Franklin Niles, general counsel, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Mr. Niles also has determined that for each year of the first five years the sections are in effect the public benefit an-

anticipated as a result of enforcing the sections will be providing persons or petitioners with procedural rules that prescribe each type of protest related to the annual property value study that may be presented with the board, and the implementation of procedures that will assure fair and equitable treatment of all petitioners and informed and accurate findings of school district taxable market values and the appraisal level within appraisal districts. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to John Franklin Niles, General Counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78781.

The new sections are proposed under the Education Code, §11.86, which requires the board to adopt procedural rules governing the conduct of protest hearings; the Property Tax Code, §5.10, which requires the board to conduct an annual study of the level of appraisals in each appraisal district; and Texas Civil Statutes, Article 6252-13a, §4, which requires a state agency to adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available concerning administrative action.

§165.71. *Audits of School District Taxable Property Values.*

(a) A school district may request an audit of the board's findings of taxable property value, as provided by the Education Code, §11.86(d).

(b) The commissioner of education may request an audit of the board's findings of taxable property value within any school district.

(c) An audit request may be submitted at any time after the board certifies final values to the commissioner of education, but must be filed before October 1 of the year following the year of the study. This deadline may be extended by a showing that the petitioner could not have submitted evidence relating to the request prior to the deadline or for other good cause.

(d) A school district may not request an audit if:

(1) the audit request raises the same issue or presents the same evidence presented during a protest of preliminary findings of value;

(2) the audit request raises an issue or presents evidence that should have been raised during a protest of preliminary findings of value;

(3) the school district that is the subject of the request appealed a determination of a protest to district court as provided by the Education Code, §11.86; or

(4) the request concerns an error in the school district's annual report of property value discovered after May 31 of the year following the year of the study, unless

the information supporting a change did not exist in time to be incorporated into the board's findings.

(e) The commissioner of education may not request an audit if:

(1) the audit request raises the same issue or presents the same evidence presented during a protest of preliminary findings of value;

(2) the audit request raises an issue or presents evidence that could have been raised by the affected school district in a protest of preliminary findings of value if it would have been of benefit to the district;

(3) the school district that is the subject of the request appealed a determination of a protest to district court as provided by Education Code, §11.86; or

(4) the request concerns an error in the school district's annual report of property value discovered after May 31 of the year following the year of the study, and the error could have been corrected by the school district if it would have been to the benefit of the district.

(f) The executive director shall determine if an audit request raises issues that are within the jurisdiction of the board. He shall issue a preliminary finding on the request as soon as practicable and must deliver a copy of the finding to any school district that is the subject of the audit and to the commissioner of education.

(g) Any change of a district's taxable value pursuant to an audit request may be made only on written order of the board, and must be certified to the commissioner of education.

(h) For purposes of these sections, an audit is an investigation or review made to determine whether the certified findings of a school district's taxable value of property are incorrect and should be changed.

§165.72. *Protests and Audits Arising from School Property Values and Appraisal District Ratio Findings.*

(a) A school district may protest the preliminary findings of the district's taxable value of property

(b) An appraisal district may protest the preliminary findings of the level and uniformity of property appraisals within the district.

(c) A school district may protest the denial of an audit request or the preliminary findings of an audit of taxable value of property within the district, whether the school district or the commissioner of education requested the audit.

§165.73. *Method of Filing a Protest.*

(a) A protest must be filed by submitting a written statement to the board showing the name and address of the petitioner and identifying the determination that is the subject of the submission.

(b) A protest of the preliminary findings of taxable value or appraisal levels must be filed within 30 days after the date the board certifies preliminary findings of

school district taxable value to the commissioner of education. A protest of the preliminary findings of an audit of taxable values must be filed within 30 days of the date the district received preliminary findings of the audit. A submission may be withdrawn, amended, or supplemented at any time prior to the deadline for filing, but may not be withdrawn, amended, or supplemented after the filing deadline.

(c) A submission must be signed by:

(1) the superintendent of the district if it is a protest filed by a school district; or

(2) the chief appraiser of the appraisal district, if it is a protest filed by the appraisal district.

(d) A submission must specify all grounds for objection and contain sufficient information to determine the validity of the protest. All documents and other evidence that support the petitioner's protest must be included with the submission. No additional evidence may be submitted after the deadline for submitting the petition.

(e) The submission must contain a sworn statement by the person signing the petition that, to the best of his knowledge, the information contained in the submission is true and correct.

(f) Any ratio study or other appraisal analysis that is included with the submission shall contain a sworn statement by the person producing the study or analysis that it was performed in accordance with generally accepted appraisal standards. For purposes of this section, ratio study is defined as any property sale or appraisal offered as an indicator of the level of property appraisals that exists on a district's appraisal or tax roll.

(g) A submission must contain a certification that:

(1) if it is filed by a school district and protests the preliminary findings of taxable property value, the school district has delivered a copy of its protest to each appraisal district that appraises property for the school district; or

(2) if it is filed by an appraisal district protesting preliminary findings of the level and uniformity of appraisals, the appraisal district has delivered a copy of its protest to each school district that participates in the appraisal district.

(h) For good cause shown, the executive director may extend a deadline for submitting evidence. An extension must be requested and approved in writing before the original filing deadline. The director may grant only one extension for each school district, and may not extend the deadline by more than 10 days.

§165.74. *Scheduling a Protest Hearing.*

(a) On receiving a protest, the executive director shall determine whether the submission raises issues that are within the jurisdiction of the board. The director shall deliver notice of the date, time, and place

fixed for a hearing to each party. The notice must be delivered not later than 10 days before the date of the hearing and must be provided to each party.

(b) The board shall conduct a single hearing that provides for:

(1) participation by the affected school district(s) and any appraisal district that appraises property for the school district(s), if the hearing concerns preliminary findings of taxable value or the level or uniformity of appraisals; or

(2) participation by the affected school district(s) and the commissioner of education, if the hearing concerns the preliminary findings of an audit of a school district's taxable property values.

§165.75. *Conduct of Hearing.*

(a) The board or its designee shall convene a hearing for a protest.

(b) All proceedings are open to the public and are held in Austin, Texas, unless for good cause shown the board or its executive director designates another place for a hearing as being in the best interest of the public.

(c) The petitioner may designate an authorized representative.

(d) Each petitioner may present argument on any matter raised by the petition. Each party may offer oral argument at the hearing. Argument shall be confined to the evidence and to arguments of other parties. The board may refuse to hear arguments that are repetitious, not confined to matters raised in the petition, not related to the evidence or that constitute mere personal criticism.

(e) If the board or its designee decides that the number of hearings raise a reasonable doubt that all matters will be decided within the time allotted by statute, the board or its designee may place time limitations on oral arguments.

(f) The board or its designee shall establish the order of proceeding, and is responsible for closing the record. The record may be held open for a single period of time not to exceed 15 days, and may be held open only for a specific purpose that is stated in the record.

§165.76. *Proposed Decision.*

(a) If the board's designee conducts a hearing, it shall prepare a proposed decision within 30 days after the date the record is closed. The proposed decision must contain a statement of the reasons for the decision and of each finding of fact necessary to the decision.

(b) The executive director, on behalf of the designee, shall serve the proposed decision on each party by certified mail.

(c) Within 15 days after the date of receiving a proposed decision, a petitioner may file a written response taking exception to the proposed decision. A written response must state the reason for taking exception to the proposed decision and may

include a request for an appeal hearing before the board.

(d) The executive director may take exception to the designee's proposed decision and request an appeal hearing before the board. If the director requests an appeal, he shall deliver written notice by certified mail to the school district, appraisal district, or commissioner of education within 15 days after the date the proposed decision was delivered to a party.

§165.77. Final Decision.

(a) The board shall convene to hear all appeals of proposed decisions, approve all proposed decisions not appealed, and approve and certify its findings of school district taxable property values and the level and uniformity of appraisals within each appraisal district.

(b) The executive director shall deliver notice of the date, time and place fixed for a hearing. The notice must be delivered not later than 10 days before the date of the hearing and must be provided to each party.

(c) All appeals are limited to the record made during the protest hearing. A party may appear to offer oral argument, but no additional evidence may be introduced. Written argument may be submitted in lieu of an oral appearance.

(d) All appeals of protests concerning the preliminary findings of taxable value must be decided by written order within 120 days of the date the preliminary findings were certified to the commissioner of education.

(e) All appeals of protests concerning preliminary findings of appraisal levels must be decided by written order before the deadline established in subsection (c) of this section.

(f) A decision concerning a protest of preliminary findings of an audit request must be decided by written order within 120 days of the date the school district received the preliminary findings.

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

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

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

TRD-8510441

Ron Patterson
Executive Director
State Property Tax
Board

Earliest possible date of adoption:
December 16, 1985
For further information, please call
(512) 834-4800.

★ ★ ★

Appraisal Review Board

★34 TAC §165.142

The State Property Tax Board proposes an amendment to §165.142, concerning notice of protest. A new model notice of protest form is adopted by reference. The new model form differs from the old form in that it has been simplified and extraneous material has been deleted. The new form also reflects changes in deadlines for filing the notice of protest set out in the Texas Property Tax Code, §41.44.

John Franklin Niles, general counsel, has determined that for the first five-year period the proposed section 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 section.

Mr. Niles also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section is the replacement of outdated forms with forms that are clear and concise and that accurately reflect legislative and judicial changes in this area of the law. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to John Niles, General Counsel, State Property Tax Board, P.O. Box 15900, 9501 IH 35 North, Austin, Texas 78767, within 30 days of publication.

The amendment is proposed under the Texas Property Tax Code, §5.03(a), which provides the State Property Tax Board with the authority to establish minimum standards for the administration and operation of an appraisal district; the Texas Property Tax Code, §5.07(c), which provides that the board shall prescribe the contents of all forms necessary for the administration of the property tax system; and the Texas Property Tax Code, §41.44(d), which requires the board to prescribe a notice of protest form and deliver one to a property owner upon request.

§165.142. Notice of Protest.

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

(d) The model notice of protest Form 41.44 as amended December 11, 1985, is adopted by the State Property Tax Board by reference. Copies of this form are available for inspection at the office of the *Texas Register* or can be obtained from the Office of General Counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

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

Issued in Austin, Texas, on November 6, 1985.

TRD-8510427

Ron Patterson
Executive Director
State Property Tax
Board

Earliest possible date of adoption:
December 16, 1985
For further information, please call
(512) 834-4800.

★ ★ ★

Withdrawn

Rules An agency may withdraw proposed action or the remaining effectiveness of emergency action on a rule by filing a notice of withdrawal with the *Texas Register*. The notice is effective immediately upon filing. If a proposal is not adopted or withdrawn within six months after the date of publication in the *Register*, it will automatically be withdrawn by the *Texas Register* office and a notice of the withdrawal will appear in the *Register*.

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part III. Texas Air Control Board

Chapter 105. Enforcement Rules

★ 31 TAC §105.43

The Texas Air Control Board has withdrawn from consideration for permanent adoption the proposed new §105.43, concerning enforcement rules. The text of the new section as proposed appeared in the September 6, 1985, issue of the *Texas Register* (10 TexReg 3357).

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

TRD-8510358

Paul M. Shinkawa
Director of Hearings
Texas Air Control Board

Filed: November 6, 1985
For further information, please call
(512) 451-5711, ext. 354.

★ ★ ★



Adopted

Rules An agency may take final action on a rule 30 days after a proposal has been published in the *Texas 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 4. AGRICULTURE Part I. Texas Department of Agriculture

Chapter 23. Family Farm and Ranch Security Program Subchapter A. General Provisions

★ 4 TAC §23.3, §23.5

The Texas Department of Agriculture adopts amendments to §23.3 and §23.5, without changes to the proposed text published in the October 4, 1985, issue of the *Texas Register* (10 TexReg 3834).

The amendment to §23.3 adds definitions for liquidation process, residential homestead exclusion, assumption of the guaranty, and redefines or changes the definitions of advisory council, applicant, and guaranty. Under the amendment, the commissioner of agriculture may delegate to the Family Farm and Ranch Advisory Council certain functions to administer the program.

The amendment to the definitions is necessary to comply with the provisions of House Bill 2258, 69th Legislature, 1985, which amended the Texas Agriculture Code, §252.001, *et seq.* The new legislation allows the assumption of the family farm and ranch loan, sets a maximum amount of \$250,000 for a guaranty, amends the procedure on liquidation, and changes the net worth requirements for applicants. The definitions have been amended accordingly. The section relating to the delegation of certain administrative functions is broadened to include the advisory council. The amendment assists the commissioner of agriculture by allowing him to delegate certain administrative functions to the advisory council.

The new definitions define terms utilized throughout Chapter 23. Liquidation process defines the procedure for selling foreclosed property. Residential homestead exclusion exempts the first \$100,000 of the value of the applicant's residential homestead. The definitions of applicant, assume or assumption of a guaranty, and family farm and ranch security loan guaranty or guaranty reflect the new statutory allowance for assumption of the guaranty and the new \$250,000 maximum guaranty. Under the amendment to §23.5, the commissioner of ag-

riculture may delegate to the Family Farm and Ranch Advisory Council certain functions to administer the program, which thereby involves the advisory council more in the administration of the program.

No comments were received regarding adoption of these amendments.

The amendments are adopted under the Texas Agriculture Code, Title 8, Chapter 252, Subchapter B, §252.011, which provides the Texas Department of Agriculture with the authority to adopt rules necessary for the efficient administration of the program.

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

Issued in Austin, Texas, on November 6, 1985.

TRD-8510462

Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Effective date: November 28, 1985
Proposal publication date: October 4, 1985
For further information, please call
(512) 463-7583.

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Subchapter B. Eligibility

★ 4 TAC §23.11, §23.13

The Texas Department of Agriculture adopts amendments to §23.11 and §23.13, without changes to the proposed text published in the October 4, 1985, issue of the *Texas Register* (10 TexReg 3834).

The amendments to §23.11 and §23.13 concern eligible applicant and eligible financial arrangements under the Family Farm and Ranch Program.

The amendments comply with the provisions of House Bill 2258, 69th Legislature, 1985, which amended the Texas Agriculture Code, §252.001, *et seq.* and broaden and/or modify the acceptable terms of the documentation underlying the guaranty to allow more applicants to qualify.

The amendments change the eligibility requirements of the applicants for a guar-

anty under the Family Farm and Ranch Program and the terms of arrangements eligible for guaranties under the Family Farm and Ranch Program. These amendments allow for the transfer of guaranty to a purchaser of land who assumes the loan underlying the guaranty if the purchaser qualifies under the Texas Agriculture Code, §252.001, *et seq.*, and the rules promulgated thereunder. The amendments change the allowable net worth of the applicant. In addition, the amendments reflect modifications to the interest cap and terms of the agreement.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Agriculture Code, Title 8, Chapter 252, Subchapter B, §252.011, which provides the Texas Department of Agriculture with the authority to adopt rules necessary for the efficient administration of the program.

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

Issued in Austin, Texas, on November 6, 1985.

TRD-8510468

Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Effective date: November 28, 1985
Proposal publication date: October 4, 1985
For further information, please call
(512) 463-7583.

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Subchapter C. Application Procedures

★ 4 TAC §§23.21, 23.24-23.29

The Texas Department of Agriculture adopts amendments to §§23.21 and 23.24-23.29, without changes to the proposed text published in the October 4, 1985, issue of the *Texas Register* (10 TexReg 3835).

The amendments concern application, letter of intent, financial information, review of applications, criteria for approval, notification, and denial of application.

The amendments comply with the provisions of House Bill 2258, 69th Legislature, 1985, which amended the Texas Agriculture Code, §252.001, *et seq.*, clarify the types of information submitted by applicants, and allow more flexibility in negotiation after denial of an application

The amendments make technical clarifications adding that qualified appraisers, options, and letters of intent must conform to the rules adopted on these issues; make changes and additions to require financial information; amend the provisions for review, approval, and notification; and delete the commissioner's role in the review of approval of the applications. The required financial information include the following additional or modified requirements under the amendment inclusion of the value of the residential homestead in the financial statements, cash flow budgets or other detailed statements of projected income and expense, and two years of projected profit and loss statements. The procedure for review of the applications places the responsibility for review of the application and notification of denial on the administrator while the Family Farm and Ranch Advisory Council will approve or deny the application. The amendments lengthen the time in which an applicant or seller may modify their terms to qualify for a guaranty.

No comments were received regarding the adoption of the amendments.

The amendments are adopted under the Texas Agriculture Code, Title 8, Chapter 252, Subchapter B, §252.011, which provides the Texas Department of Agriculture with the authority to adopt rules necessary for the efficient administration of the program.

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

Issued in Austin, Texas, on November 6, 1985.

TRD-8510467 Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Effective date: November 28, 1985
Proposal publication date: October 4, 1985
For further information, please call
(512) 463-7583.

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Subchapter D. Closing Procedures

★4 TAC §§23.41, 23.45, 23.47

The Texas Department of Agriculture adopts amendments to §§23.41, 23.45, and §23.47, without changes to the proposed text published in the October 4, 1985, issue of the *Texas Register* (10 TexReg 3836).

The amendments concern preclosing instructions and final title opinion.

Section 23.41 is amended to allow the administrator to provide instructions for closing the loan, the allow the administrator to grant a 60-day extension and to allow the administrator or advisory council to request records for examination to determine liens and encumbrances on the property. The amendment provides the administrator and advisory council with more responsibility for the actual administration of the program. Section 23.45 is amended to change the requirement that the state pay up to 90% of the sums due under the first real estate mortgage. The amendment changes the term first real estate mortgage to real estate mortgage to broaden the scope of the guaranty to include all mortgages guaranteed under the program. Section 23.47 is amended to make the final title opinion a permissive filing with the commissioner because the final title opinion is not a factor in the decision on whether to grant a guaranty and a final title opinion may be required on a case-by-case basis.

The amendments shift certain administrative duties on preclosing and closing the agreements associated with guaranty of the loan from the commissioner of agriculture to the administrator and/or the Family Farm and Ranch Advisory Council, change the term "first real estate mortgage" to "real estate mortgage," and delete the mandatory receipt of the final title opinion. The amendment in duties relieves the commissioner from involvement in the preclosing procedure and allows the administrator or the Family Farm and Ranch Advisory Council to request and examine copies of certain documents in connection with preclosing. In addition, the amendments refer to real estate mortgage as one of the agreements that may be guaranteed instead of the first real estate mortgage. The amendments allow the commissioner to require a final title opinion after all documents are recorded.

No comments were received regarding adoption of these amendments.

The amendments are adopted under the Texas Agriculture Code, Title 8, Chapter 252, Subchapter B, §252.011, which provides the Texas Department of Agriculture with the authority to adopt rules necessary for the efficient administration of the program.

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

Issued in Austin, Texas, on November 6, 1985

TRD-8510466 Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Effective date: November 28, 1985
Proposal publication date: October 4, 1985
For further information, please call
(512) 463-7583.

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Subchapter E. Default by Participant

★4 TAC §23.61

The Texas Department of Agriculture adopts an amendment to §23.61, without changes to the proposed text published in the October 4, 1985, issue of the *Texas Register* (10 TexReg 3837)

The amendment concerns the conditions of default by participant.

The amendment reduces the ongoing reporting burden on the farmer in connection with the program because quarterly reports do not significantly increase the department's information on the status of the borrower due to the cyclic nature of farm income and expense. Therefore, the additional expense to the participant is not warranted.

The amendment requires that a participant in the program submit annual reports of actual income expense.

No comments were received regarding adoption of the amendment.

The amendments are adopted under the Texas Agriculture Code, Title 8, Chapter 252, Subchapter B, §252.011, which provides the Texas Department of Agriculture with the authority to adopt rules necessary for the efficient administration of the program.

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

Issued in Austin, Texas, on November 6, 1985.

TRD-8510465 Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Effective date: November 28, 1985
Proposal publication date: October 4, 1985
For further information, please call
(512) 463-7583.

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Subchapter F. Foreclosure Procedures

★ 4 TAC §§23.72, §23.73

The Texas Department of Agriculture adopts amendments to §23.72 and §23.73, without changes to the proposed text published in the October 4, 1985, issue of the *Texas Register* (10 TexReg 3837).

The amendments concern liquidation of property and distribution of proceeds.

The amendment to §23.72 implements amendments to the Texas Agriculture Code, §252.001, *et seq.*, as adopted in House Bill 2258, 69th Legislature, 1985, which specifically allow the commissioner of agriculture to reject bids on property foreclosed under the program, and restart the process. The amendment to §23.72(d) increases the amount of time a bidder has to remit the balance of the purchase price which facilitates the liquidation process by allowing a bidder an expanded amount of time to obtain financing for the foreclosed property. The amendment to §23.73 allows the state to recoup the expenses from the actual conduct of the sale.

The amendments increase the amount of time a bidder has to remit the balance of the purchase price, allow the farm and ranch loan security fund to be reimbursed for expense related to the foreclosure sale, and allow the commissioner to reject all bids in foreclosure sale.

No comments were received regarding adoption of these amendments.

The amendments are adopted under the Texas Agriculture Code, Title 8, Chapter 252, Subchapter B, §252.011, which provides the Texas Department of Agriculture with the authority to adopt rules necessary for the efficient administration of the program

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

Issued in Austin, Texas, on November 6, 1985.

TRD-8510464 Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Effective date: November 28, 1985
Proposal publication date: October 4, 1985
For further information, please call
(512) 463-7583.

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Subchapter H. Miscellaneous Provisions

★ 4 TAC §§23.91, 23.95-23.102

The Texas Department of Agriculture adopts new §23.95 and §23.97 and

amendments to §§23.95-23.100, without changes to the proposed text published in the October 4, 1985, issue of the *Texas Register* (10 TexReg 3838).

The sections concern the sale or conveyance, amendment to underlying documentation and the guaranty, partial release, relinquishment of the guaranty, conflicting provisions, discrimination, privacy, written communications, and statements and opinions

The amendments implement House Bill 2258, 69th Legislature, 1985, which amended the Texas Agriculture Code, §252.001 *et seq.*, allowing for the assumption of a family farm and ranch loan, or are technical in nature and include the administrator in the list of persons who will not discriminate and who may not give binding statements except in formal orders. Previously no procedure for amending the underlying documentation existed once a guaranty was approved, and there was no provision for voluntary termination of a guaranty. Section 23.95 and §23.97 are added so that these omissions are now addressed and procedures adopted.

Section 23.91, as amended, allows a new owner to assume an existing guaranteed loan and does not require that the existing loan be accelerated when the new owner qualifies for assumption of the guarantee. Section 23.95 is added to set forth a procedure for amending the underlying documentation on a guaranteed loan. Section 23.97 was added to provide a procedure for termination of a guaranty when the lender and the participant want to terminate the guaranty. Section 23.99 and §23.102 are amended to include the administrator in the list of persons who may not discriminate or give binding opinions except in writing.

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

The new sections and amendments are adopted under the Texas Agriculture Code, Title 8, Chapter 252, Subchapter B, §252.011, which provides the Texas Department of Agriculture with the authority to adopt sections necessary for the efficient administration of the program.

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

Issued in Austin, Texas, on November 6, 1985.

TRD-8510469 Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Effective date: November 28, 1985
Proposal publication date: October 4, 1985
For further information, please call
(512) 463-7583.

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TITLE 19. EDUCATION Part II. Texas Education Agency

Chapter 77. Comprehensive Instruction

Subchapter R. Bilingual Education and Other Special Language Programs

★ 19 TAC §§77.351-77.357, 77.361, 77.365, 77.366

The Texas Education Agency adopts amendments to §§77.351-77.357, and §77.365, with changes to the proposed text as published in the July 30, 1985, issue of the *Texas Register* (10 TexReg 2467). Amendments to §§77.357, 77.361, and new 77.366 are adopted without changes and will not be republished.

In §77.351(b), the last sentence has been expanded to clarify that students shall be instructed in the essential curriculum elements in their native language and/or in English, in accordance with the subchapter.

Section 77.352(b)(3) has been revised to include the requirement that, in districts with a personnel shortage in the program, qualified available personnel will be assigned to grade levels beginning at prekindergarten, followed by subsequent grades through the elementary grades, to ensure continuity of instruction for students.

In §77.353(a), the specific reference to the English dominant, limited English proficient (LEP) child has been deleted. Rather than try to define the English-dominant LEP child and one type of program appropriate for all such children, the agency will develop time and treatment guidelines for the use of English and the students' native language for students with varying degrees of fluency in each.

In §77.353(b), the phrase "English language arts program" has been changed to "special language program." This was an editorial change. In the first sentence, the phrase "to ensure that" was incorrectly printed as "to ensure the." This error should also be corrected. A reference to "language of instruction" has been added to the first sentence. A sentence has been added to clarify that students in bilingual programs may demonstrate their mastery of the essential curriculum elements in either the primary language or in English.

In §77.353(d), a reference has been added to the time and treatment guidelines for use of the two languages of instruction which will be developed by the agency. In §77.353(e), the adopted text should read "ensure that students" (plural). In §77.353(f), the last sentence has been edited to clarify that student mastery of

the essential elements is to be the focus of instruction in all programs. In §77.353(g)(4), phrases have been added to clarify that the paragraph applies to all grade levels and to reference the time and treatment guidelines. Specific references to the English-dominant LEP child have been deleted.

In §77.354(a), the home language survey is required for all new students and for all students previously enrolled who were not surveyed in the past. The proposed limitation that only those students who may have a home language other than English be surveyed has been deleted.

In §77.355(f), placement of students has been added to the list of purposes for which the language proficiency assessment committee will review information on students. The word "the" should be added before "40th" in subsection (f)(4). In subsection (f)(4)(F), "criterion-references" should be changed to "criterion referenced." In §77.355(g), the phrase "For those students who are not performing as desired in the all-English curriculum" has been changed to "For those students who are not demonstrating mastery of the grade-level essential elements" for clarification.

In §77.356(a), the first sentence begins "Districts shall administer an"; not "and" as in the published proposed section. In subsection (b), the penultimate sentence should begin "For purposes of determining the limited or nonlimited" not "on" as in the published proposal. In subsection (d)(2), the word "level" needs to be inserted before the word "designated." In subsection (e), the word "student" should be singular, not plural. In subsection (e)(2), the word "achievement" should be singular, not plural. In subsection (f), the first sentence should begin "Students who have been transferred." In the published proposal, the word "been" was omitted.

In §77.365, in the last sentence of subsection (a), the phrase should be "regular accreditation visits," not "regularly", as was published in the proposed version. In subsection (c)(6), the subsection has been revised to require a determination of the extent to which students are becoming proficient in English. Subsection (e) has been amended to provide that the commissioner of education shall, rather than may, take appropriate action under the Texas Education Code, §21.757, to modify a district's accreditation status for failure to remove deficiencies within the time specified.

These sections have been amended to help ensure that limited English proficient students are afforded full opportunity to learn the essential curriculum elements in the new statewide curriculum required by Chapter 75 (relating to Curriculum).

Each school district is responsible for identifying limited English proficient stu-

dents based on criteria established by the State Board of Education. Such students will be provided a bilingual education or special language program which includes modified means of instruction, including dual language instruction and English as a second language, to ensure that students have a chance to learn the essential curriculum elements. Students participating in the program may demonstrate their mastery of the essential elements in either their primary language or in English.

Compliance with the sections will be monitored by the Central Education Agency. To the extent possible, onsite visits to school districts will be coordinated with regular accreditation visits. During monitoring, special attention will be directed to data that demonstrate that students are becoming proficient in the English language.

During the public comment period, the Mexican American Legal Defense Fund (MALDEF) expressed concern about the definitions of the English-dominant limited English proficient (LEP) child. The agency agreed that such a definition would be difficult and perhaps misleading. References to the English-dominant LEP child have been deleted, and time and treatment guidelines for all students will be developed.

Regarding §77.351(a), MALDEF requested the addition of the words "bilingual education and" to the first sentence.

The agency's response is that the rule is consistent with the Texas Education Code, §21.451, without this addition.

Regarding §77.352, MALDEF requested that the words "request approval" be changed to "request consideration." They also requested that a June 15 date be specified for such requests. The district's request is a request for approval to offer an alternative program. Consideration of the request is inherent in the approval process. The commissioner of education has the authority to approve or disapprove a district's request. The adopted section gives the commissioner of education the authority to set a date for requests.

Regarding §77.353(b), MALDEF recommended the addition of the words "and special language programs" and the words "language of instruction." The agency agrees, and both changes were made in the section as adopted.

Regarding §77.353(f), MALDEF requested that the words "student mastery of" the essential elements be added. The agency agrees, and this change was made.

Regarding §77.354, MALDEF recommended deletion of the words "but who may have a home language other than English" concerning the home language survey. The agency agrees, and the change was made.

The MALDEF requested that the words "or special language program" be added in §77.355(a), concerning the requirement to establish language proficiency assessment committees. The agency's response is that districts which are not required to offer bilingual education are not required to establish a language proficiency assessment committee, but are required to designate one or more professional personnel to carry out language proficiency assessment committee functions.

The MALDEF requested that the phrase "performing as desired" be changed to "demonstrating mastery of the grade level essential elements" in §77.355(g). The agency agrees, and these changes were made.

Concerning exiting students from the program, MALDEF requested that the words "between the 23rd and the 40th percentile" be changed to "at or above the 40th percentile" in §77.356(e)(2).

Subsection (e)(3), provides that a student in grades two-12 shall be classified as English proficient if he or she scores at or above the 40th percentile. Subsection (e)(2) provides discretion to the district to classify a student as English proficient with a score between the 23rd and the 40th percentile if the language proficiency assessment committee determines that the student has sufficient English proficiency to function adequately in English in the required curriculum established by Chapter 75.

Regarding §77.365, MALDEF recommended retaining the detailed information in the section and changing "may" to "shall" in subsection (e). "May" has been changed to "shall" in subsection (e). The timelines referred to are in law and do not need to be repeated in the section.

These new and amended sections have been adopted under the authority of the Texas Education Code, Chapter 21, Subchapter L, which directs the State Board of Education to adopt rules for implementation of bilingual education and special education.

§77.351. Policy.

(a) It is the policy of the State Board of Education that every student in the state who has a home language other than English and who is identified as limited English proficient shall be provided a full opportunity to participate in a special language program. Each school district shall be responsible for identifying limited English proficient students based on criteria established by the State Board of Education, for providing special language programs which include modified methods of instruction, including dual language and English as a second language as integral parts of the regular program, and for actively seeking qualified teaching personnel, to ensure that limited English proficient students are afforded full

opportunity for learning the essential elements required by Chapter 75 of this title (relating to Curriculum).

(b) The goal of bilingual education and other special language programs shall be to enable students of limited English proficiency to become competent in speaking, reading, writing, and comprehending the English language. Such programs shall emphasize the mastery of basic English language skills in order for students to be able to participate effectively in the regular program as soon as practicable. Limited English proficient students shall be provided a well-balanced curriculum and shall be instructed in the essential elements in the native language and/or English in accordance with this subchapter.

(c) (No change.)

§77.352. Required Bilingual Education and Special Language Programs.

(a) (No change.)

(b) Districts which are unable to offer bilingual education as required by subsection (a)(1) of this section shall request approval from the commissioner of education to offer an alternative program. Such approval shall be effective for one school year only. The request for approval for an alternative program shall be submitted at a date to be determined by the commissioner of education and shall include the following:

(1) (No change.)

(2) a description of the proposed alternative programs to meet the language needs of the district's limited English proficient students, as well as the provision of the essential elements required by Chapter 75 of this title (relating to Curriculum); and

(3) a description of the actions the district will take to ensure that the program required under subsection (a) of this section will be provided the subsequent year, and shall include assurance that qualified personnel available in the district will be assigned to grade levels beginning at prekindergarten, followed by subsequent grades through the elementary grades.

(c) Districts shall ensure that the alternative program addresses §77.353(c)(3) and (c)(5) of this title (relating to Program Content; Method of Instruction).

(d) The commissioner of education may authorize the establishment of a bilingual education program in districts not required to provide such a program under subsection (a) of this section. Districts wishing to establish such a program shall request authorization from the commissioner of education.

(e) School districts not required to provide a bilingual education or other special language program under Texas Education Code, §21.453, shall provide an English as a second language program to all students of limited English proficiency in grades kindergarten through 12. Such English as a second language programs shall be provided in accordance with the requirements in this subchapter.

(f) The commissioner of education shall be authorized to consider hardship cases in school districts required to provide an English as a second language program but which are unable to recruit an adequate number of English as a second language certified teachers. The same criteria in subsections (a)-(e) of this section shall apply in such instances.

§77.353. Program Content; Method of Instruction.

(a) Each school district required to offer a bilingual education or special language program shall provide each limited English proficient student the opportunity to be enrolled in the required program at his or her grade level.

(b) Districts shall design instruction in bilingual education and special language programs by modifying methods, pacing, materials, and/or language of instruction to ensure that limited English proficient students have a full opportunity to master the essential elements of the required curriculum. Students participating in the bilingual education and special language programs may demonstrate their mastery of the essential elements in either the primary language or English.

(c) Bilingual education programs provided under this subchapter shall be full-time programs of dual-language instruction including the six components in this subsection.

(1) (No change.)

(2) Basic skills of comprehending, speaking, reading, and writing shall be developed in the student's primary language. This component shall provide for a carefully structured and sequenced mastery of the essential elements in language arts in the primary language.

(3) Basic skills of comprehending, speaking, reading, and writing shall be developed in the English language using English as a second language methods. This component shall provide for a carefully structured and sequenced mastery of the essential elements in language arts in the English language.

(4) Subject matter and concepts shall be taught in the student's primary language. This component shall provide for mastery of the essential elements established for mathematics, science, and social studies.

(5) Subject matter and concepts shall be taught in the English language using English as a second language methods. This component shall provide for mastery of the essential elements established for mathematics, science, and social studies.

(6) Attention shall be given to instilling in the student confidence, self-assurance, and a positive identity with his or her cultural heritage. This component shall be an integral part of the total curriculum and not a separate subject. It shall address the history and cultural heritage of the student's primary language and the history and culture of the United States.

(d) Limited English proficient students shall be placed in an appropriate curriculum sequence to ensure that students are challenged to perform at a level commensurate with their ability. For Spanish-speaking limited English proficiency students, districts shall use the most appropriate state-adopted Spanish texts in a modified instructional design as well as other curriculum adaptations which may be developed by districts. For limited English proficiency students who speak languages other than Spanish, districts shall use the most appropriate text and/or materials available. The time and treatment accorded in the two languages shall be based on the student's proficiency in both languages to ensure mastery of the essential elements required in each of the components of the bilingual education program pursuant to time and treatment guidelines developed by the Central Education Agency. The amount of time dedicated to teaching each subject shall be that required in §75.141 of this title (relating to Description of a Well-Balanced Elementary Curriculum) and §75.142 of this title (relating to Description of a Well-Balanced Secondary Curriculum).

(e) In subjects such as art, music, and physical education, the limited English proficient students shall participate fully with their English-speaking peers in regular classes provided in the subjects. The district shall ensure that students enrolled in the bilingual education and English as a second language programs have a meaningful opportunity to participate fully with other students in all extracurricular activities, subject to the provision of §97.113 of this title (relating to Student Absences for Extracurricular or Other Activities).

(f) English as a second language programs provided under this subchapter shall be intensive programs of instruction with the purpose of developing competence in English. The district shall offer a developmental sequence of English instruction in the four language skills—listening, speaking, reading, and writing. The most appropriate level of the state-adopted English as a second language systems shall be used in the modified instructional design. The district shall ensure that planning and coordination occur between the English as a second language teacher and those who may have the student for other subject areas to ensure that in all programs student mastery of the essential elements is the focus of instruction.

(g) In districts not required to provide a bilingual education program, the time allocations required for English as a second language shall be in accordance with this subsection.

(1) Time allocations for the elementary grades shall be from a minimum of one period daily to total immersion for the entire day, as described in §75.141(c)-(e) of this title (relating to Description of a Well-Balanced Elementary Curriculum).

(2) Time allocations for grades seven and eight shall be as described in §75.142(b)(5) and (9) of this title (relating to Description of a Well-Balanced Secondary Curriculum).

(3) Time allocations for grades nine-12 shall be as described in §75.151 of this title (relating to High School Graduation Requirements).

(4) For all grade levels, the time allotted to each student for English as a second language instruction shall be based on the English language proficiency of the student pursuant to time and treatment guidelines developed by the Central Education Agency. Such instruction may vary from a minimum of one class period to total immersion for the entire day. English as a second language methodology will constitute a modified instructional program for limited English proficient students as required by §75.4 of this title (relating to Special Populations and Programs).

(5) Two of the four units in English required for high school graduation may be in English as a second language. After a student has earned credit for two units of English as a second language, further required instruction in English as a second language may be provided in correlated language arts classes by endorsed English as a second language teachers. English as a second language methodologies may also be provided in any of the courses or electives required for graduation, to assist the limited English proficient student with the mastering of the essential elements for such subjects. The use of English as a second language methodologies in a modified instructional design shall not impede the awarding of credit in such subjects toward meeting graduation requirements.

(h) Bilingual education and English as a second language programs are transitional; therefore, program content must be such as to develop students' cognitive ability and mastery of the essential elements to the extent necessary to allow:

(1) transfer of language arts skills developed in the primary language to English; and

(2) mastery of essential elements in the English language in mathematics, science, and social studies for their grade level at the time of reclassification as not limited English proficient.

§77.354. Home Language Survey.

(a) Districts shall conduct a home language survey for each student new to the district and for students previously enrolled who were not surveyed in the past. Districts shall require that the survey be signed by the student's parent or guardian for students in grades kindergarten-eight or the student in grades nine-12. The survey shall be kept with each student's permanent record.

(b) (No change.)

(c) Additional information may be collected by the district and recorded on the

home language survey. The district shall contact the parent or guardian if necessary in order to complete the survey within 10 days from date of enrollment. The identification and placement of each limited English proficient student shall be completed within four weeks of the student's enrollment. The commissioner of education may distribute to each district sample forms to assist districts in the identification and assessment of limited English proficient students.

(d) The survey shall be used to identify and classify students who normally use a language other than English in prekindergarten-grade 12. An answer of a language other than English to either or both of the required questions identifies the student for language proficiency assessment as described in §77.356 of this title (relating to Testing and Classification of Students).

§77.355. Language Proficiency Assessment Committee.

(a) Districts required to establish a bilingual education program under this subchapter shall by local board policy establish and operate a Language Proficiency Assessment Committee. Districts not required to establish a bilingual education program under this subchapter shall designate one or more professional personnel to carry out the duties assigned to the committee under this subchapter.

(b) A district shall establish a sufficient number of language proficiency assessment committees to enable them to discharge their duties within the required four-week period for placement. The district shall be responsible for orientation and training of all members of the committee(s).

(c) (No change.)

(d) If the district does not have an individual in one or more of the school job classifications listed in subsection (c) of this section, the district shall select another professional staff member to serve on the language proficiency assessment committee. The district shall have discretion to add members to the committee.

(e) All members of the Language Proficiency Assessment Committee, including parents, shall be acting for the school district and shall observe all laws and rules governing confidentiality of information concerning individual students.

(f) The responsibility of the Language Proficiency Assessment Committee shall be to review all pertinent information on all students who have a language other than English for the purpose of identification, placement, and reclassification of limited English proficient students in grades prekindergarten-12 based upon the criteria in §77.356 of this title (relating to Testing and Classification of Students). The committee shall perform the following functions:

(1) designate limited English proficiency status for all students in grades two-12 whose ability in English is so limited

that the English written proficiency tests cannot be administered;

(2) designate limited English proficiency status for all students in grades prekindergarten-12 who score below the cutoff criteria on the agency-approved English language proficiency test;

(3) designate limited English proficiency status for all students (grades two-12) who score below the 23rd percentile on either the reading or language arts subtests of an agency-approved achievement test;

(4) determine whether or not the student is limited English proficient based on an oral English language proficiency test score in grades two-12 which is above the levels designated for indicating limited English proficiency and a score between the 23rd and the 40th percentile on the written standardized test. The Language Proficiency Assessment Committee shall also consider the following factors in making such determination:

(A) written recommendation and observation by current and previous teachers;

(B) nonmastery of the essential elements;

(C) nonmastery of the Texas Educational Assessment of Minimum Skills (TEAMS);

(D) grades from the current or previous years;

(E) written or oral recommendation of the parent concerning program placement;

(F) criterion-referenced test results and progress on continuum of skills or informal assessment measures; and

(G) student interview;

(5) designate as English proficient all students scoring above the 40th percentile on both the reading and language arts subtests of an agency-approved achievement test; and

(6) review, at the discretion of the committee, other data in addition to oral language proficiency tests for students in prekindergarten-grade one who have no other academic records.

(g) For each student exited from the bilingual program, the committee shall conduct follow-up studies for two years. The committee shall document that it has reviewed achievement and criterion referenced test scores, grades in all subjects or courses, written and oral teachers' evaluations, parental opinion, and other information as appropriate, during the two-year period following the date of exit. For those students who are not demonstrating mastery of the grade level essential elements in the all-English curriculum, the committee shall prescribe participation in compensatory education, bilingual education, English as a second language, or other program that addresses the needs of the student.

(h) The actual placement of a student into a program as defined in §77.353 of this title (relating to Program Content; Method

of instruction) shall be done in accordance with §77.360 of this title (relating to Parental Authority and Responsibility).

(i) Documentation for all actions impacting the student with a language other than English, such as parent notification, evidence of parents' informed approval or denial prior to entering or exiting a limited English proficient student from the required program, shall be reflected in each student's permanent record folder.

§77.356. Testing and Classification of Students.

(a) Districts shall administer an English oral language proficiency test to each student in grades prekindergarten-12 who has a language other than English as identified on the home language survey. Districts shall select one or more of the tests approved by the State Board of Education. In districts required to offer a bilingual program, the Spanish version of the oral language proficiency tests selected by the district shall also be administered in prekindergarten through the elementary grades to students whose home language is Spanish and who are limited English proficient. An English-speaking professional or paraprofessional trained in language proficiency testing shall administer the English version of the test. A Spanish-speaking professional or paraprofessional trained in language proficiency testing shall administer the Spanish version of the test. For languages other than Spanish, informal oral assessment measures in the home language shall be used. The grade levels and the scores on each test which shall identify a student as limited English proficient shall be established by the State Board of Education. The commissioner of education shall review the approved list of tests, grade levels, and exiting scores at least annually and shall recommend changes to the board.

(b) Districts shall administer the English reading and English language arts sections of the standardized achievement test used by the district to each student in grades two-12 who has a home language other than English as identified on the home language survey. Districts shall use one or more of the tests approved by the State Board of Education. Use of the most recent edition is recommended. For purposes of determining the limited or nonlimited English proficiency of students in grades two-12, districts shall use the criteria specified in subsection (d) of this section. The list of tests shall be reviewed at least annually by the commissioner of education and any needed changes shall be recommended to the board.

(c) Students entering after the fall norming period should be given the language proficiency test within four weeks of enrollment; however, the standardized test should not be administered until the next norming period, usually spring. All students in grades two-12 not assessed with a stan-

dardized achievement test shall be further assessed according to criteria listed in subsection (d) of this section.

(d) Districts shall use the criteria in this subsection for classification of students whose primary language is other than English for program entry purposes. A student shall be identified as limited English proficient if criteria listed in paragraphs (1), (2) or (3) of this subsection are met:

(1) Ability in English is so limited that the English written proficiency tests cannot be administered.

(2) The score on the English oral language proficiency test for a student in grades prekindergarten-12 is below the level designated for indicating limited English proficiency in subsection (a) of this section.

(3) The score on either the reading or the English language arts section of the standardized achievement test for a student in grades two-12 is below the 23rd percentile.

(4) If the student's test score on the oral English language proficiency test in grades two-12 is above the levels designated for indicating limited English proficiency and he or she scores between the 23rd and 40th percentile on the written standardized test, the Language Proficiency Assessment Committee shall determine whether or not the student is limited English proficient based on other factors which include the following:

(A) written recommendation and observation by current and previous teachers;

(B) nonmastery of the essential elements in Chapter 75 of this title (relating to Curriculum);

(C) nonmastery of the basic skills tested in the Texas Educational Assessment of Minimum Skills (TEAMS);

(D) grades from the current or previous years;

(E) written or oral recommendation of the parent concerning program placement;

(F) criterion-referenced test results and progress on continuum of skills or informal assessment measures; and

(G) student interview.

(e) Annually, districts shall make available for review by the Language Proficiency Assessment Committee scores of the most current English oral language proficiency test selected from the list approved by the State Board of Education for each limited English proficient student in grades prekindergarten-12 being considered for exiting from bilingual education programs. Districts shall also submit the reading and English language arts test scores on the standardized achievement test used by the district from the list approved by the State Board of Education for each limited English proficient student in grades two-12. The criteria in paragraphs (1) and (2) of this subsection shall be used for reclassification of students for program exit purposes.

(1) The student in grades prekindergarten-one may be classified as English proficient if the district can demonstrate that the student is proficient in the areas of listening, speaking, reading, and writing of the English language and can meet the district's promotion standards applicable to English proficient students.

(2) The student in grades two-12 may be classified as English proficient if his or her score on the reading and English language arts sections of the standardized achievement tests is between the 23rd and the 40th percentile and the Language Proficiency Assessment Committee determines the student has sufficient English proficiency based on mastery in the English language of the essential elements as required by §75.192(a)-(c) of this title (relating to Promotion and Course Credit).

(3) (No change.)

(f) Students who have been transferred out of the program who are later determined to have inadequate English proficiency and achievement shall be provided a modified instructional design as required by §75.4 of this title (relating to Special Populations and Programs) and §75.170(c) of this title (relating to School District Policy on Promotion, Retention, Remediation, and Placement).

(g) All records pertaining to testing and classification of students for program participation purposes shall be kept with each student's permanent record or in a campus master file.

§77.365. Monitoring of Programs and Enforcing Law and State Board of Education Rules.

(a) Central Education Agency staff who are trained in assessing bilingual education, English as a second language, and other special language programs shall monitor on site each school district in the state every three years. The commissioner of education shall develop a schedule annually which identifies the districts to be monitored. The commissioner may modify the schedule as necessary. To the extent possible, on-site visits will be made in conjunction with regular accreditation visits.

(b) A standard monitoring instrument shall be used as basis for each on-site visit. The instrument shall identify each requirement of law and State Board of Education rules. Indicators, such as required documentation or conditions to be observed, shall be specified as a basis for determining whether the district is fulfilling each requirement. Special attention will be directed to data that demonstrate that students are becoming proficient in the English language.

(c) The Central Education Agency shall determine through on-site monitoring whether the bilingual education, English as a second language or other special language program operates according to law and State Board of Education policy, and dem-

onstrates success in increasing English language proficiency.

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

(4) The staff shall determine the adequacy of staffing assignments and ensure that the teacher-pupil ratios in the programs do not exceed the maximum permitted.

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

(5) (No change.)

(6) For purposes of the performance report required by the Texas Education Code, §21.258, the staff shall determine the appropriateness and accuracy of the district's use of tests and other assessment procedures to ensure that they accurately reflect academic progress of limited English proficiency students and the extent to which students are becoming proficient in English.

(7)-(8) (No change.)

(9) The staff shall determine the appropriateness of expenditures of bilingual and special language program funds.

(d) A preliminary monitoring report shall identify each discrepancy noted between the requirements of law and State Board of Education rules and the program operation. For each discrepancy, a recommended corrective action and date for completion shall be described. Districts shall be instructed to prepare specific corrective action responses and negotiate any problem areas directly with personnel of the Division of Bilingual Education. A copy of the report shall be filed with the Division of School Accreditation.

(e) If a school district has been cited as being in noncompliance, and has failed to proceed to remove variations or discrepancies within the time period specified, the commissioner of education shall take whatever action deemed appropriate under the Texas Education Code, §21.757, to modify the district's accreditation status.

(f) Central Education Agency staff who monitor on-site special language programs shall evaluate and report the progress, success, and cost-effectiveness of each of such programs.

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

Issued in Austin, Texas, on November 7, 1985

TRD-8510474

W N Kirby
Commissioner of
Education

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Proposal publication date, July 30, 1985

For further information, please call

(512) 463-9121.

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Chapter 89. Adaptations for Special Populations

Subchapter G. Special Education Clarification of Provisions in Federal Regulations and State Law

★ 19 TAC §§89.227, 89.228, 89.235,
89.236, 89.239, 89.242, 89.243

The Texas Education Agency adopts an amendment to §89.227, with changes to the proposed text as published in the September 3, 1985, issue of the *Texas Register* (10 TexReg 3297), and amendments to §§89.235, 89.242, and 89.243, with changes in the proposed text as published in the September 10, 1985, issue of the *Texas Register* (10 TexReg 3411). Amendments to §§89.228, 89.236, and 89.239 are adopted without changes and will not be republished.

Section 89.227(g)(1)(B)(iv) has been revised to clarify that in emergency situations, as documented by the student's admission, review, and dismissal committee, a residential placement may be made without prior attempts to implement less restrictive placement.

In §89.235(g), the upper age limit for handicapped students has been changed from 21 to 22 in the phrase "A handicapped student who has not reached his or her 22nd birthday on September 1 of a scholastic year."

In §89.242(c)(1), the word "homebound" was deleted in reference to prekindergarten students educated at home to avoid confusion. In §89.242(c)(3), the reference to licensed or certified speech therapists has been deleted, since requirements for providers of speech therapy services are already adequately addressed in the subchapter. In §89.242(c)(10), the provisions concerning vocational adjustment classes have been revised to delete the requirement that the required instruction be provided by special education instructional personnel, since the requirement was potentially in conflict with the federal requirement to place students in the least restrictive alternative placement.

Section 89.243, subsection (k) has been revised to correctly show the name of the Texas Department of Human Services and to refer to the Central (rather than Texas) Education Agency. In subsection (p), the section has been corrected to read as follows:

School districts serving eligible handicapped students within intermediate facilities may count contact hours in the hospital class instructional arrangement for state funding purposes. School districts serving eligible handicapped students outside of ICF/MR facilities may count contact hours in the instructional arrangement in which the students are served in the district's special education program.

The first part of the second sentence was omitted from the published proposed section.

These amendments implement the new special education funding system in House Bill 72, 68th Legislature, 2nd Called Session, 1985.

All day contract placements for special education students require prior approval of the Central Education Agency. The agency will verify that the facility in question is approved by the agency for the age and handicapping condition of the student. Day contract students will be funded on the basis of an instructional arrangement weight of 3.5.

Residential contracts are negotiated on an individual student basis and must be for educational purposes only. Residential applications will not be approved if the placement is primarily for noneducational reasons as set out in the section.

For students placed by their parents in private schools, school districts shall make special education services available to eligible students only on the basis of dual enrollment. The rule sets out various funding options, based on the amount of time for which the student is enrolled in the public school.

Beginning with the fall of 1985, for each student enrolled in the Texas School for the Blind or the Texas School for Deaf, the school district responsible for providing appropriate special education services to the student must share in the cost of the student's education, as provided in the Texas Education Code, §21.507.

Funding for the special education program will be based on weights assigned to the instructional arrangements described in §89.242.

During the public comment period, Advocacy Incorporated commented on the need to change the age limit for eligibility in §89.235(g) from 21 to 22 to be consistent with the declaratory judgment of the federal court for the Austin Division of the Western District of Texas, October 1983. The agency agrees, and this change was made.

The Hill Country Enrichment Program expressed concern about wording in §89.242(c)(10) concerning vocational adjustment (VAC) classes which required instruction from special education personnel, since this might require placing a student in a more restrictive placement than necessary. The agency agreed and the requirement for a minimum amount of instruction from special education personnel does not appear in the adopted section.

One individual recommended adding a provision in §89.227(g)(1)(B)(10) for residential placements in emergency situations. The agency agrees and approp-

riate language was added in the adopted section.

These amendments are adopted under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the administration of the Foundation School Program; and §16.151, which includes special education as a part of the Foundation School Program and which directs the State Board of Education to prescribe the qualifications an instructional arrangement must meet to be funded under the Foundation School Program

§89.227. Contracting for Educational Placements for Handicapped Students.

(a)-(d) (No change.)

(e) All day contract placements require approval by the Central Education Agency. The school district will submit information to the agency indicating the number of nonpublic school contract students, the students' identification numbers, ages, handicapping conditions, and the names of the facilities with which the school district is contracting.

(1) The agency will verify that the facilities with which the school district is contracting are approved by the agency for that age and handicapping condition.

(2) Education costs for contract students will be funded on the basis of the instructional arrangement weight of 3.5 which is the weight provided for nonpublic day school placements in the Texas Education Code, §16.151(a).

(3) The school district will not count contract hours on contract students. The agency will determine from the number of contract students reported that each contract generates one full-time equivalent and will pay state funds to the district according to the formula prescribed in law.

(4) The district will not count contract students' average daily attendance as eligible.

(5) For contracts in which the education cost exceeds the amount of funds as calculated according to the formula, the school district may use appropriate other state funds, federal funds, or local funds to pay the excess amount of the education cost not covered by the formula.

(f) (No change.)

(g) Residential contracts shall be negotiated on an individual student basis.

(1) Requests for approval of state and federal funding for residentially placed students will be on an individual student basis through an application form submitted to the agency.

(A) A residential application must be for educational purposes only.

(B) A residential application will not be approved if the application indicates:

(i) the placement is primarily due to the student's medical problems;

(ii) the placement is primarily due to problems in the student's home;

(iii) the district does not have a plan with time lines and criteria for returning the student to the local school program;

(iv) the district did not attempt to implement less restrictive placements prior to residential placement (except in emergency situations as documented by the student's admission, review, and dismissal committee);

(v) the placement is not cost effective when compared with other alternatives; and/or

(vi) the placement provides the delivery of unapproved services.

(2) The residential placement, if approved by the agency, will be funded as follows.

(A) The education cost of residential contracts will be funded with state funds on the same basis as day school contract costs according to subsection (e)(2)-(5) of this section.

(B) Related services and residential costs for residential contract students shall be funded from a combination of funding sources. After expending other available funds, the district must use its local tax share per average daily attendance and 25% of its Education of the Handicapped Act, Part B, (EHA-B) formula funds (or the equivalent of appropriate other state or local funds) for payment of related services and residential costs. If this amount is not sufficient, the district may apply for the necessary amount of EHA-B discretionary funds to pay for the balance of its residential contract placements.

(C) Funds generated by the formula for related services and residential cost described in subparagraph (B) of this paragraph may not exceed the daily rate recommended by the Texas Health and Human Services Coordinating Council for the type of services for which the student is placed. The commissioner may seek from the Texas Health and Human Services Coordinating Council waivers for the 1985-1986 school year only for residential placements which were determined by the students' admission, review, and dismissal committees and negotiated with the residential facilities prior to the effective date of this section.

(h) (No change.)

(i) School districts or special education cooperatives which contract for out-of-state residential placement shall do so in accordance with the rules for in-state residential placement in this section except that the facility must be approved by the appropriate agency in the state in which the facility is located, rather than by the Central Education Agency.

(j) When a student who is on contract in one school district of residence moves to another Texas school district, and the student is to continue in the contract placement, the school district which negotiated the contract shall be responsible for the contract for the remainder of the school year.

§89.235. General Program Requirements.

(a)-(f) (No change.)

(g) A handicapped student's secondary program shall terminate either with graduation or when the student no longer meets the age requirement for eligibility in the Texas Education Code, §16.104. A handicapped student who has not reached his or her 22nd birthday on September 1 of a scholastic year shall be eligible for services through the end of that scholastic year or until graduation.

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

§89.242. Instructional Arrangements and Settings.

(a) (No change.)

(b) For the purpose of determining the student's instructional arrangement, the regular school day is defined as the period of time determined appropriate by the admission, review, and dismissal committee for a handicapped student whose individual educational plan specifies a shortened day.

(c) Instructional arrangements for handicapped students will include the following:

(1) Homebound—This instructional arrangement is for providing special education instruction in the student's home or hospital room. This instructional arrangement will be used for eligible handicapped students who are served at home or hospital bedside or who are considered to be home based. Students served on a homebound or hospital bedside basis are expected to be confined for a minimum of four consecutive weeks as documented by a physician. Home based instruction may be provided as an option for eligible handicapped students removed to an alternative education program as a result of disciplinary action. Home instruction may be used for pre-kindergarten students whose developmental levels are such that they are not capable of participating in special education classes for early childhood.

(2) Hospital class—This instructional arrangement is for providing special education instruction in a classroom in a hospital facility or an approved residential care and treatment facility not operated by the school district. Students served in this instructional arrangement are expected to reside in the facility a minimum of four consecutive weeks as documented by an appropriate authority. Students served, but not residing in the facility, are considered to be in a community class instructional arrangement. If the students residing in the facility are provided special education services outside the facility, they are considered to be served in the instructional arrangement in which they are placed and are not to be considered as in a hospital class.

(3) Speech therapy—This instructional arrangement is for providing speech therapy services.

(4) Resource room—This instructional arrangement is for providing special

education instruction and related services in a school district setting for less than 50% of the regular school day. This arrangement also includes services provided by a special education itinerant teacher (one who provides instruction to handicapped students on more than one campus). Regardless of the percent of time the student spends in special education, this arrangement includes any supportive special education services provided in a regular education class such as that provided by helping teachers, interpreters, and special education aides working directly with handicapped students.

(5) Self-contained, mild and moderate, regular campus—This instructional arrangement is for providing special education instruction and related services to mildly to moderately handicapped students who are in a self-contained program for 50% or more of the regular school day on a regular school campus.

(6) Self-contained, severe, regular campus—This instructional arrangement is for providing special education instruction and related services to severely handicapped students who are in a self-contained program for most of the regular school day on a regular school campus. Students may be capable of attending no more than two regular education classes (such as music, physical education, or art).

(7) Self-contained, separate campus—This instructional arrangement is for providing special education instruction and related services to students who are in a self-contained program at a separate campus operated by the school district that provides only special education instruction. This arrangement includes services provided to special education students at an off-campus facility leased or arranged for by the school district for the purpose of providing special education to district students.

(8) Multidistrict class—This instructional arrangement is for providing special education instruction and related services to students from more than one school district served in a single location. These special education services are not otherwise available in the respective sending districts.

(9) Nonpublic day school—This instructional arrangement is for providing special education instruction to students through a contractual agreement with an approved nonpublic school for special education.

(10) Vocational adjustment class—This instructional arrangement is for providing special education instruction to students who are placed on a job with regularly scheduled supervision by special education teachers. A student in part-time job training/employment receives a minimum of two hours daily of job related and academic instruction. A student in full-time job training/employment receives a minimum of one hour a week of job related instruction. For state special education funding purposes,

students in vocational adjustment classes will receive daily contact hours based on the number of credits assigned to the course (not to exceed three credits) provided the students are present on their respective daily jobs. Handicapped students may participate in other occupational preparation programs (which do not generate special education funds) including regular vocational education, coordinated vocational academic education (CVAE) classes, and vocational education for the handicapped (VEH) classes.

(11) Community class—This instructional arrangement is for providing special education instruction and related services to students whose instruction is provided by the school district's special education personnel in a facility not operated by a school district which also provides other services for handicapped individuals. This instructional arrangement includes sheltered workshops for handicapped students. A student participating in a sheltered workshop must receive at least one hour per day of special education instruction.

(12) Self-contained, pregnant—This instructional arrangement is for providing special education instruction to eligible pregnant students whose instruction is provided in a self-contained situation. A class serving only pregnant students may not be considered as any other instructional arrangement.

§89.243. Provision of Services for Students Residing in Intermediate Care Facilities for the Mentally Retarded in Texas.

(a)-(j) (No change.)

(k) The district shall serve eligible school age clients in an ICF/MR certified by the Texas Department of Human Services as a Level I facility in instructional settings within the district and outside of the facility unless prior approval for a more restrictive setting has been granted by the Central Education Agency. The ARD committee shall determine the length of the instructional day.

(l)-(n) (No change.)

(o) If the local school board determines that the students in the facility are legal residents of that district in accordance with the Texas Education Code, §21.031, the average daily attendance (ADA) of the students may be counted.

(p) School districts serving eligible handicapped students within intermediate care facilities for the mentally retarded (ICF/MR) Level V or Level VI facilities may count contact hours in the hospital class instructional arrangement for state funding purposes. School districts serving eligible handicapped students outside of ICF/MR facilities may count contact hours in the instructional arrangement in which the students are served in the district's special education program.

(q) School districts shall annually report to the agency full-time equivalents generated by out-of-district handicapped students residing in care and treatment

facilities. These full-time equivalents shall be reported separately from the full-time equivalents of in-district handicapped students.

(r) Within funds available, school districts providing special education instruction for eligible handicapped students in intermediate care facilities for the mentally retarded may receive a supplemental federal allocation not to exceed \$400 per student per school year for each eligible student whose parents are Texas residents living outside the district in which the ICF/MR is located. Applications for supplemental assistance shall be included with the district's standard application system application. This subsection expires at the end of the 1985-1986 school year.

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

Issued in Austin, Texas, on November 7, 1985

TRD-8510473

W. N. Kirby
Commissioner of
Education

Effective date: November 28, 1985

Proposal publication dates: September 3, 1985
September 10,
1985

For further information, please call
(512) 463-9212

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Funding

★ 19 TAC §§89.250-89.253

The Texas Education Agency adopts amendments to §89.250-89.253, with changes to the proposed text in the July 30, 1985, issue of the *Texas Register* (10 TexReg 2471)

In §89.250(f), the upper age limit for student eligibility has been changed from 21 to 22. In §89.251(d), the phrase printed as "instruction aides" should be "instructional aides" In §89.252(f), the introductory sentence was repeated twice. One of these repetitions should be deleted. In §89.253(a), the name of the Texas Department of Human Services was corrected. In §89.253(c), in the published proposed section, the first part of the second sentence was not shown. It reads as follows and should be added. "If special education is provided outside the facility"

These amendments implement the provisions of House Bill 72, 68th Legislature, 2nd Called Session, 1985, concerning special education funding.

State special education funds will be distributed to school districts on the basis of full-time equivalents of eligible handicapped students served during the same weeks used by the district for regular student attendance accounting. The

receipt of special education funds will be contingent upon the school district's operation of an approved special education program in accordance with state and federal law and regulations

State special education funds may be used to employ or contract with special education personnel as defined in Chapter 89, Subchapter G, and for expenditures allowed in §89.252

During the public comment period, the Association for Retarded Citizens, Texas, expressed concern about the provision in §89.250(d) which allows funds generated in one instructional arrangement to be used in another. The statement in the section follows the recommendation of the report of the Texas Program Cost Differential Study and approved for submission to the 69th Legislature, 1985, by the board at a called session on March 23, 1985. The recommendation supported the use of funds at the general program level rather than the instructional arrangement level allowing local transferability between funds earned by various instructional arrangements. Under the new funding system with the assigned arrangements and weights, it will be important to allow flexibility to use funds generated in more "profitable" arrangements to cover the costs in those arrangements which generate insufficient funds. Otherwise, there is the potential that the funds will dictate the instructional arrangements that will be available for handicapped students in a district.

The Association for Retarded Citizens, Texas, recommended that in §89.253, the word "approved" be deleted from the phrase "approved education program" because it is confusing. The agency agrees, and the word was deleted from the section as adopted.

These amendments are adopted under the authority of the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for administration of the Foundation School Program, and §16.151, which includes special education as part of the Foundation School Program.

§89.250. Special Education Funding (General).

(a) State special education funds will be distributed to school districts on the basis of full-time equivalents of eligible handicapped students served during the same weeks as districts report average daily attendance in accordance with §129.61 of this title (relating to Requirements for Student Attendance Accounting for State Funding Purposes).

(b) The special education contact hours are converted to full-time equivalents. The full-time equivalent for each instructional arrangement is multiplied by the school district's adjusted basic allotment and then multiplied by the weight for the

instructional arrangement as prescribed in the Texas Education Code, §16.151(a). Contact hours for any one special education student may exceed six hours a day or 30 hours a week; however, excess contact hours are allowable only when generated beyond the regular school day and stipulated in the student's individual educational plan. The total contact hours generated per week will be divided by 30 to determine the full-time equivalents. Special education full-time equivalents generated (excluding full-time equivalents beyond the six-hour day or 30-hour week) will be deducted from the school district's average daily attendance for purposes of the regular education allotment.

(c) The amount of state special education funds distributed statewide may not exceed the total amount appropriated for special education by the Texas legislature. The commissioner of education may ratably reduce allocations to remain within the sum certain.

(d) The receipt of special education funds shall be contingent upon the operation of an approved comprehensive special education program in accordance with state and federal laws and rules. No district may divert special education funds for other purposes with the exception of administrative costs as defined in §89.252(f) of this title (relating to Allowable Expenditures with State Special Education Funds). Funds generated by full-time equivalents in one instructional arrangement may be spent on the overall special education program and are not tied to the instructional arrangement in which they were generated. The district must maintain separate accountability for the total state special education program fund within the general fund.

(e) A special education fund balance may be carried over to the next fiscal year and expended on the special education program. State special education carryover funds must be used in the special education program and cannot be used for administrative costs.

(f) Students who have reached their third birthday and have not reached their 22nd birthday on September 1 of the current scholastic year who participate in the Regional Day School Program for the Deaf may be counted as part of the district's ADA if they receive instruction from the basic program for at least 50% of the school day.

(g) Students from birth through age two who are visually handicapped or deaf or both and are served by the district shall be considered as eligible for ADA on the same basis as other special education students.

§89.251. Special Education Personnel.

(a) State special education funds may be used to employ or contract with special education personnel as defined in this chapter.

(b) State special education funds may be used to employ or contract with an aide (clerk) for that portion of time spent working directly in assessment.

(c) School districts may employ a special education director.

(d) Special education personnel may be employed on extended contracts. Special education teachers, instructional aides, and related services personnel employed on extended contracts must be engaged in student evaluations or in providing direct services to handicapped students.

(e) All special education personnel funded with state special education funds must be paid according to the district's local salary schedule. If personnel are assigned to special education on less than a full-time basis, only that portion of time in which the personnel are assigned to eligible handicapped students shall be paid from state special education funds.

§89.252. Allowable Expenditures with State Special Education Funds.

(a) Special materials, supplies, and equipment.

(1) State special education funds may be used for special materials, supplies, and equipment which are directly related to the development and implementation of individual educational plans of handicapped students and which are not ordinarily purchased for the regular classroom. A special education resource system shall be in operation to ensure efficient and cost-effective use of funds for this purpose.

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

(4) Special equipment shall include the following:

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

(C) computers used only by handicapped students for instruction.

(5) Items which would be placed in any regular classroom, such as desks, tables, chairs, bulletin boards, or blackboards, shall not be purchased with state special education funds.

(b) Assessment. State special education funds may be used for materials and services required in the assessment process.

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

(c) Other uses.

(1) State special education funds may be used to conduct planning, staff development, and program evaluation. When such funds are used to contract with a consultant, the district shall:

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

(2) State special education funds may be used for transportation only to and from residential placements as defined in §89.217(c)(2) of this title (relating to Related Services). Prior to using federal funds for transportation costs to and from a residential facility, a district must use state or local funds based on actual expenses up to the state transportation maximum for private transportation contracts.

(d) Travel. State special education funds may be used for travel in accordance

with this subsection.

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

(3) Records shall be kept by the local district documenting mileage, destination, and the purpose of all travel paid from state special education funds.

(4) State special education funds may be used to pay travel of staff to attend meetings outside of the district for the purpose of improving performance in assigned positions. The purpose of attending must relate to the district's staff development plan and shall not include time spent in performing functions relating to professional organizations.

(e) Supplement versus supplant. Federal funds must be used to supplement and not supplant state and local education funds.

(f) Administrative cost. A maximum of 15% of state special education funds may be used by a school district for general administrative costs. General administrative costs include the special education program's share of:

(1) district-wide special education program administration, including, but not limited to, the director of special education, clerical personnel, and cooperative aide if applicable;

(2) general district administration;

(3) plant operations;

(4) data processing costs;

(5) facilities costs; and

(6) other indirect costs.

§89 253. School Districts Serving Out-of-District Handicapped Students Residing in Residential Care and Treatment Facilities.

(a) School districts having a Texas Department of Human Services or Texas Department of Mental Health and Mental Retardation approved residential care and treatment facility located within their boundaries must provide special education to eligible handicapped students residing in the facility if the facility does not have an education program.

(b) These facilities offer care, treatment, and habilitative services as a first priority but do not offer educational programs.

(c) Funds to serve handicapped students residing in facilities described in subsection (a) of this section shall be generated by full-time equivalents based on the hospital class instructional arrangement if special education is provided at the facility. If special education is provided outside the facility, funds shall be generated based on the instructional arrangement in which the students are served in the school district special education program.

(d) State special education funds education funds shall be allocated for eligible handicapped students who are expected to reside in the following special schools a

minimum of four consecutive weeks, as documented by an appropriate authority:

(1) South Texas Independent School District eligible handicapped students shall generate full-time equivalents based on the multidistrict class instructional arrangement.

(2) Windham Independent School District eligible handicapped students shall generate full-time equivalents based on the community class instructional arrangement.

(3) Moody State School Independent School District (including the University of Texas Medical Branch education component) eligible handicapped students shall generate full-time equivalents based on the hospital class instructional arrangement.

(e) Eligible handicapped students residing in these facilities may be included in the average daily attendance of the district in the same way as all other special education students.

(f) School districts shall annually report to the agency full-time equivalents by out-of-district handicapped students residing in care and treatment facilities. These full-time equivalents shall be reported separately from the full-time equivalents of in-district handicapped students.

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

Issued in Austin, Texas, on November 7, 1985

TRD-8510475

W. N Kirby
Commissioner of
Education

Effective date: November 28, 1985
Proposal publication date: July 30, 1985
For further information, please call
(512) 463-9212

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE
Part VI. Texas Commission for the Deaf
Chapter 181. General Rules of Practice and Procedure
Operations

★ 40 TAC §181.26

The Texas Commission for the Deaf adopts new §181.26, without changes to the proposed text published in the May 4, 1985, issue of the *Texas Register* (10 TexReg 1536).

This section is amended to comply with statutory amendments made by the Sen-

ate Bill 384, §17, 69th Legislature, 1985, and to provide guidelines for competitive process and formula funding to award contracts in accordance with the intent of the 69th Legislature, 1985.

The section will function as a guide for those agencies, organizations, and individuals who choose to contract with the commission for the provision of services for the deaf and hearing-impaired population in assisting these persons to remain independent and self-sufficient.

No comments were received regarding adoption of the amendment.

The new section is adopted under the authority of the Human and Resources Code, Chapter 81, §81 006, which gives the Texas Commission for the Deaf the authority to provide direct services to the deaf and hearing-impaired population and §81 016 which gives the commission the authority to provide a contract or grant to an agency, organization, or individual through competitive process.

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

Issued in Austin, Texas, on November 7, 1985.

TRD-8510453

Larry D Evans
Executive Director
Texas Commission for
the Deaf

Effective date: November 28, 1985
Proposal publication date: May 14, 1985
For further information, please call
(512) 475-2492

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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 Air Control Board

Friday, November 15, 1985, 10 a.m. The Clean Air Study Committee of the Texas Air Control Board will meet in the lieutenant governor's committee room, State Capitol, Austin. According to the agenda summary, the committee will consider the presentation of background information on issues to be studied; the development of a committee workplan; discuss future witnesses and testimony; and establish future meeting dates.

Contact: Paul M. Shinkawa, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 354.

Filed: November 7, 1985, 1:40 p.m.
TRD-8510456

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Texas Commission on the Arts

Wednesday, December 4, 1985, 9 a.m. The Texas Commission on the Arts will meet in the San Jacinto Room, Sheraton Amarillo Hotel, 3100 IH 40 West at Georgia, Amarillo. Items on the agenda summary include a public hearing, the consent agenda, items for individual consideration, and informational items. The commission also will meet in executive session pursuant to Texas Civil Statutes, Article 6252m, §(g), to consider the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

Contact: A. Patrice Walker, Box 13406, Austin, Texas 78711, (512) 475-6593.

Filed: November 8, 1985, 2:51 p.m.
TRD-8510511

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Texas Economic Development Commission

Thursday, November 14, 1985, 11 a.m. The Texas Small Business Industrial Develop-

ment Corporation of the Texas Economic Development Commission met in emergency session in Nueces A Room, Hershey Hotel, 900 North Shoreline Drive, Corpus Christi. According to the agenda summary, the commission considered the approval of the agenda; approval of minutes; action on projects requesting inducement resolutions; action on projects requesting bond resolutions; final action on the water furnishing and sewage disposal facilities industrial development bond program (Water Program); action on projects requesting bond resolution for the water program; an update on TSBIDC/Capital Program; action on the proposed modification to TSBIDC/Capital Program guidelines and General Bond Program guidelines; and a discussion on the special meeting for full commission in December. The emergency status was necessary because approval of projects will insure closing within the required period.

Contact: John H. Kirkley, (512) 472-5059.

Filed: November 7, 1985, 2:49 p.m.
TRD-8510458

Thursday, November 14, 1985, 2 p.m. The International Business Development Committee of the Texas Economic Development Commission met in emergency session in the Parlor Room 433, Hershey Hotel, 900 North Shoreline Drive, Corpus Christi. According to the agenda, the committee discussed organizational matter. The emergency status was necessary to formally organize the committee prior to the report to the Board of Commissioners at their quarterly meeting on November 15, 1985.

Contact: Bob Farley, P.O. Box 12728, Austin, Texas 78711, (512) 472-5059.

Filed: November 7, 1985, 3:39 p.m.
TRD-8510471

Friday, November 15, 1985, 7:30 a.m. The Board of Commissioners of the Texas Economic Development Commission will meet in Nueces B Room, Hershey Hotel, 900 North Shoreline Drive, Corpus Christi. According to the agenda summary, the board will have commissioner's breakfast at 7:30 a.m., followed by discussion of ad-

ministrative matters; Texas Cities for Economic Leadership discussion; action on the rural loan request from Eden Industrial Foundation. possible waiver of rural loan rules, on waiver of rules for industrial revenue bond projects, rural Community Development Note Program, projects requesting unit resolutions under the Community Development Note Program, projects requesting unit resolutions under the TSBIDC Program, special December commission meeting regarding the TSBIDC/CAPITAL Program; a presentation by the Texas Film Commission; discussion of the 1986-1987 operating budget; the Economic Policy Advisory Council report; the Advanced Technology Board status report; World Trade Council and Authority report; Texas Advertising and Marketing Council report; and selection of meeting sites and dates.

Contact: Alexa Richter, P.O. Box 12728, Austin, Texas 78711, (512) 472-5059.

Filed: November 7, 1985, 3:39 p.m.
TRD-8510470

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Texas Education Agency

Friday, November 8, 1985, 8:30 a.m. The Committee of the Whole of the State Board of Education of the Texas Education Agency made an emergency addition to the agenda for a meeting held in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. The addition concerned the mission, goals, and objectives of the long-range plan. The emergency status was necessary because prompt distribution of the information on the mission, goals, and objectives of the plan was needed for public comment.

Contact: W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

Filed: November 7, 1985, 4:17 p.m.
TRD-8510476

Texas Employment Commission

Tuesday, November 19, 1985, 8:30 a.m. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 101 East 15th Street, Austin. Items on the agenda include prior meeting notes, internal procedures of commission appeals, consideration and action on tax liability cases and higher level appeals in unemployment compensation cases on commission Docket 47, and setting the date of the next meeting.

Contact: Courtenay Browning, TEC Building, 101 East 15th Street, Austin, Texas, (512) 463-2226.

Filed: November 8, 1985, 1:28 p.m.
TRD-8510508

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Office of the Governor

Friday, November 15, 1985, 10 a.m. The Joint Special Committee on Cogeneration of the Office of the Governor will meet in emergency session in the Senate Chamber, State Capitol, Austin. According to the agenda summary, the committee will conduct an organizational and information meeting. The emergency status is necessary because the slow mail failed to reach the office before the due date.

Contact: Shanna Igo, P.O. Box 12428, Austin, Texas 78701, (512) 475-2150.

Filed: November 12, 1985, 9:40 a.m.
TRD-8510506

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Texas Department of Health

Saturday, November 16, 1985, 8 a.m. The Personnel Committee of the Texas Board of Health of the Texas Department of Health will meet in Room T-604, 1100 West 49th Street, Austin. Items on the agenda include appointments to the Texas Emergency Medical Services Advisory Committee and appointments to the Sanitarian Advisory Committee.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: November 8, 3:41 p.m.
TRD-8510543

Saturday, November 16, 1985, 8:30 a.m. The Legislative Committee of the Texas Board of Health of the Texas Department of Health will meet in Room G-107, 1100 West 49th Street, Austin. Items on the agenda include legislative needs of the Association of Preventable Diseases; drafting

new legislation; and approval of the October 19, 1985, minutes.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: November 8, 3:41 p.m.
TRD-8510542

Saturday, November 16, 1985, 9:30 a.m. The Texas Board of Health of the Texas Department of Health will meet in Room T-610, 1100 West 49th Street, Austin. Items on the agenda summary include approval of the minutes of the last meeting; the commissioner's report concerning approval of resolutions; a report on Early Childhood Intervention; Crippled Children's Services, Legislative, and Personnel Committee reports; adoption of proposed, final, and emergency rules covering department programs; a petition for a rule change; amendments to the *Texas Regulations for the Control of Radiation*; announcements and comments requiring no board action; and setting the next meeting date. The board also will meet in executive session.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: November 8, 3:41 p.m.
TRD-8510544

Tuesday, November 19, 1985, 10 a.m. The Texas Home Health Licensing Act Home Health Services Advisory Council Subcommittee of the Texas Department of Health will meet in Room T-407, 1100 West 49th Street, Austin. According to the agenda, the subcommittee will conduct a work session for the first draft of the Texas Home Health Licensing Regulations Act.

Contact: Juanita Carrell, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7245.

Filed: November 8, 1985, 8:59 a.m.
TRD-8510477

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State Board of Insurance

The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Austin. Days, times, rooms, and dockets follow.

Friday, November 15, 1985, 1:30 p.m. In Room 342, the section will consider Docket 9105—proposed change in control of Share Health Plan of Texas, Inc., Austin, a health maintenance organization.

Contact: Staci Copelin, 1110 San Jacinto Street, Austin, Texas 78786, (512) 463-6498.

Filed: November 7, 1985, 1:02 p.m.
TRD-8510456

Monday, November 18, 1985, 9 a.m. In Room 353, the section will consider Docket 8007—whether disciplinary action should be taken against Dexter General Agency, Inc.,

Dallas, which holds a surplus lines agent's license.

Contact: Staci Copelin, 1110 San Jacinto Street, Austin, Texas 78786, (512) 463-6498.

Filed: November 8, 1985, 3:55 p.m.
TRD-8510545

Tuesday, November 19, 1985, 1:30 p.m. In Room 342, the section will consider Docket 9107—whether disciplinary action should be taken against Pecos Abstract Company, Pecos, which holds a title insurance agent's license.

Contact: Staci Copelin, 1110 San Jacinto Street, Austin, Texas 78786, (512) 463-6498.

Filed: November 8, 1985, 3:56 p.m.
TRD-8510547

Wednesday, November 20, 1985, 9 a.m. In Room 342, the section will consider Docket 9108—application of Coastal Bend Health Plan, Inc., Corpus Christi, for a certificate of authority to operate a health maintenance organization.

Contact: Staci Copelin, 1110 San Jacinto Street, Austin, Texas 78786, (512) 463-6498.

Filed: November 8, 1985, 3:56 p.m.
TRD-8510549

Thursday, November 21, 1985, 9 a.m. In Room 342, the section will consider Docket 9109—whether disciplinary action should be taken against John Wayne Palmer, Abilene, who holds a Group I legal reserve life insurance agent's license and a local recording agent's license.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 463-6524.

Filed: November 8, 1985, 3:56 p.m.
TRD-8510550

Thursday, November 21, 1985, 1:30 p.m. In Room 342, the section will consider Docket 9112—application of Med Southwest, Inc., Dallas, to acquire control of Interest Life Insurance Company of America, Austin.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 463-6524.

Filed: November 8, 1985, 3:56 p.m.
TRD-8510551

Friday, November 22, 1985, 9 a.m. In Room 342, the section will consider Docket 9111—request for release regarding the state of conservatorship of Bankers Protective Life Insurance Company, Dallas.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 463-6524.

Filed: November 8, 1985, 3:56 p.m.
TRD-8510552

Friday, November 22, 1985, 1:30 p.m. In Room 342, the section will consider Docket 9106—application for original charter of Ameriway Life Insurance Company, Houston.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 463-6524.

Filed: November 8, 1985, 3:56 p.m.
TRD-8510553

Monday, November 25, 1985, 9 a.m. In Room 342, the section will consider Docket 9102—whether disciplinary action should be taken against Ferrell Travis Riley, Houston, who holds a Group I legal reserve life insurance agent's license, a Group II insurance agent's license, a local recording agent's license, and a surplus lines agent's license.

Contact: Staci Copelin, 1110 San Jacinto Street, Austin, Texas 78786, (512) 463-6498.

Filed: November 8, 1985, 3:57 p.m.
TRD-8510554

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Texas Low-Level Radioactive Waste Disposal Authority

Thursday, November 14, 1985, 2:30 p.m. The Texas Low-Level Radioactive Waste Disposal Authority submitted an emergency revised agenda for a meeting held in Suite 300, 7703 North Lamar Boulevard, Austin. Items on the revised agenda summary included approval of the minutes of the previous meeting; the general manager's report and communications; old business; new business, including regulatory issues briefing with the U.S. Nuclear Regulatory Commission and agency signature authority; and public comments. The emergency status was necessary to allow approval of the minutes of the previous meeting and because the agency requires a staff member to be designated to sign official documents due to imminent resignation of the agency's deputy general manager.

Contact: L. R. Jacobi, Jr., 7703 North Lamar Boulevard, Suite 300, Austin, Texas 78752, (512) 451-5295.

Filed: November 8, 1985, 1:43 p.m.
TRD-8510510

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Board of Pardons and Paroles

Monday-Friday, November 18-22, 1985, 1:30 p.m. daily Monday-Thursday and 11 a.m. Friday. A three-member panel of the Board of Pardons and Paroles will meet in emergency session at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will receive, review, and consider information and reports concerning prisoners and inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with ap-

propriate action. The emergency status is necessary because inadvertently missing the deadline would cause undue hardship on the board to reschedule.

Contact: Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2713.

Filed: November 12, 1985, 9:33 a.m.
TRD-8510568

Tuesday, November 19, 1985, 1:30 p.m. The Board of Pardons and Paroles will meet in emergency session at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions, other than out-of-country conditional pardons, including full pardons and restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; and other reprieves, remissions, and executive clemency actions. The emergency status is necessary, because inadvertently missing the deadline would cause undue hardship on the board to reschedule.

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

Filed: November 12, 1985, 9:33 a.m.
TRD-8510569

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Texas State Board of Pharmacy

Tuesday-Thursday, November 19-21, 1985, 9 a.m. Tuesday and 8:30 a.m. daily Wednesday and Thursday. The Texas State Board of Pharmacy will meet at the Austin South Plaza Hotel, 3401 IH 35 South, Austin. Items on the agenda summary include testimony and evidence of alleged violations of those laws which persons are subject to administrative sanctions and what form the sanctions are to take; reports from the board Advisory Committee on Class D Pharmacy; the board Ad Hoc Committee on Electronic Transfer of Prescription Information; board services and supportive personnel survey; a memo of understanding; consideration of rules for final adoption, 22 TAC §§283.11, 291.75, and 295.5; old business including a report on office lease space; the fiscal year 1985 annual report; revised 1986 budget; and proposed agreed board orders. The board also will meet in executive session to discuss pending litigation.

Contact: Fred S. Brinkley, Jr., R.Ph., 211 East Seventh Street, Suite 1121, Austin, Texas 78701, (512) 478-9827.

Filed: November 8, 1985, 2:41 p.m.
TRD-8510531

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Governor's Commission on Physical Fitness

Tuesday, November 19, 1985, 10:30 a.m. The Senior Adult Physical Fitness Task Force of the Governor's Commission on Physical Fitness will meet in Suite 508, 7703 North Lamar Boulevard, Austin. Items on the agenda summary include review of the agenda, meeting objectives, prioritization of goals, a video presentation, drafting of the program goals plan, and discussion of funding sources.

Contact: Judith Latimer, 4200 North Lamar, Suite 110, Austin, Texas 78756, (512) 475-6721.

Filed: November 8, 1985, 3:38 p.m.
TRD-8510541

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Texas Department of Public Safety

Thursday, November 21, 1985, 10 a.m. The Public Safety Commission of the Texas Department of Public Safety will meet in the commission room, 5805 North Lamar, Austin. Items on the agenda include approval of minutes, an appeal hearing of a discharged employee, budget matters, personnel matters, and other unfinished business.

Contact: James B. Adams, 5805 North Lamar, Austin, Texas 78773, (512) 465-2000, ext. 3700.

Filed: November 12, 1985, 8:19 a.m.
TRD-8510555

Public Utility Commission of Texas

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

Wednesday, November 27, 1985, 10 a.m. A prehearing conference in Docket 6567—application of Central Texas Utilities, Inc., for a rate increase and for sale of stock in Tarrant County.

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

Filed: November 8, 1985, 3:17 p.m.
TRD-8510536

Monday, December 2, 1985, 10 a.m. A prehearing conference in Docket 5092—application of the City of San Juan for a certificate of convenience and necessity within Hidalgo County.

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

Filed: November 7, 1985, 2:58 p.m.
TRD-8510461

Thursday, December 12, 1985, 10 a.m. A rescheduled hearing on the merits in Docket 6505—application of Windy's Water Works for a rate increase, and Docket 6579—inquiry into compliance of Windy's Water Works with a commission order. The hearing originally was scheduled for November 22, 1985, as published at 10 TexReg 4025.

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

Filed: November 8, 1985, 3:17 p.m.
TRD-8510535

Friday, December 27, 1985, 10 a.m. A hearing on the merits in Docket 6548—application of General Telephone Company of the Southwest to add the City by the Sea special rate area to the Aransas Pass exchange.

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

Filed: November 8, 1985, 3:18 p.m.
TRD-8510533

Tuesday, January 14, 1986, 9 a.m. A hearing on the merits in Docket 6526—application of Texas Utilities Electric Company for certification of combustion turbine generating units in Ward, Mitchell, and Hood Counties.

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

Filed: November 8, 1985, 3:18 p.m.
TRD-8510534

Wednesday, January 15, 1986, 10 a.m. A hearing on the merits in Docket 6558—application of Fort Belknap Electric Cooperative, Inc., for authority to change rates.

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

Filed: November 8, 1985, 3:17 p.m.
TRD-8510537

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State Purchasing and General Services Commission

Monday, November 18, 1985, 10 a.m. The State Purchasing and General Services Commission will meet in Room 916, LBJ Building, 111 East 17th Street, Austin. Items on the agenda include consideration of final adoption of proposed amendments to 1 TAC §§113.6, 113.10, 113.72, 113.73, and 121.4; consideration of publication in the *Texas Register* of proposed amendments to 1 TAC §113.2 and §113.9; an update on parking Garage E; status of proposed projects for the Texas Public Building Authori-

ty; status of the Micro Computer Advisory Committee; and setting the date and time of the next meeting. The commission also will meet in executive session to consider personnel matters, pending litigation, and the purchase/exchange of real property.

Contact: John R. Neel, 111 East 17th Street, LBJ Building, Austin, Texas, (512) 463-3446.

Filed: November 8, 1985, 3:14 p.m.
TRD-8510532

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Railroad Commission of Texas

Monday, November 18, 1985, 9 a.m. The Railroad Commission of Texas will meet in the first floor auditorium east, William B. Travis Building, 1701 North Congress Avenue, Austin. The commission will consider and act on division agendas as follows.

The Administrative Services Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7149.

Filed: November 8, 1985, 10:16 a.m.
TRD-8510491

The Automatic Data Processing Division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

Contact: Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7251.

Filed: November 8, 1985, 10:12 a.m.
TRD-8510503

The Flight Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Ken Fossler, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-7149.

Filed: November 8, 1985, 10:15 a.m.
TRD-8510495

Various matters falling within the Gas Utilities Division's regulatory jurisdiction.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7003.

Filed: November 8, 1985, 10:14 a.m.
TRD-8510497

The Office of Information Services director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6710.

Filed: November 8, 1985, 10:12 a.m.
TRD-8510501

The LP-Gas Division director's report on division administration, budget, procedures, and personnel matters, and a request

for a public hearing protesting an LP-gas installation at El Campo.

Contact: Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6931.

Filed: November 8, 1985, 10:16 a.m.
TRD-8510490

Various matters falling within the Oil and Gas Division's regulatory jurisdiction.

Contact: Timothy A. Poe, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6713.

Filed: November 8, 1985, 10:13 a.m.
TRD-8510499

Additions to the previous agenda:

Consideration of category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108.

Contact: Margie L. Osborn, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6755.

Filed: November 8, 1985, 10:14 a.m.
TRD-8510498

Consideration of All American Pipeline Company for a pipeline permit across various counties in Texas.

Contact: Susan Cory, P.O. Box 12967, Austin, Texas 78711, (512) 463-6922.

Filed: November 8, 1985, 10:13 a.m.
TRD-8510500

Oil and gas Docket 6E-85,136—application to amend paragraph B of the casing leak allowable transfer rule adopted in special Order 6-56,338 as amended for the East Texas field, Rusk County.

Contact: Meredith Kawaguchi, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6924.

Filed: November 8, 1985, 4:46 p.m.
TRD-8510548

Consideration of oil and gas Docket 5-82,383—application of Andromeda Enterprises, Inc., under the Mineral Interest Pooling Act, to pool into Mitchell Energy Corp's Durward J. Tucker NCT-1 gas unit lease, Well 1, Personville, N. (Cotton Valley LM) field, Limestone County.

Contact: Pearl Mays-Taborn, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6920.

Filed: November 8, 1985, 3:35 p.m.
TRD-8510539

Consideration of a motion for rehearing in Rule 37 Cases 95,616 and 95,618—applications of Oil Country Corporation for an exception to statewide Rule 37 for its Barker lease, Well 14 and Well 15, Von Ormy field, Bexar County.

Contact: Walter Davis, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6920.

Filed: November 8, 1985, 3:34 p.m.
TRD-8510538

The Personnel Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Mark K. Bogan, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6981.

Filed: November 8, 1985, 10:16 a.m.
TRD-8510488

The Office of Research and Statistical Analysis director's report on division administration, budget, procedures, and personnel matters.

Contact: Gail Gemberling, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6976.

Filed: November 8, 1985, 10:12 a.m.
TRD-8510502

The Office of the Special Counsel director's report relating to pending litigation, state and federal legislation, and other budget, administrative, and personnel matters.

Contact: Walter Earl Lilie, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-7149.

Filed: November 8, 1985, 10:14 a.m.
TRD-8510496

The Surface Mining and Reclamation Division director's report on division administration, budget, procedures, and personnel matters; consideration of approval of the permit application of the Lower Colorado River Authority for its Cummins Creek Mine and protestants' request for oral argument in Docket 21; and consideration of the acceptance of bond and the issuance of the permit for the Cummins Creek Mine to the Lower Colorado River Authority in Docket 21.

Contact: J. Randel (Jerry) Hill, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-7149.

Filed: November 8, 1985, 10:16 a.m.
TRD-8510489

Various matters falling within the Transportation Division's regulatory jurisdiction.

Contact: Michael A. James, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7122.

Filed: November 8, 1985, 10:15 a.m.
TRD-8510492

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Texas Savings and Loan Department

Thursday, November 21, 1985, 9 a.m. The Texas Savings and Loan Department will meet in the hearing room, 2601 North Lamar, Austin. According to the agenda, the department will accumulate a record of evidence in regard to the application of Mission Savings Association of El Paso to

relocate the home office from 1111 Hawkins, El Paso, El Paso County, to 10205 Oasis, Suite 100, San Antonio, Bexar County, and also the application for a branch office for 1111 Hawkins Bouleyard, El Paso, El Paso County, from which record the commissioner shall determine whether to grant or deny the applications.

Contact: Russell R. Oliver, 2601 North Lamar, Austin, Texas 78705, (512) 479-1250.

Filed: November 12, 1985, 9:56 a.m.
TRD-8510562

Monday, December 2, 1985, 10 a.m. The Texas Savings and Loan Department will meet in the hearing room, 2601 North Lamar, Austin. According to the agenda summary, the department will call all applications and if no protest is registered and existing when called, further hearing will be dispensed with. If protest is registered and existing when called, hearing on the application(s) will be continued to a later date.

Contact: Russell R. Oliver, 2601 North Lamar, Austin, Texas 78705, (512) 479-1250.

Filed: November 12, 1985, 9:56 a.m.
TRD-8510563

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Texas State Soil and Water Conservation Board

Thursday, November 14, 1985, 8 a.m. The Texas State Soil and Water Conservation Board made an emergency addition to the agenda for a meeting held in the conference room, 311 North Fifth Street, Temple. The addition concerned consideration and appropriate action on agricultural provisions of House Bill 2, 69th Legislature, 1985. The emergency status was necessary because the passage of constitutional amendments on November 5, 1985, made it urgent that the agency consider these items at this scheduled board meeting.

Contact: Harvey Davis, P.O. Box 658, Temple, Texas 75603, (817) 773 2250 and STS 820-1250.

Filed: November 12, 1985, 9:34 a.m.
TRD-8510565

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Commission on Standards for the Teaching Profession

Thursday, November 14, 1985. Committees of the Commission on Standards for the Teaching Profession met in emergency session in Room 1-110, William B. Travis Building, 1701 North Congress, Austin. The

emergency status was necessary to enable the committees to proceed with the review of agenda items prior to commission action. Times, committees, and agendas follow.

10:30 a.m. The Interim Reports Committee reviewed reports from Bishop College and Laredo State University and follow-up reports from Texas College, Texas Wesleyan College, and the University of Mary Hardin-Baylor.

1 p.m. The Committee on Certification of Programs and Requirements considered approval of programs under the 1984 standards from Pan American University at Brownsville; individual programs at Angelo State University, Sul Ross State University at Alpine, East Texas State University, Sul Ross State University at Uvalde, Huston-Tillotson College, the University of Texas at Arlington, Southwestern Adventist College, and the University of Texas at Dallas; and a discussion of the status of a certificate program in computer information systems.

3 p.m. The Committee on Standards and Procedures for Institutional Approval considered a request from Southwest Texas State University for placement of student teachers in London, England, and an informational report on accelerated programs at the University of Texas at Arlington.

4 p.m. The Committee on Membership reviewed and recommended nominees for commission membership.

5 p.m. The Teacher Education Conference Planning Committee considered relocation of the site for the 1986 conference and made a recommendation for the site for the 1987 conference.

Contact: Dr. Edward M. Vodicka, 1701 North Congress Avenue, Austin, Texas 78711, (512) 463-9337.

Filed: November 8, 1985, 9:17 a.m.
TRD-8510481, 8510480,
8510482-8510484

Friday, November 15, 1985, 8:15 a.m. The Executive Committee for the Commission for Standards for the Teaching Profession will meet in emergency session in Room 1-110, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the commission will review agenda items with committee chairmen.

Contact: Dr. Edward M. Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

Filed: November 8, 1985, 9:20 a.m.
TRD-8510479

Friday, November 15, 1985, 9 a.m. The Commission on Standards for the Teaching Profession will meet in emergency session in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. Items on the agenda summary include an update on State Board of Education actions; a report on the meeting of the Select Com-

mittee on Higher Education; an analysis of attendance at the 38th annual Texas Conference on Teacher Education; reports from the Interim Reports Committee, the Committee on Certification Programs and Requirements; the Committee on Standards and Procedures for Institutional Approval, the Membership Committee; and the Teacher Education Conference Planning Committee. The emergency status is necessary to enable the commission to proceed on schedule with actions relative to the teaching profession

Contact: Dr. Edward M. Vodicka, 1701 North Congress Avenue, Austin, Texas 78711, (512) 463-9337

Filed: November 8, 1985, 9:20 a.m.
TRD-8510478

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Texas A&M University System

Friday, November 15, 1985, 11 a.m. The Committee for Service Units of the Board of Regents of the Texas A&M University System will meet in Room 324, Engineering Research Center, Texas A&M University, College Station. According to the agenda, the committee will inspect the engineering programs and facilities on the campus of Texas A&M University.

Contact: Vickie E. Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: November 12, 1985, 8:23 a.m.
TRD-8510557

Saturday, November 16, 1985, 8:30 a.m. The Planning and Building Committee of the Board of Regents of the Texas A&M University System will meet in the MSC Annex, Texas A&M University, College Station. According to the agenda, the committee will consider architect/engineer selections for the Texas A&M University System.

Contact: Vickie E. Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: November 12, 1985, 8:23 a.m.
TRD-8510556

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Texas State University System

Thursday and Friday, November 21 and 22, 1985, 1:30 p.m. and 9 a.m. respectively. The Board of Regents of the Texas State University System will meet in the first floor conference room, Emil Rassman Business--Computer Science Building, Angelo State University, San Angelo. According to the agenda summary, the board will review

matters of the board and the four universities in the system.

Contact: Lamar Urbanovsky, Room 505, Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 463-1808.

Filed: November 12, 1985, 8:25 a.m.
TRD-8510558

Thursday, November 21, 1985, 2 p.m. The Building Committee of the Board of Regents of the Texas State University System will meet in the first floor conference room, Emil Rassman Business Computer Science Building, Angelo State University, San Angelo. According to the agenda, the committee will review construction projects and documents for the four university in the system.

Contact: Lamar Urbanovsky, Room 505, Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 463-1808.

Filed: November 12, 1985, 8:25 a.m.
TRD-8510559

Thursday, November 21, 1985, 3 p.m. The Curriculum Committee of the Board of Regents of the Texas State University System will review curriculum needs and requests for the four universities in the system.

Contact: Lamar Urbanovsky, Room 505, Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 463-1808.

Filed: November 12, 1985, 8:26 a.m.
TRD-8510560

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University System of South Texas

Thursday, November 14, 1985, 10 a.m. The Board of Directors of the University System of South Texas made an emergency revision to the agenda for a meeting held in 141-142 University Hall, Laredo State University, West End Washington Street, Laredo. The addition concerned a change in the loan service fee. The emergency status was necessary because this was the last meeting of the board before next semester for which an approved policy regarding student loan needs to be approved by the board.

Contact: Dr. Lawrence K. Pettit, P.O. Box 1238, Kingsville, Texas 78363, (512) 595-2215.

Filed: November 12, 1985, 9:41 a.m.
TRD-8510567

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Texas Water Commission

Tuesday, November 19, 1985, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda include water district bond issues, release from escrow, use of surplus funds, setting creation hearings, water quality proposed permits, amendments, and renewals, and water use applications and an amendment to a certificate of adjudication.

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

Filed: November 8, 1985, 2:31 p.m.
TRD-8510523

Tuesday, November 19, 1985, 2 p.m. The Texas Water Commission will meet in Room 119, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider whether emergency Order 85-43E granted by the commission on November 5, 1985, to Champion International Corporation-Sheldon Mill, P.O. Box 23011, Houston, Texas 77228-3011, should be affirmed, modified, or set aside by the commission. The order permitted Champion International Corporation, whose facilities are located on the north side of Highway 90, between the San Jacinto River and Sheldon Road, west of Crosby, Harris County, to discharge treated wastewater by overland flow from the surface drainage system of the Sheldon Mill facility to the San Jacinto River in Segment 1001 of the San Jacinto River Basin. The applicant had stated that such authorization is necessary to make necessary and unforeseen repairs to the wastewater treatment facilities regulated under Permit 01160.

Contact: Kenneth L. Petersen, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

Filed: November 8, 1985, 2:30 p.m.
TRD-8510526

Wednesday, November 20, 1985, 9:30 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. Agendas follow.

Hearing on Application TA-5332 of APAC-Texas, Inc., Trotti and Thompson Division, for a permit to divert and use 20 acre-feet of water for a two-year period from Spindletop Bayou, tributary Intracoastal Waterway, Neches-Trinity Coastal Basin, for industrial purposes in Chambers County.

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

Filed: November 8, 1985, 2:40 p.m.
TRD-8510512

Hearing on Application TA-5334 of Dodson Petroleum Corporation to divert and use 285 acre-feet of water for a three-year period from Jim Ned Creek, tributary Pecan Bayou, tributary Colorado River, Col-

orado River Basin, for mining purposes in Brown County.

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

Filed: November 8, 1985, 2:39 p.m.
TRD-8510513

Hearing on Application TA-5317 of Octavio, Roberto, Rogelio, and Raymundo Salinas for a permit to designate a diversion point on the east bank Rio Grande, Rio Grande Basin, and place of use for water authorized under Adjudication 23-2745 at the point of diversion for irrigation purposes covered under Adjudication 23-2762 in Webb County.

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

Filed: November 8, 1985, 2:39 p.m.
TRD-8510514

Hearing on Application TA-5333 of Maverick County Water Control and Improvement District 1 for a temporary authorization to convert 250 acre-feet of water for a 42-day period from the Rio Grande, Rio Grande Basin, of which 100 acre-feet will be for municipal and/or domestic purposes and 150 acre-feet will be for industrial purposes in Kinney and Maverick Counties.

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

Filed: November 8, 1985, 2:39 p.m.
TRD-8510515

Tuesday, November 26, 1985, 2 p.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider an application by Booker Custom Packing Company, Inc., for proposed Permit 02757, Lipscomb County, Canadian River Basin; application by Theodore Mund for proposed Permit 13134-01 in Fort Bend County, Brazos-Colorado River Basin; and application by Ben Franklin Development Corporation for proposed Permit 13083-01 in Williamson County, Brazos River Basin.

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

Filed: November 8, 1985, 2:32 p.m.
TRD-8510522

Monday, December 9, 1985, 10 a.m. The Texas Water Commission will meet in Room 119, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider an application by the City of Cedar Park, P.O. Box 1090, Cedar Park, Texas 78613, for an amendment to Permit 12308-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of one million gallons per day to an average flow of four million gallons

per day. The City of Cedar Park has also applied to the commission for an amendment to Permit 12308-01 to authorize a change in its point of discharge. A hearings examiner of the commission will conduct a consolidated public hearing on these applications for amendments.

Contact: Kevin McCalla, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: November 8, 1985, 2:30 p.m.
TRD-8510525

Monday, December 16, 1985, 9 a.m. The Texas Water Commission revised the agenda for a meeting to be held in Room 119, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the revised agenda, the commission will conduct a hearing on Application 4604 by the City of Dallas for a permit to divert and use for municipal purposes 14,931 acre-feet of water per annum from Lake Tawakoni, a 926,000 acre-foot capacity reservoir created by a dam on the Sabine River as authorized by Permit 1792, as amended, held by the Sabine River Authority, Sabine River Basin, approximately nine miles northeast of Wills Point, Van Zandt County.

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

Filed: November 8, 1985, 2:28 p.m.
TRD-8510529

Addition to the previous agenda:

Revised notice of hearing on Application 4605 by the City of Dallas for a permit to divert and use, for municipal purposes, 25,127 acre-feet of water per annum from Lake Fork Reservoir, Sabine River Basin, approximately 5.1 miles west of Quitman, Wood County.

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

Filed: November 8, 1985, 2:29 p.m.
TRD-8510527

Thursday, December 19, 1985, 9 a.m. The Texas Water Commission will meet in Room 4, Laredo Civic Center, 2400 San Bernardo, Laredo. According to the agenda summary, the commission will consider an application by Standard Realty Investors, Inc., P.O. Box 6745, Laredo, Texas 78040, for proposed Permit 13149-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 200,000 gallons per day from the proposed El Cenizo subdivision sewage treatment plant which the applicant proposes to construct to serve a partially occupied subdivision which is currently being served by a malfunctioning septic tank system.

Contact: Cynthia Hayes, P.O. Box 13087, Austin, Texas 78711.

Filed: November 8, 1985, 2:31 p.m.
TRD-8510524

Tuesday, January 14, 1986, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Agendas follow.

A hearing on Application 5007 for Way . e J. Beus, Helen B. Beus, and George Bongiorno for a permit to directly divert and use 38 acre-feet of water per annum from the North Bosque River, tributary of Bosque River, Brazos River Basin, for the irrigation of 38 acres of land southeast of Stephenville, Erath County.

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

Filed: November 8, 1985, 2:38 p.m.
TRD-8510516

A hearing on Application 12-2886A of Space Electronics Corporation to amend certificate of adjudication 12-2286 to authorize the removal of special Condition 1 restricting diversions during the months of June-August and special Condition 3 whereby the certificate is due to expire December 31, 1985.

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

Filed: November 8, 1985, 2:38 p.m.
TRD-8510517

A hearing on Application 12-3601A by H. Reese Ward to amend Certificate of Adjudication 12-3601 to extend or delete the expiration date of December 31, 1985, and to add an additional diversion point on Jimmies Creek.

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

Filed: November 8, 1985, 2:34 p.m.
TRD-8510518

A hearing on Application 5006 by Lorita Mae Fitzgerald and Doris Nell Goebel for a permit to directly divert and use 299 acre-feet of water per annum from the Guadalupe River, Guadalupe River Basin, for the irrigation of 128.5 acres of land southeast of Cuero, DeWitt County.

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

Filed: November 8, 1985, 2:34 p.m.
TRD-8510519

A hearing on Application 14-1660A by the City of Clyde to amend Certificate of Adjudication 14-1660 to authorize the construction of a dam and 4,331 acre-foot reservoir; to authorize diversion and use of 820 acre-feet of water per annum from the reservoir on Kaiser Creek for municipal purposes; to authorize a diversion point on the perimeter of the reservoir on Kaiser Creek with an additional diversion rate of 1,400 gallons per minute; and to authorize the use of 200 acre-feet of water per annum diverted from the reservoir on North Prong

Pecan Bayou for municipal use in the Brazos River Basin.

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

Filed: November 8, 1985, 2:33 p.m.
TRD-8510520

A hearing on Application 5005 by James F. Dyer II, James F. Dyer III, and Jamie Dyer Dean for a permit to maintain an existing diversion dam and spreader system located on Wood Canyon, Merrill Canyon, and an unnamed tributary of Merrill Canyon, Closed Basin, and to divert and use 4,500 acre-feet of water for the irrigation of 3,000 acres of land located northeast of Fort Davis, Jeff Davis County.

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

Filed: November 8, 1985, 2:32 p.m.
TRD-8510521

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West Texas State University

Tuesday, November 19, 1985, 9 a.m. The Board of Regents of West Texas State University will meet in Room 211, Virgil Henson Activities Center, West Texas State University, Canyon. According to the agenda summary, the board will consider reports from the president of the student body, executive director of the university alumni association, the Panhandle-Plains Historical Museum, and president of the university; business and finance items including budget changes, construction contracts, building name change, travel policy, investment report, and information items; faculty and staff and curriculum items including employment, revision of patent policy, and information. The board also will meet in executive session pursuant to Texas Civil Statutes, Article 6252-17, §2g.

Contact: Texas Smith, West Texas State University, Canyon, Texas 79016, (806) 656-3962.

Filed: November 8, 1985, 11:12 a.m.
TRD-8510504

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Regional Agencies

Meetings Filed November 7

The Concho Valley Council of Governments, Executive Committee, met at 5002 Knickerbocker Road, San Angelo, on November 13, 1985, at 7 p.m. Information may be obtained from Robert R. Weaver, 5002 Knickerbocker Road, San Angelo, Texas 76904, (915) 944-9666.

The Mental Health and Mental Retardation Authority of Brazos Valley, Board of Trustees, will meet at 3232 Briarcrest Drive, Bryan, on November 21, 1985, at 1:30 p.m. Information may be obtained from Ann Pye-Shively, P.O. Box 4588, Bryan, Texas 77805.

The Trinity River Industrial Development Authority, Board of Directors, met at the McCall, Parkhurst & Horton, 900 Diamond Shamrock Tower, 717 North Harwood, Dallas, on November 13, 1985, at 11 a.m. Information may be obtained from Ramona A. Winer, 5300 South Collins, Arlington, Texas 76010, (817) 467-4343.

The Trinity River Authority of Texas, Onalaska Regional Wastewater System Right-of-Way Committee, met at 5300 South Collins, Arlington, on November 13, 1985, at 2:45 p.m. Information may be obtained from Jack C. Worsham, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.
TRD-8510454

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Meetings Filed November 8

The Dallas Area Rapid Transit, Special Needs Committee and the Board of Directors, met at 601 Pacific Avenue, Dallas, on November 12, 1985, at 4:30 p.m. and 6:30 p.m., respectively. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (512) 658-6237.

The Lampasas County Appraisal District, met in emergency session at 403 East Second, Lampasas, on November 13, 1985, at 3 p.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550.

The Lee County Appraisal District, Board of Review, met at 218 East Richmond Street, Giddings, on November 14, 1985, at 9 a.m. Information may be obtained from Delores Shaw, 218 East Richmond, Giddings, Texas 78942, (409) 542-9618.

The Middle Rio Grande Development Council, Board of Directors, will meet in the reading room, Civic Center, 300 East Main, Uvalde, on November 21, 1985, at 1:30 p.m. Information may be obtained from Mike Patterson, P.O. Box 702, Carrizo Springs, Texas 78834, (512) 876-3533.

The Central Appraisal District of Rockwall County, Board of Directors, will meet in the small courtroom, Rockwall County Courthouse, Rockwall, on November 19, 1985, at 7:30 p.m. Information may be obtained

from Ray E. Helm, 106 North San Jacinto, Rockwall, Texas 75087, (214) 722-2034.

The South Plains Association of Governments, Executive Committee and Board of Directors, met at 3424 Avenue H, Lubbock, on November 12, 1985, at 9 a.m. and 10 a.m., respectively. Information may be obtained from Jerry D. Casstevens, P.O. Box 2787, Lubbock, Texas 79408, (806) 762-8721.

The West Council of Governments, Board of Directors, will meet in the conference room, eighth floor, Two Civic Center Plaza, El Paso, on November 15, 1985, at 9:30 a.m. Information may be obtained from Cecile C. Gamez, Two Civic Plaza, El Paso, Texas 79999, (915) 541-4681.
TRD-8510476

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Meetings Filed November 12

The Capital Area Planning Council, Executive Committee, will meet in Suite 100, 2520 IH 35 South, Austin, on November 19, 1985, at 2 p.m. Information may be obtained from Richard G. Bean, 2520 IH 35 South, Austin, Texas 78704, (512) 443-7653.

The Dewitt County Appraisal District, Board of Directors, will meet at 103 Bailey Street, Cuero, on November 19, 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 Central Appraisal District of Erath County, Appraisal Review Board, will meet at 1390 Harbin Drive, Stephenville, on November 19, 1985, at 9 a.m. The Board of Directors, will meet at the same location, on November 20, 1985, at 10 a.m. Information may be obtained from Treacia Perales, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434.

The Henderson County Appraisal District, Appraisal Review Board, met at 101 East Corsicana, Athens, on November 12, 1985, at 9 a.m. Information may be obtained from Ron Groom, 101 East Corsicana, Athens, Texas, (214) 675-9296.

The Jack County Appraisal District, Board of Directors, will meet in Suite 216-D, Los Creek Office Building, South Main, Jacksboro, on November 19, 1985, at 7 p.m. Information may be obtained from Doris G. Ray, 216-D South Main, Jacksboro, Texas 76056, (817) 567-6301.

The Appraisal District of Jones County, Board of Directors, will meet at 1137 East Court Plaza, Anson, on November 21, 1985, at 9 a.m. Information may be obtained from John Steele, 1137 East Court Plaza, Anson, Texas, (915) 823-2422.

The Nueces-Jim Wells- Kleberg Soil and Water Conservation District, Board of Directors, will meet in Suite 2, 2287 North Texas Boulevard, Alice, on November 19, 1985, at 2 p.m. Information may be obtained from Carol Freeman, P.O. Box 142, Alice, Texas 78333, (512) 668-9390.

The Palo Pinto Appraisal District, Board of Directors, will meet at the Courthouse, Palo Pinto, on November 20, 1985, at 2 p.m. Information may be obtained from Edna Beaty, Courthouse, Palo Pinto, Texas, (817) 659-3651, ext. 208.

The Sabine Valley Regional Mental Health and Mental Retardation Center, Board of Trustees, will meet at Highway 80 West at Sun Camp Road, White Oak, on November 21, 1985, at 7 p.m. Information may be obtained from Ronald R. Cookston, P.O. Box 6800, Longview, Texas 75608, (214) 297-2191.

The San Antonio River Authority, Board of Directors, will meet in the conference room, 100 East Guenther Street, San Antonio, on November 20, 1985, at 2 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, San Antonio, Texas 78204, (512) 227-1373.

The South East Texas Regional Planning Commission, Executive Committee, will meet at City of Beaumont Council Chambers, on November 20, 1985, at 7:30 p.m. Information may be obtained from Jackie Vice, P.O. Drawer 1387, Nederland, Texas 77627, (409) 727-2384, ext. 13.

The Tarrant Appraisal District, Appraisal Review Board, met in emergency session in Suite 505, 1701 River Run, Fort Worth, on November 19, 1985, at 8 a.m. Information may be obtained from Linda Danford, 1701 River Run, Suite 300, Fort Worth, Texas 76107, (817) 332-3151.

The Upper Leon River Municipal Water District, Board of Directors, will meet at the General Office of the Filter Plant, Proctor Lake, Comanche, on November 21, 1985, at 6:30 p.m. Information may be obtained from Zollie D. Skaggs, P.O. Box 67, Comanche, Texas 76442, (817) 879-2258.

The West Central Texas Council of Governments, Regional Alcohol and Drug Abuse Advisory Council, will meet at Security State Bank, 815 North Judge Ely Boulevard, Abilene, on November 20, 1985, at 10 a.m. and November 22, at 10 a.m., respectively. Information may be obtained from Sue Smith, 815 North Judge Ely Boulevard, Abilene, Texas, (915) 672-8544.

TRD-8510564

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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.

Office of the Attorney General Solid Waste Enforcement

Notice is given to the State of Texas of the following proposed resolution of an environmental enforcement lawsuit under the Texas Solid Waste Disposal Act. The following is a summary of the nature of the lawsuit and the proposed agreed judgment.

Case Title and Court. State of Texas v. Chromalloy American Corporation, Cause 85-CI-07577, in the District Court of Bexar County, 255th Judicial District.

The Complaint. Chromalloy American Corporation, through its Turbine Support Division, operates two industrial plants in San Antonio. At its director drive plant, the company repairs jet engine components. At its west turbo drive plant, the company electroplates jet engine components with cadmium, nickel, chromium, silver, and gold. The state alleges in its lawsuit that Chromalloy American Corporation has stored, processed, and disposed of hazardous wastes at these plants in violation of the hazardous waste regulations of the Texas Department of Water Resources, now the Texas Water Commission.

The Judgment.

(1) Injunctive relief. The proposed agreed final judgment requires Chromalloy American Corporation to perform a soil clean-up program and to implement safer waste storage measures at the director drive plant. At the west turbo drive plant, Chromalloy is required to continue with plant renovation and to perform a soil clean-up program upon replacing any concrete-covered areas. Additionally, the company is required to adhere to the minimum requirements pertaining to 90-day accumulators of hazardous wastes.

(2) Civil penalty. Chromalloy American Corporation shall pay a civil penalty in the amount of \$50,000.

Comments and requests for copies or inspection of the pleadings or proposed judgment may be directed to Ken Cross, Texas Attorney General's Office, Environmental Protection Division, P.O. Box 12548, Austin, Texas 78711, (512) 475-1101.

Issued in Austin, Texas, on October 31, 1985

TRD-8510354 Lou McCreary
Assistant Attorney General
Group Manager
Public Agency Representation

Filed: November 6, 1985
For further information, please call (512) 475-0672.

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Texas Commission for the Deaf Recommended Fees for Interpreting Services for the Deaf

Pursuant to the Human Resources Code, Chapter 81, §81.006(a)(6), the Texas Commission for the Deaf has the authority to annually review the schedule of fees recommended by the commission for the payment of interpreters and, as the result of the findings of the review and other relevant information, adopt by rule a schedule of reasonable fees to be paid to interpreters with varied levels of skill. The schedule of fees must be made available and recommended for adoption by other state agencies.

Having reviewed the recommended hourly fee schedule, the commission has not made any changes from the existing recommended fee schedule, and thus finds it unnecessary to publish any changes in the recommended fees. Anyone interested in receiving a copy of the current and existing recommended fee schedule may do so by contacting the Texas Commission for the Deaf, P.O. Box 12904, Austin, Texas 78711 or by calling (512) 475-2492.

The fees and related practices set forth through the recommended fee schedule represent a commission-adopted schedule for payment of interpreters for the deaf which is valid through August 31, 1986. No attempt is made, nor is one implied, to regulate in any manner the fees paid to interpreters for the deaf in the State of Texas.

Issued in Austin, Texas, on November 1, 1985.

TRD-8510451 Larry D Evans
Executive Director
Texas Commission for the Deaf

Filed: November 7, 1985
For further information, please call (512) 475-2492.

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Texas Education Agency Consultant Proposal Request

Pursuant to the provisions of the Texas Civil Statutes, Article 6252-11c, the Texas Education Agency is requesting proposals for a project to develop and implement a comprehensive classification system that is effective, quantitative, and legally defensible. Point-factor or factor-ranking systems are preferred and must be in accordance with the provisions of Texas Civil Statutes, Article 6252-11, Position Classification Act, 1961, and the federal "Uniform Guidelines on Employee Selection Procedures." Consideration must be given to use of the data to aid in training, recruiting, performance appraisal, manpower planning, and potential for future computer automation of system features. Final products must include as a minimum:

- (1) an analysis of each position;
- (2) a position description indicating the duties and responsibilities of each agency position;
- (3) documented and validated classification descriptions that supplement the state classification plan;
- (4) documented and validated requirements for each position classification including education, experience, training, knowledge, skills, and abilities;
- (5) established career ladders;
- (6) system documentation including a guide for writing position classification descriptions, a guide for evaluating jobs, rating/factor charts, benchmark position descriptions; and
- (7) complete training for Agency Classification Committee in system usage.

A bidders conference will be held at 10 a.m. in Room 1-109, 1701 North Congress Avenue, Austin, on November 19, 1985.

Period of Contract. The contract period is January 1-June 30, 1986.

Due Dates of Documents. All respective respondents should submit in writing notice of their intent to submit a proposal by November 22, 1985, to James L. Hill, Deputy Commissioner for Internal Management, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701-1494. Proposals must be received on or before 5 p.m. on December 2, 1985, at the preceding address.

Selection Process. The selection of the consultant shall be based on an evaluation of the past performance of the consultant in similar efforts, knowledge of the consultant in the areas covered by the studies, and the ability of the consultant to perform the required work on a timely basis.

Issued in Austin, Texas, on November 8, 1985.

TRD-8510485 W N Kirby
Commissioner of Education

Filed: November 8, 1985
For further information, please call (512) 463-9212.

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Contract Award

Description. This notice is filed pursuant to Texas Civil Statutes, Article 6252-11c. After publication of a consultant proposal request in the July 26, 1985, issue of the *Texas Register* (10 TexReg 2492), the Texas Education Agency on November 6, 1985, executed a contract with Performance Assessment Systems, Inc., 165 Longview Drive, Athens, Georgia 30605. The contractor will provide a training program and training materials for the teacher appraisal system required by Texas Education Code, §13.302, and House Bill 72, 68th Legislature, 2nd Called Session, 1984.

Cost and Dates. The total amount of the contract is \$110,609. The beginning date of the contract is October 1, 1985, and the ending date is April 30, 1986.

Due Dates of Documents. The delivery date of the final report is April 30, 1986.

Issued in Austin, Texas, on November 6, 1985.

TRD-8510472 W. N. Kirby
Commissioner of Education

Filed: November 7, 1985
For further information, please call (512) 463-9212.

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Texas Department of Health Intent to Revoke Certificates of Registration

The Bureau of Radiation Control, Texas Department of Health, is seeking the revocation of Certificate of Registration 4-10405, issued to Lendon K. Troiani, D.D.S., because the agency determined that the registrant is no longer located at 2608 Kemp, Wichita Falls, Texas 76309. The registrant has not notified the agency of a change of address and no forwarding address is available.

All attempts by the agency to contact the registrant by telephone, by certified mail, and by inspection have been unsuccessful. Therefore, the Texas Department of Health, Bureau of Radiation Control, recommends that the certificate of registration be revoked immediately.

In accordance with *Texas Regulations for Control of Radiation*, Part 13.8, this notice affords the opportunity for a hearing to show cause why the certificate of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of publication of this notice to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed, the certificate of registration will be revoked 14 days after the end of the 30-day period of notice.

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

TRD-8510358 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: November 6, 1985
For further information, please call (512) 835-7000.

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The Bureau of Radiation Control, Texas Department of Health, is seeking the revocation of Certificate of Registration 11-12246, issued to M&M Medical Services, because the agency determined that the registrant is no longer located at Star Route, Box 242 Z, Cleveland, Texas 77327. The registrant has not notified the agency of a change of address, and no forwarding address is available.

All attempts by the agency to contact the registrant by telephone, by certified mail, and by inspection have been unsuccessful. Therefore, the Texas Department of Health, Bureau of Radiation control, recommends that the certificate of registration be revoked immediately.

In accordance with *Texas Regulations for Control of Radiation*, Part 13.8, this notice affords the opportunity for a hearing to show cause why the certificate of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of publication of this notice to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed, the certificate of registration will be revoked 14 days after the end of the 30-day period of notice.

Issued in Austin, Texas, on October 31, 1985

TRD-8510355 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: November 6, 1985

For further information, please call (512) 835-7000.

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The Bureau of Radiation Control, Texas Department of Health, filed complaints against the following registrants, pursuant to *Texas Regulations for Control of Radiation* (TRCR), Part 13.8. The agency intends to revoke the certificates of registration, order the registrants to cease and desist use of radiation machines, and order the registrants to either disable the machines or divest themselves of them, presenting evidence satisfactory to the Bureau of Radiation Control that they have complied with the order and the provisions of Texas Civil Statutes, Article 4590f. The complaints are as shown following this notice.

This notice affords the opportunity for a hearing to show cause why the certificates of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed, the certificates of registration will be revoked at the end of the 30-day period of notice.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Texas, from 8 a.m. to 5 p.m., Monday through Friday (except holidays).

Complaint

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Hoegemeyer Animal Clinic, 1516 Sidney Baker, Kerrville, Texas 78028 (the registrant), holder of Certificate of Registration 9-12270.

Texas Regulations for Control of Radiation (TRCR), Part 12.11(b), requires payment of an annual fee for each certificate of registration for radiation machines, in the amount indicated for the appropriate category in TRCR Schedule 12.31. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On December 7, 1984, and May 31, 1985, Hoegemeyer Animal Clinic was billed \$43.00 for fees due on Certificate of Registration 9-12270 cover-

ing the period from April 1984 to May 1985. On August 14, 1985, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation* (TRCR), Part 13.8 (a), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation* (TRCR), Part 13.8(a), either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

This complaint was signed by Richard A. Ratliff, P.E., Director, Division of Compliance and Inspection, Bureau of Radiation Control, on September 25, 1985.

Complaint

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Ronald J. Stovall, D.D.S., 670 West Arapaho, Suite 3, Richardson, Texas 75080 (the registrant), holder of Certificate of Registration 5-06402.

Texas Regulations for Control of Radiation (TRCR), Part 12.1(b), requires payment of an annual fee for each certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On December 12, 1984, and June 7, 1985, Ronald J. Stovall, D.D.S., was billed \$54.00 for fees due on Certificate of Registration 5-06402 covering the period from April 1984 to May 1985. On August 9, 1985, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

Texas Regulations for Control of Radiation (TRCR), Part 12.11(b), requires that the registrant shall notify the agency in writing within 30 days of any changes which would render the information contained in the certificate of registration no longer accurate. On June 7, 1985, the agency notified the registrant of the requirement to report a change of address and provided the necessary forms for submittal. On August 9, 1985, the agency informed the registrant of the violation and giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Report of change of address has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation* (TRCR), Part 13.8(c), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation* (TRCR), Part 13.8(a), either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

This complaint was signed by Richard A. Fatliff, P. E., Director, Division of Compliance and Inspection, Bureau of Radiation Control, on September 25, 1985.

Complaint

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Medical Center Clinic, Highway 70 North, P.O. Box 1164, Clarendon, Texas 79226 (the registrant), holder of Certificate of Registration 1-02647.

Texas Regulations for Control of Radiation (TRCR), Part 12.1(b), requires payment of an annual fee for each certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On December 7, 1984 and June 12, 1985, Medical Center Clinic was billed \$65.00 for fees due on Certificate of Registration 1-02647 covering the period from April 1984 to May 1985. On August 15, 1985 the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation (TRCR)*, Part 13.8(c), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation (TRCR)*, Part 13.8(a), either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

This complaint was signed by Richard A. Ratliff, P.E., Director, Division of Compliance and Inspection, Bureau of Radiation Control, on September 25, 1985.

Complaint

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against A. L. Tarlton, D.C., 401 Austin Avenue, Brownwood, Texas 76801 (the registrant), holder of Certificate of Registration 4-04587. *Texas Regulations for Control of Radiation (TRCR)*, Part 12.11(b) requires payment of an annual fee for each certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the Certificate of Registration. On December 7, 1984, and June 11, 1985, A. L. Tarlton, D.C., was billed \$65.00 for fees due on Certificate of Registration 4-04587 covering the period from April 1984 to May 1985. On August 15, 1985, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation (TRCR)*, Part 13.8(c), requests that an order be issued revoking the certificate of registra-

tion of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation (TRCR)*, Part 13.8(a), either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

This complaint was signed by Richard A. Ratliff, P.E., Director, Division of Compliance and Inspection, Bureau of Radiation Control, on September 25, 1985.

Complaint

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Dennis E. Stansbury, D.D.S., 3800 South Park Drive, Tyler, Texas 75703 (the registrant), holder of certificate of registration 7-05280.

Texas Regulations for Control of Radiation (TRCR), Part 12.11(b) requires payment of an annual fee for each certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On June, 7, 1985, Dennis E. Stansbury, D.D.S., was billed \$65.00 for fees due on certificate of registration 7-05280 covering the period from April 1984 to May 1985. On August 15, 1985, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation (TRCR)*, Part 13.8(c), requests that an order be issued revoking the certificate of Registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation (TRCR)*, Part 13.8(a), either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

This complaint was signed by Richard A. Ratliff, P.E., Director, Division of Compliance and Inspection, Bureau of Radiation Control, on September 25, 1985.

Complaint

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Mitchel Jager, D.V.M., 2009 Circle Road, Waco, Texas 76707 (the registrant), holder of Certificate of Registration 6-01181.

Texas Regulations for Control of Radiation (TRCR), Part 12.1(b), requires payment of an annual fee for each certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On March 19, 1985, Mitchel Jager, D.V.M. 2009 Circle Road, Waco, Texas, 76706, was billed \$60.00 for fees due on Certificate of Registration 6-01181 covering the period from April 1984 to October 1985. On August 22, 1985, the agency informed the

registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation*, Part 13.8(c), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation*, Part 13.8(a), either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

This complaint was signed by Richard A. Ratliff, P.E., Director, Division of Compliance and Inspection, Bureau of Radiation Control, on October 2, 1985.

Complaint

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Gerald K. Johnson, D.D.S., 1947 Woodvine, Houston, Texas 77055 (the registrant), holder of Certificate of Registration 12-09893.

Texas Regulations for Control of Radiation (TRCR), Part 12.1(b), requires payment of an annual fee for each certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On May 13, and June 21, 1985, Gerald K. Johnson, D.D.S. was billed \$77.00 for fees due on Certificate of Registration 12-09893 covering the period from April 1984 to March 1985. On August 22, 1985, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

Texas Regulations for Control of Radiation (TRCR), Part 42.8, requires that the registrant shall notify the agency in writing within 30 days of any changes which would render the information contained in the certificate of registration no longer accurate. On November 23, 1983, February 10, 1984, March 6, 1985, and April 15, 1985, the agency notified the registrant of the requirement to report a change of address and provided the necessary forms for submittal. On August 22, 1985, the agency informed the registrant of the violation and giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration report of change of address has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation* (TRCR), Part 13.8(c), requests that an order be issued revoking the certificate of registration of the Registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation* (TRCR), Part 13.8(a), either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

This complaint was signed by Richard A. Ratliff, P.E., Director, Division of Compliance and Inspection, Bureau of Radiation Control, on September 25, 1985.

Complaint

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Bishop Veterinary Hospital, Highway 77 Bypass at Sixth Street, P.O. Box 187, Bishop, Texas, 78343 (the registrant), holder of Certificate of Registration 8-08799.

Texas Regulations for Control of Radiation (TRCR), Part 12.1(b), requires payment of an annual fee for each certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On December 7, 1984, Bishop Veterinary Hospital was billed \$43.00 for fees due on Certificate of Registration 8-08799 covering the period from April 1984 to May 1985. On August 14, 1985, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

Texas Regulations for Control of Radiation (TRCR), Part 42.7(a) requires that applications for renewal of registration shall be filed by the registrant. On May 20, 1985, the agency notified the registrant that the certificate of registration was due to expire on May 31, 1985, and provided application for renewal of registration. Application for renewal of registration has not been received to date.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation* (TRCR), Part 13.8(c), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation* (TRCR), Part 13.8(a), either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

This complaint was signed by Richard A. Ratliff, P.E., Director, Division of Compliance and Inspection, Bureau of Radiation Control, on September 25, 1985.

Complaint

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Mitchel Jager, D.V.M., 2009 Circle Road, Waco, Texas 76707 (the registrant), holder of Certificate of Registration 6-00928.

Texas Regulations for Control of Radiation (TRCR) requires that application for renewal of registration shall be filed by the registrant. On April 29, 1983, the agency notified the registrant that the certificate of registration had expired on February 28, 1983, and provided application for renewal of registration. On July 18, 1984, the agency notified the registrant of violation of TRCR for failure to apply for renewal of the registration by certified mail. An application for renewal of registration was enclosed. Receipt of the certified mail was acknowledged. On June 21, 1985, the agency again notified the registrant

of violation of TRCR for failure to apply for renewal of the registration by certified mail. An application for renewal was enclosed. Receipt of the certified mail was acknowledged. Application for renewal of registration has not been received to date.

An inspection performed on May 10, 1985, revealed that the radiation machine possessed by the registrant was operable and in use. A notice of violation of TRCR, Part 42.7(a) was issued by the agency to the Registrant on June 24, 1985, requesting a written reply on steps taken to correct the violation. On August 22, 1985, the agency invited the Registrant by certified mail to attend an enforcement conference on September 30, 1985. Receipt of the certified mail was acknowledged. The registrant failed to appear at the scheduled conference.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation*, Part 13.8(c), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machines, and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation*, Part 13.8(a), either disable the machines or divest himself of them, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

This complaint was signed by Richard A. Ratliff, P.E., Director, Division of Compliance and Inspection, Bureau of Radiation Control, on October 2, 1985.

Complaint

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against W. B. Leslie, D.D.S., 601 Bellaire, Hurst, Texas 76053 (the registrant), holder of Certificate of Registration 5-10048. *Texas Regulations for Control of Radiation* (TRCR), Part 12.11(b), requires payment of an annual fee for each certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On December 12, 1984, W. B. Leslie, D.D.S., was billed \$40.00 for fees due on Certificate of Registration 5-10048 covering the period from April 1984, to April 1985. On July 29, 1985, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received. On August 15, 1985, the agency informed the registrant of the appropriate actions to terminate the certificate of registration. No response has been received to date. On September 4, 1985, an inspection was performed at the registered address to determine the disposition of x-ray equipment, which revealed that the equipment is no longer located at the registered address.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation* (TRCR), Part 13.8(c), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order, *Texas Regulations for Control of Radiation* (TRCR), Part 13.8(a), and the provisions of Texas Civil Statutes, Article 4590f.

This complaint was signed by Richard A. Ratliff, P.E., Director, Division of Compliance and Inspection, Bureau of Radiation Control on September 25, 1985.

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

TRD-8510357 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: November 6, 1985

For further information, please call (512) 835-7000.

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State Department of Highways and Public Transportation Consultant Proposal Requests

In accordance with Texas Civil Statutes, Article 6252-11c, the State Department of Highways and Public Transportation files the following notice of request for proposals for consulting services.

Notice of Invitation. Under the provisions of the Federal Highway Administration notice, N 5180.21 dated January 24, 1985, the State of Texas was allocated funds for on the job training programs. Services to be provided by the consultant shall be to identify female recruitment sources and provide prospective employees for contractors performing highway construction contracts in the state by providing pre-vocational adjustment and other support services for women entering a predominantly male area of occupation. The objective being to increase employment opportunities for females in the highway construction industry. The duration of the contract will be one year.

Agency Contact. To obtain additional information please contact Bob Templeton, Construction Administrative Engineer, State Department of Highways and Public Transportation, 11th and Brazos, Austin, Texas 78701-2483 (512) 463-8829.

Response. To be considered, proposals must arrive at the State Department of Highways and Public Transportation, Construction Division, EEO Section, 11th and Brazos, Austin, Texas 78701-2483, before 5 p.m. on December 20, 1985. If mailing proposals, offerors should allow normal delivery time to ensure timely receipt.

Selection Criteria. Proposals will be reviewed by the construction division staff and evaluated based on the offeror's response to the following, as detailed in the consultant proposal request: services to be provided; operational approach; work plan; staffing; and reasonableness of fees and other costs. Final selection will be based on the department's evaluation of this criteria.

Issued in Austin, Texas, on November 7, 1985.

TRD-8510486 Diane L. Northam
Administrative Technician
State Department of Highways and
Public Transportation

Filed: November 8, 1985

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

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In accordance with Texas Civil Statutes, Article 6252-11c, the State Department of Highways and Public Transportation files the following notice of request for proposals for consulting services.

Notice of Invitation. Under the provisions of the Federal Highway Administration notice, N 5180.21 dated January 24, 1985, the State of Texas was allocated funds for on the job training programs. Services to be provided by the consultant shall be to conduct a program of intensive recruitment, prevocational adjustment, actual hands-on training, classroom instruction, and other supportive services. The objective being to increase the effectiveness of approved on the job training programs with particular emphasis in the recruitment of and in providing meaningful training opportunities for minorities, women, and the disadvantaged on federal-aid highway construction projects. The duration of the contract will be for six months.

Agency Contact. To obtain additional information please contact Bob Templeton, Construction Administrative Engineer, State Department of Highways and Public Transportation, 11th and Brazos, Austin, Texas 78701-2483, (512)463-8829.

Response. To be considered, proposals must arrive at the State Department of Highways and Public Transportation, Construction Division, EEO Section, 11th and Brazos, Austin, Texas 78701-2483, before 5 p.m. on December 20, 1985. If mailing proposals, offerors should allow normal delivery time to ensure timely receipt.

Selection Criteria. Proposals will be reviewed by the construction division staff and evaluated based on the offeror's response to the following, as detailed in the consultant proposal request: services to be provided; operational approach; work plan; staffing; and reasonableness of fees and other costs. Final selection will be based on the department's evaluation of this criteria.

Issued in Austin, Texas, on November 7, 1985.

TRD-8510487

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

Filed: November 8, 1985

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

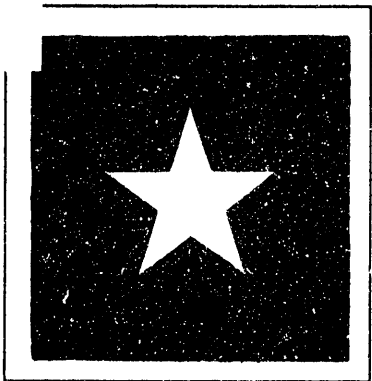
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