

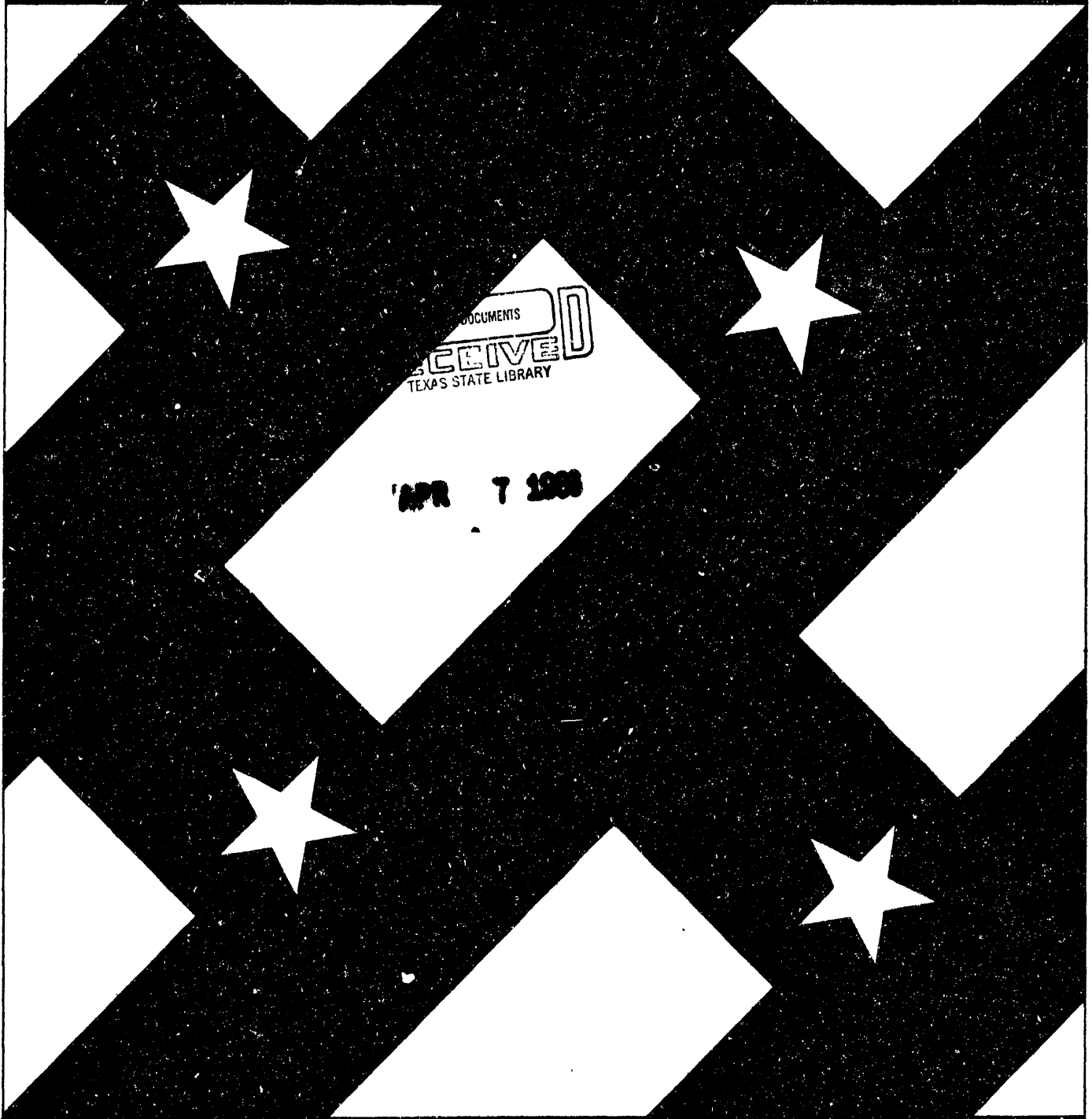
500.6
263
423

FILE COPY

Texas Register

Volume 11, Number 23, March 25, 1986

Pages 1485-1530



Highlights

The Coordinating Board, Texas College and University Systems submits a correction of error concerning the meeting time of its bidders meeting.page 1529

The Texas Parks and Wildlife Department adopts an emergency amendment concerning fresh-

water fish bag, possession, and size limits. Effective date - March 17.page 1497

The Texas Department of Human Services proposes amendments concerning Medicaid eligibility. Earliest possible date of adoption - April 25.page 1508

Office of
the Secretary
of State

Texas Register

The *Texas Register* (ISN 0362-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1986 with the exception of June 24, September 2, December 2, and December 30 by the Office of the Secretary of State.

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

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

Information Available: The 11 sections of the *Register* represent various facets of state government. Documents contained within them include:

- Governor—appointments, executive orders, and proclamations
- Secretary of State—summaries of opinions based on election laws
- State Ethics Advisory Commission—summaries of requests for opinions and opinions
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
- Open Meetings—notices of open meetings
- The Legislature—bills submitted to, signed by, and ~~acted~~ by the ~~Legislature~~ ¹⁹⁹¹ by the ~~Legislature~~ ¹⁹⁹¹ 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: "11 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 11 TexReg 3."

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

Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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



Texas Register Publications

a division of the
Office of the Secretary of State
P.O. Box 13824
Austin, Texas 78711-3824
512-463-5561

Myra A. McDaniel
Secretary of State

Director
Dan Procter

Documents Section Coordinator
Cynthia Cooke

Document Editors
Molly Gardner
Sabra Noyes
Jane Orcutt

Document Filing
Lainie Crease
Denise Roberts

Production Editors
Jody Allen
Lisa Bauer

Typographers
Dawn VanCleave
Glynn Fluit
Hollis Glaser

Circulation Section Coordinator
Dee Wright

Circulation Assistant
Kristine Hopkins Mohajer

TAC Editor
W. Craig Howell

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

Table of Contents

Emergency Rules

- Texas Department of Labor and Standards
1491— Industrialized Housing and Buildings
- Texas Parks and Wildlife Department
1497— Wildlife

Proposed Rules

- Texas Department of Agriculture
1498— Marketing Division
- Banking and Securities
1499— State Securities Board
- Texas State Board of Pharmacy
1500— General Provisions
1500— Licensing Requirements for Pharmacies
1500— Pharmacies
- Comptroller of Public Accounts
1504— Central Administration
1505— Tax Administration
- Texas Department of Human Services
1506— Medicaid Eligibility

Withdrawn Rules

- Texas Housing Agency
1507— Guidelines for Multifamily Housing
Revenue Bond Financing Programs

Adopted Rules

- Office of the Secretary of State
1508— Practice and Procedure Before the
Office of the Secretary of State
- State Securities Board
1508— Transactions Exempt from Registration
1508— Dealers and Salesmen
1508— Administrative Guidelines for
Registration of Open-End Investment
Companies
1509— Forms
- Texas Housing Agency
1511— Guidelines for Multifamily Housing
Revenue Bond Financing Program
1514— Letter of Credit/Surety Bond Multifamily
Housing Program
1515— Guidelines for Multifamily Housing
Revenue Bond Financing Program
1515— Federal National Mortgage Association
Pass-Through Certificate Program
- Texas State Board of Podiatry Examiners
1515— Identification of Practice
- Comptroller of Public Accounts
1516— Tax Administration

Open Meetings

- 1518— Interagency Council on Early Childhood
Intervention
- 1518— Office of the Governor
- 1518— Texas Department of Health
- 1518— Texas Department of Human Services
- 1519— Texas Industrial Accident Board
- 1519— State Board of Insurance
- 1519— Texas Department of Labor and
Standards
- 1519— Texas Commission on Law Enforcement
Officer Standards and Education
- 1520— Texas State Board of Medical Examiners
- 1520— Texas Motor Vehicle Commission
- 1520— Texas State Board of Public
Accountancy
- 1520— Public Utility Commission of Texas
- 1521— Railroad Commission of Texas
- 1521— Texas Rehabilitation Commission
- 1521— State Securities Board
- 1521— Texas Senate
- 1521— Interagency Council on Sex Offender
Treatment
- 1522— Commission on Standards for the
Teaching Profession
- 1522— University of Texas at Austin
- 1522— Texas Water Commission
- 1523— Texas Water Development Board
- 1523— Regional Agencies

In Addition

- Ark-Tex Council of Government
1525— Consultant Proposal Request
- Office of the Attorney General
1525— Solid Waste Enforcement Notice
- Banking Department of Texas
1525— Applications to Acquire Control of State
Banks
1526— Notice of Hearing
- Texas Department of Human Services
1526— Amended Consultant Contract Award
1526— Notice of Consultant Contract Awards
1526— Request for Proposal
- State Property Tax Board
1527— Consultant Proposal Request
- Public Utility Commission of Texas
1527— Consultant Proposal Request
- Texas Water Commission
1527— Application for Provisionally-Issued
Temporary Permits
1528— Application for Waste Disposal Permit
- Coordinating Board, Texas College and
University System
1529— Correction of Error

TAC Titles Affected

TAC Titles Affected—March

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

TITLE 1. ADMINISTRATION

Part IV. Office of the Secretary of State

1 TAC §95.35	1083
1 TAC §95.41	1142

Part IV. Office of the Secretary of State

1 TAC §§101.1-101.10, 101.20-101.22, 101.30-101.34, 101.40-101.44, 101.50-101.53, 101.60, 101.61	1508
--	------

Part V. State Purchasing and General Services Commission

1 TAC §111.18, §111.19	1444
1 TAC §113.14	1220
1 TAC §115.3	1444

Part X. Automated Information and Telecommunications Council

1 TAC §205.1	1415
--------------	------

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

4 TAC §11.1, §11.2	1221, 1228
4 TAC §17.31	1498
4 TAC §19.10	1429

Part II. Animal Health Commission

4 TAC §§32.1-32.12	1083
4 TAC §35.4, §35.5	1076

Part IV. Chief Apiary Inspector

4 TAC §71.31	1429
4 TAC §71.51, §71.53	1430

TITLE 7. BANKING AND SECURITIES

Part I. State Finance Commission

7 TAC §3.91	1337, 1347
-------------	------------

Part VI. Credit Union Department

7 TAC §91.212	1082
---------------	------

Part VII. State Securities Board

7 TAC §109.13	1508
7 TAC §115.2	1347, 1499
7 TAC §115.4	1508
7 TAC §123.1	1508
7 TAC §133.10	1509
7 TAC §133.15	1509
7 TAC §133.17	1509
7 TAC §133.19	1510
7 TAC §133.20	1510
7 TAC §133.21	1510
7 TAC §133.24	1510
7 TAC §133.25	1511
7 TAC §133.29	1511

TITLE 10. COMMUNITY DEVELOPMENT

Part I. Texas Department of Community Affairs

10 TAC §5.317	1445
10 TAC §5.501	1390
10 TAC §5.901	1445
10 TAC §9.3, §9.4	1337
10 TAC §13.40	1390

Part IV. Texas Housing Agency

10 TAC §§133.1-133.13	1511
10 TAC §133.14	1507
10 TAC §§139.1-139.13	1514

10 TAC §§143.1-143.11	1515
10 TAC §§145.1-145.11	1515

TITLE 13. CULTURAL RESOURCES

Part V. Texas Sesquicentennial Commission

13 TAC §51.14	1075
---------------	------

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

16 TAC §5.183	1389
16 TAC §5.217	1389
16 TAC §5.612	1348
16 TAC §7.35	1227

Part II. Public Utility Commission of Texas

16 TAC §23.11	1105, 1134
16 TAC §23.24	1134
16 TAC §23.51	1134
16 TAC §23.66	1105, 1137

Part IV. Texas Department of Labor and Standards

16 TAC §61.6	1076
16 TAC §§69.30-69.35	1138
16 TAC §§69.66-69.81	1138
16 TAC §69.129	1139
16 TAC §69.208	1253, 1340
16 TAC §70.3, §70.4	1491
16 TAC §70.11, §70.12	1492
16 TAC §70.22, §70.25	1493
16 TAC §§70.30, 70.32-70.40	1493
16 TAC §70.50, §70.52	1495
16 TAC §§70.101-70.105	1496

TITLE 19. EDUCATION

Part I. Coordinating Board, Texas College and University System

19 TAC §§21.21, 21.22, 21.24-21.26, 21.28, 21.29, 21.31-21.33	1222
19 TAC §§21.23, 21.27, 21.30	1225
19 TAC §§21.23, 21.27, 21.30, 21.34, and 21.35	1225

Part II. Texas Education Agency

19 TAC §75.172	1416
19 TAC §89.202	1445
19 TAC §89.213	1446
19 TAC §137.23	1417, 1431
19 TAC §141.441, §141.442	1446
19 TAC §149.21	1417, 1431
19 TAC §§149.21-149.23	1418, 1432
19 TAC §149.81	1418, 1432

TITLE 22. EXAMINING BOARDS

Part IX. State Board of Medical Examiners

22 TAC §§163.3, 163.4, 163.9	1390
22 TAC §§185.1, 185.2, 185.4, 185.8, 185.7-185.12	1340

Part XI. Board of Nurse Examiners

22 TAC §223.1	1385
---------------	------

Part XV. Texas State Board of Pharmacy

22 TAC §281.56	1500
22 TAC §283.12	1500
22 TAC §291.31, §291.34	1348
22 TAC §§291.91-291.93, 291.95, 291.96	1500
22 TAC §§291.91-291.93, 291.95	1501

Part XVIII. Texas State Board of Podiatry Examiners
 22 TAC §§373.2-373.4, 373.6-373.9 1515
 22 TAC §§373.2, 373.3, 373.6 1515

Part XX. Texas Board of Private Investigators and Private Security Agencies
 22 TAC §428.1, §428.2 1433

Part XXII. Texas State Board of Public Accountancy
 22 TAC §501.1 1142
 22 TAC §501.31 1142
 22 TAC §503.1 1143
 22 TAC §507.4 1229
 22 TAC §511.55 1077
 22 TAC §511.57 1139
 22 TAC §511.89 1391
 22 TAC §511.122 1385, 1386
 22 TAC §511.161 1391
 22 TAC §515.2 1391

Part XXIII. Texas Real Estate Commission
 22 TAC §535.201 1140
 22 TAC §537.11 1140

Part XXIV. State Board of Veterinary Medical Examiners
 22 TAC §573.2 1083
 22 TAC §573.12 1084
 22 TAC §573.26 1084
 22 TAC §573.28 1084
 22 TAC §577.14 1084

Part XXVII. Board of Tax Professional Examiners
 22 TAC §623.8 1349
 22 TAC §623.12 1342

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health
 25 TAC §§1.21-1.32 1078
 25 TAC §§37.82-37.86, 37.93, 37.97 1446
 25 TAC §§37.141-37.152 1143
 25 TAC §§123.1-123.14 1443, 1448
 25 TAC §141.7, §141.13 1141
 25 TAC §241.21, §241.23 1433

Part II. Texas Department of Mental Health and Mental Retardation
 25 TAC §§405.4, 405.5, 405.7 1343
 25 TAC §§405.726-405.728 1419

TITLE 28. INSURANCE

Part I. State Board of Insurance
 28 TAC §5.3501 1105

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part I. General Land Office
 31 TAC §§4.1-4.6 1421, 1439
 31 TAC §§4.21-4.25 1422, 1439
 31 TAC §§4.41-4.49 1423, 1439
 31 TAC §§4.61-4.63 1423, 1439
 31 TAC §§4.71-4.79 1423, 1439
 31 TAC §§4.91-4.100 1424, 1439
 31 TAC §§4.111-4.118 1426, 1440
 31 TAC §§4.131-4.133 1426, 1440
 31 TAC §§4.141-4.144 1427, 1440
 31 TAC §§4.151-4.156 1427, 1440
 31 TAC §11.11 1085

Part II. Parks and Wildlife Department
 31 TAC §65.62 1497
 31 TAC §§65.193, 65.224, 65.226 1171
 31 TAC §65.227 1171
 31 TAC §§69.20-69.28 1171

Part IV. School Land Board
 31 TAC §§153.61-153.66 1145
 31 TAC §§154.1, 154.11, 154.21 1391

Part V. Boards for Lease of State-Owned Lands
 31 TAC §203.3 1227

Part IX. Texas Water Commission
 31 TAC §§281.1-281.24 1106
 31 TAC §§291.1-291.7 1253, 1343
 31 TAC §§291.21-291.37 1345
 31 TAC §§291.41-291.44 1260, 1345
 31 TAC §§291.51-291.56 1261, 1345
 31 TAC §291.61, §291.62 1262, 1346
 31 TAC §§291.71-291.76 1263, 1346
 31 TAC §§291.81-291.88 1265, 1346
 31 TAC §291.91, §291.92 1269, 1346
 31 TAC §§291.101-291.115 1270, 1346
 31 TAC §293.11, §293.12 1377
 31 TAC §§293.21-293.24 1379
 31 TAC §293.43 1111
 31 TAC §293.52 1113
 31 TAC §§295.1-295.15 1113
 31 TAC §295.31, §295.32 1115
 31 TAC §295.41 1115
 31 TAC §295.51 1116
 31 TAC §295.51, §295.62 1116
 31 TAC §295.71, §295.72 1116
 31 TAC §295.81 1116
 31 TAC §295.91 1117
 31 TAC §295.101 1117
 31 TAC §295.111 1117
 31 TAC §§295.121-295.126 1117
 31 TAC §§295.131-295.139 1118
 31 TAC §§295.151-295.160 1119
 31 TAC §§295.171-295.175 1121
 31 TAC §§295.181-295.186 1122
 31 TAC §295.201, §295.202 1122
 31 TAC §297.1 1171
 31 TAC §§297.11-297.20 1173
 31 TAC §§297.21-297.25 1174
 31 TAC §297.31, §297.32 1174
 31 TAC §§297.41-297.52 1174
 31 TAC §297.61, §297.62 1175
 31 TAC §§297.81-297.83 1176
 31 TAC §§297.91-297.94 1176
 31 TAC §§297.101-297.108 1177
 31 TAC §§299.1-299.5 1178
 31 TAC §§299.11-299.18 1179
 31 TAC §§299.21-299.31 1181
 31 TAC §299.51 1183
 31 TAC §299.61 1183
 31 TAC §§301.1-301.7 1183
 31 TAC §§301.21-301.23 1184
 31 TAC §§301.31-301.46 1185
 31 TAC §§301.51-301.56 1188
 31 TAC §§301.61-301.63 1189
 31 TAC §§301.71-301.74 1190
 31 TAC §301.81 1190
 31 TAC §305.1, §305.2 1190
 31 TAC §§305.21-305.30 1191
 31 TAC §§305.41-305.53 1193
 31 TAC §§305.61-305.68 1195
 31 TAC §§305.91-305.105 1198
 31 TAC §§305.121-305.128 1199
 31 TAC §§305.141-305.146 1201
 31 TAC §§305.151-305.159 1202
 31 TAC §§305.171-305.174 1205
 31 TAC §§305.181-305.184 1207
 31 TAC §§305.191-305.194 1208
 31 TAC §305.401 1208
 31 TAC §§305.501-305.506 1209
 31 TAC §§325.1-325.16 1210
 31 TAC §§329.1-329.19 1213
 31 TAC §§331.1-331.13 1272
 31 TAC §§331.31-331.36 1277
 31 TAC §§331.41-331.48 1277
 31 TAC §§331.61-331.67 1279

31 TAC §§331.81-331.86	1280
31 TAC §§331.101-331.107	1282
31 TAC §331.121, §331.122	1283
31 TAC §331.131-331.133	1285
31 TAC §§336.336.1-336.15, 336.17-336.24, 336.30	1285
31 TAC §336.41, §336.42-336.47	1307
31 TAC §§336.61-336.63, 336.65-336.71, 336.73- 336.76	1309
31 TAC §§336.91-336.94	1313
31 TAC §§336.111-336.126	1314
31 TAC §§336.151-336.177	1318
31 TAC §§336.201-336.206	1330
31 TAC §§336.211-336.214	1333
31 TAC §§336.221-336.227	1334
31 TAC §336.241	1335
31 TAC §336.251	1336
31 TAC §§336.301-336.308	1336
31 TAC §§337.1-337.5	1380
31 TAC §§337.51-337.54	1382
Part XIII. Board for Lease of University Lands	
31 TAC §401.1	1440
31 TAC §401.2	1441
31 TAC §401.3, §401.4	1441
31 TAC §401.5	1442
TITLE 34. PUBLIC FINANCE	
Part I. Comptroller of Public Accounts	
34 TAC §1.3	1218, 1504
34 TAC §1.5	1218, 1505
34 TAC §3.5	1218, 1505
34 TAC §3.58	1349
34 TAC §3.59	1350
34 TAC §3.102	1516
34 TAC §3.104	1516
34 TAC §3.105	1516
34 TAC §3.122	1516
34 TAC §3.124	1516
34 TAC §3.125	1516
34 TAC §3.341	1146
34 TAC §3.353	1383
34 TAC §3.541	1146
34 TAC §3.542	1146
34 TAC §3.543	1146
34 TAC §3.544	1147
34 TAC §3.548	1147
34 TAC §5.52	1383
34 TAC §5.53	1383
Part IV. Employees Retirement System of Texas	
34 TAC §§67.1, 67.3, 67.5, 67.7, 67.9, 67.11, 67.13, 67.15, 67.17, 67.19, 67.21	1147
34 TAC §§67.1, 67.3, 67.5, 67.7, 67.9, 67.11, 67.13, 67.15, 67.17, 67.19, 67.21, 67.23, 67.25, 67.27, 67.29, 67.31, 67.33, 67.35, 67.37, 67.39, 67.41, 67.43, 67.45, 6.47, 67.49, 67.51, 67.53, 67.55, 67.57, 67.59, 67.61, 67.63, 67.65, 67.67, 67.69, 67.71, 67.73, 67.75, 67.77, 67.79, 67.81, 67.83, 78.85, 67.87, 67.89, 67.91, 67.93, 67.95, 67.97, 67.99, 67.101, 67.103, 67.105, 67.107, 67.109, 67.111	1148
34 TAC §81.5	1149
TITLE 37. PUBLIC SAFETY AND CORRECTIONS	
Part I. Texas Department of Public Safety	
37 TAC §23.91	1461
Part VII. Commission on Fire Protection Personnel Standards and Education	
37 TAC §233.33	1350
37 TAC §233.35	1350
37 TAC §233.141	1351
37 TAC §§233.151-233.156	1351
TITLE 40. SOCIAL SERVICES AND ASSISTANCE	
Part I. Texas Department of Human Services	
40 TAC §3.902	1352
40 TAC §11.908	1392
40 TAC §§12.101-12.123	1392
40 TAC §15.2101	1508
40 TAC §15.5209	1508
40 TAC §15.3112	1508
40 TAC §23.9801	1386
40 TAC §27.203	1149
40 TAC §§27.2601-27.2603	1387
40 TAC §§27.2601-27.2604	1387
40 TAC §35.9804	1124
40 TAC §48.2904	1352
Part III. Texas Commission on Alcohol and Drug Abuse	
40 TAC §151.313	1352
Part V. Veterans Land Board	
40 TAC §§175.2-175.21	1125
Part IX. Texas Department on Aging	
40 TAC §§269.1, 269.3, 269.5., 269.7	1354
40 TAC §§273.1, 273.3, and 273.5	1229
TITLE 43. TRANSPORTATION	
Part I. State Department of Highways and Public Transportation	
43 TAC §§17.61-17.64	1355
43 TAC §§17.61-17.73	1355

Emergency

Rules

An agency may adopt a new or amended rule, or repeal an existing rule on an emergency basis, if it determines that such action is necessary for the public health, safety, or welfare of this state.

The rule may become effective immediately upon filing with the *Texas Register*, or on a stated date less than 20 days after filing, for no more than 120 days. The emergency action is renewable once for no more than 60 days.

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

TITLE 16. ECONOMIC REGULATION

Part IV. Texas Department of Labor and Standards

Chapter 70. Industrialized Housing and Buildings

Subchapter A. Legislative Intent, Purpose, Scope, and Definitions

★ 16 TAC §70.3, §70.4

The Texas Department of Labor and Standards adopts on an emergency basis amendments to §70.3 and §70.4. The sections were adopted on an emergency basis as new sections in the January 3, 1986, issue of the *Texas Register* (11 TexReg 9).

The amendments are adopted on an emergency basis to protect the health, safety, and welfare of the industrialized housing and building consumer and industry in Texas. The amendments were approved for emergency adoption by the Texas Industrialized Building Code Council.

The amendments are adopted on an emergency basis under Texas Civil Statutes, Article 5221f-1, §6, which provide that the department shall adopt rules and regulations as necessary to assure compliance with the intent and purpose of this Act, and to provide for uniform enforcement.

§70.3. Scope of Rules. The scope of the sections in this chapter is limited by the Act; accordingly, they do not apply to:

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

(5) temporary structures which are specifically referenced in the mandatory codes. [not designed for, and are not installed on, permanent foundations. Any structure placed on a permanent foundation system is not a temporary structure.]

§70.4. Definitions.

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

(1) (No change.)

[(2) Approved—Approved by the council or the department.]

(2) [(4)] Building site—See site, paragraph (36) of this subsection.

[(3) Builder—A person who is engaged in the assembly, connection, and on-site construction and erection of modules or

modular components at the building site, or who is engaged in the purchase of industrialized housing or buildings or of modules or modular components from a manufacturer for sale to the public; a subcontractor of an industrialized builder is not a builder for purposes of these sections.]

(3) [(5)] Building system—The design and/or method of assembly of modular components represented in the plans, specifications, and other documentation which may include structural, electrical, mechanical, plumbing, fire protection, and other systems, affecting health and safety.

(4) [(6)] CABO—Council of American Building Officials composed of ICBO, SBCCI, and Building Officials and Code Administrators International, Inc. (BOCA).

(5) [(7)] Commercial structure—An industrialized building classified by the applicable model code for occupancy and use groups other than residential for one or more families.

(6) [(8)] Commissioner—Commissioner of the Texas Department of Labor and Standards

(7) [(9)] Compliance Assurance Program—The system, documentation, and methods of assuring that industrialized housing, buildings, and modular components, including their manufacture, storage, transportation, assembly, handling, and on-site construction, conform with the Act and these rules and regulations.

(8) [(10)] Component—A subassembly, subsystem, or combination of elements for use as a part of a building system or part of a modular component that is not structurally independent, but may be part of structural, plumbing, mechanical, electrical, fire protection, or other systems, affecting life safety.

(9) [(11)] Closed construction—That condition when any industrialized housing of building, modular component, or portion thereof is manufactured in such a manner that all portions cannot be readily inspected at the site without disassembly or destruction thereof.

(10) [(12)] Council—The Texas Industrialized Building Code Council.

(11) [(13)] Decal—The approved form of certification issued by the department to the manufacturer to be permanently affixed to the module indicating that it has been constructed to meet or exceed the code requirements and in compliance with these sections.

(12) [(14)] Design package—The aggregate of all plans, designs, specifications, and documentation required by these sections to be submitted to the design review agency, or required by the design review agency for compliance review, including the compliance assurance manual and the on-site construction documentation. Unique or site specific foundation drawings and special on-site construction details prepared for specific projects are not a part of the design package except as expressly set forth in §70.103 of this title (relating to Alterations or Deviations).

(13) [(15)] Design review agency—An approved organization, private or public, determined by the council to be qualified by reason of facilities, personnel, experience, and demonstrated reliability to review designs, plans, specifications, and building systems documentation, and to certify compliance to these sections evidenced by affixing the council's stamp.

(14) [(16)] Department—Texas Department of Labor and Standards.

(15) [(17)] ICBO—International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601.

(16) [(18)] Insignia—The approved form of certification issued by the department to the manufacturer to be permanently affixed to the modular component indicating that it has been constructed to meet or exceed the code requirements and in compliance with these sections.

(17) Industrialized Builder—A person who is engaged in the assembly, connection, and on-site construction and erection of modules or modular components at the building site, or who is engaged in the purchase of industrialized housing or buildings or of modules or modular components from a manufacturer for sale to the public; a subcontractor or an industrialized builder is not a builder for purposes of these sections.

(18) [(19)] Industrialized building—A commercial structure that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent commercial site, and that is designed to be used as a commercial building when the modules or modular components are transported to the permanent commercial site and are erected on or affixed to a permanent foundation system. The term includes the plumb-

ing, heating, air-conditioning, and electrical systems.

(19)(20) Industrialized housing—A residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected on or affixed to a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems.

(20)(21) Installation—On-site construction (paragraph 29 of this subsection).

(21)(22) Local building official—The agency or department of a municipality with authority to make inspections and to enforce the laws, ordinances, and regulations applicable to the construction, alteration, or repair of residential and commercial structures.

(22)(23) Manufacturer—A person who constructs or assembles modules or modular components at a manufacturing facility which are offered for sale or lease, sold, or leased, or otherwise used.

(23)(24) Manufacturing facility—The place other than the building site, at which machinery, equipment, and other capital goods are assembled and operated for the purpose of making, fabricating, constructing, forming, or assembling industrialized housing, buildings, modules, or modular components.

(24)(25) Model—A specific design of an industrialized housing, buildings, or modular components, which is based on size, room arrangement, method of construction, location, arrangement, or size of plumbing, mechanical, or electrical equipment and systems, therein in accordance with an approved design package.

(25)(26) Modular component—A structural portion of any dwelling or building that is constructed at a location other than the site in such a manner that its construction cannot be adequately inspected for code compliance at the site without damage or without removal of a part thereof and reconstruction.

(26)(27) Module—An industrialized house or building, or portion thereof, designed and approved to be transported as a single section and as a structurally independent unit to a site for on-site construction with or without other modules or modular components.

(27)(28) NFPA—National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

(28)(29) On-Site construction—Preparation of the site, foundation construction, assembly and connection of the modules, modular components, or components, affixing the structure to the permanent foundation, connecting the structures together,

completing all site-related construction in accordance with the designs, plans, [and] specifications, and on-site construction documentation.

(29)(30) Open construction—That condition when any industrialized housing, building, or portion thereof is constructed in such a manner that all parts or processes of manufacture can be readily inspected at the building site without disassembly, damage to, or destruction thereof.

(30)(31) Permanent foundation system—A foundation system for [by which] industrialized housing or buildings, [are permanently affixed to the building site and which is] designed to meet the applicable building code as set forth in Subchapter C of this chapter (relating to Standards of Codes).

(31)(32) Person—An individual, partnership, company, corporation, association, or other group, however organized.

(32)(33) Registrant—A person who, or which, is registered with the department pursuant to the rules of this chapter as a manufacturer, builder, design review agency, or third-party inspector.

(33)(34) Residential structure—Industrialized housing designed for occupancy and used as a residence by one or more families.

(34)(35) SBCCI—Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.

(35)(36) Site or building site—A lot, the entire tract, subdivision, or parcel of land on which industrialized housing or buildings are sited [permanently attached to foundations].

(36)(37) Structure—An industrialized house or building which results from the complete assemblage of the modules, modular components, or components designed to be used together to form a completed unit.

(37)(38) Third-party inspector—An approved person or agency, private or public, determined by the council to be qualified by reason of facilities, personnel, experience, demonstrated reliability, and independence of judgment to inspect industrialized housing, buildings, and portions thereof for compliance with the approved plans, documentation, compliance assurance program, and applicable codes.

(b) Other definitions may be set forth in the text of the sections in this chapter. For purposes of these sections, the singular means the plural, and the plural means the singular.

Issued in Austin, Texas, on March 18, 1986.

TRD-8602658

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

Effective date: March 18, 1986

Expiration date: May 1, 1986

For further information, please call
(512) 463-3127.

★ ★ ★

Subchapter B. Responsibility and Authority of Local Building Officials, Council, and Department.

★ 16 TAC §70.11, §70.12

The Texas Department of Labor and Standards adopts on an emergency basis amendments to §70.11 and §70.12. The sections were adopted on an emergency basis as new sections in the January 3, 1986, issue of the *Texas Register* (11 TexReg 11).

The amendments are adopted on an emergency basis to protect the health, safety, and welfare of the industrialized housing and building consumer and industry in Texas. The amendments were approved for emergency adoption by the Texas Industrialized Building Code Council.

The amendments are adopted on an emergency basis under Texas Civil Statutes, Article 5221f-1, §6, which provide that the department shall adopt rules and regulations as necessary to assure compliance with the intent and purpose of this Act, and to provide for uniform enforcement.

§70.11. Local Building Official. The local building official shall have the authority:

(1) to require and review, for compliance with the mandatory state codes, a set of design plans and specifications bearing the stamp of the council and of the on-site construction documentation for the placement of industrialized housing or buildings within its jurisdiction;

(2) to require that all applicable local permits and licenses be obtained and that applicable local fees be paid before any construction begins on a building site or before the placement of any module or modular component;

(3) (No change.)

(4) to require that all modules or modular components manufactured after January 1, 1986, have affixed the decals or insignia issued by the department.

(5) (No change.)

(6) to inspect all construction done at the site, including the construction of the foundation system and the erection, assembly, and connection of the modules or modular components to the permanent foundation to assure compliance with the approved design package and the on-site construction documentation for industrialized housing or buildings to be sited within its jurisdiction;

(7) to perform an overall visual inspection for obvious nonconformity to the applicable code, to require final inspections along with any tests which are required by the approved installation instructions, on-site construction documentation, and/or the applicable code [approved by the council], and to require the correction of deficiencies identified by the tests or discovered in final inspections;

(8) to notify the commissioner of any damage to a module or modular component resulting from transportation to, or handling at, the building site which is not corrected by the industrialized builder; to notify the commissioner of any noncompliance to, or deviation from, the approved building system or applicable code; and to report to the commissioner any violation of these rules and regulations; these notices and reports shall be submitted by certified mail; and

(9) (No change.)

§70.12. Council The council shall have authority to:

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

(4) determine if amendments or revisions to the model codes as finally approved, respectively, by ICBO, SBCCI, or NFPA are in the public interest and consistent with the purposes of the Act; if so determined, and after a hearing, to require that the mandatory state codes be amended accordingly;

(5)-(8) (No change.)

Issued in Austin, Texas, on March 18, 1986.

TRD-8602653

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

Effective date: March 18, 1986

Expiration date: May 1, 1986

For further information, please call
(512) 463-3127.

★ ★ ★

Subchapter C. Standards and Codes

★ 16 TAC §70.22, §70.25

The Texas Department of Labor and Standards adopts on an emergency basis amendments to §70.22 and §70.25. The sections were adopted on an emergency basis as new sections in the January 3, 1986, issue of the *Texas Register* (11 TexReg 11).

The amendments are adopted on an emergency basis to protect the health, safety, and welfare of the industrialized housing and building consumer and industry in Texas. The amendments approved for emergency adoption by the Texas Industrialized Building Code Council.

The amendments are adopted on an emergency basis under Texas Civil Statutes, Article 5221f-1, §6, which provide that the department shall adopt rules and regulations as necessary to assure compliance with the intent and purpose of this Act, and to provide for uniform enforcement.

§70.22. Use and Construction of Codes.

(a) The local building official shall advise the department in writing as to whether the municipality bases its code on the ICBO codes [code group] or the SBCCI codes [code group]. Any industrialized housing or build-

ing, module, or modular component, to be located within the jurisdiction of the municipality must be constructed to meet or exceed the standards and requirements of the model code referenced in this subchapter for the codes [code group] used by the municipality.

(b) If the industrialized housing or building, module, or modular component, is located either outside a municipality or in a municipality that does not base its code on the SBCCI or ICBO codes [code group], then the manufacturer may choose which of the two codes [code groups] with which the construction must comply. The manufacturer shall specify which of the two model codes [code groups] is applicable to the design package.

(c) The codes adopted in this subchapter shall be construed so as to conform to the intent of the Act and of these rules and regulations. For example, where reference is made in any of the codes to the "building official," the "plumbing" or "mechanical" official, or the "administrative authority" or "enforcement official," such reference shall be construed pursuant to the Act and the sections in this chapter to mean, where applicable, the council, [or] the local building official, or the department.

§70.25. Alternate Methods and Materials.

(a) Alternate methods of construction or use of materials other than as authorized [certified] by [a registered professional engineer in accordance with performance criteria and standards pursuant to] the mandatory codes set forth in this subchapter must be approved by the council;

(b) (No change.)

Issued in Austin, Texas, on March 18, 1986.

TRD-8602654

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

Effective date: March 18, 1986

Expiration date: May 1, 1986

For further information, please call
(512) 463-3127.

★ ★ ★

Subchapter D. Administration and Enforcement

★ 16 TAC §§70.30, 70.32-70.40

The Texas Department of Labor and Standards adopts on an emergency basis amendments to §70.30 and §70.32-70.40. The sections were adopted on an emergency basis as new sections in the January 3, 1986, issue of the *Texas Register* (11 TexReg 12).

The amendments are adopted on an emergency basis to protect the health, safety, and welfare of the industrialized housing and building consumer and industry in Texas. The amendments approved for emer-

gency adoption by the Texas Industrialized Building Code Council.

The amendments are adopted on an emergency basis under Texas Civil Statutes, Article 5221f-1, §6, which provide that the department shall adopt rules and regulations as necessary to assure compliance with the intent and purpose of this Act, and to provide for uniform enforcement.

§70.30. Compliance Required.

(a) (No change.)

(b) Manufacturers and industrialized builders as defined in §70.4 of this title (relating to Definitions) shall not engage in any business activity relating to the construction or location of industrialized housing or buildings without being registered with the department and before receiving a certificate of registration.

§70.32. Registration Requirements.

(a) A manufacturer, as defined in this chapter, shall not engage in business in this state prior to being issued a manufacturer's certificate of registration. An [a] industrialized builder, as defined in this chapter, shall not engage in business in this state prior to being issued an [a] industrialized builder's certificate of registration.

(b) (No change.)

(c) The registration shall be for twelve months and must be renewed annually. Every corporate entity must be separately registered. Each separate manufacturing facility must be registered; a manufacturing facility is separate if it is not on property which is contiguous to a registered manufacturing facility. An [a] industrialized builder must register each separate office, but is not required to register each job location.

(d) A registered manufacturer or industrialized builder shall notify the department in writing within 10 days of any of the following occurrences:

(1)-(6) (No change.)

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

§70.33. Approval of Design Review Agencies and Third Party Inspectors.

(a) (No change.)

(b) If the application is approved by the council, it shall be filed with the department as the registration of the applicant as a design review agency or a third party inspector to perform specific functions. This registration shall be a continuous registration so long as the information required by this section is updated in accordance with subsection c [e] of this section and the annual fee is paid. The department shall issue a certificate of registration which shall contain the specific functions which the registrant is approved to perform; it shall be valid for a 12-month period on receipt of the application and the registration fee by the department.

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

§70.34. Review and Approval of Designs and Plans.

(a) An approved design review agency or the department shall review all designs, plans, specifications, calculations, compliance control [assurance] programs, on site construction documentation or specifications, and other documents as necessary to assure compliance with the mandatory construction codes in accordance with the interpretations, instructions, and determinations of the council. The department or design review agency will obtain from the manufacturer such information as is reasonably necessary to assure that the manufacturer's designs and procedures are in compliance with the mandatory codes and the sections in this chapter.

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

(d) The manufacturer shall also provide the design review agency a compliance control [assurance] manual and on-site construction documentation or specifications as necessary to indicate compliance with the mandatory codes and to show the extent that site related design and construction will occur in accordance with §70.35 of this title (relating to Compliance Control [Assurance] Program) and §70.36 of this title (relating to On-Site Construction Specifications or Documentation).

(e) The department of design review agency will signify approval of a drawing, specification, calculation, or other document by application of the stamp of the council to each page thereof. The stamp shall not be placed on any designs, plans, or specifications which do not meet the requirements of the applicable mandatory state code. The manufacturer and the design review agency (or department) must keep copies of the approved documents. The manufacturer must make a copy available to the person performing in-plant inspections. A design review agency will forward one approved copy of the design package, including additions and revisions, to the department within five days of approval and will return one approved copy to the manufacturer.

(f) The department (when acting as a design review agency) or a design review agency may withdraw the approval of any document whenever the approval is later found to be in violation of code requirements or the rules and regulations in this chapter. Notice of such withdrawal of the approval shall be in writing with the reasons for such withdrawal set forth therein. Any such withdrawal shall have prospective effect only, except for life safety items.

(g) The design review agency shall reimburse the department the cost of actual expenses incurred outside headquarters in monitoring the performance of the design review agency. The reimbursable cost shall include actual travel expenses, per diem and mileage, and an hourly monitoring fee.

§70.35. Compliance Control [Assurance] Program.

(a) The utilization of mass production techniques and assembly line methods in the construction of industrialized housing, buildings, modules, and modular components, along with the fact that a large part of such construction cannot be inspected at the ultimate building site, requires manufacturers to develop an adequate compliance control [assurance] program to assure that these structures meet or exceed mandatory code requirements and are in compliance with the rules and regulations of this chapter. The compliance control [assurance] program shall be documented in the form of a manual which must be approved by the design review agency, or the department.

(b) The compliance control [assurance] manual shall include at least the following:

(1) (No change.)

(2) a chart indicating the manufacturer's organizational structure to assure compliance and to assure that the compliance control [assurance] staff shall maintain independence from the production personnel;

(3) a statement which defines the obligation, responsibility, and authority for the manufacturer's compliance control [assurance] program;

(4) identification of compliance control [assurance] personnel, their accountability by position, responsibility for inspections, method of marking nonconformances observed, and system for assuring corrections are made;

(5) (No change.)

(6) a description of an identification system to mark each individual module, or modular component, [or group of related components] at the first stage of production to assure appropriate inspection and rechecking of any deviation corrections;

(7)-(10) (No change.)

(11) statement indicating the person who is responsible for compliance control [assurance] at each manufacturing facility and who will assume responsibility for decals and insignia, their application, and the reporting procedure;

(12)-(13) (No change.)

(14) If the manufacturer constructs structures in the same plant that are not regulated by this Act, procedures must be established to assure that the compliance control procedures are compiled with on all regulated structures. As a minimum, regulated structures must be identified prior to commencing construction.

(c) The compliance control program as set forth in the rules may be waived by the council upon the written request of the manufacturer. Waiver of the compliance control program shall require that each module or modular component be individually inspected at each and every stage of the manufacturing process.

§70.36. On-site construction specifications or documentation.

(a) All work to be performed on the building site shall be specifically identified and distinguished from construction to be performed in the manufacturing facility, i.e., assembly and connection of all modules, modular components, systems, equipment, and appliances and attachment to the foundation system. The work to be performed on-site shall be described in detail in documents (architectural sheets, specifications, instructions, etc.) which shall be made available to the builder for use at the site and provided as required for review and inspection to the agency having local authority [and the inspector at the building site].

(b) The on-site construction documentation must contain (but is not limited to) the following:

(1)-(10) (No change.)

(11) Compliance control [assurance] checklist for the preceding requirements; and

(12) (No change.)

(c) If the typical foundation drawing in the on-site construction documentation is not suitable for a specific site, or if the structure is only partially constructed of modular components, or if the industrialized builder will add unique on-site details, a registered professional engineer (or architect for one and two family dwellings and buildings having one story and total floor area of 5,000 square feet or less) shall design and stamp the unique foundation drawings or on-site details and [no] review by a design review agency is not needed or [nor] required.

§70.37. Plant Certification.

(a) Prior to being issued decals or insignia, each manufacturing facility will undergo a certification inspection. A representative of the design review agency must be present during the manufacturer's certification inspection. The plant certification will be conducted by a department team, [of] normally consisting of an engineer, one or more department inspectors or, when designated by the department, third-party inspectors. The purpose of the plant certification inspection will be to assure that the compliance control [assurance] program in the manufacturing facility is capable of producing structures in compliance with the approved design package. The team will become familiar with all aspects of the manufacturer's approved design package. Structures on the production line will be checked to assure that failures to conform located by the inspection team are being located by the plant compliance [quality] control program and are being corrected by the plant personnel. The inspection team will work closely with the plant compliance [quality] control personnel to assure that the approved design package and compliance control [assurance] manuals for that facility are clearly understood and are being followed. The plant certification inspection will terminate when the inspection team has fully evaluated all aspects of the

manufacturing facility. At least one module or modular component containing all systems, or a combination of modules or modular components containing all systems, shall be observed during all phases of construction. The team must inspect all modules or modular components in the production line during the certification.

(b) Following completion of the plant certification inspection, the team will issue a plant certification report. The plant certification report will contain the following:

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

(5) a list of deviations from the approved compliance control [assurance] procedures (with section or manual references) observed during the certification with the corrective action taken in each case;

(6) (No change.)

(7) the following statement: "This report concludes that (name of agency), after evaluating the facility, certifies that (name of factory) of (city) is capable of producing (industrialized housing and buildings or modular components) in accordance with the approved building system and compliance control [assurance] manuals on file in the manufacturing facility and in compliance with the requirements of the Texas Industrialized Building Code Council";

(8) (No change.)

(c) If during the certification inspection, the manufacturer is judged not capable of building structures in compliance with the approved design package and compliance control [assurance] manual, the agency will issue a deviation report. The deviation report will detail the specific areas in which the manufacturer was found to be deficient and will make recommendations for improvement. The certification inspection will continue from the date of the report until all certification requirements are met or 45 days, whichever comes first.

(d) (No change.)

(e) Until May 1, 1966, a manufacturer may elect to continue production prior to establishing a compliance control program and completing a plant certification inspection, provided all designs, plans, specifications, and calculations have been approved by a council-approved design review agency or the department and every stage of construction of every unit produced is inspected by the department or, if designated by the department, a council-approved third party inspector. All on-site construction documentation or specifications must be completed and approved by the design review agency prior to the issuance of a decal or insignia. A decal or insignia will not be issued to the manufacturer until all inspections have been completed on a unit.

§70.38. In-Plant Inspections.

(a) The department shall conduct announced and unannounced inspections at the manufacturing facility at reasonable, but varying, intervals to review any and all aspects of the manufacturer's production and

compliance control [assurance] program. In order to determine if the compliance control [assurance] program is working as set forth in the compliance control [assurance] manual, inspection of every visible aspect of every module [or modular component] shall normally be made at least at one point during the manufacturing process. The frequency of modular component inspections will be determined by the department.

(b) Inspections at the manufacturing facility shall be increased in frequency, may be necessary for the department inspectors to assure that the manufacturer is performing in accordance with the approved compliance control [assurance] manual.

(c) (No change.)

(d) The manufacturer shall reimburse the department the cost of actual expenses incurred outside headquarters in monitoring the performance of the third-party inspection agency. The reimbursable cost shall include actual travel expenses, per diem and mileage, and an hourly monitoring fee.

§70.39. Building Site Inspections.

(a) (No change.)

(b) When the building site is outside a municipality, or within a municipality which has no building department or agency, the department or third-party inspectors will perform the required inspections. The industrialized builder may elect to utilize the services of the department or third party inspectors approved by the council for the on-site construction inspections at these [any] building sites [site]; the election must be made in writing to the commissioner. The industrialized builder may utilize the services of the department on one or more projects and utilize third-party inspectors on other projects; however, the election may not be changed once made for a particular project at the building site, except with written approval of the department.

(c) If the design package has the stamp of the council on each page, if the foundation drawing has been approved by a registered architect or engineer, and if the module and/or modular component [components and components] have a [the] decal or insignia affixed thereto, the local building official, third-party inspector, or the department shall not stop assembly, connection, and on-site construction, except for deviations from, or nonconformance to, the approved design package, on-site construction documentation, or any unique foundation system or onsite detailed drawings.

(d) Destructive disassembly shall not be performed at the site in order to conduct tests or inspections, nor shall there be imposed standards or test criteria different from those required by the approved installation instructions, on-site construction documentation, and the applicable mandatory code [approved by the council]. Nondestructive disassembly may be performed only to the extent of opening access panels and cover plates.

(e) If a structure, or any part thereof, is found by the inspector at the building site to be in violation of the approved design package or the on-site construction documentation, the inspector shall immediately post a deviation notice and notify the industrialized builder. The industrialized builder after making corrections as necessary to bring the unit into compliance shall request an inspection, either by the department or the on-site inspector. If the deviation is not corrected, a [then no] certificate of occupancy shall not be issued.

§70.40. Manufacturer's Data Plate.

(a) (No change.)

(b) The data plate must contain the following information:

(1)-(8) (No change.)

(9) maximum wind load (psf)/speed (MPH);

(10)-(13) (No change.)

Issued in Austin, Texas, on March 18, 1966.

TRD-8602855

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

Effective date: March 18, 1966

Expiration date: May 1, 1966

For further information, please call
(512) 463-3127.

★ ★ ★

Subchapter E. Fees and Reports

★ 16 TAC §70.50, §70.52

The Texas Department of Labor and Standards adopts on an emergency basis amendments to §70.50 and §70.52. The sections were adopted on an emergency basis as new sections in the January 3, 1966, issue of the *Texas Register* (11 TexReg 16).

The amendments are adopted on an emergency basis to protect the health, safety, and welfare of the industrialized housing and building consumer and industry in Texas. The amendments were approved for emergency adoption by the Texas Industrialized Building Code Council.

The amendments are adopted on an emergency basis under Texas Civil Statutes, Article 5221f-1, §6, which provide that the department shall adopt rules and regulations as necessary to assure compliance with the intent and purpose of this Act, and to provide for uniform enforcement.

§70.50. Manufacturer and Builder Monthly Reports.

(a) A monthly report shall be submitted to the department by the manufacturer on a form or in the format required by the department of all industrialized housing, buildings, modules, and modular components which were constructed and to which decals and insignia were applied during the month. The report must state the name and address of the industrialized builder (or other person) to whom the structures, modules, or

modular components were sold, consigned, or shipped. If any of such units were produced and stored, the report must state the place and location of storage. The report shall also contain:

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

(3) the registration number of the industrialized builder (as assigned by the department) to whom the units were sold, consigned, and shipped;

(4) the building site location to which any units were shipped; [and]

(5) an identification as to the type of structure for which the units are to be assembled and installed, i.e., single family residence, duplex, two-story motel, 75-unit three-story apartment, etc; and

(6) If not active for the reporting month, report indicating zero units built.

(b) Each industrialized builder shall submit to the department a monthly report on a form or in the format required by the department which shall contain:

(1) the specific address and location of each building site on which the industrialized builder has performed any on-site construction work during the month;

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

(c) The manufacturer's and industrialized builder's monthly reports must be filed with the department no later than the 10th day of the following month.

§70.52. Department Fees.

(a) (No change.)

(b) The industrialized builder's registration fee is \$500 annually.

(c) (No change.)

(d) The third-party inspection agency [inspector's] registration fee is \$100 per firm and \$100 per inspector, annually.

(e) (No change.)

(f) The fee for department personnel for in-plant inspections at a manufacturing facility shall be \$25 per inspector-hour and \$35 per engineer hour for all inspections including plant certification inspections, varying interval inspections to monitor the manufacturer's compliance control [assurance] program, and for increased frequency inspections. The inspector [department] will give a [monthly] statement to the manufacturer, and it must be paid to the inspector by either a company check, cashiers check, or money order at the completion of the inspection [within 15 days from the date of the statement].

(g) When the department acts as a design review agency, the fee for such services is \$35 per engineer-hour. The fee shall be paid by the manufacturer for whom the services are offered prior to the approval of the designs, plans, specifications, compliance control [assurance], and installation manuals and the release of the documents to the manufacturer.

(h) The fees for the issuance of decals and insignia are as follows:

(1) modules: \$.06 per square foot of floor area, with a minimum of \$15 each decal [\$20 per decal for each module];

(2) modular component: \$.015 per square foot or \$.06 per square foot of floor area, whichever is less, but with a minimum of \$.50 for each insignia [\$10 per insignia for each modular component or for each group of related components].

(i) The fee for department personnel for building site inspections is as follows, and shall be paid to the inspector by either a company check, cashiers check, or money order at the completion of the inspection [within 15 days from the date of the department's statement]:

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

(j) The department (as is the case for third-party inspectors) may agree to a reasonable maximum inspection fee per unit or structure based on the number of inspections estimated to be necessary to assure compliance.

(k) The fee for department monitoring of design review agencies and third-party inspection agencies outside headquarters shall be \$25 per inspector-hour and \$35 per engineer-hour. The department will present the agency a statement at the conclusion of the monitoring trip, and it is payable upon receipt.

(l) The fee for department personnel for inspection of approved alterations to industrialized housing and buildings shall be \$25 per inspector-hour and \$35 per engineer-hour. The department will present the agency a statement at the conclusion of the inspection, and it is payable upon receipt.

Issued in Austin, Texas, on March 18, 1986.

TRD-8602656

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

Effective date: March 18, 1986

Expiration date: May 1, 1986

For further information, please call

(512) 483-3127.

★ ★ ★

Subchapter F. General and Miscellaneous

★ 16 TAC §§70.101-70.105

The Texas Department of Labor and Standards adopts on an emergency basis amendments to §§70.101-70.105. The sections were adopted on an emergency basis as new sections in the January 3, 1986, issue of the *Texas Register* (11 TexReg 17).

The amendments are adopted on an emergency basis to protect the health, safety, and welfare of the industrialized housing and building consumer and industry in Texas. The amendments approved for emergency adoption by the Texas Industrialized Building Code Council.

The amendments are adopted on an emergency basis under Texas Civil Statutes, Article 5221f-1, §6, which provide that the department shall adopt rules and regulations as necessary to assure compliance with the intent and purpose of this Act, and to provide for uniform enforcement.

§70.101. Design Review Agency Selection.
The manufacturer must select either the department or a council-approved design review agency to perform all required review and evaluation of plans, designs, specifications, compliance control [assurance], and on-site construction documentation, etc. This election shall be made in writing to the commissioner and, if an agency other than the department is selected, the written election will state the name, address, and registration number of the design review agency selected.

§70.102. Compliance Disputes.

(a) (No change.)

(b) If the local building official is of the opinion that the approved design package and on-site construction documentation does not meet the code requirements of this chapter, this opinion shall be forwarded in writing to the commissioner at the department's Austin office [for submission to the council] within seven [five] working days following the filing of an application for a building permit and prior to issuance of the building permit. This written opinion shall set forth specifically those sections of the codes for which the noncompliance allegedly exists and the specific reasons the local building official is of the opinion that the design package and on-site construction documentation fail to meet the requirements of such code sections. The local official shall submit 15 copies of the written opinion to the commissioner. The commissioner will submit the local building official's opinion and reasons to the council within three working days following receipt. The council shall determine at the next scheduled meeting, not to exceed 45 days, whether or not the design package and on-site construction documentation meet the requirements of the applicable mandatory state code and shall notify the local building official and the commissioner in writing. If the design package and on-site construction documentation are determined by the council to meet the code requirements, the local building official shall issue a building permit. Questions concerning the code compliance of a design package and on-site construction documentation must be raised prior to the issuance of a building permit and, once a local building permit is issued, the local building official shall not stop any on-site construction due to questions about the approved design package or on-site construction documentation.

(c) (No change.)

(d) If a dispute or difference of opinion arises between the industrialized builder and a local building official or third-party inspector (or the department when acting as a

building site inspector) as to whether the on-site construction meets or exceeds the approved design package and on-site construction documentation or unique foundation system, the dispute or difference of opinion shall be forthwith resolved by the commissioner.

§70.103. Alteration or Deviations.

(a) The industrialized builder shall not alter or [nor] deviate from the approved design package and on-site construction documentation [unless approved by the design review agency or the council]. Unique foundation drawings and on-site details are subject to §70.36(c) of this title (relating to On-Site Construction Specifications or Documentation).

(b) An alteration of an industrialized housing or building which results in a structure that does not comply with the mandatory state code is prohibited.

(c) A complete set of plans and specifications describing a proposed alteration of an industrialized housing or building shall be submitted to a design review agency for approval prior to construction. All work must be performed in accordance with the approved plans and specifications. The person performing the alteration shall notify the department in writing at least 10 days in advance of the work. The department may inspect the work performed to ensure conformance to the approved plans by utilizing department or third-party inspectors. An alteration to an industrialized housing or building resulting in a change in the principal use of the structure shall require a reclassification of the structure to the appropriate occupancy group defined in the mandatory state code.

§70.104. Owner Information.

(a) The industrialized builder shall provide the purchaser (owner) of an industrialized housing or building the following information:

- (1) the name, location, and address of the manufacturer and industrialized builder;
- (2) (No change.)
- (3) floor plan of the dwelling unit or structure as appropriate; and
- (4) schematic drawings of the plumbing, electrical, and heating ventilation systems.
- (5) a site plan showing the on-site location of all utilities and utility taps.

(b) The builder must have written proof that the information in subsection (a) of this section was delivered to the purchaser (owner) and keep such proof in the industrialized builder's files for a period of two years.

§70.105. Proprietary Information Protected.

(a) All designs, plans, specifications, compliance control [assurance] programs, manual, on-site construction instructions and documentation, information relating to alternate methods or materials, or any other documents submitted by a manufacturer to a design review agency, the council, the department, or local building official is proprietary information and shall only be used for purposes of assuring compliance with the provisions of the Act and this chapter.

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

Issued in Austin, Texas, on March 18, 1986.

TRD-8602657

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

Effective date: March 18, 1986

Expiration date: May 1, 1988

For further information, please call
(512) 463-3127.

★ ★ ★

**TITLE 31. NATURAL
RESOURCES AND
CONSERVATION**

**Part II. Texas Parks and
Wildlife Department**

Chapter 65. Wildlife

**Subchapter A. Statewide Hunting
and Fishing**

★ 31 TAC §65.62

The Texas Parks and Wildlife Commission adopts on an emergency basis an amendment to §65.62, concerning freshwater fish bag, possession, and size limits.

Sections 65.1-65.91 constitute the Statewide Hunting and Fishing Proclamation. The emergency amendment increases the minimum size from 10 to 16 inches in length for largemouth black bass that may be taken from lake Pinkston. The new Texas record trophy bass weighing 16

pounds 14.4 ounces was recently taken from this small (523 acre) lake. Department studies indicated that fishing pressure was at least twice that of an average spring weekend following the February announcement of the trophy bass. The regulation will prevent bass over harvest by the heavy influx of anglers seeking a trophy.

The commission found in public hearing imminent peril to the public's fishery resources through depletion requires the emergency amendment.

The emergency amendment is adopted under Texas Parks and Wildlife Code, Chapter 61, which provides the Texas Parks and Wildlife Commission with the authority to regulate seasons, bag limits, means, methods, and places for taking wildlife resources.

§65.62. Freshwater Fish: Bag, Possession, and Size Limits.

(a) Provisions relating to bass in public waters shall be as follows:

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

(4) In Squaw Creek (Comanche Peak)

Reservoir in Hood and Somervell Counties, Coletto Creek Reservoir in Goliad and Victoria Counties, Tradinghouse Creek Reservoir in McClennan County, Lake Pinkston in Shelby County, and Aquilla Creek Reservoir in Hill County, it is unlawful to retain largemouth black bass less than 16 inches in length. The daily bag limit for largemouth, spotted, and smallmouth black bass is 10 in the aggregate, of which no more than three may be largemouth black bass. The possession limit is 20 black bass in the aggregate, of which no more than six may be largemouth black bass.

(5)-(8) (No change.)

(b)-(k) (No change.)

Issued in Austin, Texas, on March 17, 1986.

TRD-8602608

Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

Effective date: March 17, 1986

Expiration date: July 15, 1988

For further information, please call
(512) 479-4974.

★ ★ ★

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 4. AGRICULTURE Part I. Texas Department of Agriculture

Chapter 17. Marketing Division Livestock Export Facilities

★4 TAC §17.31

The Texas Department of Agriculture proposes an amendment to §17.31, concerning the operation of livestock export facilities. The amendment reduces the number of hours in the initial fee period in which livestock is held at the facilities; increases the per head fees for cattle, calves, horses, and mules held in large pens for longer than 24 hours, and increases the fee for use of stalls for any length of time; increases the per head fees for sheep and goats and slaughter sheep and goats being held for any length of time; adds a separate category for hogs; eliminates the small pen category for hogs, sheep, and goats; and eliminates the individual stall and individual pen categories.

The initial fee period is reduced to encourage higher turnover in the use of facilities. The increases in fees are proposed to bring the amount of fees collected closer to a level that will equal actual costs of operating the facilities, in accordance with the intent of the 69th Legislature, 1985. The establishment of a separate category for hogs is due to a higher overhead required for the holding of hogs. The small pen category for hogs, sheep, and goats is eliminated because of lack of use.

Paul Lewis, director, International Marketing, has determined that for the first five-year period the proposed section will be in effect there will be fiscal implications for state or local government as a result of enforcing or administering the section. The effect on state government will be an estimated increase in revenue of \$38,000 in 1986, and \$63,400 in each year in 1987-1990. The effect on local government will be an estimated increase in revenue of \$12,700 in 1986, and \$21,100 each year in 1987-1990. Local governments will receive 25% of fees collected, bringing increase to local revenue. There will be no cost to Texas businesses. Cost to foreign buyers will be dependent upon number of head of livestock, type of livestock held at the facilities, and length of time held.

Mr. Lewis 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 more efficient use of facilities, and a bringing of the revenues generated from the use of the facilities closer to the actual costs of operation, in accordance with the intent of the 69th Legislature, 1985. The anticipated economic cost to individuals who are required to comply with the proposed section will be dependent upon number of head of livestock, type of livestock, and length of time held at facilities. For slaughter sheep and goats, an additional \$.05 per head for the first 24 hours and an additional \$.05 for each 24 hours thereafter; for cattle, calves, horses, and mules, an additional \$5 per head for use of stalls for the first 24 hours, addi-

tional \$3 per head (pens) and \$7.50 (stalls) for each 24 hours thereafter; for sheep and goats, additional \$.50 per head (pens) and \$5 per head (stalls) for the first 24 hours, an additional \$.75 per head (pens) and \$7.50 per head (stalls) for each 24 hours thereafter; for hogs, an additional \$1.00 per head (pens) and \$5 per head (stalls) for first 24 hours; an additional \$1.25 per head (pens) and \$7.50 per head (stalls) for each additional 24 hours.

Comments on the proposal may be submitted to Dolores Alvarado Hibbs, Director of Hearings, P.O. Box 12847, Austin, Texas 78711.

The amendment is proposed under the Texas Agriculture Code, which provides the Texas Department of Agriculture with the authority to receive and hold for processing animals transported in international trade, and establish and collect reasonable fees for such holding and other expenses.

§17.31. Operation of Livestock Facilities.

(a) (No change.)

(b) Procedures.

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

(5) The following schedule of fees includes necessary water, pen space, dip or spray for external parasites when required, and necessary labor for helping in conducting and carrying out any tests requested, and feeding of livestock. Bedding, hay, and feed are not included in the fee schedule as follows:

For cattle, calves, horses, and mules		
Size of pens	First 24 [36] hours or fraction thereof, per head	Each 24 hours [day] thereafter, [per day,] per head
Large pens [(minimum 10 head)]	\$2.00	\$4.00 [\$1.00]
[Individual] Stalls	\$10.00 [\$5.00]	\$10.00 [\$2.50]
For [hogs,] sheep[,] and goats		
Size of pens	First 24 [36] hours or fraction thereof, per head	Each 24 hours [day] thereafter, [per day,] per head
Large pens [(minimum 25 head)]	\$1.00 [\$.50]	\$1.00 [\$.25]
[Small pens]	[\$.70]	[\$.35]
Stalls [Individual pens]	\$10.00 [\$5.00]	\$10.00 [\$2.50]

Size of Pens	For hogs	
	First 24 hours or fraction thereof, per head	Each 24 hours thereafter, per head
Large pens	\$1.50	\$1.50
Stalls	\$10.00	\$10.00

Size of pens	For slaughter sheep and goats	
	First 24 [36] hours or fraction thereof, per head [day]	Each 24 hours [day] thereafter, [per day] per head
Large pens	\$.15 [\$.10]	\$.15 [\$.10]

*No charge for suckling calves when accompanied by their dams.
 *Senate Bill 1009, §3 of the General Special Laws passed by the 62nd Legislature, 1971, states that livestock or other animals left by their owners in such facilities for longer than 30 calendar days may be sold at public auction to satisfy any unpaid fees or other indebtedness to the State of Texas and private suppliers.

(6)-(9) (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 March 19, 1986.

TRD-8602895 Dolores Alvarado Hibbs
 Director of Hearings
 Texas Department of
 Agriculture

Earliest possible date of adoption:
 April 25, 1986
 For further information, please call
 (512) 463-7583.

★ ★ ★

TITLE 7. BANKING AND SECURITIES

Part VII. State Securities Board

Chapter 115. Dealers and Salesmen

★ 7 TAC §115.2

The State Securities Board proposes an amendment to §115.2, concerning applications for registration as a securities dealer or investment adviser. The proposal concerns the regulation of financial planners who give advice concerning the offer and sale of securities. For purposes of the Securities Act, these persons are investment advisers and are therefore subject to all the regulations which relate to investment advisers. The proposed amendment formalizes the substantive requirements for applicants seeking registration as investment advisers by setting forth specific requirements.

Richard D. Latham, securities commissioner, 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. Latham 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 proper notice that financial planners who give advice concerning the offer and sale of securities are investment advisers for purposes of the Securities Act. Also, these persons must comply with the rules governing investment advisers (including the specific requirements set forth in the proposed amendment) when they engage in investment advisory activities within this state. 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 Denise Voigt Crawford, State Securities Board, P.O. Box 13187, Austin, Texas 78711-3187.

The amendment is proposed under Texas Civil Statutes, Article 581, §28-1, which provides that the board may adopt rules and regulations governing registration statements and applications and may classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes.

§115.2. Application.

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

(c) Investment advisers—additional information.

(1) In addition to the information required to be submitted by subsection (b) of this section, each applicant for registration as an investment adviser must furnish to the commissioner a copy of its standard advisory compact.

(2) The applicant must also undertake to the commissioner to disclose to each client or prospective client the following:

(A) the applicant's affiliation(s), if any, with other securities dealers or investment advisers, and the nature of such affiliation(s);

(B) the applicant's fee schedule and whether fees are negotiable; and

(C) whether the applicant will also act as a principal or as an agent to execute recommended transactions.

(3) The applicant may satisfy the requirements of paragraph (2)(A)-(C) of this subsection by furnishing to the commissioner a completed copy, as filed with the securities and exchange commission, of Part II of form ADV (uniform application for investment adviser or to amend such an application under the Investment Advisers Act of 1940 (17 Code of Federal Regulations, §279.1)) as made effective in Release IA-991 and corrected in Release IA-991A.

(4) Nothing in this section shall relieve an investment adviser from any obligation pursuant to any provision of the Investment Advisers Act of 1940 or the rules and regulations thereunder or other federal or state law to disclose any information to its clients not specifically required by this section.

(b)(c) The application for registration of any person or company who fails to meet registration requirements within one year of the filing date of the application will expire and become null and void. A copy of this rule will be mailed to applicants at least 60 days prior to the expiration of this application.

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

Issued in Austin, Texas, on March 18, 1986.

TRD-8602891 Richard D. Latham
 Securities Commissioner
 State Securities Board

Earliest possible date of adoption:
 April 25, 1986
 For further information, please call
 (512) 474-2233.

★ ★ ★



**TITLE 22. EXAMINING
BOARDS
Part XV. Texas State Board
of Pharmacy
Chapter 281. General Provisions
★22 TAC §281.56**

The Texas State Board of Pharmacy proposes new §281.56, concerning original or certified copies of record. This new section states that a party who appeals a final decision in a contested case shall pay all of the cost of preparation of any original or certified copies of the record of the agency proceedings that is required to be transmitted to the reviewing court.

Fred S. Brinkley, Jr., R.Ph., executive director/secretary, has determined that for the first five-year period the proposed section will be in effect there will be fiscal implications for state government as a result of enforcing or administering the section. The effect on state government is an estimated reduction in cost of \$300-\$1,000 each year from 1986-1990. There will be no fiscal implications for local government or small businesses as a result of enforcing or administering the section.

Mr. Brinkley 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 the establishment of procedures for the proper institution, conduct, and determination of all matters within the jurisdiction of the board. The anticipated economic cost to individuals who are required to comply with the proposed section will be the fee charged by the court reporter to prepare copies of record.

Comments on the proposal may be submitted to Fred S. Brinkley, Jr., R.Ph., 211 East Seventh Street, Suite 1121, Austin, Texas 78701. After April 7, 1986, comments may be submitted to 8505 Cross Park Drive, Suite 110, Austin, Texas 78754.

The new section is proposed under Texas Civil Statutes, Article 6252-13a, which provide the Texas State Board of Pharmacy with the authority to impose a charge as provided by this rule.

§281.56. Original or Certified Copies of Record. A party who appeals a final decision in a contested case shall pay all of the cost of preparation of any original or certified copy of the record of the agency proceedings that is required to be transmitted to the reviewing court.

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 March 13, 1986.

TRD-8602690 Fred S. Brinkley, Jr., R.Ph.
Executive Director/
Secretary
Texas State Board of
Pharmacy

Earliest possible date of adoption:
April 25, 1986
For further information, please call
(512) 478-9827.

★ ★ ★
**Chapter 283. Licensing
Requirements for Pharmacies**

★22 TAC §283.12

The Texas State Board of Pharmacy proposes an amendment to §283.12, concerning licensing requirements for pharmacists. The amendment specifies the requirements each applicant for licensure by examination utilizing NABPLEX scores transferred from another state shall meet.

Fred S. Brinkley, Jr., R.Ph., executive director/secretary, 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. Brinkley 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 insurance that all applicants meet the requirements to qualify for licensing as pharmacists. 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 Fred S. Brinkley, Jr., R.Ph., 211 East Seventh Street, Suite 1121, Austin, Texas 78701. After April 4, 1986, comments may be sent to 8505 Cross Park Drive, Suite 110, Austin, Texas 78754.

The amendment is proposed under Texas Civil Statutes, Article 4542a-1, which provide the Texas State Board of Pharmacy with the authority to establish standards to qualify an applicant for the licensing examination.

§283.12. Examination Requirements. Each applicant for licensure by examination must pass the Texas jurisprudence examination and the NABPLEX. The examination requirements shall be as follows:

(1)-(8) (No change.)

(9) each applicant for licensure by examination utilizing NABPLEX scores transferred from another state shall meet the following requirements for licensure in addition to the requirements set out in paragraphs (1)-(8) of this section.

(A) the applicant must request the National Association of Boards of Pharmacy (NABP) to transfer NABPLEX scores to the board, which such request must be postmarked no later than seven days from the last day of the NABPLEX test administration.

(B) the applicant shall pay the fee out in §283.14(a) of this title (relating to Fee Requirements).

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 March 18, 1986.

TRD-8602694 Fred S. Brinkley, Jr., R.Ph.
Executive Director/
Secretary
Texas State Board of
Pharmacy

Earliest possible date of adoption:
April 25, 1986
For further information, please call
(512) 478-9827.

★ ★ ★
**Chapter 291. Pharmacies
Clinic Pharmacy (Class D)**

★22 TAC §§291.91-291.93, 291.95,
291.96

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

The Texas State Board of Pharmacy proposes the repeal of §§291.91-291.93, 291.95, and 291.96, concerning clinic (Class D) pharmacies. The repeal is proposed simultaneously with new §§291.91-291.95.

Fred S. Brinkley, Jr., R.Ph., executive director/secretary, 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 enforcing or administering the repeal.

Mr. Brinkley 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 enforcing the repeal will be the regulation and control of clinic pharmacies to protect the public health, safety, and welfare. There is no anticipated economic cost to individuals who are required to comply with the proposed repeal.

Comments on the proposal may be submitted to Fred S. Brinkley, Jr., R.Ph., 211 East Seventh Street, Suite 1121, Austin, Texas 78701. After April 4, 1986, comments may be submitted to 8505 Cross Park Drive, Suite 110, Austin, Texas 78754.

The repeal is proposed under Texas Civil Statutes, Article 4542a-1, §§5, 17, 29, and 30, which provide the Texas State Board of Pharmacy with the authority to govern the practice of clinic pharmacies and the standards that each clinic pharmacy and its employees or personnel involved in the practice of clinic pharmacy must meet to qualify for licensing or relicensing as a clinic pharmacy.

- §291.91. *Definitions.*
- §291.92. *Personnel Supervision in a Class D Pharmacy.*
- §291.93. *Operational Standards.*
- §291.95. *Records.*
- §291.96. *Inspection Procedures.*

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

Issued in Austin, Texas, on March 13, 1986.
 TRD-8602606 Fred S. Brinkley, Jr., R.Ph.
 Executive Director/
 Secretary
 Texas State Board of
 Pharmacy

Earliest possible date of adoption:
 April 25, 1986
 For further information, please call
 (512) 478-9827.

★ ★ ★

★ 22 TAC §§291.91-291.93, 291.95

The Texas State Board of Pharmacy proposes new §§291.91-291.93, and 291.95, concerning pharmacies. These sections establish the standards that each clinic pharmacy and its employees or personnel involved in the practice of clinic pharmacy must meet to qualify for licensing or relicensing as a clinic pharmacy.

Fred S. Brinkley, Jr., R.Ph., executive director/secretary, 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. Brinkley also 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 the regulation and control of clinic pharmacies to protect the public health, safety, and welfare. The possible economic cost to individuals who are required to comply with the sections as proposed will be the current license fee.

Comments on the proposal may be submitted to Fred S. Brinkley, Jr., R.Ph., Executive Director/Secretary, 211 East Seventh Street, Suite 1121, Austin, Texas 78701. After April 4, 1986, comments may be submitted to 8505 Cross Park Drive, Suite 110, Austin, Texas 78754.

The new sections are proposed under Texas Civil Statutes, Article 4542a-1, §§5, 17, 29, and 30, which provide the Texas State Board of Pharmacy with the authority to govern the practice of clinic pharmacies and the standards that each clinic pharmacy and its employees or personnel involved in the practice of clinic pharmacy must meet to qualify for licensing or relicensing as a clinic pharmacy.

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

Act—The Texas Pharmacy Act, House Bill 1628, 67th Legislature, 1981, Texas Civil Statutes, Article 4542A-1, as amended.

Administer—The direct application of a prescription drug by injection, inhalation, ingestion, or any other means to the body of a patient by:

- (A) a practitioner or an authorized agent under his supervision; or
- (B) the patient at the direction of a practitioner.

Board—The Texas State Board of Pharmacy.

Clinic—A facility/location other than a physician's office, where limited types of dangerous drugs or devices restricted to those listed in and approved for the clinic's formulary are stored, administered, provided, or dispensed to outpatients.

Consultant pharmacist—A pharmacist retained by a clinic on a routine basis to consult with the clinic in areas that pertain to the practice of pharmacy.

Continuous supervision—Supervision provided by the pharmacist in charge, consultant pharmacist, and/or staff pharmacist, and consists of on-site and telephone supervision, routine inspection, and a policy and procedure manual.

Controlled substance—A drug, immediate precursor, or other substance listed in Schedules I-V or Penalty Groups 1-4 of the Texas Controlled Substances Act, as amended (Texas Civil Statutes, Article 4476-15,) or a drug, immediate precursor, or other substance included in Schedule I-V of the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended (Public Law 91-513).

Dangerous drug—Any drug or device that is not included in Penalty Groups 1-4 of the Controlled Substances Act and that is unsafe for self-medication, or any drug or device that bears or is required to bear the legend:

- (A) "Caution: federal law prohibits dispensing without prescription"; or
- (B) "Caution: federal law restricts this drug to use by or on the order of a licensed veterinarian."

Dispense—Preparing, packaging, compounding, or labeling for delivery a prescription drug or device in the course of professional practice to an ultimate user or his agent by or pursuant to the lawful order of a practitioner.

Limited type of device—An instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component part or accessory, that is required under federal or state law to be ordered or prescribed by a practitioner, that is contained in the clinic formulary and is to be administered, dispensed, or provided according to the objectives of the clinic.

Limited type of drug—A dangerous drug contained in the clinic formulary, and to be administered, dispensed, or provided according to the objectives of the clinic.

Outpatient—An ambulatory patient who comes to a clinic to receive services related to the objectives of the clinic and departs the same day.

Pharmacist—A person licensed by the board to practice pharmacy.

Pharmacist-in-charge—The pharmacist designated on a pharmacy license as the pharmacist who is responsible for a pharmacy's compliance with laws and rules pertaining to the practice of pharmacy.

Practitioner—A physician, dentist, podiatrist, veterinarian, or other person licensed or registered to distribute or dispense a prescription drug or device in the course of professional practice in this state or a person licensed by another state in a health field in which, under Texas law, licensees in this state may legally prescribe dangerous drugs. Practitioner does not include a person licensed under the Act.

Repackaging—The repackaging of drugs from a bulk container into smaller unit of use containers intended for provision to patients.

Provide—To supply one or more unit doses of a nonprescription drug or dangerous drug to a patient.

Standing delegation order—Written orders from a physician and designed for a patient population with specific diseases, disorders, health problems, or sets of symptoms, which provide authority for and a plan for use with patients presenting themselves prior to being examined or evaluated by a physician to assure that such acts are carried out correctly and are distinct from specific orders written for a particular patient.

Standing medical order—Written orders, from a physician or the medical staff of an institution for patients which have been examined or evaluated by a physician and which are used as a guide in preparation for and carrying out medical and/or surgical procedures.

Supportive personnel—Individuals under the supervision of a pharmacist-in-charge, designated by the pharmacist-in-charge, and for whom the pharmacist-in-charge assumes legal responsibility, who function and perform under instructions of the pharmacist-in-charge.

§291.92. *Personnel.*

(a) Pharmacist-in-charge.

(1) General.

(A) Each Class D pharmacy shall have one pharmacist-in-charge who is employed or under written agreement, at least on a consulting or part-time basis, but may be employed on a full-time basis, if desired, and who may be pharmacist-in-charge of more than one clinic pharmacy.

(B) A written agreement shall exist between the clinic and the pharmacist-in-charge, and a copy of the written agreement

shall be made available to the board upon request.

(2) **Responsibilities.** The pharmacist-in-charge shall have at a minimum, the responsibility for the following:

(A) continuous supervision of registered nurses, licensed vocational nurses, physician assistants, technicians, and assistants carrying out the pharmacy related aspects of provision;

(B) documented on-site visits at least once a month, either personally or by the consultant pharmacist or staff pharmacist, to insure that the clinic is following set policies and procedures; documentation shall be as specified in §291.95(a) of this title (relating to Records);

(C) development of a formulary for the clinic, in conjunction with the clinic's pharmacy and therapeutics committee, consisting of drugs and/or devices needed to meet the objectives of the clinic;

(D) procurement and storage of drugs and/or devices, but he/she may receive input from other appropriate staff of the clinic;

(E) determining specifications of all drugs and/or devices procured by the clinic;

(F) maintenance of records of all transactions of the pharmacy as may be required by applicable law, and as may be necessary to maintain accurate control over and accountability for all drugs and/or devices;

(G) development and periodic review of a policy and procedure manual for the pharmacy in conjunction with the clinic's pharmacy and therapeutic committee;

(H) meeting inspection and other requirements of the Texas Pharmacy Act and these sections; and

(I) dispensing of prescription orders.

(b) **Consultant pharmacist.**

(1) The consultant pharmacist may be the pharmacist-in-charge.

(2) The consultant pharmacist may be retained by more than one clinic.

(c) **Staff pharmacists.**

(1) The pharmacist-in-charge may be assisted by a sufficient number of additional pharmacists as may be required to operate the clinic pharmacy competently, safely, and adequately to meet the needs of the patients of the clinic.

(2) Staff pharmacists and/or the consultant pharmacist shall assist the pharmacist-in-charge in meeting the responsibilities as outlined in subsection (a)(2) of this section and in ordering, administering, and accounting for drugs and/or devices.

(3) Staff pharmacists and/or the consultant pharmacist shall be responsible for any delegated act performed by supportive personnel under his or her supervision.

(d) **Supportive personnel.**

(1) **Qualifications.**

(A) Supportive personnel shall possess education and training necessary to carry out their responsibilities.

(B) Supportive personnel shall be qualified to perform the pharmacy tasks assigned to them.

(2) **Duties.** Duties include:

(A) provision of drugs and/or devices under the continuous supervision of a pharmacist according to standing delegation orders or standing medical orders, and in accordance with written policies and procedures, and completion of the label as specified in §291.93(e)(6)(E) of this title (relating to Operational Standards);

(B) prepackaging and labeling unit of use packages, under the direct supervision of a pharmacist with the pharmacist conducting in-process and final checks and affixing his or her signature to the appropriate quality control records;

(C) maintaining inventories of drugs and/or devices; and

(D) maintaining pharmacy records.

(3) **Absence of the pharmacist.** The pharmacist-in-charge shall designate from among the supportive personnel a person to supervise the day-to-day pharmacy related operations of the clinic.

§291.93. *Operational Standards.*

(a) **Registration.**

(1) All clinic pharmacies shall register annually with the board on a form provided by the board.

(2) All clinic pharmacies shall provide a copy of their policy and procedure manual, which includes the formulary, to the board with the initial license application.

(3) All clinic pharmacy licenses expire on May 31 of each year.

(4) The registration form shall be signed by the pharmacist-in-charge of the clinic pharmacy.

(5) The owner or managing officer of the clinic shall sign the registration form and shall agree to comply with the rules adopted by the board governing clinic pharmacies.

(6) The registration form shall be certified and state whether the clinic pharmacy is a sole ownership and give the name of the owner, or if a partnership, name all the managing partners, or if a corporation, name all the managing officers.

(7) The following fees shall be charged.

(A) A fee of \$100 will be charged for the issuance of a new license, and for each renewal.

(B) A pharmacy operated by the state or a local government that qualifies for a Class D license is not required to pay a fee to obtain a license.

(8) When a clinic Pharmacy changes ownership, a new and separate license application must be filed with the board and the old license returned to the board's office.

(9) A Class D (clinic) pharmacy shall notify the board in writing of any change in location within 10 days.

(10) A separate license is required for each principle place of business and only

one pharmacy license may be issued to a specific location.

(11) A clinic pharmacy shall notify the board in writing within 10 days of a change of the pharmacist-in-charge or staff pharmacist or consultant pharmacist.

(12) A clinic pharmacy shall notify the board in writing within 10 days of permanent closing.

(b) **Environment.**

(1) **General requirements.**

(A) The clinic pharmacy shall have a designated area(s) for the storage of dangerous drugs and/or devices.

(B) No person may operate a pharmacy which is unclean, unsanitary, or under any condition which endangers the health, safety, or welfare of the public.

(C) The pharmacy shall comply with all federal, state, and local health laws and ordinances.

(D) A sink with hot and cold running water shall be available to all pharmacy personnel and shall be maintained in a sanitary condition at all times.

(2) **Security.**

(A) Only authorized personnel may have access to storage areas for dangerous drugs and/or devices;

(B) All storage areas for dangerous drugs and/or devices shall be locked by key or combination, so as to prevent access by unauthorized personnel.

(C) The pharmacist-in-charge shall be responsible for the security of all storage areas for dangerous drugs and/or devices including provisions for adequate safeguards against theft or diversion of dangerous drugs and devices, and records for such drugs and devices.

(D) The pharmacist-in-charge shall consult with clinic personnel with respect to security of the pharmacy, including provisions for adequate safeguards against theft or diversion of dangerous drugs and/or devices, and records for such drugs and/or devices.

(E) Housekeeping and maintenance duties shall be carried out in the pharmacy, while the pharmacist-in-charge, consultant pharmacist, staff pharmacist, or supportive personnel is on the premises.

(c) **Equipment.** Each clinic pharmacy shall maintain the following equipment and supplies:

(1) if the clinic pharmacy prepackages drugs for provision:

(A) a typewriter or comparable equipment; and

(B) an adequate supply of child-resistant, moisture-proof, and light-proof containers, and prescription, poison, and other applicable identification labels used in dispensing and providing of drugs;

(2) if the clinic pharmacy maintains dangerous drugs requiring refrigeration and/or freezing, a refrigerator and/or freezer; and

(3) if the clinic pharmacy compounds prescriptions, a properly maintained Class

A prescription balance (with weights) or equivalent analytical balance. It is the responsibility of the pharmacist-in-charge to have such balance inspected at least every three years by the appropriate authority as prescribed by local, state, or federal law or regulations.

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

(1) current copies of the following laws:

(A) Texas Pharmacy Act and Rules; and

(B) Texas Dangerous Drug Law; and

(2) current copies of at least two of the following references:

(A) *Facts and Comparisons* with current supplements;

(B) *American Hospital Formulary Service* with current supplements;

(C) *United States Pharmacopeia Dispensing Information* (USP DI);

(D) *Physician's Desk Reference* (PDR);

(E) *American Drug Index*;

(F) Phillip D. Hansten's *Drug Interactions*;

(G) reference texts in any of the following subjects: toxicology, pharmacology, or drug interactions; or

(H) reference texts pertinent to the major function(s) of the clinic.

(e) Drugs and devices.

(1) Formulary.

(A) Each Class D pharmacy shall have a formulary which lists all drugs and devices that are administered, dispensed, or provided by the Class D pharmacy.

(B) The formulary shall be limited to the following types of drugs and/or devices, exclusive of injectable drugs for administration in the clinic and nonprescription drugs:

- (i) anti-infective drugs;
- (ii) musculoskeletal drugs;
- (iii) vitamins;
- (iv) obstetrical and gynecological drugs and devices;
- (v) topical drugs; and
- (vi) serums, toxoids, and vaccines.

(2) Storage.

(A) Drugs and/or devices which bear the words "Caution, federal law prohibits dispensing without prescription" shall be stored in a secured storage areas.

(B) All drugs shall be stored at the proper temperatures, as defined by the following terms.

(i) Cold—Any temperature not exceeding 8°C (46°F). A refrigerator is a cold place in which the temperature is maintained thermostatically between 2° and 8°C (36° and 46°F). A freezer is a cold place in which the temperature is maintained thermostatically between -20° and -10°C (-4° and 14°F).

(ii) Cool—Any temperature between 8° and 15°C (46° and 59°F). An ar-

ticle for which storage in a cool place is directed may, alternatively, be stored in a refrigerator, unless otherwise specified in the individual.

(iii) Room temperature—The temperature prevailing in a working area. Controlled room temperature is a temperature maintained thermostatically between 15° and 30°C (59° and 86°F).

(iv) Warm—Any temperature between 30° and 40°C (86° and 104°F).

(v) Excessive heat—Temperature above 40°C (104°F).

(vi) Protection from freezing—Where, in addition to the risk of breakage of the container, freezing subjects a product to loss of strength or potency, or to destructive alteration of the dosage form, the container label bears an appropriate instruction to protect the product from freezing.

(C) Any drug and/or device bearing an expiration date may not be provided, dispensed, or administered beyond the expiration date of the drug and/or device.

(D) Outdated drugs and/or devices shall be removed from stock and shall be quarantined together until such drugs and/or devices are disposed.

(E) Controlled substances may not be stored at the clinic pharmacy.

(3) Drug samples.

(A) Drug samples supplied by manufacturers shall be properly stored, labeled, provided, or dispensed in the same manner as prescribed by these sections for dangerous drugs.

(B) Samples of controlled substances may not be stored, provided, or dispensed.

(4) Prepackaging and labeling for provision.

(A) Drugs may be prepackaged and labeled for provision in a pharmacy licensed by the board by a pharmacist or supportive personnel under the direct supervision of a pharmacist.

(B) Drugs must be prepackaged in suitable containers.

(C) The label of the prepackaged unit shall bear:

(i) the name and address of the clinic;

(ii) directions for use;

(iii) name and strength of the drug—if generic name, the name of the manufacturer or distributor of the drug;

(iv) quantity;

(v) lot number and expiration date; and

(vi) appropriate ancillary label(s).

(D) Records of prepackaging shall be maintained according to §291.95(b) of this title (relating to Records).

(5) Labeling for provision of drugs and/or devices in an original manufacturer's container.

(A) Drugs and/or devices in an original manufacturer's container shall be labeled prior to provision with the informa-

tion set out in paragraph (4)(C) of this section.

(B) Drugs and/or devices in an original manufacturer's container may be labeled by:

(i) a pharmacist in a pharmacy licensed by the board; or

(ii) supportive personnel in a Class D pharmacy, provided the drugs and/or devices and control records required by §291.95(c) of this title (relating to Records) are quarantined together until checked and released by a pharmacist.

(C) Records of labeling for provision of drugs and/or devices in an original manufacturer's container shall be maintained according to §291.95(c) of this title (relating to Records).

(6) Provision.

(A) Drugs and/or devices may only be provided to patients of the clinic.

(B) At the time of provision, the patient shall be provided verbal and/or written information on side effects, interactions, and precautions concerning the drug and/or device provided.

(C) Drugs and/or devices may only be provided in accordance with the system of control and accountability for drugs and/or devices provided by the clinic; such system shall be developed and supervised by the pharmacist-in-charge.

(D) Only drugs and/or devices listed in the clinic formulary may be provided.

(E) Drugs and/or devices may only be provided in prepackaged quantities in suitable containers original manufacturer's containers which are appropriately labeled as set out in subsection (e)(4) and (5) of this section.

(F) Such drugs and/or devices shall be labeled by a pharmacist licensed by the board; however, when drugs and/or devices are provided under the supervision of a physician according to standing delegation orders or standing medical orders, supportive personnel may at the time of provision print on the label the following information:

(i) patient's name;

(ii) date of provision; and

(iii) practitioner's name.

(G) Records of provision shall be maintained according to §291.95(d) of this title (relating to Records).

(H) Controlled substances may not be provided or dispensed.

(7) Dispensing. Dangerous drugs may only be dispensed by a pharmacist pursuant to a prescription order in accordance with §§291.31-291.36 (relating to Community Pharmacy (Class A)).

(f) Pharmacy and Therapeutics Committee.

(1) The pharmacy and therapeutics committee shall be composed of at least three persons and shall include the pharmacist-in-charge, the medical director of the clinic, and a person who is responsible for provision of drugs and/or devices.

(2) The pharmacy and therapeutics committee shall develop the policy and procedure manual.

(3) The pharmacy and therapeutics committee shall meet at least annually to review and update the policy and procedure manual.

(g) Policies and procedures.

(1) Written policies and procedures shall be developed by the pharmacy and therapeutics committee and implemented by the pharmacist-in-charge.

(2) The policy and procedure manual shall include, but not be limited to, the following:

(A) a current list of the names and addresses of the pharmacist-in-charge, consultant-pharmacist, staff pharmacist(s), supportive personnel designated to provide drugs and/or devices, and the supportive personnel designated to supervise the day-to-day pharmacy-related operations of the clinic in the absence of the pharmacist;

(B) functions of the pharmacist-in-charge, consultant pharmacist, staff pharmacist(s) and supportive personnel;

(C) objectives of the clinic;

(D) formulary;

(E) a copy of written agreement between the pharmacist-in-charge and the clinic;

(F) policies and procedures for:

(i) security;

(ii) equipment;

(iii) sanitation;

(iv) licensing;

(v) reference materials;

(vi) storage;

(vii) packaging-repackaging;

(viii) dispensing;

(ix) provision;

(x) supervision;

(xi) labeling-relabeling;

(xii) samples;

(xiii) drug destruction and re-

turns;

(xiv) drug and/or device pro-

curring;

(xv) receiving of drugs and/or

devices;

(xvi) delivery of drugs and/or

devices;

(xvii) record keeping; and

(xviii) inspection; and

(G) date of last review/revision of policy and procedure manual.

§291.95. Records.

(a) On-site visits. A record of on-site visits by the pharmacist-in-charge, consultant pharmacist, or staff pharmacist shall be maintained and include the following information:

(1) date of the visit;

(2) pharmacist's evaluation of findings; and

(3) signature of the visiting pharmacist.

(b) Invoices or records of receipt.

(1) Each Class D pharmacy shall maintain invoices and/or records of procurement in accordance with the requirements of the Texas Dangerous Drug Law and the Texas Pharmacy Act and Rules.

(2) Invoices and records of receipt may be kept at a location other than the pharmacy. Any such records not kept at the pharmacy shall be available for inspection, upon request, within two business days.

(c) Prepackaging. Records of prepackaging shall be maintained to show:

(1) name and strength of drug;

(2) name of the manufacturer;

(3) manufacturer's lot number;

(4) manufacturer's expiration date;

(5) quantity per package and number of packages;

(6) date packaged;

(7) name(s) of the supportive personnel who prepackage the drug under direct supervision of a pharmacist; and

(8) signature of the pharmacist who prepackages the drug or supervises the prepackaging and checks and releases the drug.

(d) Labeling. Records of labeling of drugs devices in original manufacturers containers shall be maintained to show:

(1) name and strength of the drug or device labeled;

(2) name of the manufacturer;

(3) manufacturer's lot number;

(4) manufacturer's expiration date;

(5) quantity per package and number of packages;

(6) date labeled;

(7) name of the supportive personnel affixing the label; and

(8) the signature of the pharmacist who checks and releases the drug.

(e) Provision. Records of drugs and/or devices provided shall include logs, patient records, or other acceptable methods for documentation. Documentation shall include:

(1) patient name;

(2) name of the person who provides the drug or device;

(3) date provided; and

(4) the name of the drug or device and quantity provided.

(f) Dispensing. Record-keeping requirements for dangerous drugs dispensed by a pharmacist are the same as for a Class A pharmacy, as set out in §291.34 of this title (relating to Records).

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 March 13, 1986.

TRD-8002807

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

Earliest possible date of adoption:
April 25, 1986

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

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 1. Central Administration

Practice and Procedure

★34 TAC §1.3

The Comptroller of Public Accounts proposes an amendment to §1.3, concerning contested cases. The amendment specifies that requests for settlement of penalty and interest assessments are not within the definition of contested cases. These requests are not within the jurisdiction of the agency's administrative law judges and will not be handled through the agency hearings process. Under the applicable provisions of the Tax Code, these settlements are discretionary with the comptroller and are not required to be disposed of as a part of a redetermination order.

Dale Craymer, director of revenue estimating for the comptroller, 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. Craymer 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 a streamlined process of handling these issues and a speedier hearings process. 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 Willis Whatley, Associate Deputy Comptroller for Legal Affairs, P.O. Box 13528, Austin, Texas 78711.

This amendment is adopted under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

§1.3. Contested Cases.

(a) A contested case is a proceeding in which the legal rights, duties, or privileges of a party are to be determined by the agency after an opportunity for adjudicative hearing. It includes a request for redetermination or refund, as well as actions initiated by the agency to revoke or suspend permits or licenses administered by this agency on grounds other than failure to pay a final tax deficiency or failure to file a tax security.

(b) A contested case [It] does not include forfeitures of rights to do business, or certificates of authority, of articles of incorporation, or requests for or revocation of exemptions from taxation.

(c) Requests for settlement of amounts assessed or paid as penalty or interest with respect to a tax assessment are not contested cases. However, if a contested case results in an adjustment to a tax liability, the corresponding penalty and interest adjustment will also be made.

(d) Contested cases are within the jurisdiction of the agency's administrative law judges.

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 March 19, 1986.

TRD-8602708 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption:
April 25, 1986
For further information, please call
(512) 463-4606.

★ ★ ★
★34 TAC §1.5

The Comptroller of Public Accounts proposes an amendment to §1.5, concerning initiation of a hearing. The amendment deletes references to penalty and interest amounts as a basis on which a refund hearing may be requested. Under the applicable provisions of the Tax Code, settlements of penalty and interest amounts are discretionary with the comptroller and are not required to be handled through the hearings process.

Dale Craymer, director of revenue estimating for the comptroller, 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. Craymer 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 a streamlined process of handling these issues and a speedier hearings process. 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 Willis Whatley, Associate Deputy Comptroller for Legal Affairs, P.O. Box 13528, Austin, Texas 78711.

This amendment is adopted under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

§1.5. Initiation of a Hearing.

(a) (No change.)

(b) Refund of tax paid. Within the time limits provided in the Texas Tax Code,

§111.104(c), a taxpayer may request a refund of any tax[, penalty, or interest] paid to the comptroller by sending the agency a written request. The request is defined to include a statement of grounds which sets out in detail the grounds in which the claim is founded. If no grounds are stated as a basis for the claim, no hearing will be commenced and the claim will be denied. If the claim is granted as to any tax amount, the corresponding penalty and interest amount previously paid will be refunded.

(c) (No change.)

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

Issued in Austin, Texas, on March 19, 1986.

TRD-8602705 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption:
April 25, 1986
For further information, please call
(512) 463-4606.

★ ★ ★

Chapter 3. Tax Administration

Subchapter A. General Rules

★34 TAC §3.5

The Comptroller of Public Accounts proposes new §3.5, concerning settlement of tax penalty or interest. The new section provides a procedure for evaluation and disposition of requests for settlement of amounts of tax penalty and/or interest. There are amounts assessed or paid with respect to any of the taxes administered by the comptroller.

Dale Craymer, director of revenue estimating for the comptroller, 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. Craymer 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 a more efficient process of these requests and of audits involving these requests. 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 Martin Cherry, Rules Coordinator, P.O. Box 13528, Austin, Texas 78711.

This new section is proposed under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

§3.5. Settlement of Tax Penalty or Interest.

(a) Procedure for requesting settlement, audits.

(1) At the conclusion of the exit conference for the audit, the taxpayer shall have five working days in which to make a written request to settle amounts of penalty or interest found to be due in connection with an audit. The request shall be directed to the audit manager, to whom the comptroller has delegated the authority to hear all settlement offers of penalty or interest. The audit manager is authorized to settle penalty or interest if he finds the taxpayer exercised reasonable diligence on amounts of penalty or interest under \$5,000. For amounts over \$5,000, the audit manager will make a recommendation to the chief deputy comptroller and the comptroller for final decision.

(2) The taxpayer will be given a written response either agreeing to settle penalty or interest or refusing to settle penalty or interest.

(3) Should the taxpayer's request for settlement be denied, the taxpayer shall have three working days in which to request in writing a meeting with the audit manager to set out the reasons why settlement of penalty or interest should be granted.

(4) No less than 10 days from the receipt of the request, the manager shall meet with the taxpayer and hear his reasons for settlement.

(5) The taxpayer will be advised of the acceptance or rejection of the settlement of penalty or interest in the audit cover letter sent with the copy of the audit schedules.

(b) Procedure for requesting settlement, nonaudit. The procedure for settlement of penalty or interest in situations other than audits shall be handled in the same manner as outlined in subsection (a) of this section, except that the written request should be directed to the Tax Administration Division in Austin.

(c) Availability of the hearings process. The settlement of penalty or interest is not a contested case, is not subject to the hearings process, and may not be raised during either a redetermination or refund hearing.

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

Issued in Austin, Texas, on March 19, 1986.

TRD-8602704 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption:
April 25, 1986
For further information, please call
(512) 463-4606.



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

**Part I. Texas Department of Human Services
Chapter 15. Medicaid Eligibility**

The Texas Department of Human Services proposes amendments to §§15.2101, 15.3112, and 15.5209, concerning Medicaid eligibility. The sections are amended to clarify the definition of "unpaid medical bill" as it pertains to three-months-prior coverage. Section 15.2101 is amended to specify that an individual's bill may be considered unpaid if the provider has agreed to reimburse the individual and to bill Medicaid for the expense. Section 15.3112 and §15.5209 are amended to make these sections consistent with the amendment to §15.2101.

Clifton Martin, associate commissioner for programs, 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. Martin also 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 consistent statewide application of policy so that no potentially eligible individual will be denied Medicaid benefits. There is no anticipated economic cost to individuals required to comply with the amendments.

Comments may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-115, Texas Department of Human Services 153-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

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

Subchapter V. Eligibility During Three Months Prior to Application

★40 TAC §15.2101

§15.2101. Determination of Title XIX Eligibility during the Three Months Prior to the Month of Application.

(a) (No change.)

(b) Individuals approved or denied SSI cash benefits, who have unpaid medical expenses during the three months prior to application for SSI, are notified that they should contact the local DHS [DHR] office

if they wish to test their eligibility for the prior period.

(c) Individuals living [residing] in a Title XIX-approved medical facility whose income exceeds the SSI payment standard are extended the right to apply for Medicaid coverage without having to apply for SSI. If they have incurred unpaid medical expenses during the three prior months and are otherwise eligible, a determination of eligibility for retroactive medical coverage is also made by DHS [DHR] staff.

(d) Any individual who has, at the time of his application, already paid for any medical expense he [might have] incurred during the three prior months is not eligible for retroactive coverage unless the provider has agreed to reimburse the individual and to bill Medicaid for the expense.

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

Issued in Austin, Texas, on March 18, 1986.

TRD-8602686 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:
April 25, 1986
For further information, please call
(512) 450-3766.

★ ★ ★

Subchapter FF. SSI Basic Program Requirements

★40 TAC §15.3112

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

§15.3112. Eligibility for Medicaid during the Three Months before the Date of Application.

(a) Individuals may be eligible for Medicaid coverage during the three months before the month of application for SSI or MAO. They do not have to be certified for current eligibility. The individual must have unpaid charges or bills for Title XIX-covered services received during one or more of the three months before the date of application. See §15.2101(d) of this title (relating to Determination of Title XIX Eligibility During the Three Months Prior to the Month of Application). The individual may apply for retroactive Medicaid coverage within two years after the date of application for assistance. An individual may be eligible for more than one three-month prior period if he applies for assistance more than once. The individual must meet all requirements applicable to the SSI or [of] SSI-related MAO programs to be eligible for any of the three prior months. Eligibility for the three months prior

program is always granted in whole-month increments.

(b)-(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 March 18, 1986.

TRD-8602687 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:
April 25, 1986
For further information, please call
(512) 450-3766.

★ ★ ★

Subchapter AAA. Procedures for Application for Medical Assistance

★40 TAC §15.5209

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

§15.5209. Three Months Prior Retroactive Medicaid Coverage. An individual need not be currently eligible to apply for the three-month prior program. The individual must file for three-month prior coverage within two years following application for assistance, for eligibility to be determined. The individual must file a formal application and show proof of unpaid medical bills. See §13.2101(d) of this title (relating to Determination of Title XIX Eligibility during the Three Months Prior to the Month of Application).

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

Issued in Austin, Texas, on March 18, 1986.

TRD-8602688 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:
April 25, 1986
For further information, please call
(512) 450-3766.

★ ★ ★



Withdrawn

Rules

An agency may withdraw proposed action or the remaining effectiveness of emergency action on a rule by filing a notice of withdrawal with the *Texas Register*. The notice is 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 10. COMMUNITY DEVELOPMENT

Part IV. Texas Housing

Agency

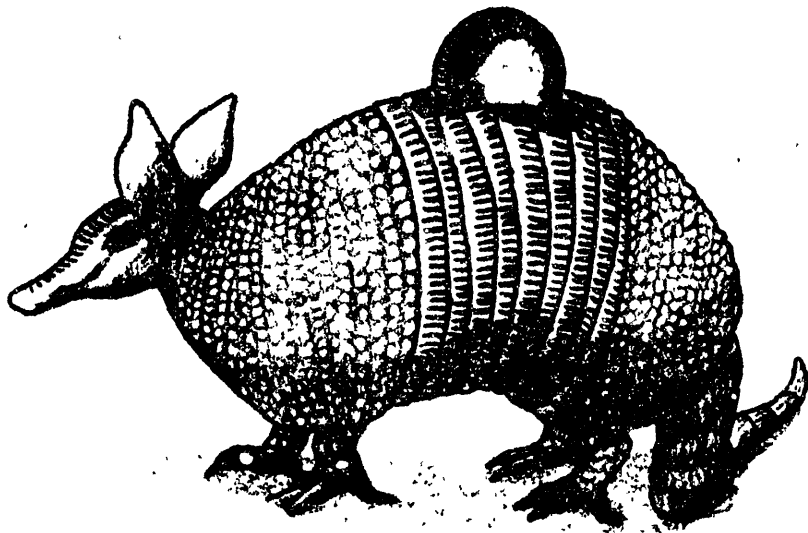
Chapter 133. Guidelines for Multifamily Housing Revenue Bond Financing Programs

★ 10 TAC §133.14

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new section to §133.14, submitted by the Texas Housing Agency, has been automatically withdrawn, effective March 18, 1986. The new section as proposed appeared in the September 17, 1985, issue of the *Texas Register* (10 Tex-Reg 3544).

TRD-8602755

Filed: March 18, 1986



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 1. ADMINISTRATION

Part IV. Office of the Secretary of State Chapter 101. Practice and Procedure Before the Office of the Secretary of State

★1 TAC §§101.1-101.10, 101.20-101.22,
101.30-101.34, 101.40-101.44, 101.50-
101.53, 101.60, 101.61

The Office of the Secretary of State adopts new §§101.1-101.10, 101.20-101.22, 101.30-101.34, 101.40-101.44, 101.50-101.53, 101.60, and 101.61, without changes to the proposed text published in the January 28, 1986, issue of the *Texas Register* (11 TexReg 497).

These new sections provide a straightforward, comprehensive, and efficient system of procedure and practice before administrative hearings of the Office of the Secretary of State.

The new sections define the manner by which an administrative hearing is initiated, the procedure at administrative hearings, and the procedures for appealing the final decision of the Office of the Secretary of State.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 6252-13a, §4(a)(1); 9.03; 1396-9.03; 1528d, §3; 5949, §10; along with the Texas Election Code, §31.003, and of the Texas Business and Commerce Code, §17.08 which provide the Office of the Secretary of State with the authority to adopt regulations necessary to administer the duties of the office efficiently.

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 March 14, 1986.

TRD-8602595 Myra A. McDaniel
Secretary of State

Effective date: April 7, 1986
Proposal publication date: January 28, 1986
For further information, please call
(512) 463-5701.

★ ★ ★

TITLE 7. BANKING AND SECURITIES

Part VII. State Securities Board Chapter 109. Transactions Exempt from Registration

★7 TAC §109.13

The State Securities Board adopts an amendment to §109.13, without changes to the proposed text published in the December 13, 1985, issue of the *Texas Register* (10 TexReg 4772).

The amendment is adopted to correct certain cross-references that became incorrect when recent amendments were adopted.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 581, §28-1, which provide the board with the authority to make or adopt rules or regulations governing registration statements, applications, notices, and reports; and in the adoption of rules and regulations to classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes.

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 March 17, 1986.

TRD-8602645 Richard D. Latham
Securities Commissioner
State Securities Board

Effective date: April 8, 1986
Proposal publication date: December 13, 1985
For further information, please call
(512) 474-2233.

★ ★ ★

Chapter 115. Dealers and Salesmen

★7 TAC §115.4

The State Securities Board adopts an amendment to §115.4, without changes to the proposed text published in the December 13, 1985, issue of the *Texas Register* (10 TexReg 4774).

The amendment is adopted to reflect the increased fee for filling an application to transfer a salesman's registration from one securities dealer to another.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 581, §28-1, which provide the board with the authority to make or adopt rules or regulations governing registration statements, applications, notices, and reports; and in the adoption of rules and regulations to classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes.

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 March 17, 1986.

TRD-8602644 Richard D. Latham
Securities Commissioner
State Securities Board

Effective date: April 8, 1986
Proposal publication date: December 13, 1985
For further information, please call
(512) 474-2233.

★ ★ ★

Chapter 123. Administrative Guidelines for Registration of Open-End Investment Companies

★7 TAC §123.1

The State Securities Board adopts an amendment to §123.1, without changes to the proposed text published in the December 13, 1985, issue of the *Texas Register* (10 TexReg 4774).

The amendment eliminates burdensome double record keeping and confusing, and possibly inaccurate, reporting of additional amounts authorized due to the reapplication of unused fees at the end of the calendar year by qualified money market funds.

The amendment requires qualified money market funds to file their year-end sales reports in January of each year.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 581, §28-1, which provide that the board may make or adopt rules or regulations governing registration statements, applications, notices, and reports; and in the adoption of rules and regulations may classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes.

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 March 17, 1986.

TRD-8602643 Richard D. Latham
Securities Commissioner
State Securities Board

Effective date: April 8, 1986
Proposal publication date: December 13, 1985
For further information, please call
(512) 474-2233.

★ ★ ★

Chapter 133. Forms

★7 TAC §133.10

The State Securities Board adopts the repeal of §133.10, without changes to the proposed text published in the December 13, 1985, issue of the *Texas Register* (10 TexReg 4775).

The repeal allows the adoption of new §133.10. The new section adopts by reference a new form which increases uniformity with other states in regard to filings by investment companies of their reports of sales. The repeal eliminates an unnecessary form.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 581, §28-1, which provide that the board may make or adopt rules or regulations governing registration statements, applications, notices, and reports; and in the adoption of rules and regulations may classify securities, persons, and matters within its jurisdiction, prescribe different requirements for different classes, and repeal prior rules.

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

Issued in Austin, Texas, on March 17, 1986.

TRD-8602633 Richard D. Latham
Securities Commissioner
State Securities Board

Effective date: April 8, 1986
Proposal publication date: December 13, 1985
For further information, please call
(512) 474-2233.

The State Securities Board adopts new §133.10, without changes to the proposed text published in the December 13, 1985, issue of the *Texas Register* (10 TexReg 4775).

The new section increases uniformity with other states in regard to filings by investment companies of their reports of sales.

The new section streamlines the process of reporting sales by utilizing a generic rather than a state-specific form.

Douglas J. Blass, Investment Company Institute, Washington, D.C., commented in favor of the rule.

The new section is adopted under Texas Civil Statutes, Article 581, §28-1, which provide that the board may make or adopt rules or regulations governing registration statements, applications, notices, and reports; and in the adoption of rules and regulations may classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes.

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 March 17, 1986.

TRD-8602642 Richard D. Latham
Securities Commissioner
State Securities Board

Effective date: April 8, 1986
Proposal publication date: December 13, 1985
For further information, please call
(512) 474-2233.

★ ★ ★

★7 TAC §133.15

The State Securities Board adopts an amendment to §133.15, with changes to the proposed text published in the December 13, 1985, issue of the *Texas Register* (10 TexReg 4775). The change reflects that the rule was amended in February, rather than January, 1986.

The amendment clarifies within the application form itself the requirements for registration as an individual securities dealer or investment adviser.

The amendment sets forth the current requirements for registration as an individual securities dealer or investment adviser.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 581, §28-1, which provide that the board may make or adopt rules or regulations governing registration statements, applications, notices, and reports; and in the adoption of rules and regulations may classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes.

§133.15. *Application for Registration as an Individual Securities Dealer or Investment Adviser.* The State Securities Board adopts by reference in application for registration as an individual securities dealer or investment adviser, as amended in February, 1986. This form is available from the State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

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 March 17, 1986.

TRD-8602641 Richard D. Latham
Securities Commissioner
State Securities Board

Effective date: April 8, 1986
Proposal publication date: December 13, 1985
For further information, please call
(512) 474-2233.

★ ★ ★



★7 TAC §133.17

The State Securities Board adopts the repeal of §133.17, without changes to the proposed text published in the December 13, 1985, issue of the *Texas Register* (10 TexReg 4776).

The repeal avoids duplication, since the application for registration itself puts the applicant on notice that securities must either be registered or exempt before sales may be made in this state. The repeal eliminates an unnecessary form.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 581, §28-1, which provide that the board may make or adopt rules or regulations governing registration statements, applications, notices, and reports; and in the adoption of rules and regulations may classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes, and repeal prior rules.

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

Issued in Austin, Texas, on March 17, 1986.

TRD-8602634 Richard D. Latham
Securities Commissioner
State Securities Board

Effective date: April 8, 1986
Proposal publication date: December 13, 1985
For further information, please call
(512) 474-2233.

★ ★ ★

★7 TAC §133.19

The State Securities Board adopts an amendment to §133.19, with changes to the proposed text published in the December 13, 1985, issue of the *Texas Register* (10 TexReg 4776). The change reflects that the rule was amended in February, rather than January, 1986.

The amendment clarifies within the application form itself the requirements for registration of a corporation or partnership as a securities dealer or investment adviser.

The amendment sets forth the current requirements for registration of a corporation or partnership as a securities dealer or investment adviser.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 581, §28-1, which provide that the board may make or adopt rules or regulations governing registration statements, applications, notices, and reports; and in the adoption of rules and regulations, may classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes.

§133.19. *Application for Registration of a Corporation or Partnership as a Securities Dealer or Investment Adviser or as a Securities Salesman.* The State Securities Board adopts by reference the application for registration of a corporation or partnership as a securities dealer or investment advisor or as a securities salesman, as amended in February, 1986. This form is available from the State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

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 March 17, 1986.

TRD-8602640 Richard D. Latham
Securities Commissioner
State Securities Board

Effective date: April 8, 1986
Proposal publication date: December 13, 1985
For further information, please call
(512) 474-2233.

★ ★ ★

★7 TAC §133.20

The State Securities Board adopts an amendment to §133.20, with changes to the proposed text published in the December 13, 1985, issue of the *Texas Register* (10 TexReg 4776). The change reflects that the rule was amended in February, rather than January, 1986.

The amendment clarifies within the application form itself the requirements for registration of an officer or partner.

The amendment sets forth the current requirements for registration as an officer or partner.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 581, §28-1, which provide that the board may make or adopt rules or regulations governing registration statements, applications, notices, and reports; and in the adoption of rules and regulations, may classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes.

§133.20. *Application for Registration as an Officer or Partner.* The State Securities Board adopts by reference the application for registration of an officer or partner, as amended in February, 1986. This form is available from the State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

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 March 17, 1986.

TRD-8602639 Richard D. Latham
Securities Commissioner
State Securities Board

Effective date: April 8, 1986
Proposal publication date: December 13, 1985
For further information, please call
(512) 474-2233.

★ ★ ★

★7 TAC §133.21

The State Securities Board adopts an amendment to §133.21, with changes to the proposed text published in the December 13, 1985, issue of the *Texas Register* (10 TexReg 4776). The change reflects that the rule was amended in February, rather than January, 1986.

The amendment decreases confusion among securities dealers who are sometimes misled into thinking the form is out of date.

The amendment removes the reference to September, 1983, from the first page of the form.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 581, §28-1, which provide that the board may make or adopt rules or regulations governing registration statements, applications, notices, and reports; and in the adoption of rules and regulations, may classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes.

§133.21. *Minimum Bookkeeping Records for Securities Dealers Registered in Texas.* The

State Securities Board adopts by reference the minimum bookkeeping records for securities dealers registered in Texas, as amended in February, 1986. This form is available from the State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

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 March 17, 1986.

TRD-8602638 Richard D. Latham
Securities Commissioner
State Securities Board

Effective date: April 8, 1986
Proposal publication date: December 13, 1985
For further information, please call
(512) 474-2233.

★ ★ ★

★7 TAC §133.24

The State Securities Board adopts an amendment to §133.24, with changes to the proposed text published in the December 13, 1985, issue of the *Texas Register* (10 TexReg 4777). The change reflects that the rule was amended in February, rather than January, 1986.

The amendment clarifies within the application form itself the requirements for registration as a securities salesman.

The amendment sets forth the current requirements for registration as a securities salesman.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 581, §28-1, which provide that the board may make or adopt rules or regulations governing registration statements, applications, notices, and reports; and in the adoption of rules and regulations may classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes.

§133.24. *Application for Registration as a Securities Salesman.* The State Securities Board adopts by reference in application for registration as a securities salesman, as amended in February, 1986. This form is available from the State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

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 March 17, 1986.

TRD-8602637 Richard D. Latham
Securities Commissioner
State Securities Board

Effective date: April 8, 1986
Proposal publication date: December 13, 1985
For further information, please call
(512) 474-2233.

★7 TAC §133.25

The State Securities Board adopts an amendment to §133.25, with changes to the proposed text published in the December 13, 1985, issue of the *Texas Register* (10 TexReg 4777). The change reflects that the rule was amended in February, rather than January, 1986.

The amendment clarifies within the application form itself the correct fee for filing an application to transfer a salesman's registration from one securities dealer to another.

The amendment sets forth the current fee for filing the form.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 581, §28-1, which provide that the board may make or adopt rules or regulations governing registration statements, applications, notices, and reports; and in the adoption of rules and regulations may classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes.

§133.25. *Application for Transfer of Securities Salesman's Registration.* The State Securities Board adopts by reference the application for transfer of securities salesman's registration, as it was amended in February, 1986. This form is available from the State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

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 March 17, 1986.

TRD-8802836 Richard D. Latham
Securities Commissioner
State Securities Board

Effective date: April 8, 1986
Proposal publication date: December 13, 1985
For further information, please call
(512) 474-2233.

★ ★ ★

★7 TAC §133.29

The State Securities Board adopts an amendment to §133.29, with changes to the proposed text published in the December 13, 1985, issue of the *Texas Register* (10 TexReg 4777). The change reflects that the rule was amended in February, rather than January, 1986.

The amendment clarifies that the form constitutes an intrastate exemption notice. This will decrease confusion as to when this form, as opposed to Form D (which is filed in the context of certain interstate offerings), must be filed.

The amendment notes that the form is to be used in the context of intrastate offerings.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 581, §28-1, which provide that the board may make or adopt rules or regulations governing registration statements, applications, notices, and reports; and in the adoption of rules and regulations may classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes.

§133.29. *Intrastate Exemption Notice for Sales Under Regulation 109.13(1).* The State Securities Board adopts by reference the notice for sales under regulation 109.31(1), as amended in February, 1986. This form is available from the State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

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 March 17, 1986.

TRD-8802835 Richard D. Latham
Securities Commissioner
State Securities Board

Effective date: April 8, 1986
Proposal publication date: December 13, 1985
For further information, please call
(512) 474-2233.

★ ★ ★

TITLE 10. COMMUNITY DEVELOPMENT

Part IV. Texas Housing Agency

Chapter 133. Guidelines for Multifamily Housing Revenue Bond Financing Program

★10 TAC §§133.1-133.13

The Texas Housing Agency adopts new §§133.1-133.13. Sections 133.2, 133.4, 133.6, 133.7, 133.12, and 133.13 are adopted with changes to the proposed text published in the September 17, 1985, issue of the *Texas Register* (10 TexReg 3541). Sections 133.1, 133.3, 133.5, and 133.8-133.11 are adopted without changes and will not be republished.

Adoption of the new sections establishes permanent guidelines for administering the agency's multifamily housing revenue bond financing programs.

The sections will provide procedures by which the agency, through its industrial revenue bond program, enhances its ability to provide decent, safe, and sanitary housing for Texans of low and moderate income.

The adoption includes change to certain sections. The changes reflect the re-evaluation in response to information obtained at a public hearing held on these guidelines. The board of directors of the agency also made changes after consideration of analyses and comments from the staff of the agency and various consultants to the agency. The following discussion addresses the specific changes made to the new sections.

In the definition of "eligible tenants," §133.2, the agency deleted that portion of the definition that sets forth a procedure and formula for establishing maximum incomes based on family size and various adjustment factors. In addition, to correct a typographical error, the second statutory reference in this definition was changed from §2(q) to §2(r) of the Act. The definition, as adopted, eases administration of the program and encourages participation in the agency's multifamily development program. For the same reasons, the agency deleted definitions for "very low-income tenants" and "very low-income units."

These changes led to a corresponding deletion in §133.4(b) regarding the market study requirements concerning very low-income tenants and related rent controls. Similarly, these changes also led to the deletion of proposed §133.7(b) and (c), which referred to very low-income tenant occupancy requirements and maximum monthly rental charges on units rented to lower-income tenants and very low-income tenants. The reference in proposed §133.7(d) to very low-income units was likewise deleted. Except for that deletion, proposed §133.7(d)-(g) now appear, respectively, as adopted §133.7(b)-(e).

Section 133.6, regarding bond ratings, was changed, reducing minimum rating requirement from AA to A. This change expands the financing alternatives under agency programs and still provides the board with the ultimate authority to evaluate the credit underwriting of each proposal on its own merits.

Section 133.7(a) was changed to require 25%, not 20%, of all completed units of each bedroom-number size in each housing development to be rented or leased continuously to lower-income tenants as set forth in that section. This change enhances public purpose without imposing onerous burdens that would make the agency's multifamily financing programs unworkable.

Section 133.13, as proposed, now appears as §133.12. Included is new text, that the agency will periodically establish parameters on maximum costs per unit or per square foot of the developments that it will finance. These parameters promote affordability and give adequate notice to potential applicants so that they might understand the criteria of the agency. This change also reflects many of the con-

cerns expressed at the public hearing held in connection with these sections. Proposed §133.12, discussing the waiver of rules, is unchanged but now appears as adopted §133.13. The scope of the rules covered by this waiver provision was expanded to include the adopted §133.12, which covers housing development cost requisitions and limits, and to include §133.3 and §133.4.

Proposed §133.14, which covered interim procedures, is not included for adoption. This section became moot with the passage of time in that those interim procedures no longer apply to any additional eligible developments.

Although the agency received no comments regarding adoption of these sections, the following persons or organizations requested a public hearing: Charles Anderson, city manager, Dallas; James Richardson, Dallas Tenants Association; Starke Taylor, Jr., Mayor, Dallas; Gary E. Lawler, Vickery Place Neighborhood Association; Lou A. Allen, Lakeland Hills Homeowners Association, Inc.; and Ron Natinsky, Citizens for Responsible Growth. The agency also received inquiries about the sections from Rebecca Bergstresser, League of Women Voters, Dallas; Ted Lyon, state senator; Bill Hammond, state representative; Wendell Bell, Texas House Committee on Urban Affairs; Craig Holcomb, city councilman, Dallas; Chris Newman Chiles and Suzanne Parker, Dallas Department of Housing and Neighborhood Services; Barbara McCormick, Houston; Sarah Woodward, Kenneth Leventhal & Company, Dallas; and Robert Helser, Jr., Helser Development Corporation, Dallas.

At the public hearing, held in Dallas on November 19, 1985, the following individuals put testimony on the record: Annette Strauss, mayor pro tem, Dallas; Craig Holcomb, city council, Dallas; Lori Palmer, city council, Dallas; Celeste Guerrero, administrative assistant to Congressman John Bryant; Harry L. Jones, Sr., director, Housing and Neighborhood Services, Dallas; Arlene Graham; Jim Hardy; Lou A. Allen; Rebecca Bergstresser; Lisa Hendrik; George Geisser, Ron Natinsky; Robert Helser, Jr.; James A. Richardson, Jr.; and John Fullinwider. A licensed and certified shorthand reporter prepared a transcript of this public hearing. The following summary of the hearing represents that agency's best efforts to address the principal issues raised by the participants at that hearing. Anyone wishing to review or obtain a copy of the transcript of the public hearing may contact the agency.

Several persons at the public hearing suggested the definition of eligible families and the area used to determine median income be more narrowly defined. The agency believes the broader base of its definitions comport with long-standing and well-accepted principles of both private and public sector housing market analysis. This analysis best serves the

public interest for a housing program not tied to rental subsidies.

One individual suggested giving developers more flexibility in meeting the public purpose initiatives of the program. The adopted sections include modifications that enhance overall public purpose through flexible regulation. This increases the scope of its program and maximizes benefits to low- and moderate-income families.

At least one speaker suggested that the agency adopt a process of including a request for proposals coupled with a subsidy program to better serve the targeted areas. Although this suggestion is beyond the scope of the proposed section, the agency remains an advocate for housing initiatives in targeted areas.

A speaker recommended that the agency adopt a policy to handle displacement and relocation of current residents. This question is also beyond the scope of the proposed rulemaking and public hearing. Moreover, to date, none of the developments financed by the agency involved displacement. The agency will continue, however, to evaluate these factors in any program it creates or development financing it considers.

One commenter suggested that accessibility to public transportation be part of the market study. Public transportation considerations typically form a part of a development proposal and specific transportation requirements need not be incorporated as a formal section.

It was suggested that the density of new developments be limited to approximately 22 units per acre. The agency notes that issues related to density often arise in the public hearing associated with each development. In this context, density issues are often presented to and evaluated by the agency. Typically, density questions are best left to zoning and other local procedures.

It was suggested that developments be evaluated by the agency in light of local government housing strategies. It was also suggested that financing be limited to areas targeted by local government. On its own initiative, the agency solicits participation by local government officials at the public hearing held in connection with each proposed development. In addition, financial involvement by the agency preserves planning, zoning, and all other local government policies and procedures. The agency's programs or procedures do not usurp the rights or options of local government officials.

One spokesman advocated that all units and site plans should be designed to enhance child development and family activities. In addition, it was suggested that all design plans and equipment be certified as safe for young children. The agency intends to elicit this type of infor-

mation from developers seeking financing, although detailed regulatory provisions of this nature go beyond the scope of this rulemaking effort.

Another spokesman at the public hearing stressed the need for units suitable for occupancy by families with children, especially three- and four-bedroom units. The new sections incorporate a requirement that at least 10% of the units include at least three bedrooms. A more extreme position would discourage applications by qualified developers in appropriate development areas.

It was suggested that maximum allowable costs per square foot be fixed, based on local industry standards, and that the ceilings be based on basic construction and not on amenities packages, unless those amenities serve a particular client need. It was suggested that \$40 per square foot is a reasonable cost limit for the Dallas area. In the adoption, the agency included a provision for establishing maximum costs per square foot or costs per unit based on measures determined appropriate by the board. The agency believes in the importance of cost controls and considers the adopted sections as responsive to that need, while avoiding overly rigid cut-offs that might weaken the multifamily program.

The agency received testimony suggesting restricted amenities at agency-financed developments and that amenities such as indoor or outdoor pools, fireplaces, microwaves, and spas be prohibited. In evaluating applications for financing, the agency requests information about such amenities and evaluates their presence. The agency believes, however, that blanket restrictions on such amenities would not necessarily enhance the public purpose objectives of the agency's multifamily housing program. Since the agency's programs do not involve direct housing subsidies, the developments that the agency finances must compete in the private marketplace. This competition often requires that the development include a comparable level of amenities acceptable to the general renter in that community.

One speaker suggested rehabilitation of existing substandard units, rather than an emphasis on new construction, be required in markets where new construction has already exceeded market needs. Although the agency has not financed rehabilitation proposals, the agency continues to welcome such applications. In evaluating each application for financing, the agency considers the relative merits and public purpose benefits of each application. Given the case-by-case nature of such considerations, specific rulemaking at this time appears inappropriate.

One speaker suggested that all units financed by the agency should be accessible to the handicapped with all door units, both interior and exterior, having a

minimum clearance of 30 inches. The new section regarding accessibility to persons with physical handicaps best serves the public interest by providing housing units with these qualifications and not placing onerous burdens on developments that might discourage participation in the agency's programs. In addition, local regulations on these matters remain in place.

Several participants suggested that the agency hold meaningful public hearings in or near the cities where proposed projects will be located. It was also suggested that public comment received at hearings or in writing be used to evaluate the merit of proposed projects. In conformance with federal law and its own policies, the agency already incorporates these suggestions into its program.

Several participants suggested that the agency limit the maximum loan amounts in relation to the cost of each development. Current sections conform to applicable state and federal laws and best promote the public interest without placing onerous burdens on development proposals.

The public hearing yielded various suggestions generally requiring increased percentages of low- and very low-income tenants as required occupants of agency-financed developments. Various rent control proposals were also put forth. After evaluating the economic impact of such suggestions on the program, the agency concluded that the income restrictions in the new sections best promote the public purpose incorporated in both the federal and state laws that authorize the agency's multifamily housing program.

Numerous spokesmen at the public hearing suggested that the agency redefine market areas in considering its applications. They also suggested clearer evidence of strong levels of rental housing demand be demonstrated before the agency would finance any new developments. The agency has adopted suggestions to strengthen the feasibility report and market study requirements of its program. The agency believes the new sections amply address these concerns and the costs and negative impact on its programs would outweigh the benefits of these suggestions.

Several participants at the public hearing suggested increased controls regarding location of the projects and the compatibility of the architecture to the community. These considerations would include density, style, and the implementation of requirements for well-planned and well-designed developments. Although the agency receives information about many of these matters and typically incorporates such information into its overall evaluation of a financing proposal, the agency generally believes that these types of decisions are best kept at the local level. The agency respects the procedures and policies regarding planning, zoning and other development regulations developed

over time by communities and their local public officials.

The new sections are adopted under Texas Civil Statutes, Texas Housing Agency Act, Article 12691-6, which provides the Texas Housing Agency with the authority to adopt sections governing the administration of the agency and its multifamily programs.

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

Act—The Texas Housing Agency Act, Texas Civil Statutes, Article 12691-6 as it may be amended from time to time.

Agency—The Texas Housing Agency created by the Act.

Board—The board of directors of the agency.

Bonds—Any type of interest-bearing obligations, including, without limitation, bonds, notes, bond anticipation notes, or other evidences of indebtedness, issued by the agency to finance a multifamily housing development.

Code—The Internal Revenue Code of 1954, as amended.

Elderly tenants—Eligible tenants who are individuals 60 years of age or older or families in which an individual of 60 years of age or older is head of the household.

Eligible tenants—Persons and families of low income, within the meaning of the Act, §2(q), and families of moderate income, within the meaning of the Act, §2(r), as determined by the board pursuant to the Act.

Housing development or development—A multifamily housing development financed or to be financed by the agency pursuant to the provisions of the Act.

Housing development costs—Costs incurred in financing, creating, or purchasing any housing development that fall within the definition of "housing development costs" contained in the Act, 2(i), and that are approved by the agency as reasonable and necessary.

Housing sponsor—An individual, joint venture, partnership, limited partnership, trust, firm, corporation, or cooperative approved by the agency as qualified to own, construct, acquire, rehabilitate, operate, manage, or maintain a housing development, and who has applied to the agency for financing of a housing development.

Lower-income tenants—Individuals of low and moderate income within the meaning of the Code, §103(b)(12)(c), and applicable regulations thereunder, whose aggregate adjusted income, computed in the manner prescribed in treasury regulations §1.167(k)-3(b)(3), does not exceed 80% of the median gross income for the area in which such individuals reside, adjusted for family size in the manner required by the Code, §103(b), and applicable regulations thereunder.

Lower-income units—Units in a housing development that are occupied by lower-income tenants pursuant to §133.7(a) of this title (relating to Housing Development Occupancy).

§133.4. Market Study.

(a) Prior to entering any agreement with a housing sponsor to finance a housing development, the agency shall commission a study to be performed, at the expense of such housing sponsor, by a market appraiser selected by the agency in its sole discretion to evaluate the need for the housing development to provide decent, safe, and sanitary housing at rentals or prices that eligible tenants, lower income tenants, and very low-income tenants can afford. Such study shall include (but may not be limited to) an evaluation of the existing occupancy/vacancy rates in comparable multifamily residential rental developments in the market area in which the proposed housing development is to be located; projected absorption rates for at least one year from the date of such study for units in comparable multifamily residential rental developments in such market area that are suitable for occupancy by eligible tenants; and projected occupancy/vacancy rates for at least one year from the date of such study for multifamily residential rental developments comparable to the proposed housing development in the market area in which such development is to be located, taking into account projected construction periods and lease-up periods for comparable developments planned or under construction in such market area at the time of the study. The agency reserves the right to require the market study to address such other issues as may be relevant to the agency's evaluation of the need for the proposed housing development and the provision of financing assistance for its acquisition, construction, and improvement.

(b) As a condition precedent to entering any agreement with a housing sponsor to finance a housing development, the agency must receive from the market appraiser who performed the study described in subsection (a) of this section a certification, in a form approved by the agency, to the effect that the projected housing development costs of the housing development are reasonable; the estimated loan amount does not exceed 95% of the projected housing development costs of the development; the housing development, upon completion and considering vacancy and absorption rates, is not likely to result in a vacancy rate for comparable units within the housing development's competitive market area (i.e., standard, well maintained units within the housing development's competitive market area that are reserved for occupancy by very low-income tenants, lower-income tenants, elderly tenants, and eligible tenants) that is unreasonable for that area; that the projected initial rents for the development are reasonably affordable by lower-income tenants and eligi-

ble tenants, respectively; and the information submitted by the housing sponsor on the housing development is credible and reasonably accurate, with any minor exceptions noted.

§133.6. Bond Rating. All publicly offered bonds issued by the agency to finance housing developments shall have a debt rating assigned by a nationally recognized credit rating agency of at least the equivalent of the A rating assigned by Standard and Poor's Corporation or the A rating assigned by Moody's Investors Service to long-term obligations. If such rating is based upon credit enhancement provided by an institution other than the housing sponsor, the form and substance of such credit enhancement shall be subject to approval by the board, which approval shall be evidenced by adoption by the board of a resolution authorizing the issuance of such bonds.

§133.7. Housing Development Occupancy.

(a) At least 25% of all completed units of each bedroom-number size in each housing development shall be rented or leased continuously during the qualified project period, within the meaning of the Code, §103(b), and applicable regulations thereunder, to lower-income tenants. For purposes of meeting the requirements of this subsection, a dwelling unit occupied by an individual or family who at the commencement of occupancy is a lower-income tenant shall be treated as occupied by a lower-income tenant throughout such individual's or family's tenancy in such unit, even though such individual or family subsequently ceases to qualify as a lower-income tenant. Moreover, such a dwelling unit shall be treated as occupied by a lower-income tenant until reoccupied, other than for a temporary period not exceeding 31 days, by another occupant, at which time the character of the unit shall be redetermined.

(b) The lower-income units in each housing development shall be dispersed throughout the development and the buildings comprising the development.

(c) At least 5.0% (or such lower percentage as the agency may establish under §133.10 of this title (relating to Elderly Tenant Survey)) of all completed units in each housing development that contains at least 20 units shall be rented or leased continuously during the qualified project period, within the meaning of the Code, §103(b), and applicable regulations thereunder, to elderly tenants.

(d) At least 10% of all dwelling units in each housing development shall contain at least 3 bedrooms and shall be suitable for occupancy by families with children.

(e) Subject to the provisions of the Act, §14, 100% of all occupied units in each housing development shall be occupied continuously while any bonds issued to finance such development are outstanding by eligible tenants.

§133.12. Housing Development Cost Requisitions and Limits. Each housing sponsor of a housing development, the construction of which is financed by the agency, shall provide a sworn affidavit with each requisition of construction advances on a form prescribed by the agency that the amounts specified have been properly incurred and have not been the basis of any previous disbursements. The agency reserves the right to require that 95% (instead of the 90% minimum federal requirement) of housing development costs financed with bond proceeds must be qualified development costs, as such term is defined in the agreement pursuant to which such development is financed by the agency in accordance with the requirements of the Code. The agency may also periodically establish parameters on a development's maximum costs per unit or per square foot. These maximums may apply to hard costs (as defined by the board), to mortgage amounts, to total development costs (including financing-related expenses), and to such other cost components and totals as the board deems appropriate. Current limitations, if any, are available on request from the agency.

§133.13. Waiver of Rules. The agency, in its discretion, may waive any one or more of the rules set forth in §§133.3, 133.4, 133.6-133.10 and 133.12 of this title (relating to Application for Financing of a Housing Development: Market Study; Bond Rating; Housing Development Occupancy; Amenities for Families with Children; Accessibility to Individuals with Physical Handicaps; Elderly Tenant Survey; and Housing Development Cost Requisitions and Limits) in order to encourage the acquisition, construction, reconstruction, or rehabilitation of a housing development that would meet special needs in the provision of decent, safe, and sanitary housing for eligible tenants, including but not limited to, providing housing designed and equipped for the elderly or the handicapped.

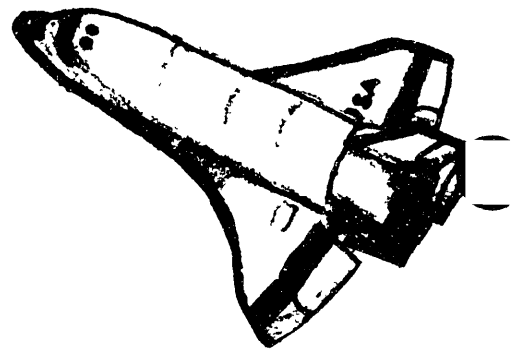
This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 14, 1986.

TRD-8602622 Earline Jewett
Executive Administrator
Texas Housing Agency

Effective date: April 7, 1986
Proposal publication date: September 17, 1985
For further information, please call
(512) 474-2974.

★ ★ ★



Chapter 139. Letter of Credit/Surety Bond Multifamily Housing Program

★ 10 TAC §§139.1-139.13

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

The Texas Housing Agency adopts the repeal of §§139.1-139.13, without changes to the proposed text published in the September 17, 1985, issue of the *Texas Register* (10 TexReg 3544).

The agency adopts the repeal of these sections to consolidate, simplify, and enhance the public purpose of its multifamily rules as set forth in new sections that the agency is simultaneously submitting for adoption.

The repeal of the sections is necessary to facilitate the combination of the agency's various multifamily rules into a single set of current sections that will ease administration and be more cohesive and accessible to the public.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Civil Statutes, Texas Housing Agency Act, Article 12691-6, which provides the Texas Housing Agency with the authority to adopt and/or repeal rules governing the administration of the agency and its programs.

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

Issued in Austin, Texas, on March 17, 1986.

TRD-8602621 Earline Jewett
Executive Administrator
Texas Housing Agency

Effective date: April 1, 1986
Proposal publication date: September 17, 1985
For further information, please call
(512) 475-2974.

★ ★ ★

Chapter 143. Guidelines for Multifamily Housing Revenue Bond Financing Program

★10 TAC §§143.1-143.11

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

The Texas Housing Agency adopts the repeal of §§143.1-143.13 without changes to the proposed text published in the September 17, 1985, issue of the *Texas Register* (10 TexReg 3544).

The agency adopts the repeal of these sections to consolidate, simplify, and enhance the public purpose of its multifamily rules as set forth in new rules that the agency is simultaneously submitting for adoption.

The repeal of the section is necessary to facilitate the combination of the agency's various multifamily rules into a single set of current sections that will ease administration and be more cohesive and accessible to the public.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Civil Statutes, Texas Housing Agency Act, Article 1269I-6, which provides the Texas Housing Agency with the authority to adopt and/or repeal rules governing the administration of the agency and its programs.

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

Issued in Austin, Texas, on March 17, 1986.

TRD-8602619 Earline Jewett
Executive Administrator
Texas Housing Agency

Effective date: April 1, 1986
Proposal publication date: September 17, 1985
For further information, please call
(512) 475-2974.

★ ★ ★

Chapter 145. Federal National Mortgage Association Pass-Through Certificate Program

★10 TAC §§145.1-145.11

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Housing Agency, Austin, or in

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

The Texas Housing Agency adopts the repeal of §§145.1-145.11, without changes to the proposed text published in the September 17, 1985, issue of the *Texas Register* (10 TexReg 3545).

The agency adopts the repeal of these sections to consolidate, simplify, and enhance the public purpose of its multifamily rules as set forth in new rules that the agency is simultaneously submitting for adoption.

The repeal of the section is necessary to facilitate the combination of the agency's various multifamily rules into a single set of current sections that will ease administration and be more cohesive and accessible to the public.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Civil Statutes, Texas Housing Agency Act, Article 1269I-6, which provides the Texas Housing Agency with the authority to adopt and/or repeal rules governing the administration of the agency and its programs.

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

Issued in Austin, Texas, on March 17, 1986.

TRD-8602620 Earline Jewett
Executive Administrator
Texas Housing Agency

Effective date: April 1, 1986
Proposal publication date: September 17, 1985
For further information, please call
(512) 475-2974.

★ ★ ★

TITLE 22. EXAMINING BOARD

Part XVIII. Texas State Board of Podiatry Examiners

Chapter 373. Identification of Practice

★22 TAC §§373.2-373.4, 373.6-373.9

The Texas State Board of Podiatry Examiners adopts the repeal of §§373.2-373.4, and 373.6-373.9, without changes to the proposed text published in the February 14, 1986, issue of the *Texas Register* (11 TexReg 831).

The board has determined that the sections being repealed in Chapter 373, Identification of Practice, are very vague and no longer used to govern the practice of podiatry effectively.

The repeal is adopted under Texas Civil Statutes, Article 4568(j) and 4590(e), which provide the Texas State Board of Podiatry Examiners with the authority to adopt all reasonable or necessary rules, regulations, and by-laws not inconsistent with the law regulating the practice of podiatry, the law of this state, or of the United States, to govern its proceedings and activities, the regulation of the practice of podiatry, and the enforcement of the law regulating the practice of podiatry.

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 March 17, 1986.

TRD-8602660 Sandra Marshall
Texas State Board of
Podiatry Examiners

Effective date: April 8, 1986
Proposal publication date: February 5, 1986
For further information, please call
(512) 477-1770.

★ ★ ★

★22 TAC §§373.2, 373.3, 373.6

The Texas State Board of Podiatry Examiners adopts new §§373.2, 373.3, and 373.6, without changes to the proposed text published in the February 14, 1986, issue of the *Texas Register* (11 TexReg 830).

The board anticipates that with the adoption of these new sections, recipients of podiatric services will better be able to identify the practitioner and the name under which he practices.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 4568(j) and 4590(e), which provide the Texas State Board of Podiatry Examiners with the authority to adopt all reasonable or necessary rules, regulations, and by-laws not inconsistent with the law regulating the practice of podiatry, the law of this state, or of the United States, to govern its proceedings and activities, the regulations of the practice of podiatry, and the enforcement of the law regulating the practice of podiatry.

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 March 17, 1986.

TRD-8602652 Sandra Marshall
Texas State Board of
Podiatry Examiners

Effective date: April 8, 1986
Proposal publication date: February 5, 1986
For further information, please call
(512) 477-4010.

★ ★ ★

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

Chapter 3. Tax Administration
Subchapter G. Cigarette Tax

★34 TAC §3.102

The Comptroller of Public Accounts adopts an amendment to §3.102, concerning cigarette permits for trucks and cars, without changes to the proposed text published in the February 7, 1986, issue of the *Texas Register* (11 TexReg 691). The amendment implements Senate Bill 472, 69th Legislature, 1985, which repealed provisions concerning solicitors' permits.

No comments were received regarding adoption of the amendment.

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

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

Issued in Austin, Texas, on March 19, 1986.

TRD-8602703 Bob Bullock
Comptroller of Public
Accounts

Effective date: April 9, 1986
Proposal publication date: February 7, 1986
For further information, please call
(512) 463-4606.

★ ★ ★

Subchapter G. Cigarette Tax

★34 TAC §3.104

The Comptroller of Public Accounts adopts an amendment to §3.104, without changes to the proposed text published in the February 7, 1986, issue of the *Texas Register* (11 TexReg 692). The amendment implements Senate Bill 472, 69th Legislature, 1985, which repealed provisions concerning solicitors' permits, retail dealers' permits, and vending machine decal permits.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the cigarette tax.

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

Issued in Austin, Texas, on March 19, 1986.

TRD-8602702 Bob Bullock
Comptroller of Public
Accounts

Effective date: April 9, 1986
Proposal publication date: February 7, 1986
For further information, please call
(512) 463-4606.

★ ★ ★

★34 TAC §3.105

The Comptroller of Public Accounts adopts the repeal of §3.105, without changes to the proposed text published in the February 7, 1986, issue of the *Texas Register* (11 TexReg 692). The Tax Code provisions concerning cigarette vending machine decal permits were repealed by Senate Bill 472, and this section is no longer necessary.

No comments were received regarding adoption of the repeal.

This repeal is adopted under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the cigarette tax.

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

Issued in Austin, Texas, on March 19, 1986.

TRD-8602701 Bob Bullock
Comptroller of Public
Accounts

Effective date: April 9, 1986
Proposal publication date: February 7, 1986
For further information, please call
(512) 463-4606.

★ ★ ★

Subchapter H. Cigar and Tobacco Tax

★34 TAC §3.122

The Comptroller of Public Accounts adopts an amendment to §3.122, without changes to the proposed text published in the February 7, 1986, issue of the *Texas Register* (11 TexReg 692). This amendment implements Senate Bill 472, which repealed provisions concerning solicitors' permits.

No comments were received regarding adoption of the amendment.

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

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

Issued in Austin, Texas, on March 19, 1986.

TRD-8602700 Bob Bullock
Comptroller of Public
Accounts

Effective date: April 9, 1986
Proposal publication date: February 7, 1986
For further information, please call
(512) 463-4606.

★ ★ ★

★34 TAC §3.124

The Comptroller of Public Accounts adopts an amendment to §3.124, without changes to the proposed text published in the February 7, 1986, issue of the *Texas Register* (11 TexReg 693). This amendment implements Senate Bill 472, which repealed provisions concerning solicitors' permits, retail dealers' permits, and vending machine decal permits.

No comments were received regarding adoption of the amendment.

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

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

Issued in Austin, Texas, on March 19, 1986.

TRD-8602699 Bob Bullock
Comptroller of Public
Accounts

Effective date: April 9, 1986
Proposal publication date: February 7, 1986
For further information, please call
(512) 463-4606.

★ ★ ★

★34 TAC §3.125

The Comptroller of Public Accounts adopts the repeal of §3.125, without changes to the proposed text published in the February 7, 1986, issue of the *Texas Register* (11 TexReg 693). The Tax Code provisions concerning cigar and tobacco products vending machine decal permits were repealed by Senate Bill 472, and this section is no longer necessary.

No comments were received regarding adoption of the repeal.

This repeal is adopted under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the cigar and tobacco tax.

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

Issued in Austin, Texas, on March 19, 1986.

TRD-8602686

Bob Bullock
Comptroller of Public
Accounts

Effective date: April 9, 1986

Proposal publication date: February 7, 1986

For further information, please call
(512) 463-4806.



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*.

Interagency Council on Early Childhood Intervention

Monday, March 24, 1986, 10 a.m. The Interagency Council on Early Childhood Intervention met in emergency session in the Second Floor Conference Room, Texas Department of Health, 1101 East Anderson Lane, Austin. According to the agenda summary, the council will approve of the minutes; review of fiscal year 1988-1989 budget request; discuss fiscal year 1986-1987 budget reductions; and discuss the programmatic issues and standards. The emergency status was necessary because the council has to discuss budget cuts in response to the Governor's request.

Contact: Mary Elder, 1100 West 49th Street, Austin, Texas 78756, (512) 465-2671.

Filed: March 20, 1986, 9:12 a.m.
TRD-8602753

★ ★ ★

Office of the Governor

Thursday, April 3, 1986, 8:45 a.m. The Governor's Task Force on Inhalant Abuse will meet in the Travis Room, St. Anthony Inter-American Hotel, 300 East Travis, San Antonio. Items on the agenda include the report by the chair on inhalant abuse strategies; report on Houston activities; and new business.

Contact: Marc Campos, Room G-03, State Capitol, Austin, Texas 78711, (512) 463-1830.

Filed: March 19, 1986, 2:13 p.m.
TRD-8602710

★ ★ ★

Texas Department of Health

Friday, April 4, 1986. Committees of the Texas Department of Health will meet in Room G-107, Commissioner's Conference Room, Texas Department of Health, 1100

West 49th Street, Austin. Times, committees, and agendas follow.

9:30 a.m. The Home Health Services Advisory Council Subcommittee will vote on proposed regulations for the amendment to the Home Health Licensing Act, Texas Civil Statutes, Article 4447u.

Contact: Dr. Juanita Carrell, 1100 West 49th Street, Austin, Texas 78756 (512) 458-7245.

Filed: March 19, 1986, 1:58 p.m.
TRD-8602732

10:30 a.m. The Home Health Services Advisory Council will vote on proposed regulations for the amendment to the Home Health Licensure Act, Texas Civil Statutes, Article 4447u, Title XVIII and XIX of the U.S. Social Security Act; the Geographic Service Area for Home Health Agencies; and announcements and comments (no council action required).

Contact: Dr. Juanita Carrell, 1100 West 49th Street, Austin, Texas 78756 (512) 458-7245.

Filed: March 19, 1986, 2 p.m.
TRD-8602729

Friday, April 11, 1986, 10 a.m. The Texas Emergency Medical Services Advisory Council of the Texas Department of Health will approve minutes; consider the associate commissioner's report and the bureau chief's report; the legal recognition of interstate emergency medical services personnel; the reports of the Education Ad Hoc Committee and Medical Directors Ad Hoc Committee; proposed amendments to the Emergency Medical Services rules; the proposal for legal recognition of interstate certificants; the proposal for the establishment of volunteer status; and messages and communications.

Contact: Gene Weatherall, 1100 West 49th Street, Austin, Texas 78756, (512) 465-2601.

Filed: March 19, 1986, 1:59 p.m.
TRD-8602730

★ ★ ★

Texas Department of Human Services

Thursday, March 27, 1986, 9:30 a.m. The Texas Board of Human Services of the Texas Department of Human Services will meet at 3900 University Boulevard, University of Texas at Tyler, Tyler. According to the agenda summary, the board will consider a report on Executive Order MW-36; proposed rules on reimbursement methodology for in-patient hospital services, purchased health services, payment limit for hospital services, out-of-state medical care, community care, and indigent health care; adopted rules on indigent health care, and fraud/abuse in Medicaid programs; goal directed therapy rates; services to the handicapped; standards for home-delivered/congregate meals services; third-party resources; CPS investigation findings appeal; children's trust fund rules; income assistance policy changes; contracting and procurement policies; reports; standards for residential child care facilities; appointments to advisory committees; and the commissioner's report.

Contact: Bill Woods, P.O. Box 2960, Austin, Texas 78769, (512) 450-3047.

Filed: March 18, 1986, 12:17 p.m.
TRD-8602647

Tuesday and Wednesday, April 1 and 2, 1986, 1 p.m. daily. The Council on Child Abuse and Neglect Prevention of the Texas Department of Human Services will meet in the Vista Grande Conference Center, 1918 American Drive, Lago Vista. According to the agenda summary, the subcommittees will consider status reports; and proposed rules/policy handbook materials. On April 2 the full council will hear subcommittee reports; discuss proposed rules/policy/handbook materials; and media development.

Contact: Susan Watkins, P.O. Box 2960, Austin, Texas 78769, (512) 450-3306.

Filed: March 18, 1986, 12:17 p.m.
TRD-8602649

Thursday, April 10, 1986, 9 a.m. The Income Assistance Advisory Committee of the Texas Department of Human Services will meet in Conference Room 3W, 701 West 51st Street, Austin. According to the agenda summary, the committee will review the agenda; the videotape "Future Forces" presentation on the future of human services; federal food stamp program changes; the status report on the indigent health care program; the impact of the Gramm-Rudman-Hollings on HEAP; and wrap-up.

Contact: Pat Anderson, P.O. Box 2960, Austin, Texas 78769, (512) 450-3398.

Filed: March 18, 1986, 12:18 p.m.
TRD-8602648

★ ★ ★

Texas Industrial Accident Board

Monday, March 24, 1986, 9:30 a.m. The Texas Industrial Accident Board met in Room 107, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board met in executive session to discuss the review of board files.

Contact: William Treacy, 200 East Riverside Drive, Austin, Texas 78704, (512) 448-7962.

Filed: March 19, 1986, 3:34 p.m.
TRD-8602725

★ ★ ★

State Board of Insurance

Friday, March 21, 1986, 2:30 p.m. The State Board of Insurance met in emergency session in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board considered the adoption of emergency rules and a proposal of permanent rules requiring 45 days before the notice of cancellation and non-renewal of commercial automobile insurance policies. The emergency status was necessary because a serious constriction of the commercial automobile market is causing increased occurrences of short-term notice on cancellations and non-renewals of commercial automobile policies leaving insureds inadequate time to secure insurance without gaps in coverage.

Contact: Pat Wagner, 1110 San Jacinto, Austin, Texas 78701, (512) 463-6328.

Filed: March 18, 1986, 4:01 p.m.
TRD-8602690

Thursday, March 27, 1986, 10 a.m. The State Board of Insurance will meet in Room 414, State Insurance Building, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will consider a motion for dismissal in the appeal of Allstate Insurance Company from action of the Texas Catastrophe Property Insurance Association; board orders on several different matters; the fire marshal's report on personnel matters; the commissioner's report on personnel mat-

ters; and pending and contemplated litigation.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: March 19, 1986, 3:01 p.m.
TRD-8602728

★ ★ ★

Texas Department of Labor and Standards

Thursday, April 10, 1986, 9:30 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet at 1314-B South Closner, Edinburg. According to the agenda, the division will review various consumer complaints in regard to manufactured homes which do not comply with Texas Civil Statutes, Article 5221f.

Contact: Sharon S. Choate, P.O. Box 12157, Austin, Texas, 78711, (512) 463-5520.

Filed: March 18, 1986, 2:07 p.m.
TRD-8602661

Wednesday, April 16, 1986, 9 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet in Room 4005, 321 Center Street, San Antonio. According to the agenda, the division will review various consumer complaints in regard to manufactured homes which do not comply with Texas Civil Statutes, Article 5221f.

Contact: Sharon S. Choate, P.O. Box 12157, Austin, Texas, 78711, (512) 463-5520.

Filed: March 18, 1986, 2:07 p.m.
TRD-8602662

Thursday, April 17, 1986, 8:30 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet in Room 4005, 321 Center Street, San Antonio. According to the agenda, the division will review various consumer complaints in regard to manufactured homes which do not comply with Texas Civil Statutes, Article 5221f.

Contact: Sharon S. Choate, P.O. Box 12157, Austin, Texas, 78711, (512) 463-5520.

Filed: March 18, 1986, 2:07 p.m.
TRD-8602663

Tuesday, April 22, 1986, 9 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet at 3014 Sandage Street, Fort Worth. According to the agenda, the division will review various consumer complaints in regard to manufactured homes which do not comply with Texas Civil Statutes, Article 5221f.

Contact: Sharon S. Choate, P.O. Box 12157, Austin, Texas, 78711, (512) 463-5520.

Filed: March 18, 1986, 2:08 p.m.
TRD-8602664

Wednesday, April 23, 1986, 8:30 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet in Suite 209, 4615 North Freeway, Houston. According to the agenda, the division will review various consumer complaints in regard to manufactured homes which do not comply with Texas Civil Statutes, Article 5221f.

Contact: Sharon S. Choate, P.O. Box 12157, Austin, Texas, 78711, (512) 463-5520.

Filed: March 18, 1986, 2:08 p.m.
TRD-8602665

★ ★ ★

Texas Commission on Law Enforcement Officer Standards and Education

Tuesday, April 1, 1986, 3 p.m. The Texas Commission on Law Enforcement Officer Standards and Education will meet at Nessler Center, 2010 Fifth Avenue, Texas City. According to the agenda, the commission will recognize visitors; swear-in witnesses; and receive testimony relating to the determination of the feasibility of creating an institute for training law enforcement officers that will be similar in nature to the Federal Bureau of Investigation National Academy, the Southern Police Institute, and the Northwestern Police Training Academy.

Contact: Jack Ryle, 1606 Headway Circle Drive, Austin, Texas, 78754, (512) 834-9222.

Filed: March 18, 1986, 3:04 p.m.
TRD-8602682

Thursday, April 10, 1986, 1 p.m. The Texas Commission on Law Enforcement Officer Standards and Education will meet in the Public Library Auditorium, Texas. According to the agenda, the commission will recognize visitors; swear-in witnesses; and receive testimony relating to the determination of the feasibility of creating an institute for training law enforcement officers that will be similar in nature to the Federal Bureau of Investigation National Academy, the Southern Police Institute, and the Northwestern Police Training Academy.

Contact: Jack Ryle, 1606 Headway Circle Drive, Austin, Texas, 78754, (512) 834-9222.

Filed: March 18, 1986, 3:04 p.m.
TRD-8602681

Tuesday, April 15, 1986, 9:30 a.m. The Texas Commission on Law Enforcement Officer Standards and Education will meet in the City Commission Chambers, City Hall, Amarillo. According to the agenda, the commission will recognize visitors; swear-in witnesses; and receive testimony relating to

the determination of the feasibility of creating an institute for training law enforcement officers that will be similar in nature to the Federal Bureau of Investigation National Academy, the Southern Police Institute, and the Northwestern Police Training Academy.

Contact: Jack Ryle, 1606 Headway Circle Drive, Austin, Texas, 78754, (512) 834-9222.

Filed: March 18, 1986, 3:05 p.m.
TRD-8602680

Friday, April 18, 1986, 1:30 p.m. The Texas Commission on Law Enforcement Officer Standards and Education will meet in the Spindle Top Room, Library, Lamar University, Beaumont. According to the agenda, the commission will recognize visitors; swear-in witnesses; and receive testimony relating to the determination of the feasibility of creating an institute for training law enforcement officers that will be similar in nature to the Federal Bureau of Investigation National Academy, the Southern Police Institute, and the Northwestern Police Training Academy.

Contact: Jack Ryle, 1606 Headway Circle Drive, Austin, Texas, 78754, (512) 834-9222.

Filed: March 18, 1986, 3:05 p.m.
TRD-8602679

Monday, April 28, 1986, 7 p.m. The Texas Commission on Law Enforcement Officer Standards and Education will meet in Room 205, Ector County Courthouse, Odessa. According to the agenda, the commission will recognize visitors; swear-in witnesses; and receive testimony relating to the determination of the feasibility of creating an institute for training law enforcement officers that will be similar in nature to the Federal Bureau of Investigation National Academy, the Southern Police Institute, and the Northwestern Police Training Academy.

Contact: Jack Ryle, 1606 Headway Circle Drive, Austin, Texas, 78754, (512) 834-9222.

Filed: March 18, 1986, 3:05 p.m.
TRD-8602678

Tuesday, April 29, 1986, 7 p.m. The Texas Commission on Law Enforcement Officer Standards and Education will meet at the South Plains Association of Governments, 3424 Avenue H, Lubbock. According to the agenda, the commission will recognize visitors; swear-in witnesses; and receive testimony relating to the determination of the feasibility of creating an institute for training law enforcement officers that will be similar in nature to the Federal Bureau of Investigation National Academy, the Southern Police Institute, and the Northwestern Police Training Academy.

Contact: Jack Ryle, 1606 Headway Circle Drive, Austin, Texas, 78754, (512) 834-9222.

Filed: March 18, 1986, 3:05 p.m.
TRD-8602677

Wednesday, May 14, 1986, 7 p.m. The Texas Commission on Law Enforcement Officer Standards and Education will meet at the Brazoria County Courthouse, Angleton. According to the agenda, the commission will recognize visitors; swear-in witnesses; and receive testimony relating to the determination of the feasibility of creating an institute for training law enforcement officers that will be similar in nature to the Federal Bureau of Investigation National Academy, the Southern Police Institute, and the Northwestern Police Training Academy.

Contact: Jack Ryle, 1606 Headway Circle Drive, Austin, Texas, 78754, (512) 834-9222.

Filed: March 18, 1986, 3:05 p.m.
TRD-8602676

★ ★ ★

Texas State Board of Medical Examiners

Wednesday, March 19, 1986, 11 a.m. The Executive Committee of the Texas State Board of Medical Examiners met in emergency session via conference call at 1101 Camino LaCosta, Austin. According to the agenda, the committee discussed future meetings, news, and personnel matters. The committee also met in executive session under the authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §§2.07, 3.05(d), 4.05(d), 5.06(e)(1) and Attorney General Opinion H-484 (1974). The emergency status was necessary because information had recently become available to the committee and needed action. Matters will also be discussed in future open meetings.

Contact: Jean Davis, P.O. Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: March 18, 1986, 3:56 p.m.
TRD-8602689

★ ★ ★

Texas Motor Vehicle Commission

Thursday, April 3, 1986, 9 a.m. The Texas Motor Vehicle Commission will meet in Suite 302, 815 Brazos Street, Austin. According to the agenda summary, the commission will approve minutes of the January 29, 1986 meeting; consider Docket 334—Duncan Buick Company vs. General Motors Corporation; Docket 386—license application of Point South BMW; Docket 86-036—license application of A-1 cycles; various consumer complaint cases; approval of agreed orders in various proceedings involving advertising violations and unauthorized sale of vehicles; Docket 86-065—order of license revocation of Cycle Inn; Docket 86-066—order of license revocation of Dan Rawl Chevrolet-Buick; Docket 86-075—order of license revocation of Champion Motor Cars Int.; order of dismissals; and hold a general discussion.

Contact: Russell Harding, Suite 300, 815 Brazos, Austin, Texas 78701, (512) 476-3587.

Filed: March 19, 1986, 9:36 a.m.
TRD-8602696

★ ★ ★

Texas State Board of Public Accountancy

Friday, March 27, 1986, 10 a.m. The Executive Committee of the Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. According to the agenda, the committee will discuss matters pertaining to the fiscal year 1988-1989 appropriation request.

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

Filed: March 18, 1986, 2:05 p.m.
TRD-8602669

★ ★ ★

Public Utility Commission of Texas

Thursday, March 20, 1986, 10:30 a.m. The Hearings Division of the Public Utility Commission met in emergency session in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division met in executive session to consider pending litigation matters. The emergency status was necessary to consider options in suit for temporary injunction.

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

Filed: March 19, 1986, 2:59 p.m.
TRD-8602726

Wednesday, March 26, 1986, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will consider dockets 6439, 6547, 6559, 6569, 6540, 6451, 5952, 6526, 6600, 6614, 6643, 6671, 6501, 6509, 6601, and 6573. The division also will meet in executive session to consider pending litigation and personnel matters.

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

Filed: March 18, 1986, 2:44 p.m.
TRD-8602667

Thursday, March 27, 1986, 9 a.m. The Administrative Division will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda summary, the division will approve the minutes of March 13, 1986, meeting; consider reports; discuss and act on the fiscal year 1986 budget; staff proposed rule changes, §23.46, Discontinuance of Service; and set the time and place of the next meeting. The division also will meet in ex-

ecutive session to consider personnel and litigation matters and reconvene for decisions considered in the executive session.

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

Filed: March 19, 1986, 3 p.m.
TRD-8602727

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.

Friday, March 28, 1986, 9 a.m. A hearing on the merits in Docket 6644—appeals of Central Power and Light company of rate-making ordinances.

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

Filed: March 18, 1986, 4:39 p.m.
TRD-8602692

Monday, March 31, 1986, 10 a.m. A prehearing conference in Docket 6748—appeals of gulf States Utilities Company from the ratemaking proceedings of the Cities of Orange, *et al.*

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

Filed: March 18, 1986, 2:44 p.m.
TRD-8602666

Monday, April 14, 1986, 10 a.m. A prehearing conference in Docket 6748—appeals of Gulf States Utilities Company for the rate-making proceedings of the Cities of Orange *et al.*

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

Filed: March 18, 1986, 4:39 p.m.
TRD-8602693

Monday, June 9, 1986, 9 a.m. A hearing on the merits in Docket 6717—complaint of Tillman Johnson against Sam Houston Electric Cooperative.

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

Filed: March 18, 1986, 2:45 p.m.
TRD-8602668

★ ★ ★

Railroad Commission of Texas

Wednesday, March 19, 1986, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas made an emergency addition to the agenda for the meeting held at Waller Creek Plaza Hotel and Executive Center, Austin. The addition concerns consideration of whether to adopt on an emergency basis an amendment to 16 TAC §3.14 (Statewide

Rule 14) for the state of Texas. The emergency status was necessary because this item must be taken on less than seven days notice as a matter of urgent public necessity. Consideration of this amendment is necessary to prevent loss of reserves vital to our national defense, health, safety, and welfare.

Contact: Lisa C. Anderson, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7291.

Filed: March 18, 1986, 2:18 p.m.
TRD-8602670

★ ★ ★

Texas Rehabilitation Commission

Friday, March 21, 1986, 11 a.m. The Texas Advisory Board of Occupational Therapy of the Texas Rehabilitation Commission met in emergency session via conference call, Room 164, 118 East Riverside Drive, Austin. According to the agenda, the board approved the minutes of February 13, 1986, meeting; considered the report on Complaint 86-1; and the office report. The emergency status was necessary for board approval of settlement of Complaint 86-01.

Contact: Cary Westhause, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8368.

Filed: March 19, 1986, 11:39 a.m.
TRD-8602709

Thursday and Friday, April 3 and 4, 1986, 4:30 p.m. and 9:30 a.m., respectively. The Governor's Committee for Disabled Persons of the Texas Rehabilitation Commission will meet in Room 101B, 158 East Riverside Drive, Austin. According to the agenda summary, the committee will consider the orientation of the Governor's Committee for Disabled Persons; and the role of Ex Officio agencies. On April 4, 1986, the committee will consider the planning for fiscal year 1986-1987; planning for fiscal year 1988-1989; the subcommittee assignments; and discussion and wrap-up.

Contact: Virginia Roberts, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8272.

Filed: March 20, 1986, 9:49 a.m.
TRD-8602760

★ ★ ★

State Securities Board

Tuesday, April 15, 1986, 9 a.m. The Securities Commissioner of the State Securities Board will meet at 1800 San Jacinto Street, Austin. According to the agenda summary, the board will conduct a hearing for the purpose of determining whether the registration of Fort Worth Gold & Silver Exchange, Inc., as a securities dealer should be revoked.

Contact: Sue B. Roberts, 1800 San Jacinto Street, Austin, Texas 78701, (512) 474-2233.

Filed: March 18, 1986, 1:29 p.m.
TRD-8602650

★ ★ ★

Texas Senate

Thursday, March 27, 1986, 10 a.m. The Joint Committee on the Texas Department of Human Services Audits of the Committee on Health and Human Resources of the Texas Senate will meet in the Lieutenant Governor's Committee Room, State Capitol, Austin. According to the agenda, the committee will conduct a work session to address the issues identified in previous meetings. Although it is structured as a working session, public testimony will be accepted.

Contact: Deborah Medders, P.O. Box 12068, Austin, Texas 78711, (512) 463-0360.

Filed: March 18, 1986, 2:11 p.m.
TRD-8602672

Thursday, April 10, 1986, 1:30 p.m. The Health and Human Resources Committee of the Texas Senate will meet in the Texas Technical Health Sciences Center, Fourth and Indiana Streets, Lubbock. According to the agenda, the committee will examine the long-term care needs of persons with Alzheimer's disease and associated problems; discuss identifying the affected population; identifying the needs; and availability and adequacy of services. Public participation and support would be very helpful.

Contact: Linda Christofilis, P.O. Box 12068, Austin, Texas 78711, (512) 463-0360.

Filed: March 18, 1986, 2:14 p.m.
TRD-8602671

Tuesday, April 15, 1986, 10 a.m. The Select Subcommittee on Elder Abuse of the Health and Human Resources Committee Texas Senate will meet in Eidman Building I Lecture Hall, Texas Southmost College, Brownsville. According to the agenda, the subcommittee will discuss the existence and extent of elder abuse; the roles of health care providers and family members; the availability of services for abused and neglected elders; and financial resources for these services.

Contact: Linda Christofilis, P.O. Box 12068, Austin, Texas 78711, (512) 463-0360.

Filed: March 18, 1986, 2:13 p.m.
TRD-8602674

★ ★ ★

Interagency Council on Sex Offender Treatment

Wednesday, March 26, 1986, 8:30 a.m. The Interagency Council on Sex Offender Treatment of the Senate Committee on Health and Human Resources will meet in the Lieutenant Governor's Committee Room,

State Capitol, Austin. According to the agenda, the council will conduct a working session to put together analyzed data and recommendations which might be included in a council report. Though it is a work session, it is open to the public.

Contact: Linda Christofilis, P.O. Box 12068, Austin, Texas 78711, (512) 463-0360.

Filed: March 18, 1986, 2:13 p.m.
TRD-8602673

★ ★ ★

Commission on Standards for the Teaching Profession

Thursday, March 20, 1986, 1:30 p.m. The Committee on Certification Programs and Requirements made an emergency addition to the agenda for a meeting held in Room 1-110, William B. Travis Building, 1701 North Congress Avenue, Austin. The addition concerned the discussion of proposed new 19 TAC Chapter 141, Subchapter J, Requirements for Issuance of Texas Certificates, based on certificates and college credentials from other states, and proposed repeal of the existing rule. The emergency status was necessary because the commission needed to review these proposed rule changes before they are presented to the State Board of Education in April.

Contact: Edward Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

Filed: March 19, 1986, 3:31 p.m.
TRD-8602733

Friday, March 21, 1986, 9 a.m. The Commission on Standards for the Teaching Profession 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 discussion of proposed new 19 TAC Chapter 141, Subchapter J, Requirements for Issuance of Texas Certificates, based on certificates and college credentials from other states, and proposed repeal of the existing rule. The emergency status was necessary because the commission needed to review these proposed rule changes before they are presented to the State Board of Education in April.

Contact: Edward Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

Filed: March 19, 1986, 3:31 p.m.
TRD-8602734

★ ★ ★

University of Texas at Austin

Friday, March 21, 1986, 2 p.m. The Council for Intercollegiate Athletics for Women met in emergency session in Conference Room 606, Bellmont Hall, 23rd and San

Jacinto Streets. According to the agenda summary, the council approved the minutes of the February 20, 1986 meeting; considered announcements; old business; and new business. The emergency status was necessary because the certifying official was out of town and unavailable to sign prior to the 72-hour deadline.

Contact: Rhonda Lands, Room 606, Bellmont Hall, University of Texas at Austin, Texas 78712 (512) 471-7693.

Filed: March 20, 1986, 8:57 a.m.
TRD-8602752

Friday, March 21, 1986, 4 p.m. The Intercollegiate Athletics Council for Men of the University of Texas at Austin met in emergency session in Room 240, Bellmont Hall, San Jacinto Street between 21st and 23rd Streets. Items on the agenda summary included approval of minutes of January 17, 1986; approval of the development plan, policies, and procedures of 1986-1987 and succeeding years; approval of the team schedules and changes; budgets and budget changes; awards and awards policies; personnel; construction; old business; tickets; and new business. The council also met in executive session pursuant to Texas Civil Statutes, Article 6252-17, §2(e)-(g). The emergency status was necessary because of the unavailability of the certifying officer to sign.

Contact: Haila Kauffman, P.O. Box 7399, Austin, Texas 78713, (512) 471-1332.

Filed: March 19, 1986, 3:56 p.m.
TRD-8602731

★ ★ ★

Texas Water Commission

Wednesday, April 9, 1986, 2 p.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda, the commission will consider the executive director's preliminary enforcement report and petition for a Texas Water Commission order requiring certain actions of Amber Refining, Inc., Solid Waste Registration 30980. The commission also will consider the examiner's proposal for decision on an appeal of Gateway Water Corporation from ratemaking decision of the City of San Antonio, Dockets 5474 and 6039.

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

Filed: March 19, 1986, 2:31 p.m.
TRD-8602721

Thursday, April 10, 1986, 10 a.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 petitions for the creation of Northwest Austin Mud No. 1, Northwest Austin Mud No. 2, and Northwest Austin Mud No. 3.

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

Filed: March 18, 1986, 2:43 p.m.
TRD-8602674

Tuesday, April 15, 1986, 9 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet in Room 512, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the office will conduct a prehearing conference on Docket 6704—application filed by Crystal Springs Water Company for a rate/tariff change which proposes an increase in rates for the water utility service it provides to approximately 1050 residential consumers and five commercial business consumers in Montgomery County, with a proposed effective date of March 1, 1986. The rate increase would affect all utility customers.

Contact: Cynthia G. Hayes, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 19, 1986, 2:29 p.m.
TRD-8602724

Tuesday, April 22, 1986, 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 application by Harry Hallows, Jr., for Proposed Permit 13219-01, Travis County, Colorado River Basin; and application by Ray Moore for Proposed Permit 13107-01, Brazos River Basin.

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

Filed: March 19, 1986, 2:32 p.m.
TRD-8602720

Wednesday, April 30, 1986, 1 p.m. The Office of Hearings Examiners made a revision to the agenda for a meeting to be held in Room 512, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The revision concerns application of River Road Enterprise Water System for a \$13.187(g) rate tariff change, Docket 6738, which proposes an increase in rates for the water utility service it provides to approximately 50 customers in Sabine County. The meeting is rescheduled from Wednesday, April 30, 1986, 9 a.m. (11 TexReg 1364).

Contact: Cynthia G. Hayes, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 19, 1986, 2:30 p.m.
TRD-8602722

Tuesday, May 6, 1986, 9 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet in the auditorium, MBank, 910 Travis Street, Houston. According to the agenda summary, the office will consider application of Huffmeister 157, Ltd., in care of Smith, Murdaugh, Little, and Crawford, 1200 Travis Street, Houston Natural Gas Building, Houston, Texas 77002, for Proposed Permit 13237-01 to

authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 5,000,000 gallons per day from the proposed Harris County Municipal Utility District 289 Wastewater Treatment Plant. The proposed permit authorizes the construction of this plant in stages, with the final stage ultimately designed as a regional plant.

Contact: Douglas Roberts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 19, 1986, 2:32 p.m.
TRD-8602719

Wednesday, May 7, 1986, 9 a.m. The Office of Hearings Examiners will meet in Room 512, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the office will consider the application of Southwestern Graphite Company, a Division of Dixon Ticonderoga Company, P.O. Box 883, Burnet, Texas 78611 for the renewal of Permit 00350 which authorizes a discharge of wastewater effluent at a volume not to exceed an average flow of 300,000 gallons per day from its Burnet graphite processing plant which is located approximately 2.1 miles north of the State Highway 29 crossing over Clear Creek in Burnet county. The effluent is discharged into Clear Creek; thence into Inks Lake, Segment 1407 of the Colorado River Basin.

Contact: Martin Wilson, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 19, 1986, 2:34 p.m.
TRD-8602717

Tuesday, May 20, 1986, 9 a.m. The Office of Hearings Examiners will meet in the Aransas County Courtroom, 301 North Live Oak, Rockport. According to the agenda summary, the office will consider application of Seaside Development, Inc., 3417 Sorrento, Suite B, Mesquite, Texas 75150 for a Proposed Permit 13246-01 to authorize the discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 800,000 gallons per day from the proposed wastewater treatment facilities which are to service a proposed coastal development of approximately 385 acres near Lamar. A tentative layout of this multi-use project calls for a land use distributed between residential, multi-residential, commercial, and recreational.

Contact: Kay Trostle, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 19, 1986, 2:34 p.m.
TRD-8602716

Tuesday, May 20, 1986, 10 a.m. The Texas Water Commission will meet in Room 512, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the office will receive evidence on a complaint filed by the Military Highway Water Supply Corporation, P.O. Box 1048, Progresso, Texas 78579 against

Jesus Martines and Apolinar Ramirez. The complaint has been designated as Docket 6655.

Contact: Marcella Sellers, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 19, 1986, 2:30 p.m.
TRD-8602723

Tuesday, May 20, 1986, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Agendas follow.

Application of Howard Keith Coburn who seeks to amend Certificate of Adjudication 14-1668 to extend the expiration date, all being more fully set out in the application, Colorado River Basin, Callahan County.

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

Filed: March 19, 1986, 2:38 p.m.
TRD-8602711

Application 12-3538A of Forrest A. Eisenrich and R. L. Waldron who seek to amend Certificate of Adjudication 12-3528 to extend te expiration date, all being more fully set out in the application, Brazos River Basin, Comanche County.

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

Filed: March 19, 1986, 2:38 p.m.
TRD-8602712

Application 3187A of Ross Hodges and S. P. Crawley who seek to amend portion of Permit 2920 to authorize irrigation purposes, Brazos River Basin, Eastland County. The applicants seek to amend the permit to delete or extend the expiration date as set out in the special condition, all being more fully set out in the application.

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

Filed: March 19, 1986, 2:37 p.m.
TRD-8602713

Application 23-421A of North Alamo Water Supply Corporation, which seeks to amend its portion of Certificate of Adjudication 23-421 to authorize change in purpose, change in the place of use and to change the point of diversion, Rio Grande Basin, Hidalgo County.

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

Filed: March 19, 1986, 2:35 p.m.
TRD-8602714

Application 3164A of Southwestern Electric Power Company who seeks to amend Permit 2926 to increase the maximum diversion rate to 1885 cfs (845,000 gpm); to delete the reference to 6" stationary pumps; and to amend Special Condition 5 (a) to make reference to the contract as amended and Contractural Permit 237, as amended, all being

more fully set out in the application, Cypress River Basin, Titus County.

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

Filed: March 19, 1986, 2:35 p.m.
TRD-8602715

Application 12-3580A of Travis Welch who seeks to amend Certificate of Adjudication 12-3580 to extend the expiration date all being more fully set out in the application, Brazos River Basin, Comanche County.

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

Filed: March 19, 1986, 2:39 p.m.
TRD-8602764

★ ★ ★

Texas Water Development Board

Thursday, March 20, 1986, 10:30 a.m. The Texas Water Development Board met in emergency session in Room 513F, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board met with the staff, financial advisors, and the bond counsel to discuss a potential refunding bond issue and new money issue to implement the water plan approved by the voters in November, 1985; and to determine if the Water Development Fund's programs should be reactivated after the board suspended operation in January because of pending tax reform legislation in the United States Congress. The emergency status was necessary because very recent commitments from congress concerning the effective date of the Tax Reform Act necessitated the board's taking immediate action to issue new bonds and refund old bonds, and to reactivate the Water Development Fund programs.

Contact: Charles E. Nemir, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: March 19, 1986, 10:45 a.m.
TRD-8602707

★ ★ ★

Regional Agencies Meetings Filed March 18

The Hamilton County Appraisal District, will meet at the Courthouse, Hamilton, on April 3, 1986, at 7 p.m. Information may be obtained from Doyle Roberts, P.O. Box 446, Hamilton, Texas 76531, (817) 386-8945.

The Lavaca County Central Appraisal District, Board of Directors, met at 113 North Main, Hallettsville, on March 24, 1986, at 4 p.m. Information may be ob-

tained from Joe Pat Davis, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396. TRD-8602659

★ ★ ★

Meetings Filed March 19

The Bexar Appraisal District, Board of Directors, will meet at 535 South Main, San Antonio, on April 1, 1986, at 10 a.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Brazos River Authority, Water Quality Committee, will meet at 4400 Cobbs Drive, Waco, on April 7, 1986, at 10 a.m. Information may be obtained from Mike Bukala, 4400 Cobbs Drive, Waco, Texas, (817) 776-1441.

The Central Texas Council of Governments, Executive Committee, will meet at 302 East Central, Belton, on March 27, 1986, at noon. Information may be obtained from Walton B. Reedy, P.O. Box 728, Belton, Texas 76513, (817) 939-1803.

The Education Service Center Region III, Board of Directors, met in emergency session at 1905 Leary Lane, Victoria, on March 20, 1986, at 1 p.m. Information may be obtained from Julius D. Cano, 1905 Leary Lane, Victoria, Texas 77901.

The Education Service Center Region VIII, Board of Directors, will meet at the Ramada Inn Restaurant, Mount Pleasant, on March 31, 1986, at 6:30 p.m. Information may be obtained from Scott Ferguson, 100 North Riddle Street, Mount Pleasant, Texas 75455.

The Ellis County Tax Appraisal District, will meet at 406 Sycamore Street, Waxahachie, on March 25, 1986, at 9 a.m. Information may be obtained from Gray Chamberlain, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

The Gulf Bend Mental Health and Mental Retardation Center, Board of Trustees, will meet at 1404 Village Drive, Victoria, on March 27, 1986, at noon. Information may be obtained from T. G. Kelliher, Jr., 1404 Village Drive, Victoria, Texas 77901.

The Panhandle Planning Commission, Board of Directors, will meet on the first floor, Conference Room, Southwest Savings Building, 415 West Eighth Street, Amarillo, on March 27, 1986, at 1:30 p.m. Information may be obtained from Polly Jennings, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-3381.

The Sabine Valley Regional Mental Health and Mental Retardation Center, Board of Trustees, will meet at Highway 80 West, Sun Camp Road, Longview, on March 27, 1986, at 7 p.m. Information may be ob-

tained from Ronald R. Cookston, P.O. Box 6600, Longview, Texas 75608, (214) 297-2191.

The West Central Texas Council of Governments, Executive Committee, will meet at 1025 East North 10th Street, Abilene, on March 26, 1986, at 12:45 p.m. Information may be obtained from Brad Helbert. TRD-8602697

★ ★ ★

Meetings Filed March 20

The Austin-Travis County Mental Health and Mental Retardation Center, Finance and Control Committee, will meet at 1430 Collier Street, Austin, on March 26, 1986, at noon. The Board of Trustees, will meet at the same location, in the boardroom, on March 27, 1986, at 7 a.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141.

The Davison County Central Appraisal District, Board of Directors, will meet at 611 North Dallas Avenue, Lamesa, on April 2, 1986, at 7 a.m. Information may be obtained from Tom Anderson, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060. TRD-8602754

★ ★ ★

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.

Ark-Tex Council of Government Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, the Ark-Tex Council of Governments (ATCOG) is interested in acquiring consultant services to develop a new transportation system management (TSM) plan (TOPICS) project for the ATCOG Unified Work Program for Intermodal Transportation Planning in the Texarkana urbanized area.

The proposal contents must include the following information: qualifications, technical competence/experience, capacity for performance, estimated costs, and methodology. Proposals will be evaluated and awarded based on the following point systems:

- (1) qualifications—15;
- (2) technical competence/experience—15;
- (3) capacity for performance (work force)—15;
- (4) estimated costs—20;
- (5) methodology—35; total 100 points.

Interested parties are invited to submit a detailed proposal to be received no later than 3 p.m., March 28, 1986, to the Ark-Tex Council of Governments in accordance with the request proposal. The ATCOG is an equal opportunity employer.

Interested individuals, agencies, and firms may secure a request for proposal at Ark-Tex Council of Governments, P.O. Box 5307, Building A, Centre West, 911 U.S. Highway 59, Texarkana, Texas 75505, or by writing or calling Steve Harris, Regional Development Coordinator at (214) 832-8636.

Issued in Texarkana, Texas, on March 14, 1986.

TRD-8802594 Margaret Haak-Muse
Director, Finance and Administration
Ark-Tex Council of Governments

Filed: March 17, 1986
For further information, please call (214) 832-8636.

★ ★ ★

Office of the Attorney General Solid Waste Enforcement Notice

Notice is hereby given by 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 final judgment.

Case Title and Court. State of Texas, Plaintiff v. Sam Bishkin, doing business as Eltex Chemical and Supply Company and Lortep Laboratories, Inc., defendants; Cause 86-06517, in the District Court of Harris County, 190th Judicial Court.

The Complaint. Sam Bishkin doing business as Eltex Chemical and Supply Company is in the business of reclaiming and reselling spent solvents, and brokering waste disposal as a service to other generators of hazardous waste. The Eltex facility is located on land owned by Lortep Laboratories, Inc., Houston.

The state alleges that Eltex managed hazardous waste at the facility improperly, thereby creating a threat of soil and water contamination.

Judgment. Civil Penalty. The proposed agreed final judgment requires the defendants to pay the state \$4,500 in civil penalties and \$500 for reimbursement of the state's investigative costs.

Injunctive Relief. The proposed judgment also requires the defendants to conduct groundwater monitoring, conduct a soil sampling program, and take corrective action if contaminated groundwater or soil is found. The defendants are also required to close the tank containment area at the facility, revise cost estimates for closure and financial assurance for closure, and to comply with all applicable regulations.

For a complete description of the allegations and proposed settlement, the original petition and proposed agreed final judgment should be consulted.

Comments and requests for copies of these pleadings may be directed to Nancy Olinger, Texas Attorney General's Office, Environmental Protection Division, P.O. Box 12548, Austin, Texas 78711-2548, (512) 463-2012.

Issued in Austin, Texas, on March 17, 1986.

TRD-8802611 Lou McCreary
Special Assistant
Office of the Attorney General

Filed: March 17, 1986
For further information please call (512) 463-2087.

★ ★ ★

Banking Department of Texas Applications to Acquire Control of State Banks

Texas Civil Statutes, Article 342-401a, require any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On March 17, 1986, the banking commissioner received an application to acquire control of State Bank and Trust Company, Ovilla, Ovilla, Texas, by Randy Odom, Waxahachie; Willie Noel, III, Waxahachie; Gary Hollingsworth, Red Oak; and Bruce Hillingsworth, Red Oak.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on March 17, 1986.

TRD-8602651 William F. Aldridge
Director of Corporate
Activities
Banking Department of
Texas

Filed: March 18, 1986
For further information, please call (512) 479-1200.

★ ★ ★

Notice of Hearing

The hearing officer of the State Banking Board will conduct a hearing at 9 a.m. on Monday, April 7, 1986, at 2601 North Lamar Boulevard, Austin, on the proposed rules on prepaid funeral contracts (published February 21, 1986, in the *Texas Register*).

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, Banking Department of Texas, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas, on March 14, 1986.

TRD-8602623 William F. Aldridge
Director of Corporate Activities
State Banking Board

Filed: March 17, 1986
For further information, please call (512) 479-1200.

★ ★ ★



Texas Department of Human Services Amended Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Services (DHS) furnishes this notice of intent to increase the amount of a contract award for consultant services. The notice of award was published in the January 8, 1985, issue of the *Texas Register* (10 TexReg 122), and the notice for proposals was published in the August 24, 1984, issue of the *Texas Register* (9 TexReg 4603).

The contract was awarded to Anthony W. Arden, Ph.D., 3705 South College, Bryan, Texas 77803. At this time, the DHS is amending the total value of the contract to \$58,830. All other information remains the same.

Issued in Austin, Texas, on March 18, 1986.

TRD-8602683 Marlin W. Johnston
Commissioner
Texas Department of Human Services

Filed: March 18, 1986
For further information, please call (512) 450-3766.

★ ★ ★

Notice of Consultant Contract Awards

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Services (DHS) furnishes this notice of contract awards. The notice for request for proposals was published in the August 16, 1985, issue of the *Texas Register* (10 TexReg 3147).

Description of Services. The contractors selected will provide one or more of the following services: training for registered family home care providers to promote the prevention of abuse and neglect in out-of-town care, child development and guidance, health and safety, nutrition and business management, identifying quality child care, and choosing and monitoring child care.

Name of Contractor and Value of Contract. The Texas Agricultural Extension Service, Texas A & M University System, College Station, Texas, 77843—\$91,540.

Effective Date of Contract. The contract began March 3, 1986, and will end September 30, 1986.

Name of Contractor and Value of Contract. Houston Committee for Private Sector Initiatives, P.O. Box 2511, Houston, Texas, 77007—\$7,700.

Effective Date of Contract. The contract began March 12, 1986, and will end September 30, 1986.

Due Date of Reports. All documents, films, recordings, or reports are due as specified in the contracts.

Issued in Austin, Texas, on March 18, 1986.

TND-8602685 Marlin W. Johnston
Commissioner
Texas Department of Human Services

Filed: March 18, 1986
For further information, please call (512) 450-3766.

★ ★ ★

Request for Proposal

The Texas Department of Human Services (DHS) is requesting proposals for homemaker services in DHS Region 11.

Description of Services. Two types of services are requested: emergency homemaker service, in which a trained homemaker is placed in the home with a child to provide care and supervision during emergency situations and prevent removal of the child from the home; and protective homemaker service, in which a trained homemaker is placed in the home with the family to prevent the removal of a child from the home by helping the family learn home management, child care, and the use of resources.

Limitation. The request for proposal (RFP) will extend for a maximum of four years. The contract will be awarded for a one-year period of September 1, 1986-August 31, 1987. DHS may or may not exercise the right to renew at the end of each year covered by the RFP. The amount of the contracts awarded will depend on the allocation of funds for Region 11.

Contact Person. Finley L. Morton (175-1), Contract Manager, Texas Department of Human Services, P.O. Box 16017, Houston, Texas, 77222, (713) 692-3236, ext. 6442.

Evaluation. Areas evaluated in proposals will include: general administration; prior experience; program description; and costs.

Closing Date. The last day to receive offers is 4 p.m. on May 2, 1986.

Selection. Final selection will be made by the regional director—Protective Service for Families and Children, Texas Department of Human Services, Region 11, based on submitted qualifications and staff recommendation. The department will award contracts based on evaluation of the previously listed criteria.

Issued in Austin, Texas, on March 18, 1986.

TRD-8602684 Marlin W. Johnston
Commissioner
Texas Department of Human Services

Filed: March 18, 1986
For further information, please call (512) 450-3766.



State Property Tax Board Consultant Proposal Request

Description of Services Requested. Pursuant to Texas Civil Statutes, Article 6252-11c, the State Property Tax Board invites individuals to offer their services on a consulting basis to advise the board concerning statistical analysis of the board's 1985 property value study and assist in developing sampling methodologies and statistical routines for the board's 1986 property value study. The consultant is expected to:

- (1) develop appropriate tests to identify key factors that affect appraisal performance in the state's 253 appraisal districts;
- (2) perform statistical analysis of appraisal data to confirm hypotheses concerning appraisal performance;
- (3) prepare a written report of findings;
- (4) consult with the board's staff concerning sampling techniques in the board's 1986 property value study;
- (5) consult with the board's staff to develop appropriate methodologies to estimate school district taxable values and appraisal district appraisal levels for the 1986 property value study.

Contact Person. Persons wishing to offer their services should contact Ron Patterson, Executive Director, 9501 IH 35 North, P.O. Box 15900, Austin, Texas 78761, (800) 252-9121 or (512) 834-4800.

Closing Date for Offers. The closing date for offers is May 1, 1986, at 5 p.m., in the office of Ron Patterson, Executive Director, 9501 IH 35 North, P.O. Box 15900, Austin, Texas 78761, (800) 252-9121 or (512) 834-4800.

Selection Criteria. The State Property Tax Board will award the contract on the basis of expertise and experience exhibited by the applicants. The board will favor person(s) that have demonstrated familiarity with Texas property tax system and person(s) that have a history of analyzing statewide assessment or appraisal performance for ad valorem tax purposes.

Issued in Austin, Texas, on March 17, 1986.

TRD-8602618 Ron Patterson
Executive Director
State Property Tax Board

Filed: March 17, 1986
For further information, please call (512) 834-4800.



Public Utility Commission of Texas Consultant Proposal Request

This request for consulting service is filed pursuant to the provisions of the Texas Civil Statutes, Article 6252-11c.

As part of the continuing state agency cost containment effort, the Public Utility Commission of Texas (PUC) proposes to offer technical assistance to state agencies and institutions seeking to control their energy costs. The technical assistance will consist of two main activities: engineering evaluation and advice on energy efficient operation and maintenance procedures in participating facilities; and recommendations regarding cost effective energy efficient retrofit projects.

To implement this program, PUC requests proposals for consulting services from qualified engineering firms. The requested services include on-site energy auditing services, technical analysis, and recommendations of potential cost effective, energy saving retrofit projects.

One or more firms will be selected to perform the on-site technical work for participating agencies and institutions, including performing energy audits and recommending retrofit projects, based on an economic cost benefit analysis. Respondents may propose to do part or all of the on-site audits.

Contractor evaluation will be based on specific criteria; final selection will be made by a review committee.

This project is funded by the Federal State Energy Conservation Program grant and petroleum violation escrow monies.

For further information concerning this program and complete written bid specifications, contact Fred Yebra, Project Manager, Energy Efficiency Division, Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, (512) 458-0303.

Written proposals must be received at the PUC office no later than noon on April 18, 1986. Proposals received after noon will not be accepted.

Five copies of the proposal should be sent to the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, Attention: Sandy Becker, Bid Identification Number UC6-180565.

Issued in Austin, Texas, on March 17, 1986.

TRD-8602632 Rhonda Colbert Ryan
Secretary
Public Utility Commission of Texas

Filed: March 18, 1986
For further information, please call (512) 458-0303.



Texas Water Commission Application for Provisionally- Issued Temporary Permits

Notice is given by the Texas Water Commission of provisionally issued temporary permits issued during the period of March 10-14, 1986.

These permits were issued without notice and hearing pursuant to the Texas Water Code, §11.138, and commission rules 31 TAC §§303.91-303.93.

The executive director has reviewed each application and found that sufficient water was available at the proposed point of diversion to satisfy the requirements of the applications as well as all existing water rights. It is further noted that these diversions are for not more than 10 acre-feet of water and for a period of not more than one year. If a complaint is received before or after diversions are commenced, a preliminary investigation shall be made by the executive director to determine whether there is a reasonable basis for such complaint. Should the investigation indicate that there is a probability that diversions could result in injury to the complainant, the permit will be canceled, and the application will revert to the status of a pending application and no further diversions may be made until a public hearing is held. Notice of the hearing shall then be sent to the complaining person.

Information concerning any aspect of these permits may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8218.

Listed are the names of the permittees, diversion point, watercourse, amount of water authorized, period of time of the permit, permit number, and the date issued/administratively-complete.

Eaton-Foster Construction, Inc.; from the stream crossing of U.S. 285, approximately 35 miles north of Pecos, Reeves County; Salt Creek, tributary Pecos River, tributary Rio Grande; three acre-feet, seven-month period; TP-5381; March 10, 1986

Arco Pipe Line Company; from the stream crossing near FM Road 823 and State Highway 73, approximately 19 miles northwest of Beaumont, Jefferson County; Taylors Bayou, tributary Gulf Intracoastal Waterway; 10 acre-feet, two month-period; TP-5412; March 10, 1986

Exxon Corporation; from the stream crossing between U.S. 79 and FM Road 747, approximately 18 miles northwest of Rusk, Cherokee County; Neches River; 10 acre-feet, one-year period; TP-5415; March 12, 1986

County of Sutton; from the stream crossing of a county road, approximately 10 miles east of Sonora, Sutton County; North Llano River, tributary Llano River, tributary Colorado River; 10 acre-feet, one-year period; TP-5391; March 11, 1986

Issued in Austin, Texas, on March 14, 1986.

TRD-8602612 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: March 17, 1986

For further information, please call (512) 463-7898.

★ ★ ★

Application for Waste Disposal Permit

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of March 10-14, 1986.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets

out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

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

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

Period of March 10-14, 1986

Harris County Water Control and Improvement District 84; wastewater treatment facilities; southwest of the intersection of Bear Bayou Drive and North Avenue in the Old River Subdivision, approximately one mile north of IH 10; Channelview; 10558-01; renewal

City of Galena Park; wastewater treatment plant; 1107 Fifth Street, in the City of Galena Park in Harris County; Galena Park; 10831-01; amendment

Williams and Wagner Construction Company, Inc.; wastewater treatment facilities; north of Old Humble Road, approximately 500 feet east of U.S. Highway 59 in Harris County; Houston; 11145-001; renewal

R & A 290 Joint Venture; Municipal Utility Districts 328, 329, and 330; southeast of Hockley, north of Mound Road, approximately one mile south of the intersection of Betka Road and U.S. Highway 290, east of Warren Road and west of Katy-Hockley Road in Harris County; Houston; 13242-01; new permit

Wayne Duddleston, Inc.; wastewater treatment facilities; south of Cypress Creek, approximately 4,000 feet west and 1,300 feet south of the intersection of U.S. Highway 290 and Barker-Cypress Road in Harris County; Houston; 12328-01; renewal

Texas Department of Highways and Public Transportation; Guadalupe County Rest Area; adjacent to and on the south side of IH 10, about 10 miles east of Seguin, between mile markers 621 and 622 in Guadalupe County; Seguin; 12280-01; renewal

Garden Valley Resort, Inc.; wastewater treatment plant; approximately two miles west of the City of Carroll, approximately 7,200 feet north-northeast of the intersection of Rattlesnake Creek and the Neches River, approximately 5,600 feet south of IH 20 and 5,000 feet south of FM Road 1995 in Carroll, Smith County; 13248-01; new permit

City of Weslaco; surface water treatment plant; at the southeast intersection of FM Road 88 and Mile Nine North Road in Hidalgo County; Weslaco; 10619-01; renewal

City of Fate; wastewater treatment facilities; immediately southeast of the intersection of State Highway 66 and Mosbey Street in the City of Fate in Rockwall County; Fate; 11077-01; renewal

Texas Parks and Wildlife Department; surface water treatment plant; approximately 500 feet east of the termination of Park Road 33 and within the limits of

Poosum Kingdon State Park on the south shores of Poosum Kingdom Reservoir in Palo Pinto County; Austin; 11704-02; renewal

City of Henrietta; wastewater treatment plant; about 4,700 feet northwest of the U.S. Highway 82 and FM Road 1197 intersection at Bridge and Omega Streets, about 1,800 feet west of FM Road 1197, northwest of the City of Henrietta in Clay County; Henrietta; 10454-01; renewal

City of Point; wastewater treatment plant; approximately 1,500 feet west of the intersection of FM Road 514 and U.S. Highway 69 in Rains County; Point; 10964-02; renewal

Larry J. Enderli; wastewater treatment plant; immediately north of Horsepen Gully and west of State Highway 146, approximately .8 mile north of the intersection of State Highway 146 and FM Road 565 in Chambers County; Baytown; 11653-01; renewal

Texas Parks and Wildlife Department; wastewater treatment plant; on the east shore of B.A. Steinhagen Lake, approximately 3,500 feet south of U.S. Highway 190 and 500 feet east of Park Road 48 in Jasper County; Austin; 11718-01; renewal

Teddy L. Franks; wastewater treatment plant; in the northwest corner of West Circle Trailer Park approximately 3,000 feet west of the West Circle and FM Road 105 intersection, north of Vidor in Orange County; Vidor; 12180-01; renewal

Gulf Coast Trades Center; wastewater treatment facilities; northeast of Lake Conroe within the Gulf Coast Trades Center Complex which is approximately 3.8 miles west of IH 45 and FM Road 1375 in Walker County; New Waverly; 12159-01; renewal

City of Shamrock; wastewater treatment plant; approximately 1.7 miles south-southwest of the intersection of U.S. Highway 83 and FM Road 2033 in Wheeler County; Shamrock; 10279-01; renewal

General Electric Company; electrical equipment service shop; 8800 Wallisville Road in the City of Houston, Harris County; Houston; 01921; renewal

Theodore Mund; wastewater treatment facilities; approximately 2.75 miles southeast of the intersection of U.S. Highway 59 and FM Road 360 and 2,200 feet south of FM Road 360 in Fort Bend County; Needville; 13134-01; amendment

The City of Whitehouse; wastewater treatment facilities; approximately 1.7 miles southeast of the City of Whitehouse on the east side of State Highway 110 and approximately 3,300 feet east and 900 feet north of the intersection of State Highway 110 and County Road 2175 in Smith County; Whitehouse; 11222-01; amendment

City of Meridian; wastewater treatment facilities; north of the North Bosque River, approximately 2,900 feet east northeast of the intersection of State Highway 6 and State Highway 22 in Bosque County; Meridian; 10113-01; renewal

The Village of Jamaica Beach; packaging plant; at 16611 Marina Drive in the Village of Jamaica Beach, approximately 7,500 feet northwest of the intersection of Buccaneer Drive and FM Road 3005 (Termini-San Luis Pass Road), approximately 14 miles southwest of downtown Galveston in Galveston County; Jamaica Beach; 11033-01; amendment

Texas Municipal Power Agency; Gibbons Creek Lignite Mine; approximately two miles south of Carlos in Grimes County; Carlos; 02460; amendment

Adeline Kieschnick, Kieschnick Egg Production; confined poultry feeding operation; approximately 1/2 mile south of FM Road 1624 and three miles west of Highway 77, approximately eight miles north of the City of Giddings in Lee County; Giddings; 02821; new permit

Northwestern Resources Company; sedimentation ponds at the Jewett Lignite Surface Mine; approximately six miles north of the City of Jewett in Leon, Limestone, and Freestone Counties; Jewett; 02653; amendment

City of Waco; surface water treatment plant; on Lake Shore Drive and Wooded Acres Drive just east of Lake Waco in the City of Waco in McLennan County; Waco; 10686-01; renewal

City of Waco; water treatment plant; southwest of the Brazos River, just southwest of Riverside Drive and just southeast of Colcord Avenue in the City of Waco in McLennan County; Waco; 10686-02; renewal

Issued in Austin, Texas, on March 14, 1986.

TRD-8602613

Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: March 17, 1986

For further information, please call (512) 463-7898.



Coordinating Board, Texas College and University System

Correction of Error

A Request for Proposals submitted by the Coordinating Board, Texas College and University System contained an error as published in the March 21, 1986, issue of the *Texas Register* (11 TexReg 1473).

The third sentence in the fourth paragraph should read: "A bidders meeting for interested parties will be conducted on March 26, 1986, from 10 am-noon at the Coordinating Board office, the Bevington Reed Building, Room 255, 200 East Riverside Drive, to provide special project requirements, and to address any questions and concerns."

