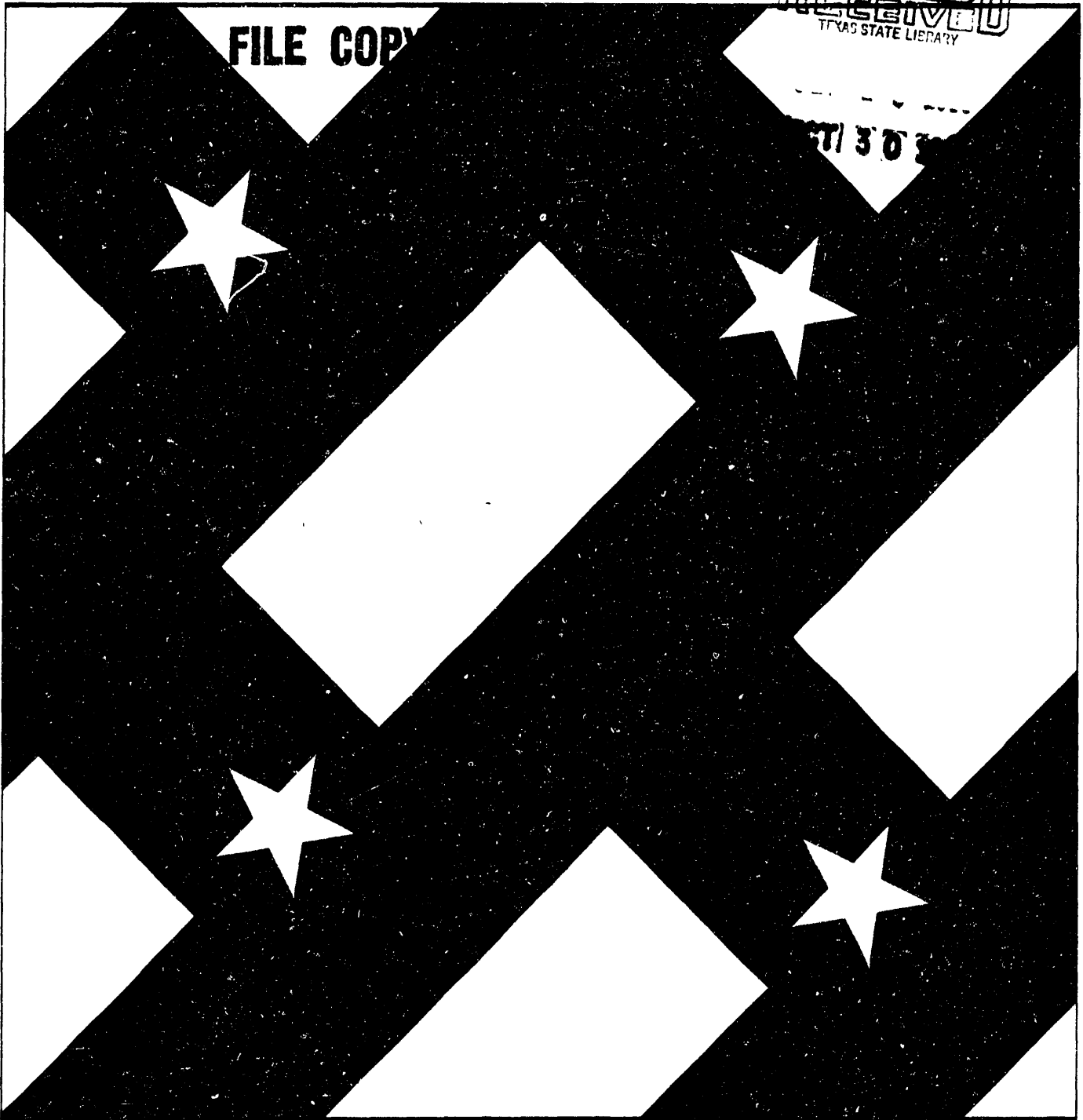


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Texas Register

Volume 11, Number 81, October 31, 1986

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Highlights

The **Texas Board of Private Investigators and Private Security Agencies** adopts an amendment and new section regarding rules of procedure and seal. Effective date - October 21 **page 4466**
The **Texas Economic Development Commission** proposes an amendment concerning rules for Texas small business industrial dev-

elopment corporation revenue bond programs. Earliest possible date of adoption - December 1 **page 4467**
The **State Property Tax Board** proposes the repeal of a section concerning exemption applications for disabled veterans and their survivors. Earliest possible date of adoption - December 1 **page 4472**

**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

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- Governor—appointments, executive orders, and proclamations
- Secretary of State—summaries of opinions based on election laws
- State Ethics Advisory Commission—summaries of requests for opinions and opinions
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
- Open Meetings—notices of open meetings
- The Legislature—bills submitted to, signed by, and vetoed by the Governor and bills that are submitted to the Governor and enacted without his signature
- In Addition—miscellaneous information required to be published by statute or provided as a public service

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

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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"

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

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

TAC stands for the *Texas Administrative Code*;

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



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Myra A. McDaniel
Secretary of State

Director
Dan Procter

Documents Section Coordinator
Cynthia Cooke

Document Editors
Lainie Crease
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Document Filing
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Jody Allen
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Typographer
Dawn VanCleave

Circulation Section Coordinator
Dee Wright

Circulation Assistant
Kristine Hopkins Mohajer

TAC Editors
W. Craig Howell
Beth Glasnapp

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The Governor

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

Appointment Made October 14

Interstate Oil Compact Commission

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

James L. Crowson (legal committee)
201 West Seventh Street
Austin, Texas 78701

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

TRD-8609976

Mark White
Governor of Texas



Appointment Made October 15

Texas Science and Technology Council

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

Perry L. Adkisson, Ph.D.
Chancellor
The Texas A&M University System
College Station, Texas 77843-1122

Issued in Austin, Texas, on October 15, 1986.

TRD-8609976

Mark White
Governor of Texas



Appointment Made October 16

Communities in Schools Advisory Council

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

Rebecca Canning
3528 Lake Heights
Waco, Texas 76708

Issued in Austin, Texas, on October 16, 1986.

TRD-8609976

Mark White
Governor of Texas



Attorney General

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

Requests for Opinions

RQ-900. Request from Paul H. Hayers, city attorney, City of Electra, Electra, concerning whether the Open Records Act, Texas Civil Statutes, Article 6252-17a, requires a city to release customer utility bills.
TRD-8610017

★ ★ ★

RQ-901. Request from David W. Reagan, city attorney, Midland, concerning whether the Open Records Act, Texas Civil Statutes, Article 6252-17a, requires a city to obtain and disclose information collected and maintained by an outside consultant with whom the city contracted.
TRD-8610018

★ ★ ★

RQ-902. Request from Merri Schneider-Vogel, Bracewell and Patterson, Houston, concerning whether the Open Records Act requires a school district to release notes taken by an appraiser during evaluation of instructional personnel.
TRD-8610019

★ ★ ★

RQ-903. Request from Lloyd Criss, chairman, House Committee on Labor and Employment Relations, Austin, concerning the constitutionality of amendments to Texas Civil Statutes, Article 342-101, *et seq.*, the interstate banking bill.
TRD-8610020

★ ★ ★

RQ-904. Request from Oscar H. Mauzy, chairman, Senate Committee on Jurisprudence, Austin, concerning whether Texas Civil Statutes, Article 1269k, requires a public hearing by a housing authority prior to the acquisition of existing units and related questions.
TRD-8610021

★ ★ ★

RQ-905. Request from Gerald Geistweidt, House of Representatives, Austin, concerning whether a hospital district may obtain a loan for operating expenses from a private financial institution.
TRD-8610022

RQ-906. Request from Larry R. Soward, executive director, Texas Water Commission, Austin, concerning whether the Texas Water Commission may adopt a federal rule which would permit the use of a corporate guarantor for liability coverage of an owner or operator of a hazardous waste, treatment, storage, and disposal facility.
TRD-8610023

★ ★ ★

RQ-907. Request from Lloyd Criss, chairman, Committee on Labor and Employment Relations, House of Representatives, Austin, concerning the establishment of a corporation to furnish passenger train service between Houston and Galveston.
TRD-8610024

★ ★ ★

RQ-908. Request from Lloyd Criss, chairman, Committee on Labor and Employment Relations, House of Representatives, Austin, concerning the authority of the State Fire Marshal to promulgate rules regarding fire protection sprinkler contractors.
TRD-8610025

★ ★ ★

RQ-909. Request from Robert M. Saunders, chairman, House Committee on Agriculture and Livestock, House of Representatives, Austin, concerning the effect of the Federal Food Security Act of 1985 on provisions of state law relating to security interests in agricultural products.
TRD-8610026

★ ★ ★

RQ-910. Request from Alvino "Ben" Morales, assistant county attorney, Laredo, concerning the time at which a newly elected justice of the peace takes office, when he is elected to a position previously filled by appointment.
TRD-8610027

★ ★ ★

Opinions

JM-553 (RQ-818). Request from Pablo Avila, Zavala county attorney, Crystal City,

concerning whether a mayor automatically resigns his position upon announcing his candidacy for the position of county judge.

Summary of Opinion. Under the Texas Constitution, Article XVI, §65, a justice of the peace who announces his candidacy for city councilman of a home rule city at a time when more than one year remained on his unexpired term of office as justice thereby automatically resigned that office.

Under the Texas Constitution, Article XI, §11, the mayor of a city whose term of office is two years does not automatically resign that office by becoming a candidate for county judge at a time when his unexpired term of office as mayor exceeds one year. If the mayor's term of office exceeds two years, then his announcing his candidacy for county judge at a time when more than one year remains on his term as mayor constitutes an automatic resignation of the office of mayor.

TRD-8610028

★ ★ ★

JM-554 (RQ-464). Request from Sam A. Nixon, M.D., chairman, State Rural Medical Education Board, Austin, concerning whether a physician whose student loan is repaid by service in a rural county is liable for federal income taxes on the amount of the loan discharged.

Summary of Opinion. Physician and surgeon beneficiaries of Texas Civil Statutes, Article 4498c, student loans may exempt from their gross income under the federal Internal Revenue Code as amended in 1984 any loan amount discharged pursuant to an authorized loan provision.

TRD-8610029

★ ★ ★

JM-555 (RQ-502). Request from Jerry Hodge, R.Ph., president, Texas State Board of Pharmacy, Austin, concerning whether the State Board of Pharmacy may license and regulate out-of-state mail-order pharmacies.

Summary of Opinion. The Texas State Board of Pharmacy may regulate out-of-state mail-order pharmacists only to the extent that they actually engage in the practice of pharmacy or dispense, deliver, or distribute prescription drugs within the State of

Texas. Such regulation is not per se unconstitutional under the commerce clause of the United States Constitution.

TRD-8610030

★ ★ ★

JM-556 (RQ-763). Request from Lloyd Criss, chairman, Labor and Employment Relations Committee, Texas House of Representatives, Austin, concerning whether a state employee may be denied a merit increase because of absence for a work-related injury.

Summary of Opinion. Under the merit pay provision of the 1983 General Appropriations Act, an employee has been employed by the agency for at least six months if he was hired at least six months previously and has remained on the payroll or otherwise continued to occupy the status of an employee. If the individual is absent on an approved worker's compensation claim for a portion of the six months' employment, he has not for that reason failed to have been employed by the agency for six months.

TRD-8610031

★ ★ ★

JM-557 (RQ-834). Request from Barry L. Macha, criminal district attorney, Wichita Falls, concerning whether a private check collection agency may charge the drawer for the holder's consequential damages in addition to the face value of the check and the maximum processing fee.

Summary of Opinion. Texas Civil Statutes, Article 9022, §(a), authorizes a collection agent of a holder of a dishonored check to collect the face amount of the check plus a processing fee not to exceed \$15. However, the provision does not authorize a collection agent to charge an amount to compensate for consequential damages resulting from the collection of a dishonored check.

TRD-8610032

★ ★ ★

JM-558 (RQ-864). Request from Richard G. Morales, Sr., Webb County attorney, Laredo, concerning the retirement status of a justice of the peace.

Summary of Opinion. A justice of the peace in Webb County is a member of the Texas County and District Retirement System and may retire under that system when he meets the eligibility requirements. The Texas Constitution, Article XVI, §17, will cause him to continue in office despite retirement until his successor qualifies.

The Family Code, §1.83, authorizes a retired justice of the peace with 15 years of service as a justice of the peace to conduct marriage ceremonies.

TRD-8610033

JM-559 (RQ-695). Request from Carter Beckworth, criminal district attorney, Longview, concerning the construction of charitable trust established on behalf of the Roy H. Laird Memorial Hospital.

Summary of Opinion. The Texas Trust Code, §113.107, part of the Texas Property Code, should govern the apportionment to principal and income of proceeds from royalties on minerals held in trust for the Roy H. Laird Memorial Hospital pursuant to the will of Annie B. Laird.

TRD-8610034

★ ★ ★

JM-560 (RQ-781). Request from Marlin W. Johnston, commissioner, Texas Department of Human Services, Austin, concerning validity of a pilot program under which the Texas Department of Human Services would provide prescription drugs to eligible Medicaid recipients.

Summary of Opinion. A proposed change in the Medicaid Vendor Drug Program of the Texas Department of Human Services under which the department would purchase certain drug products for free distribution to Medicaid recipients and pay a distribution fee to pharmacies rather than purchasing the drug products from the retail pharmacies, would not be in competition with private enterprise. Consequently, the proposed program would not violate subsections (a) and (f) of §2 of the Clayton Act, 38 Statutes 730, as amended by the Robinson-Patman Act, 49 Statutes 1526 (15 United States Code §13 (a) and (f)).

TRD-8610035

★ ★ ★

JM-561 (RQ-847). Request from Lloyd Criss, chairman, Committee on Labor and Employment Relations, Texas House of Representatives, Austin, concerning whether the State Board of Insurance is authorized or required by Article 5.76-1, to ascertain whether insurance companies are providing accident prevention services to insured Texas employers.

Summary of Opinion. The Texas State Board of Insurance has a mandatory duty under Article 5.76-1(c) to revoke an insurer's license to write workers' compensation insurance in Texas if the board determines, after an adjudicative hearing, that the insurer does not comply with Article 5.76-1. Article 5.76-1, §(d), does not require the board to enforce Article 5.76-1 through rulemaking.

TRD-8610036

★ ★ ★

JM-562 (RQ-688). Request from H. Tati Santiesteban, chairman, Natural Resource Committee, Texas State Senate, Austin, concerning the applicability of an energy con-

servation code to areas which are provided electric utility service by a city but are outside its corporate boundaries.

Summary of Opinion. Texas Civil Statutes, Article 1108, authorizes a home rule city which operates its own electric service company to enact and enforce reasonable regulations which protect the city's electrical distribution system inside its boundaries and outside its boundaries in the areas to which it provides electric service.

TRD-8610036

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JM-563 (RQ-807). Request from Gale Warren, Erath county attorney, Stephenville, concerning the authority of Tarleton State University campus peace officers.

Summary of Opinion. Campus peace officers at Tarleton State University in Stephenville are peace officers but their territorial jurisdiction is limited. They are without authority to make arrests as peace officers outside their jurisdiction, but may make citizens arrests in proper cases. The public streets and highways running through or adjacent to university property are not within their jurisdiction.

TRD-8610038

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JM-564 (RQ-861). Request from Robb Southerland, chairman, Texas Commission on Alcohol and Drug Abuse, Austin, concerning whether a proposed rule of the Texas Commission on Alcohol and Drug Abuse, regarding certification of DWI education programs, contravenes state or federal anti-trust laws, and related questions.

Summary of Opinion. The DWI certification committee does not have authority under the Code of Criminal Procedure, Article 42.12, §6d, to require proof of local need as a criteria for approving an educational program designed to rehabilitate persons who have driven while intoxicated.

TRD-8610039

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JM-565 (RQ-805). Request from Terral R. Smith, chairman, Criminal Jurisprudence Committee, House of Representatives, Austin, concerning the status of the city of Lago Vista and the Travis County Municipal Utility District Number 1 under Texas Civil Statutes, Article 1182c-1.

Summary of Opinion. The city of Lago Vista was newly incorporated over part of the territory within the Travis County Municipal Utility District (MUD) Number 1. Lago Vista has not adopted an ordinance pursuant to Texas Civil Statutes, Article 1182c-1, §6, making the provisions of that statute applicable to it. If the city of Lago Vista annexes all of the remaining territory

of the Travis County MUD Number 1, the city will not be subject to the requirements in Texas Civil Statutes, Article 1182c-1, that it take over the properties and assets of the MUD, assume its debts, liabilities, and obligations, or perform its functions. The MUD will not be abolished pursuant to Texas Civil Statutes, Article 1182c-1, but will continue to exist as an entity legally distinct from the city.

TRD-8610040

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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 10. COMMUNITY DEVELOPMENT

Part II. Texas Economic Development Commission Chapter 109. Rules for Texas Small Business Industrial Development Corporation Revenue Bond Programs

★ 10 TAC §109.3

The Texas Economic Development Commission adopts on an emergency basis an amendment to §109.3, concerning the adoption, implementation, and administration of revenue bond programs by the Texas Small Business Industrial Development Corporation (TSBIDC).

This section covers the requirements concerning bond series limitations, use of bond proceeds, obligation to issue, and bond procedures. TSBIDC was created and implemented on behalf of the State of Texas to carry out the public purposes of the Development Corporation Act of 1979, Texas Civil Statutes, Article 5190.6. The Texas Economic Development Commission is considered to be the governing body of TSBIDC. This amendment is also proposed for permanent adoption in this issue of the *Texas Register*.

The commission adopts this amendment on an emergency basis to clarify certain bond approval standards pursuant to Texas Civil Statutes, Article 5190.6, and federal tax law.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 5190.6, which provide the commission with the authority to adopt rules necessary to carry out the purposes of the Development Corporation Act in implementing TSBIDC's revenue bond programs.

§109.3. Bonds.

[(a) Bond series limitation. No series of bonds may be issued by the corporation in an aggregate principal amount exceeding \$750,000. Further, no series of bonds shall be issued which would require the corporation to file an election under the Code, §103(b)(6)(D).]

[(a)][(b)] Use of bond proceeds. The corporation may use the proceeds of each series of bonds:

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

(b)(c)] **Obligation to issue.** In no event shall the corporation, the board, the governing body, or the unit have any obligation, financial or otherwise, to any person for failure of the corporation to issue, sell, or deliver its bonds.

(c)(d)] **Bond procedures.** The corporation shall file its bond procedures and any supplements or amendments thereto with the commission as required by the Act. Initial bond procedures and any supplements or amendments thereto must be approved by the governing body of the unit prior to filing with the commission.

Issued in Austin, Texas, on October 21, 1986.

TRD-8609972

David V. Brandon
Executive Director
Texas Economic
Development
Commission

Effective date: October 21, 1986
Expiration date: December 20, 1986
For further information, please call
(512) 472-5059

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TITLE 22. EXAMINING BOARDS

Part XX. Texas Board of Private Investigators and Private Security Agencies Chapter 423. Rules of Procedure and Seal

Hearings, Grievances, and Appeals

★ 22 TAC §423.29, §423.37

The Texas Board of Private Investigators and Private Security Agencies adopts on an emergency basis an amendment to §423.29, concerning contested proceedings; which currently provides for at least 30 days notification prior to disciplinary or administrative hearings, and new §423.37, concerning reporters and transcript; which provides for the use of a stenographic provider.

The board has determined that peril to the welfare of citizens exists because of the lengthy process involved in disciplinary

and administrative hearings. The change will enable the agency to either more quickly or expeditiously finalize hearings, and will conform with the Administrative Procedures Act.

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

§423.29. **Contested Proceedings.** Before revoking or suspending a license, security officer commission, or registration or denying an application for a license, security officer commission, or registration, the agency will afford the applicant or petitioner an opportunity for a hearing after reasonable notice of not less than 10 [30] days, except in a case of failure to maintain the required surety bond or insurance.

§423.37. **Recordings and Transcripts.**

(a) All contested proceedings before the agency will be audio recorded, and copies of the audio recording will be made available to all parties upon filing of a written request with the director and the payment of reasonable fees to cover the cost of the recording.

(b) Contested proceedings may be video recorded if a written request is filed with the director not less than five days prior to the date of hearing. Copies of the video recording will be made available to all parties upon filing of a written request with the director and the payment of reasonable fees to cover the cost of the recording.

(c) Proceedings, or any part of them, must be transcribed on written request of any party. The agency may pay the cost of the transcript or assess the cost to one or more parties. This rule does not limit the agency to a stenographic record of proceedings.

Issued in Austin, Texas, on October 13, 1986.

TRD-8609959

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

Effective date: October 21, 1986
Expiration date: February 18, 1987
For further information, please call
(512) 463-5545

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Proposed Rules

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

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

TITLE 10. COMMUNITY DEVELOPMENT

Part II. Texas Economic Development Commission Chapter 109. Rules for Texas Small Business Industrial Development Corporation Revenue Bond Programs

★ 10 TAC §109.3

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

The Texas Economic Development Commission proposes an amendment to §109.3, concerning the adoption, implementation, and administration of revenue bond programs by the Texas Small Business Industrial Development Corporation (TSBIDC). This section covers the requirements concerning bond series limitations, use of bond proceeds, obligation to issue, and bond procedures. TSBIDC was created and implemented on behalf of the State of Texas to carry out the public purposes of the Development Corporation Act of 1979, Texas Civil Statutes, Article 5190.6. The Texas Economic Development Commission is considered to be the governing body of TSBIDC. The proposed amendment is necessary to clarify certain bond approval standards pursuant to Texas Civil Statutes, Article 5190.6, and federal tax law.

Wardaleen F. Belvin, manager of finance, 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. Belvin 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 continuation of the full benefits of tax-exempt financing for eligible projects. 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 Johanna McCully-Bonner, General Counsel, Texas Economic Development Commission, P.O. Box 12728, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 5190.6, which provide the Texas Economic Development Commission with the authority to adopt rules pertaining to the adoption, implementation, and administration of the Texas Small Business Industrial Development Corporation revenue bond programs.

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

Issued in Austin, Texas, on October 21, 1986

TRD-8609973

David V. Brandon
Executive Director
Texas Economic
Development
Commission

Earliest possible date of adoption:
December 1, 1986
For further information, please call
(512) 472-5059.

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TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 11. Surface Mining and Reclamation Division Subchapter D. Coal Mining

★ 16 TAC §11.221

The Railroad Commission of Texas, Surface Mining and Reclamation Division proposes an amendment to §11.221, concerning coal mining regulations pertaining to effluent limitations, prime farmland, notices of violation, and lands unsuitable for mining. The proposed amendment concerning effluent limitations provide standards, which are consistent with the present regulations of the Environmental Protection Agency (EPA) and Texas Water Commission (TWC).

Since the coal mining regulations were initially adopted by the commission, new

terms have been developed in the agricultural community to identify soils. The proposed revision concerning prime farmland incorporates these terms into the regulations. The amendment also updates references to United States Department of Agriculture Handbooks and, for clarity and consistency, revises provisions pertinent to the requirements for soil removal, stockpiling and replacement, and for regulation of soil productivity.

The proposed amendment concerning lands unsuitable for mining provides for simplified procedures and equitable and increased participation by petitioners and the public. The amendment permits cross examination of expert witnesses, and conforms Texas regulations to recent court decisions requiring changes in similar federal regulations.

The proposed change concerning notices of violation in the enforcement section of the regulations proposes to allow for periods greater than 90 days to abate a violation. This is needed when special conditions exist, beyond the control of the permittee, which prevent abatement. Examples would be a climatic condition, a delayed permit processing, a judicial order, or a labor strike.

Ron Reeves, legal counsel, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Reeves 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 improved procedures and reduced costs involving surface coal mining operations for protecting water resources and croplands, facilitating determinations of unsuitability for such operations, and for abating violations in a timely and equitable manner. 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 J. Randel (Jerry) Hill, Director, Surface Mining and Reclamation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6900.

The amendment is proposed under Texas Civil Statutes, Article 5920-11, §6, which

provide the Railroad Commission of Texas with the authority to promulgate rules pertaining to surface coal mining and reclamation operations.

§11.221. State Program Regulations.

(a) The following rules contained in the document title "State Program Submissions to Office of Surface Mining Reclamation and Enforcement, Department of Interior," as amended, prepared by the Railroad Commission of Texas and submitted to the Office of Surface Mining, are adopted by reference: Rules 051.07.04.001-.023, .069-.085, .100-.163, .170-.243, .300-.304, .306-.314, .317, .325-.328, .330-.442, .500-.591, .600, .610-.613, .620-.622, .624, .625 [.620-.625], .650-.651, .660-.661, .670-.675, .680-.687, .690-.698, and .800-.817.

(b) The Railroad Commission of Texas has published [Copies of] the state program regulations, as amended, in booklet form titled "Coal Mining Regulations" [including all proposed amendments,]. Copies may be obtained from [by calling] the Surface Mining and Reclamation Division [at (512) 475-8751, or by writing the Railroad Commission of Texas, Surface Mining and Reclamation Division], Capitol Station, P.O. Drawer 12967, Austin, Texas 78711-2967 [78711].

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

Issued in Austin, Texas, on October 20, 1986.

TRD-8609986

Walter Earl Lille
Special Counsel
Railroad Commission
of Texas

Earliest possible date of adoption:
December 1, 1986
For further information, please call
(512) 463-7149.

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TITLE 22. EXAMINING BOARDS

Part VI. Texas State Board of Registration for Professional Engineers

Chapter 131. Practice and Procedure

References

★22 TAC §§131.71-131.73

The Texas State Board of Registration for Professional Engineers proposes amendments to §§131.71-131.73, concerning references.

Section 131.71 as amended will clarify the use of the reference forms. The amendment to §131.72 is proposed to identify the rule as a statutory requirement. Section 131.73(a) is amended by deleting a part that will be covered in the proposed new

subsections (c) and (d), which clarify the requirements for references.

Kenneth J. Bartosh, P.E., executive director, 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. Bartosh 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 better understanding of the requirements for reference statements to accompany the application for registration. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Kenneth J. Bartosh, P.E., Executive Director, Texas State Board of Registration for Professional Engineers, P.O. Drawer 18329, Austin, Texas 78760.

The amendments are proposed under Texas Civil Statutes, Article 3271a, §8, which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§131.71. Reference Statement Form. The applicant, as a part of his application for registration, shall send a copy of the board's reference statement form to a **minimum of [at least] five references** with a request that the form be immediately completed and returned directly to the office of the board. It is the responsibility of the applicant to distribute the reference forms to those persons he selects. **Reference statements should be provided from persons familiar with each employment for the past 15 years.**

§131.72. Professional Engineer References. It is desirable for all references to be from registered professional engineers who are qualified to evaluate the applicant's engineering training and experience. **By statute, (Texas Civil Statutes, Article 3271a, §13) three of the five required references must be from licensed engineers.** All references should know the applicant personally. The engineers under whose direct supervision the applicant has worked should be given as references. Accurate statements of fact from responsible authorities covering the applicant's experience are necessary.

§131.73. Reference Communication.

(a) The board occasionally finds it necessary to correspond directly with a reference to seek clarification or amplification of the reference's original statement, which may have been unfavorable, questionable, or simply inadequate to substantiate experience claimed by the applicant. If the reference fails or declines to furnish the necessary additional information within a reasonable time all information submitted may [by that reference will] be disregarded in consideration of the application involved. [Additional

references may be required by the board. References dated more than one year prior to board review are not acceptable. Board action will not be taken on an application until five acceptable references have been received.]

(b) (No change.)

(c) **More than five references may be required by the board when necessary to meet the requirements of §131.71 of this title (relating to Reference Statement Form) to provide adequate verification of the applicant's experience of character.**

(d) **References dated more than one year prior to board review are not acceptable.**

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

Issued in Austin, Texas, on October 21, 1986.

TRD-8609994

Kenneth J. Bartosh, P.E.
Executive Director
Texas State Board of
Registration for
Professional Engineers

Proposed date of adoption: January 29, 1987
For further information, please call
(512) 440-7723.

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Engineering Experience

★22 TAC §131.81

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas State Board of Registration for Professional Engineers, 1917 South IH 35, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas State Board of Registration for Professional Engineers proposes the repeal of §131.81, concerning experience evaluation. In concurrent action, the agency proposes to adopt new §131.81, concerning the present procedures for evaluating experience. The repeal is proposed to remove material made extraneous by the addition of the new section.

Kenneth J. Bartosh, P.E., executive director, 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. Bartosh 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 clarification of board procedures and experience requirements. 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 Kenneth J. Bartosh, P.E., Executive Director, Texas State Board of Registration for Professional Engineers, P.O. Drawer 18329, Austin, Texas 78760.

The repeal is proposed under Texas Civil Statutes, Article 3271a, §8, which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§131.81. *Experience Evaluation.*

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

Issued in Austin, Texas, on October 21, 1986

TRD-8609995

Kenneth J. Bartosh, P.E.
Executive Director
Texas State Board of
Registration for
Professional Engineers

Proposed date of adoption January 29, 1987
For further information, please call
(512) 440-7723.

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The Texas State Board of Registration for Professional Engineers proposes new §131.81, concerning engineering experience.

Kenneth J. Bartosh, P.E., executive director, 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. Bartosh 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 clarification of board procedures and experience requirements. 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 Kenneth J. Bartosh, P.E., Executive Director, Texas State Board of Registration for Professional Engineers, P.O. Drawer 18329, Austin, Texas 78760.

The new section is proposed under Texas Civil Statutes, Article 3271a, §8, which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§131.81 *Experience Evaluation.* The evaluation of the engineering experience claimed by an applicant for registration under the Act, §12(a) or (b), will include, but not be restricted to, the following.

(1) Experience must have been progressive and of an increasing standard of quality and responsibility.

(2) Experience should have been gained by working under the supervision of a registered professional engineer.

(3) Experience not gained by working under the supervision of a professional engineer may be accepted by the board provided a satisfactory explanation is given of the circumstances under which the experience was gained.

(4) Experience gained in violation of the Act may not be accepted at the option of the board.

(5) Military experience, to be acceptable, must have been gained in engineering work of a character satisfactory to the board.

(6) Short periods of employment (less than three months) may not be acceptable. A series of short (less than one year) employments may be cause for not accepting experience unless a satisfactory explanation is provided.

(7) If the applicant has experience in more than one branch, the applicant must meet the experience requirements in the one dominant branch. Experience in closely related fields may be allowed at the board's option. Only the dominant branch at the time of registration will be recorded.

(8) For sales experience to be acceptable, it must be demonstrated conclusively that engineering principles and engineering knowledge were actually employed. The mere selection of data or equipment from a company catalog or a similar publication will not be considered engineering experience.

(9) A master's degree in engineering or a Ph.D. degree in engineering may each be offered as one year of experience under the following conditions.

(A) The advanced degrees offered must be ECPD/ABET-approved or be from colleges having an ECPD/ABET-approved bachelor's degree in the same discipline.

(B) The advanced degrees offered must be in addition to any advanced degree used to meet the requirements of an approved degree under §131.91(a)(3) of this title (relating to Approved Courses).

(10) For teaching experience to be acceptable, the applicant must have taught in an ECPD/ABET-approved curriculum in an engineering school of recognized standing, having been employed at the teaching level acceptable to the board.

(11) Experience must not be anticipated; that is, the application for registration must not be postdated. The experience must actually have been obtained at the time the application is submitted.

(12) If an applicant's experience is considered inadequate upon examination, but the board believes he may meet the legal requirements within one year from the date the application was submitted, such application may be held by the board for one year without approval or nonapproval. Such applicants will be advised of the basis for holding their applications and the conditions under which their application will be considered again. In determining the hold pe-

riod, the one-year period will begin on the first day of the month in which the application was notarized and will end one year from that date. The applicant must submit the following information within 60 days after the end of the one-year hold period or the application will be not approved:

(A) a supplementary experience record for the one-year hold period;

(B) three references from professional engineers for the one-year hold period; and

(C) any additional information requested by the board.

(13) If an application is not approved for lack of acceptable experience, the applicant may submit a new application after he has accrued the necessary additional experience.

(14) One of the following may be submitted for experience credit by persons applying under §12(b):

(A) the satisfactory completion of each year, not to exceed three years, of an ECPD/ABET-approved course in engineering, without graduation, can be substituted for one year of experience; or

(B) graduation from a college or university of recognized standing, in a course other than an approved engineering course can be submitted for two years of experience credit.

(15) Persons applying under §12(b) must first show evidence to the board's satisfaction that they have acquired the ability to do acceptable engineering by education, work experience, or a combination of both.

(16) Applicants applying under the Act, §21, must have met the experience requirements of either §12(a) or (b) at the time the registration used as a basis for reciprocity was granted.

(17) The board, at its discretion, may determine the appropriateness of experience gained prior to a period of years in which little or no engineering was performed.

(18) The board will not give experience credit in excess of the calendar time involved for any combination of employment and/or education.

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

Issued in Austin, Texas, on October 21, 1986.

TRD-8609996

Kenneth J. Bartosh, P.E.
Executive Director
Texas State Board of
Registration for
Professional Engineers

Proposed date of adoption: January 29, 1987
For further information, please call
(512) 440-7723.

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Education

★ 22 TAC §131.91

The Texas State Board of Registration for Professional Engineers proposes an amendment to §131.91, concerning education.

Kenneth J. Bartosh, P.E., executive director, 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. Bartosh 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 clarification of the education requirements. 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 Kenneth J. Bartosh, PE, Executive Director, Texas State Board of Registration for Professional Engineers, P.O. Drawer 18239, Austin, Texas 78760.

The amendment is proposed under Texas Civil Statutes, Article 3271a, §8, which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§131.91. *Approved Courses.*

(a) An approved course in engineering of four years or more as used in the Act is construed by the board as follows.

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

(3) A bachelor's degree in one of the mathematical, physical, or engineering sciences and in addition thereto, a master's degree in engineering or a doctor's degree [doctor of philosophy] in engineering or both, provided:

(A) the master's degree in engineering or the doctor's degree [doctorate of philosophy] in engineering, or both, is ECPD/ABET-approved or is obtained from a college having an ECPD/ABET-approved bachelor's degree in the same discipline; and

(B) the combination of the bachelor's degree and the master's degree or doctor's degree, or both, is acceptable to the board as equivalent in curricula to an approved bachelor of engineering degree.

(b) (No change.)

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

Issued in Austin, Texas, on October 21, 1986

TRD-8609997

Kenneth J. Bartosh, P.E.
Executive Director
Texas State Board of
Registration for
Professional Engineers

Proposed date of adoption January 29, 1987
For further information, please call
(512) 440-7723.

★ 22 TAC §§131.92-131.94

(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 Registration for Professional Engineers, 1917 South IH 35, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas State Board of Registration for Professional Engineers proposes the repeal of §§131.92-131.94, concerning education. In concurrent action, the board proposes new §131.92 and §131.93, concerning education requirements. The repeals are proposed to remove material made extraneous by the addition of the new sections. The repeals are necessary because of a restructuring of the sections.

Kenneth J. Bartosh, P.E., executive director, has determined that for the first five-year period the proposed repeals 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 repeals.

Mr. Bartosh also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be clarification of the education requirements. There is no anticipated economic cost to individuals who are required to comply with the proposed repeals.

Comments on the proposal may be submitted to Kenneth J. Bartosh, P.E., Executive Director, Texas State Board of Registration for Professional Engineers, P.O. Drawer 18329, Austin, Texas 78760.

The repeals are proposed under Texas Civil Statutes, Article 3271a, §8, which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§131.92. *Foreign Degrees.*

§131.93. *Foreign Education--Reciprocity.*

§131.94. *Transcripts.*

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

Issued in Austin, Texas, on October 21, 1986

TRD-8609998

Kenneth J. Bartosh, PE
Executive Director
Texas State Board of
Registration for
Professional Engineers

Proposed date of adoption January 29, 1987
For further information, please call
(512) 440-7723

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★ 22 TAC §131.92, §131.93

The Texas State Board of Registration for Professional Engineers proposes new §131.92 and §131.93, concerning engineering education.

Kenneth J. Bartosh, P.E., executive director, 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. Bartosh 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 clarification of the education requirements. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Kenneth J. Bartosh, PE, Executive Director, Texas State Board of Registration for Professional Engineers, P.O. Drawer 18329, Austin, Texas 78760.

The new sections are proposed under Texas Civil Statutes, Article 3271a, §8, which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§131.92. *Foreign Degrees.*

(a) An individual who has completed his undergraduate engineering education and received the equivalent of a baccalaureate degree from an institution other than one located in the United States and its possessions must apply under §12(b), except as follows:

(1) If, in addition to his foreign degree, an individual presents an advanced engineering degree meeting the conditions set out in §131.91(a)(3) of this title (relating to Approved Courses), he may apply under the provisions of the Act, §12(a).

(2) Applicants having degrees accredited by the Canadian Accreditation Board that are published in the ABET annual report may apply under §12(a).

(3) If registered in another state by passing a minimum 16-hour written examination acceptable to the board, an applicant with a foreign engineering education may apply under the Act, §21 (relating to Reciprocity), or §12(b), whichever is applicable.

(b) A complete certified transcript or record of foreign education credentials together with a certified English translation must be provided.

§131.93. *Transcripts.* An official transcript bearing the seal of the institution involved must be provided to the board for each school from which a degree or credits are claimed on an application, regardless of the section of the Act under which application is being made. The applicant is responsible for ordering and paying for all such transcripts, which are to be forwarded directly to the board office by the respective reg-

istrars. Normally, if a legible transcript has been received and accepted for an application, a similar transcript need not be submitted to support any subsequent application from the same applicant

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

Issued in Austin, Texas, on October 21, 1986

TRD-8609999 Kenneth J Bartosh, PE
Executive Director
Texas State Board of
Registration for
Professional Engineers

Proposed date of adoption. January 29, 1987
For further information, please call
(512) 440-7723.

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Examinations

★22 TAC §131.101

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas State Board of Registration for Professional Engineers, 1917 South IH 35, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin)

The Texas State Board of Registration for Professional Engineers proposes the repeal of §131.101, concerning examinations. In concurrent action, the agency proposes new §131.101, concerning new examination procedures. The repeal is proposed to remove material made extraneous by the addition of the new section.

Kenneth J Bartosh, P.E., executive director, 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. Bartosh 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 clarification of the procedures for the examinations. 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 Kenneth J Bartosh, P.E., Executive Director, Texas State Board of Registration for Professional Engineers, P.O. Drawer 18239, Austin, Texas 78760.

The repeal is proposed under Texas Civil Statutes, Article 3271a, §8, which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§131.101. *Applicability.*

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

Issued in Austin, Texas, on October 21, 1986

TRD-8610000 Kenneth J Bartosh, P.E
Executive Director
Texas State Board of
Registration for
Professional Engineers

Proposed date of adoption January 29, 1987
For further information, please call
(512) 440-7723

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The Texas State Board of Registration for Professional Engineers proposes new §131.101, concerning examinations.

Kenneth J Bartosh, P.E., executive director, 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. Bartosh 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 clarification of the examination procedures. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted in writing to Kenneth J. Bartosh, P.E., Executive Director, Texas State Board of Registration for Professional Engineers, P.O. Drawer 18329, Austin, Texas 78760.

The new section is proposed under Texas Civil Statutes, Article 3271a, §8, which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§131.101. *Examinations for §12(b) Registration.* The following will apply for persons required to apply under the Act, §12(b).

(1) The written examinations required under §12(b) will consist of an eight-hour fundamentals of engineering examination and an eight-hour principles and practice of engineering examination. Each of these examinations normally will be offered twice each year, once in the first six months and once in the second six months of each calendar year. Written examinations will be held in Austin or places designated by the board.

(2) Applicants may be exempt from either or both of the examinations if the professional engineering licensing authority of any state, territory, or possession of the United States certifies the applicant has passed a similar examination

(3) Applicants must either pass or be exempt from the fundamentals of engineering examination in order to be eligible to take the principles and practice of engineering examination.

(4) Individuals who have been approved to take the examinations will be advised of the first examination for which they are eligible. The applicants must elect to start an examination schedule with either the first or second examination for which they are eligible. The schedule shall consist of consecutive examination dates not to exceed the following:

(A) the number of examination dates, not to exceed four, required to pass the fundamentals of engineering examination; plus

(B) the number of examination dates, not to exceed two, required to pass the principles and practice examination.

(5) Failure to pass either examination within the schedule will cause the applicant to be not approved. Individuals may be excused from a maximum of two examinations during the examination schedule. One excuse may be granted for reasons acceptable to the executive director. A second and final excuse will require board action. Excused examination will count as an examination scheduled under paragraph (6) of this section, but will not count toward the maximum examinations allowed under paragraph (4) of this section. Requests to be excused from any examination must be made in writing and received in the board office before the examination date or no later than 30 days after the examination date

(6) Applicants who have been approved to take the examinations under §12(b) and who have paid the established fee with their application may schedule the two examinations twice each without payment of additional fees. If allowed to schedule either examination more than twice for any reason, an established fee will be charged for the third and each subsequent time the examination is scheduled.

(7) All examinations will be in the English language.

(8) An applicant whose application for registration has not been approved for failure to take either examination within the limits set by the schedule in paragraph (4) of this section will be required to file a new application and pay a new application fee.

(9) An applicant whose application has not been approved after failing and failing to pass either examination within the limits set by the schedule in paragraph (4) of this section will be required to wait two years from the date the application is not approved before filing a new application. The new application must include evidence the applicant has acquired additional education or experience that would indicate he may be able to pass the required examinations.

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

Issued in Austin, Texas, on October 21, 1986.

TRD-8610001

Kenneth J. Bartosh, P.E.
Executive Director
Texas State Board of
Registration for
Professional Engineers

Proposed date of adoption: January 29, 1987
For further information, please call
(512) 440-7723

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★22 TAC §131.103, §131.104

The Texas State Board of Registration for Professional Engineers proposes amendments to §131.103 and §131.104, concerning engineer-in-training certification.

Kenneth J. Bartosh, PE, executive director, 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. Bartosh 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 clarification of the education requirements. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Kenneth J. Bartosh, P.E., Executive Director, Texas State Board of Registration for Professional Engineers, P.O. Drawer 18329, Austin, Texas 78760.

The amendments are proposed under Texas Civil Statutes, Article 3271a, §8, which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§131.103. Engineer-in-Training. Persons eligible to apply for engineer-in-training certification are as follows.

(1) Those who have four-year board-approved engineering degrees and have passed the **fundamentals of engineering examination** [Part I of the examination given for registration under the provisions of the Act, §12(b)].

(2) Those who do not have board-approved engineering degrees, but who have high school educations and specific work records of eight or more years of experience in engineering work of a grade and character satisfactory to the board who apply for registration under the Act, §12(b), and pass the **fundamentals of engineering examination** [Part I of the required examination].

§131.104. Engineer-in-Training Certificates. A certificate as an engineer-in-training expires 12 years from the date appearing thereon. This certification does not entitle an individual to practice as a professional engineer. The fee for engineer-in-training certification will be established by the board [\$5.00].

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

Issued in Austin, Texas, on October 21, 1986.

TRD-8610002

Kenneth J. Bartosh, P.E.
Executive Director
Texas State Board of
Registration for
Professional Engineers

Proposed date of adoption: January 29, 1987
For further information, please call
(512) 440-7723.

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TITLE 34. PUBLIC FINANCE

Part VII. State Property Tax Board

Chapter 155. Tax Record Requirements

Exemptions

★34 TAC §155.7

(Editor's note: The text of the following sections under Chapter 155 proposed for repeal will not be published. The sections may be examined in the offices of the State Property Tax Board, 9501 North IH 35, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The State Property Tax Board proposes the repeal of §155.7, concerning disabled veteran's exemption application forms. The repealed section will be replaced by a new section prescribing revised contents for these and other application forms.

The new section revises the prescribed contents of disabled veteran's exemption application forms to make the forms simpler and easier to read than those required by the current section, and in this issue of the *Texas Register*.

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

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

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

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

§155.7. Exemption Applications for Disabled Veterans and their Survivors.

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

Issued in Austin, Texas, on October 20, 1986.

TRD-8609917

Ron Patterson
Executive Director
State Property Tax Board

Earliest possible date of adoption:

December 1, 1986

For further information, please call
(512) 834-4802.

★ ★ ★

★34 TAC §155.16

The State Property Tax Board proposes the repeal of §155.16, concerning cemetery exemption application forms. The repealed section will be replaced by a new section prescribing revised contents for cemetery exemptions.

The new section revises the prescribed contents of cemetery exemption application forms to make the forms simpler and easier to read than those required by the current section, and is proposed in this issue of the *Texas Register*.

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

Mr. Niles also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be enhancement of uniform procedures for administration of exemptions and the promulgation of exemption applications which are both up to date and easier for taxpayers to complete. There is no anticipated

economic cost to individuals who are required to comply with the proposed repeal.

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

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

§155.16. Exemption Applications for Cemeteries.

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

Issued in Austin, Texas, on October 20, 1986.

TRD-8609918 Ron Patterson
Executive Director
State Property Tax Board

Earliest possible date of adoption:
December 1, 1986

For further information, please call
(512) 834-4802.

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★34 TAC §155.21

The State Property Tax Board proposes the repeal of §155.21, concerning veterans' organization exemption application forms. The repealed section will be replaced by a new section prescribing revised contents for these and other application forms.

The new section, which is proposed in this issue, revises the prescribed contents of veterans' organization exemption application forms by adopting a single form that may be used for the veteran's organization exemption and several others, replacing a number of separate forms currently in use. It is anticipated that this will result in a savings by reducing the number of forms an appraisal district is required to have on hand.

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

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

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

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

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

§155.21. Exemption Applications for Veterans' Organization.

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

Issued in Austin, Texas, on October 20, 1986.

TRD-8609919 Ron Patterson
Executive Director
State Property Tax Board

Earliest possible date of adoption:
December 1, 1986

For further information, please call
(512) 834-4802.

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★34 TAC §155.22

The State Property Tax Board proposes the repeal of §155.22, concerning Federation of Women's Club exemption application forms. The repealed section will be replaced by a new section prescribing revised contents for these and other application forms.

The new section, which is proposed in this issue, revises the prescribed contents of these exemption application forms by adopting a single form that may be used for the Federation of Women's Clubs exemption and several others, replacing a number of separate forms currently in use. It is anticipated that this will result in a savings by reducing the number of forms an appraisal district is required to have on hand.

John Franklin Niles, general counsel, has determined that for the first five-year pe-

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

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

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

§155.22. Exemption Applications for Federation of Women's Clubs.

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

Issued in Austin, Texas, on October 20, 1986.

TRD-8609920 Ron Patterson
Executive Director
State Property Tax Board

Earliest possible date of adoption:
December 1, 1986

For further information, please call
(512) 834-4802

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★34 TAC §155.23

The State Property Tax Board proposes the repeal of §155.23, concerning Nature Conservancy of Texas exemption application forms. The repealed section will be replaced by a new section prescribing revised contents for these and other application forms.

The new section, which is proposed for repeal in this issue, revises the prescribed contents of these exemption application forms by adopting a single form that may be used for the Nature Conservancy of Texas exemption and several others, replacing a number of separate forms cur-

rently in use. It is anticipated that this will result in a savings by reducing the number of forms an appraisal district is required to have on hand.

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

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

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

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

§155.23. *Exemption Applications for Nature Conservancy.*

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

Issued in Austin, Texas, on October 20, 1986.

TRD-8609921 Ron Patterson
Executive Director
State Property Tax Board

Earliest possible date of adoption:
December 1, 1986
For further information, please call
(512) 834-4802.



★34 TAC §155.24

The State Property Tax Board proposes the repeal of §155.24, concerning Congress of Parents and Teachers exemption applications forms. The repealed section will be replaced by a new section prescribing revised contents for these and other application forms.

The new section, which is proposed in this issue, revises the prescribed contents of these exemption application forms by adopting a single form that may be used for the Congress of Parents and Teachers exemption and several others, replacing a number of separate forms currently in use. It is anticipated that this will result in a savings by reducing the number of forms an appraisal district is required to have on hand.

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

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

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

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

§155.24. *Exemption Applications for Congress of Parents and Teachers*

TRD-8609922 Ron Patterson
Executive Director
State Property Tax Board

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

Issued in Austin, Texas, on October 20, 1986

TRD-8609922 Ron Patterson
Executive Director
State Property Tax Board

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December 1, 1986
For further information, please call
(512) 834-4802.



★34 TAC §155.25

The State Property Tax Board proposes the repeal of §155.23, concerning Private Enterprise Demonstration Association exemption application forms. The repealed section will be replaced by a new section prescribing revised contents for these and other application forms.

The new section, which is proposed in this issue, revises the prescribed contents of these exemption application forms by adopting a single form that may be used for the Private Enterprise Demonstration Association exemption and several others, replacing a number of separate forms currently in use. It is anticipated that this will result in a savings by reducing the number of forms an appraisal district is required to have on hand.

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

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

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

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

§155.25. *Exemption Applications for Private Enterprise Demonstration Associations.*

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

Issued in Austin, Texas, on October 20, 1986.

TRD-8609923 Ron Patterson
Executive Director
State Property Tax Board

Earliest possible date of adoption:
December 1, 1986
For further information, please call
(512) 834-4802

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★34 TAC §155.27

The State Property Tax Board proposes the repeal of §155.27, concerning theater school exemption application forms. The repealed section will be replaced by a new section prescribing revised contents for these and other application forms.

The new section revises the prescribed contents by adopting a new form that is both easier to read and more comprehensive than the form it replaces, and is proposed in this issue.

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

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

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

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

§155.27. *Exemption Applications for Theater Schools.*

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

Issued in Austin, Texas, on October 20, 1986
TRD-8609924 Ron Patterson
Executive Director
State Property Tax Board

Earliest possible date of adoption:
December 1, 1986
For further information, please call
(512) 834-4802.

★ ★ ★

★34 TAC §155.28

The State Property Tax Board proposes the repeal of §155.28, concerning Biomedical Research Corporation exemption application forms. The repealed section will be replaced by a new section prescribing revised contents for these and other application forms.

The new section, which is proposed in this issue, revises the prescribed contents of these exemption application forms by adopting a single form that may be used for the Biomedical Research Corporation exemption and several others, replacing a number of separate forms currently in use. It is anticipated that this will result in a savings by reducing the number of forms an appraisal district is required to have on hand

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

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

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

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

§155.28. *Exemption Applications for Biomedical Research Corporations.*

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

Issued in Austin, Texas, on October 20, 1986.
TRD-8609925 Ron Patterson
Executive Director
State Property Tax Board

Earliest possible date of adoption:
December 1, 1986
For further information, please call
(512) 834-4802

★ ★ ★

★34 TAC §155.29

The State Property Tax Board proposes the repeal of §155.29, concerning Community Service Club exemption application forms. The repealed section will be replaced by a new section prescribing revised contents for these and other application forms

The new section, which is proposed in this issue, revises the prescribed contents of these exemption application forms by adopting a single form that may be used for the Community Service Club exemption and several others, replacing a number of separate forms currently in use. It is anticipated that this will result in a savings by reducing the number of forms an appraisal district is required to have on hand.

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

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

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

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

property tax system and the Property Tax Code, §11.43(f), which requires the board, in prescribing the contents of exemption applications, to ensure that the form requires an applicant to furnish the information necessary to determine the validity of the exemption claim.

§155.29. Exemption Applications for Community Service Clubs.

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

Issued in Austin, Texas, on October 20, 1986.

TRD-8609926 Ron Patterson
Executive Director
State Property Tax Board

Earliest possible date of adoption:
December 1, 1986

For further information, please call
(512) 834-4802.

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★34 TAC §155.30

The State Property Tax Board proposes the repeal of §155.30, concerning historic site exemption application forms. The repealed section will be replaced by a new section prescribing revised contents for historic site exemptions.

The new section revises the prescribed contents of historic site exemption application forms to make the forms simpler and easier to read than those required by the current section, and is proposed in this issue

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

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

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

The repeal is proposed under the Property Tax Code, §5.03(a), which provides the State Property Tax Board with the authority to establish minimum standards for the administration and operation of an appraisal district, the Property Tax Code, §5.07(c), which provides that the board

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

§155.30. Exemption Applications for Historic Sites.

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

Issued in Austin, Texas, on October 20, 1986.

TRD-8609927 Ron Patterson
Executive Director
State Property Tax Board

Earliest possible date of adoption:
December 1, 1986

For further information, please call
(512) 834-4802.

★ ★ ★

★34 TAC §155.32

The State Property Tax Board proposes the repeal of §155.32, concerning medical center development exemption application forms. The repealed section will be replaced by a new section prescribing revised contents for these and other application forms.

The new section, which is proposed in this issue, revises the prescribed contents of these exemption application forms by adopting a single form that may be used for the medical center development exemption and several others, replacing a number of separate forms currently in use. It is anticipated that this will result in a savings by reducing the number of forms an appraisal district is required to have on hand.

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

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

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

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

§155.32. Exemption Applications for Medical Center Development.

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

Issued in Austin, Texas, on October 20, 1986.

TRD-8609928 Ron Patterson
Executive Director
State Property Tax Board

Earliest possible date of adoption:
December 1, 1986

For further information, please call
(512) 834-4802.

★ ★ ★

★34 TAC §155.36

The State Property Tax Board proposes the repeal of §155.36, concerning solar and wind-powered energy device exemption application forms. The repealed section will be replaced by a new section prescribing revised contents for these and other application forms.

The new section revises the prescribed contents by adopting a new form that is both easier to read and more comprehensive than the form it replaces, and is proposed in this issue.

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

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

Comments on the proposal may be submitted to John Franklin Niles, General

Counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

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

§155.36. Exemption Applications for Solar or Wind-Powered Energy Devices.

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

Issued in Austin, Texas, on October 20, 1986.

TRD-8609929 Ron Patterson
Executive Director
State Property Tax Board

Earliest possible date of adoption:
December 1, 1986

For further information, please call
(512) 834-4802.

★ ★ ★

★34 TAC §155.51

The State Property Tax Board proposes new §155.51, concerning applications for certain property tax exemptions. This rule replaces §§155.7, 155.16, 155.21-155.25, 155.27-155.30, 155.32, and 155.36, which are proposed for repeal in this issue. The new section, which adopts by reference revised model exemption forms for each type of exemption, states the board's requirements for each form more succinctly and provides revised forms that are more comprehensive and easier for taxpayers to complete. The new section also adopts a new model exemption form for property tax abatement exemptions pursuant to the Property Tax Code, §11.28, and Texas Civil Statutes, Article 1066f.

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

Mr. Niles also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be enhancement of uniform procedures for administration of exemptions and the

promulgation of exemption applications which are both up to date and easier for taxpayers to complete. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

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

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

§155.51. Miscellaneous Exemptions.

(a) Each appraisal office shall prepare applications for the exemptions provided by the Property Tax Code, §§11.17, 11.23, 11.24, 11.27, and 11.28, and make copies of each form available to the public.

(b) Each application must require the applicant to provide all information required by the board's model form. Each application must substantially conform in form to the appropriate model form. The application may require information in addition to that required by the model form.

(c) Where the application contains or requires other information, the information required by this section shall be printed on the front of the form.

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

(e) Each application shall require the applicant to sign and date the application.

(f) Each application shall include the following statement in boldface type immediately above or below the space for the signature and date: "Under Texas Penal Code, Section 37.10, if you make a false statement on this application, you could receive a jail term of up to 1 year and a fine of up to \$2,000, or a prison term of 2 to 10 years and a fine of up to \$5,000."

(g) An application for the exemption provided by the Property Tax Code, §11.22, for disabled veterans and their survivors shall state that the exemption need not be applied for annually, that the applicant has a duty to notify the chief appraiser in writing before the next May 1 following the date the applicant's entitlement to an exemption ends, and that the chief appraiser may require an applicant to reapply by delivering written notice to the applicant with a new application.

(h) The chief appraiser shall determine each application in accordance with the provisions of the Texas Property Tax Code and the Texas Constitution.

(i) The following model forms are adopted by reference:

(1) application for cemetery exemption (Form 11.17);

(2) application for disabled veteran's or survivor's exemption (Form 11.22);

(3) application for miscellaneous property tax exemptions (Form 11.23);

(4) application for theater school property tax exemption (Form 11.23(g));

(5) application for historic sites property tax exemption (Form 11.24);

(6) application for solar and wind-powered energy device exemption (Form 11.27); and

(7) application for property tax abatement exemption (Form 11.28).

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

Issued in Austin, Texas, on October 20, 1986.

TRD-8609930 Ron Patterson
Executive Director
State Property Tax Board

Earliest possible date of adoption:
December 1, 1986

For further information, please call
(512) 834-4802.

★ ★ ★

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

Chapter 17. Commercial Driver Training School Regulations

★37 TAC §17.29

The Texas Department of Public Safety proposes an amendment to §17.29, concerning driver education for minors. Subsection (e)(4) is amended by changing the number of teaching assistants from four to six for a ratio of one to six for each certified supervising driver education teacher which is in accordance with recent amendments to the standards for an approved course in driver education. Subsection (e)(5) is new language which promulgates exceptions to the driver education standards and curriculum for commercial driver training school instructors. The exceptions permit an instructor to instruct in-car training not to exceed eight hours per day and to conduct two 30-minute sessions of behind-the-wheel in-car training per day provided the student has a 30-minute break between each session. In subsection (f), administrative rules numbers are deleted from the text and are no

longer necessary to identify the applicable courses noted in this subsection.

Meivin C. Peoples, chief accountant III, 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.

Johnny Cowan, inspector, 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 students taking driver education training from a commercial driver training school should be able to complete the course in fewer trips to the commercial driver training school. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to John C. West, Jr., Texas Department of Public Safety, P.O. Box 4087, Austin, Texas 78773, (512) 485-2000.

The amendment is proposed under Texas Civil Statutes, Article 4413(29c), which provide the Texas Department of Public Safety with the authority to adopt rules necessary to effectively administer the commercial driver training schools and instructors licensing law.

§17.29. Driver Education for Minors.

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

(e) Standards for an approved course in driver education for commercial driver training schools in Texas:

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

(4) Teaching assistants. A teaching assistant in driver education must be 18 years of age and a high school graduate. He must possess a valid Texas chauffeurs license and, for at least the past 24 months immediately prior to approval as a teaching assistant, have a personal driving record upon which the Department of Public Safety has taken no corrective action. Corrective action includes a citation for a personal interview or more serious action by the Department of Public Safety under the Texas Driver Improvement Program. Teaching assistants must also complete an approved college or university program of study in driver education developed by the Texas Education Agency and the Department of Public Safety. Teaching assistants may assist teachers in the classroom phase of driver education and conduct behind-the-wheel, multicar range, and simulator training under the supervision of a certified supervising teacher. A certified supervising driver education teacher shall be limited to the aid of six [four] teaching assistants. Teaching assistants in commercial driver training schools must be properly licensed as commercial instructors by the Department of Public Safety.

(5) Authorized exceptions to the standards for an approved course in driver education and the state-approved curriculum

guide (driver education classroom and in-car instruction) are as follows.

(A) The maximum amount of in-car instruction time permissible for a commercial driver training school instructor to teach minors shall not exceed eight hours per day.

(B) A student may receive two 30-minute sessions of behind-the-wheel in-car instruction per day provided that the two 30-minute sessions be separated by at least 30 minutes of nondriving time.

(f) Any person, group, or organization claiming nonprofit status, as provided in §17.2(4)(E) of this title (relating to Schools and Instructors License Categories), that desires to conduct a driver training course for persons 15 years to 18 years of age and certify same to the department for driver licensing purposes, must apply to and receive written approval from the department prior to beginning any such training course. The application must include each instructor's qualifications, location of training site, a detailed list of anticipated expenses, and each student's expected prorated share of those expenses. Such training course must conform to the Texas Education Agency standards for driver education courses [§§77.471-77.480 (226.32.95.020-.100) of Title 19 (relating to Standards for an Approved Course in Driver Education)] and/or the Department of Public Safety motorcycle operator training course [Chapter 31 of this title (relating to Motorcycle Operator Training)]. The department may at any time request additional information, investigate or inspect such courses or instructors for the purpose of assuring compliance with course standards.

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

Issued in Austin, Texas, on October 16, 1986

TRD-8609908

James B. Adams
Director
Texas Department of
Public Safety

Earliest possible date of adoption.

December 1, 1986

For further information, please call
(512) 485-2000

★ ★ ★

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services Chapter 85. General Licensing Procedures

The Texas Department of Human Services (TDHS) proposes amendments to §§85.6003, 85.6008, and 85.6018, and new §§85.6005 and

§85.6029, concerning social work certification, in its General Licensing Procedures rule chapter. The department is proposing the amendments to clarify existing provisions in the Code of Ethics, recognition as a private practitioner, and inactive status. The new sections explain eligibility requirements for certification and further define the terms relevant to the Code of Ethics.

Brian Packard, associate commissioner for budget, planning, and economic analysis, 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. Packard 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 increased protection of the consumer of social work services because the ethical principles by which social work practitioners must provide professional services will be more clearly understood. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-719, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

Subchapter III. Social Work Certification

★ 40 TAC §§85.6003, 85.6009, 85.6018

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

§85.6003. Recognition.

(a) (No change.)

(b) Private practice—A private practitioner of social work is one who, on either a full- or part-time basis, is responsible for his own practice, establishes his own conditions of exchanges with his clients, and identifies himself as a social work practitioner in offering services. A social worker is considered in private practice if he provides social work services with sole responsibility for the client, regardless of the organizational structure in which he provides the services.

(1) (No change.)

(2) The requirements for recognition as an independent private practitioner are:

(A)-(C) (No change.)

(D) Documentation of continued participation in and identification with the social work profession.

(3)-(4) (No change.)

(5) The independent practice of clinical social work requires recognition as both an Advanced Clinical Practitioner (ACP) and a private practitioner.

(c) (No change.)

§85.6009. Expiration and Renewal.

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

(f) Certificate holders may request to be placed in an inactive status rather than renew their certification if they are not currently employed as a social worker or are living outside of Texas. The fee for the inactive status [category] is half that of certification. Inactive status is granted for a 12-month period and may be extended each year if the certificate holder remains eligible according to the requirements of this subchapter [not extend beyond 24 consecutive months. In addition, the certificate holder must provide documentation of continuing involvement with the social work profession for renewal of the inactive status]. The department does not require continuing education during the period of inactive status.

§85.6018. Code of Ethics. Social workers certified by the department must observe and comply with the code of ethics. Engaging in unethical conduct or conduct that discredits the profession of social work is grounds for disqualification of a certificate holder. Violation of any of the following ethical principles [of ethics] may be regarded as engaging in unethical conduct or conduct which discredits the profession of social work.

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

(3) A social worker must not engage in sexual acts [activity] with a client or with a person who has been a client within the past year. A social worker must not provide social work services to a person with whom he has had a sexual relationship.

(4) As soon as possible after employment by or services to a client, a social worker must provide a clear written description of what the client may expect in the way of services, reports, fees, billing, and schedules. A contract for services is usually completed within the first two meetings between the client and the social worker. The contract must be amended as needed during the course of services.

(5) A social worker must not give or receive compensation or any article of value in conjunction with his employment by or services to a client from any person other than the client without the client's knowledge and consent after a full disclosure [In referring clients for professional services, a social worker must not:

[(A) give to or receive from an individual or an agency any form of commission, rebate, or other remuneration; or

[(B) engage in fee-splitting].

(6)-(7) (No change.)

(8) A social worker must not knowingly violate a position of trust by committing any act detrimental to a client.

(9)-(10) (No change.)

(11) A social worker must attempt to make appropriate referrals as indicated by the client's need for services. Referral should be timely.

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

Issued in Austin, Texas, on October 22, 1986.

TRD-8610046

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:
December 1, 1986

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

★ ★ ★

★ 40 TAC §§85.6005, §85.6029

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

§85.6005. Eligibility for Certification. An applicant for certification must be at least 18 years old and worthy of the public trust and confidence. A violation of the law or the rules for certification, regardless of when it occurred or when the department became aware of it, may be considered evidence that the applicant or certificate holder is not worthy of the public trust and confidence and may be grounds for denying, suspending, or revoking the certification. Acts that would have violated the law or rules had they been in effect when the act occurred may also be considered a breach of public trust and confidence.

§85.6029. Definitions. The following words and terms, when used in this subchapter, have the following meanings, unless the text clearly indicates otherwise:

Client—A person who requests social work services and who makes a contract to work with the social worker on mutually agreed upon terms. A recipient of social work services. Once a person becomes a social worker's client, he remains that social worker's client until the contract for services is terminated.

Confidential information—Any information that the client gives to the social worker.

Sexual acts—Acts including, but not limited to, sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, sado-masochistic abuse, lewd exhibition of the genitals, or any sexually provocative act.

Termination—The end of the professional services as evidenced by a mutual agreement between the social worker and the client to end the services or to discontinue all meetings and billing for services.

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

Issued in Austin, Texas, on October 22, 1986.

TRD-8610047

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:
December 1, 1986

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

★ ★ ★

**Part IX. Texas Department
on Aging
Chapter 257. Hearing Procedures
General Hearing Provisions**

★ 40 TAC §§257.73, 257.74, 257.79

(Editors Note: The following proposal was inadvertently omitted from the October 10, 1986, issue. The earliest possible date of adoption is November 10, 1986.)

The Texas Department on Aging proposes amendments to §§257.73, 257.74, and 257.79, concerning general hearing procedures. The amendments reflect the new planning periods for the area agencies on aging and correct misspelled words that do not reflect the intent of the rules.

Linda Heath, chief of grants management, 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.

Tim Shank, deputy executive director, has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be better understanding of the requirements and intent of department policy regarding area plan requirements and handling of hearings. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Edwin R. Floyd, Chief of Administrative Services, Texas Department on Aging, P.O. Box 12786, Austin, Texas 78711.

The amendments are proposed under the Human Resources Code, Chapter 101, which provides the Texas Department on Aging with the authority to promulgate rules governing the operation of the department.

§257.73. Informal Disposition [Deposition].

(a) (No change.)

(b) If it has not already done so, the area agency at this time shall furnish petitioner with copies of:

(1) its current two year [triennial] area plan;

(2)-(6) (No change.)

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

§257.74. Submission of Appeal.

(a) At the same time it notifies the department that the dispute cannot be informally resolved, the area agency shall furnish department with copies of all documents (except the two year [triennial] area plan) described in §257.73(b) of this title (relating to Informal Disposition [Deposition]), together with a concise statement identifying each re-

maining disputed issue. The area agency at this time may also respond in writing to the petitioner's appeal notice. The area agency shall furnish a copy of its issue statement and response, if any, to the petitioner.

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

§257.79. Record. The record for an appeal under this section consists exclusively of:

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

(5) the documents furnished the petitioner by the area agency under §257.73 of this title (relating to Informal Disposition [Deposition]);

(6)-(10) (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 October 1, 1986.

TRD-8809370

O. P. (Bob) Bobbitt
Executive Director
Texas Department
on Aging

Earliest possible date of adoption:
November 10, 1986
For further information, please call
(512) 444-2727.

Withdrawn

Rules

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

**TITLE 31. NATURAL
RESOURCES AND
CONSERVATION
Part IV. School Land Board
Chapter 155. Land Resources
Coastal Public Lands**

★31 TAC §155.10

The School Land Board has withdrawn from consideration §155.10, concerning coastal public lands. The text of the repeal appeared in the April 18, 1986, issue of the *Texas Register* (11 TexReg 1507). The

effective date of the withdrawal is October 20, 1986.

Issued in Austin, Texas, on October 20, 1986.

TRD-8609955

Dan Miller
Deputy Commissioner
for Legal Services
School Land Board

Filed: October 20, 1986

For further information, please call
(512) 463-5009.

★ ★ ★

The School Land Board has withdrawn from consideration §155.10, concerning

coastal public lands. The text of the new section appeared in the April 18, 1986, issue of the *Texas Register* (11 TexReg 1508). The effective date of the withdrawal is October 20, 1986.

Issued in Austin, Texas, on October 20, 1986.

TRD-8609956

Dan Miller
Deputy Commissioner
for Legal Services
School Land Board

Filed: October 20, 1986

For further information, please call
(512) 463-5009.

★ ★ ★

Adopted

Rules An agency may take final action on a rule 30 days after a proposal has been published in the *Register*. The rule becomes effective 20 days after the agency files the correct document with the *Texas Register*, unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice.

If an agency adopts the rule without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. If an agency adopts the rule with changes to the proposed text, the proposal will be republished with the changes.

TITLE 1.

ADMINISTRATION

Part IV. Office of the

Secretary of State

Chapter 81. Elections

Campaign Reporting and Disclosure

★1 TAC §§81.161, 81.162, 81.164, 81.165

The Office of the Secretary of State adopts amendments to §§81.161, 81.162, 81.164, and 81.165, without changes to the proposed text published in the August 22, 1986, issue of the *Texas Register* (11 *Tax-Reg* 3722).

The amendments update dates, addresses, and section designations that were changed by the recodification of the Texas Election Code. The following are descriptions of the other changes. Section 81.161 is revised to simplify the reporting of the renewal of loans. Section 81.162 is revised to reflect a change in terminology used on the forms. Section 81.164 is revised to reorganize and clarify the text with no substantive change and to delete the portion wherein a specific form for incorporating a political committee is prescribed.

The amendments facilitate understanding and compliance with the Texas Election Code, Title 15.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Election Code, §31.003 and §281.017, which provides the secretary of state with the authority to interpret and administer the provisions of Title 15.

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 October 14, 1986.

TRD-8009916 Myra A. McDaniel
Secretary of State

Effective date: November 10, 1986
Proposal publication date: August 22, 1986
For further information, please call
(512) 463-5701.

★ ★ ★

Chapter 87. Notary Public Name Change Procedure

★1 TAC §§87.44-87.46

The Office of the Secretary of State adopts new §§87.44-87.46. New §87.44 is adopted with changes to the proposed text published in the August 8, 1986, issue of the *Texas Register* (11 *Tax-Reg* 3527). New §§87.45 and 87.46 are adopted without changes and will not be republished.

The new sections enable a notary public to change the name on his or her notary commission during the four-year term of office.

The new sections set out the procedure for a notary public to qualify under the new name, the rejection process, and the issuance of an amended commission.

The proposed text of §87.44(c) was changed to clarify the language.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 6949, §10, which provide the secretary of state with the authority to make regulations necessary for the administration and enforcement of the Notary Public Act.

§87.44. Qualification under New Names.

(a) During the four-year term of office, a notary public may change the name on the notary commission by submitting the following to the secretary of state:

(1) a completed application for appointment executed in accordance with §87.3 of this title (relating to Completion and Execution of the Application for Appointment);

(2) a rider or endorsement to the bond on file with the secretary of state from the surety company or its agent or representative specifying the change of name;

(3) the current certificate of commission or a statement that the notary public will perform all future notarial acts under the name specified on the amended commission;

(4) the statutory fees for the issuance of a commission and the filing of a bond.

(b) The change of name will be effective as of the date of receipt of the properly completed and executed elements listed in this section.

(c) When the name change is effective, the notary public will perform all notarial acts using the name on the amended commission.

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

Issued in Austin, Texas, on October 20, 1986.

TRD-8009933 Myra A. McDaniel
Secretary of State

Effective date: November 10, 1986
Proposal publication date: August 8, 1986
For further information, please call
(512) 463-5071.

★ ★ ★

TITLE 4. AGRICULTURE Part II. Texas Animal Health Commission

Chapter 35. Brucellosis

Subchapter A. Eradication of Brucellosis

★4 TAC §§35.4, 35.5

The Texas Animal Health Commission adopts amendments to §§35.4 and 35.5. Section 35.5 is adopted with changes to the proposed text published in the July 29, 1986, issue of the *Texas Register* (11 *Tax-Reg* 3437). Section 35.4 is adopted without changes and will not be republished.

Petitions were received from the ranching industry in the Counties of Falls, Gonzalez, and Wilson requesting their county be transferred to the Class B area from the Class C area. Each county met all the requirements for transfer.

An undue hardship has been experienced by livestock markets as well as producers in marketing cattle. The problems experienced are difficulty in aging heifers that required "S" branding; interference with the market in aging and checking heifers for vaccination status; and negative economic impact on the producer and the market in marketing the heifers. To relieve this hardship, the commission adopted the amended regulation to remove the requirement that females be vaccinated for change of ownership within the Class C area and the S branding requirement of

nonvaccinates over 12 months of age selling through markets.

Falls, Gonzales, and Wilson Counties are transferred from the Class C area to the Class B area. By removing the requirement that females be vaccinated for change of ownership within the Class C area, heifers in the Class C area will be allowed to change ownership without having to be vaccinated and without having to be S branded if they are not vaccinated.

No comments were received regarding adoption of the amendments.

The amendments are adopted pursuant to the Agriculture Code, Chapters 161 and 163, Texas Civil Statutes, which provides the commission with the authority to adopt rules and sets forth the duties of the commission to protect domestic animals in the state from disease.

§35.5. Class "C" Area.

(a) (No change.)

(b) Class C area—Area to include the following counties: Anderson, Angelina, Aransas, Atascosa, Austin, Bee, Bexar, Bowie, Brazoria, Brazos, Brooks, Burleson, Calhoun, Cameron, Camp, Cass, Chambers, Cherokee, Collin, Colorado, Dallas, Delta, DeWitt, Duval, Ellis, Fannin, Fayette, Fort Bend, Franklin, Freestone, Galveston, Goliad, Gregg, Grimes, Hardin, Harris, Harrison, Henderson, Hidalgo, Hill, Hopkins, Houston, Hunt, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kaufman, Kenedy, Kleberg, Lamar, LaSalle, Lavaca, Leon, Liberty, Limestone, Live Oak, McLennan, McMullen, Madison, Marion, Matagorda, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nueces, Orange, Panola, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Shelby, Smith, Starr, Titus, Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Wood, and Zapata.

(c) (No change.)

(d) Change of ownership within the Class C area. All nonexempt cattle over 18 months of age (age determined by the loss of the central pair of temporary incisors) which are changing ownership within the Class C area shall originate directly from:

- (1) a certified free herd; or
- (2) shall be tested negative within 30 days prior to sale; or
- (3) consigned to a livestock market and tested negative unless S branded prior to sale; or
- (4) consigned to a slaughter establishment for testing or blood collection; or
- (5) consigned to a quarantined feedlot or quarantined pasture.

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 October 20, 1986.

TRD-8609951

John W. Holcombe
Executive Director
Texas Animal Health
Commission

Effective date: November 10, 1986
Proposal publication date: July 29, 1986
For further information, please call
(512) 479-6697.

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TITLE 22. EXAMINING BOARDS

Part XXII. Texas State Board of Public Accountancy Chapter 501. Professional Conduct

★ 22 TAC §501.14

The Texas State Board of Public Accountancy adopts the repeal of §501.14, without changes to the proposed text published in the April 22, 1986, issue of the *Texas Register* (11 TexReg 1865).

Recent technological and practice changes within the practice of public accountancy have brought about the need to properly balance and protect the interest of the accountant and the client in the area of the receipt of other compensation.

Repeal of the present section is required to allow for the adoption of the new section which will require the disclosure, in writing, by the accountant of the receipt of other compensation for recommendation, referral, or sale of a service or product. The disclosure shall include the name, source, and amount of such compensation.

The Texas Society of Certified Public Accountants, through its president, Ronnie Rudd, expressed opposition to any change in the commission rules at this time.

The repeal of the section is required to allow for the adoption of the new section which will provide a legally enforceable position as to the requirements of written disclosures in the area of receipt of other compensation with respect to services or products recommended, referred, or sold by a CPA or public accountant.

The repeal is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct relating to the acceptance of other compensation by licenses.

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 October 21, 1986.

TRD-8609991

Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: November 11, 1986
Proposal publication date: April 22, 1986
For further information, please call
(512) 450-7066.

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The Texas State Board of Public Accountancy adopts new §501.14, with changes to the proposed text published in the April 22, 1986, issue of the *Texas Register* (11 TexReg 1865).

Recent technological and practice changes within the practice of public accountancy have brought about the need to properly balance and protect the interest of the accountant and the client in the area of the receipt of other compensation.

This new section requires the disclosure, in writing, by the accountant of the receipt of other compensation for recommendation, referral, or sale of a service or product. The disclosure shall include the name, source, and amount of such compensation.

The Texas Society of Certified Public Accountants, through its president, Ronnie Rudd, expressed opposition to any change in the commission rules at this time.

The new section provides a legally enforceable position as to the requirements of written disclosures in the area of receipt of other compensation with respect to services or products recommended, referred, or sold by a CPA or public accountant.

The new section is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct relating to the acceptance of other compensation by licensees.

§501.14. Receipt of Other Compensation. A licensee who receives or agrees to receive other compensation with respect to services or products recommended, referred, or sold by him to another person shall, no later than the making of such recommendation, referral, or sale, making the following disclosures in writing to such other persons:

- (1) if the other person is a client, the nature, source, and amount of all such other compensation; and
- (2) if the other person is not a client, the nature, source, and amount of any such other compensation received from a third party.

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.

Effective date: November 11, 1986

Proposal publication date: April 22, 1986

For further information, please call
(512) 450-7066.

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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part XI. Texas Juvenile Probation Commission

Chapter 343. Standards for Juvenile Detention Facilities

★ 37 TAC §§343.1-343.18

The Texas Juvenile Probation Commission adopts new §§343.1-343.18. New §§343.4, 343.7-343.9, 343.13, and 343.18, are adopted with changes to the proposed text published in the June 13, 1986, issue of the *Texas Register* (11 TexReg 2705). The other sections are adopted without change and will not be republished.

In response to concerns about the qualifications for detention facility workers, the commission changed §343.4(1) to require a child care worker to be at least 21 years of age and have a high school diploma or the equivalent except upon the signed waiver of the chairman of the juvenile board. Language is added to §343.7(3) to discourage unnecessary document reproduction. Section 343.8(b)(1) regarding facility design is renumbered §343.8(a)(7), and made applicable to all detention facilities. The commission stiffened design requirements for monitoring and observation in isolation rooms contained in §343.8(b)(1) in response to comments. Section 343.9(a)(3) is rewritten to correct a grammatical error. Section 343.18(a) is changed to create more options for citizen participation in the detention program.

The new sections provide standards for juvenile detention facilities according to which juvenile judges and juvenile boards may certify the suitability of juvenile detention facilities.

These standards were developed by a task force of 42 persons knowledgeable in all aspects of juvenile detention which was appointed by the executive director of the Texas Juvenile Probation Commission. The commission and task force members held public meetings in Arlington, Lubbock, Houston, and San Antonio after publication of the proposed standards, and heard comments from eight persons. Nine comments were received by mail. Most commenters were neither for nor against the standards, but had sugges-

tions or comments regarding specific language. Several commenters objected to the notion of state standards applied to local juvenile detention facilities. One commenter objected to the standards on the basis they reflect policy rather than set standards. Three commenters objected to the recognition of §343.1 of hold over facilities against which fewer standards are imposed. Commenters asked the commission to change the requirements for same sex and multiple staff coverage required by §343.2. Some commenters believed §343.10 regarding rules and discipline of children in detention does not permit sufficient flexibility; other commenters believed it is too lenient. Commenters were also heard concerning the meal requirements in §343.11, the mail requirements in §343.15, and the search requirements in §343.13.

No groups commented on the new sections, only individuals.

The commission believes the consensus reached by the task force of 42 experts and reflected in the proposed rules is the best balance of the interests of the children in detention and the officials who operate the detention facilities, and adopted these standards without change.

The new sections are adopted under the Human Resources Code, §75.041(4), which authorizes the commission to develop standards for juvenile detention facilities.

§343.4. Personnel. The following standards are mandatory for all detention facilities except for hold over facilities.

(1) Qualifications. Selection, retention, promotion, and demotion of facility staff are on the basis of knowledge, skills, and abilities. No person is discriminated against on the basis of age, sex, race, religion, national origin, or handicap. Child care workers shall be of good moral character and emotionally suited for working with children. A child care worker must be 21 years of age and have either a high school diploma or a general equivalency diploma; this requirement may be waived in writing by the chairman of the juvenile board. Background investigations of prospective employees are conducted according to county policy. Preference in employment should be given to those best qualified by education and training in child care work. Preference should be given to those with bachelor's degrees conferred by colleges and universities accredited by an organization recognized by the Coordinating Board, Texas College and University System.

(2) Written policies. Written policies are provided to each new employee at the time of hire. The policies are reviewed annually and updated if necessary. The policies include:

- (A) employee grievance procedures;
- (B) new employee probation requirements;

(C) employee evaluation procedures requiring a written evaluation at the end of the probationary period and an annual review thereafter; and

(D) job descriptions, including duties and responsibilities of each position and a description of the operational shift pattern.

(3) Personnel record. The superintendent of detention ensures that a personnel file is contained for each employee which includes the application for employment, reference information, performance evaluations, training records, and documentation of promotion, demotion, termination, and other job actions.

(4) Salaries. The juvenile board ensures all salary levels for juvenile detention personnel are reasonable and comparable with prevailing salaries in the public and private sector, taking into consideration salaries paid to probation personnel and those in similar occupations. Juvenile detention personnel receive all applicable benefits and allowances paid to other county employees.

(5) Juvenile probation officer code of ethics. The juvenile probation officer standards, §341.1(a) of this title (relating to Establishing Code of Ethics for Juvenile Probation Officers and Providing for Enforcement and Code) and the provisions for enforcement of that code by the Texas Juvenile Probation Commission are applicable to all juvenile detention facility employees.

§343.7. Children's Records. The following standards are mandatory for all detention facilities.

(1) Daily records. Written policies require:

- (A) a uniform format for identifying and separating files;
- (B) record entries made, dated, and signed by the staff member responsible for the child;
- (C) a daily report of admissions and releases;
- (D) a single document to identify all children in the facility and their physical location; and
- (E) procedures to insure confidentiality of records.

(2) Admission. Each child's admission form contains at least the following:

- (A) date and time of admission and release;
- (B) name and nicknames;
- (C) last known address;
- (D) reason for detention;
- (E) name of attorney, if any;
- (F) name, title, and signature of delivering officer;
- (G) specific charges;
- (H) sex;
- (I) date of birth;
- (J) place of birth;
- (K) race;
- (L) citizenship;

(M) education and last school attended;

(N) employment, if any;

(O) name, relationship, address, and phone number of parents, guardian, or persons with whom child resides at admission;

(P) health assessment;

(Q) space for remarks; and

(R) person recording data.

(3) Contents. Each child's record is available to the detention staff, is kept in a secure place and includes at least the following:

(A) admission form;

(B) offense report;

(C) referral source;

(D) signed inventory of cash and property held;

(E) notations of any temporary releases from the facility;

(F) list of approved visitors;

(G) probation officer or case-worker assigned;

(H) progress reports on program involvement;

(I) program rules and disciplinary policy signed by child;

(J) any grievance and disciplinary record;

(K) any referrals to other agencies; and

(L) final release or transfer report.

(B) semiannual inspection and testing of equipment by a local fire officer;

(C) provision of fire extinguishing equipment at appropriate location;

(D) proper disposal of smoking materials and other combustible refuse;

(E) posted plan for prompt evacuation of the facility, including a secondary release system;

(F) training of staff to implement written emergency plans; and

(G) procedures for use and control of flammable, toxic, and caustic material.

(4) Population. The population in housing and living units does not exceed the rated capacity of the facility. Written policies specify procedures to be followed in case the maximum capacity is unavoidably exceeded. The superintendent reviews these plans annually and updates them as necessary.

(5) Lighting. There is lighting suitable for tasks to be performed.

(6) Lavatory. There is a toilet and wash basin for every five children.

(7) Facility design. All housing areas provide for the following:

(A) a temperature controlled shower or bath for every 10 children;

(B) heating, ventilation, and acoustical systems that ensure healthful and comfortable living and working conditions for children and staff; and

(C) access to drinking fountain.

(I) storage space for clothing, bedding, and other facility supplies and equipment.

(3) Preventive maintenance. A written plan provides for emergency repair or replacement of equipment. The plan is reviewed annually and updated if necessary.

(4) Office area. The office in each housing unit has a telephone and permits observation of the general living area; it is used for communications, staff conferences, and storage of unit records.

(5) Living units. Living units accommodate no more than 25 children each; smaller units are preferred.

(6) Common areas. Total space for dayrooms, classrooms, dining rooms, and recreation rooms, excluding only sleeping rooms, corridors, and offices, encompasses no less than 100 square feet per child.

(7) Kitchen area. If food is prepared in the facility, the kitchen area, including storage, has a minimum of 200 square feet of floor space.

(8) Dining area. The dining room provides a minimum of 15 square feet of floor space for each diner.

(9) Alternate power source. The facility has an alternate source of power to operate lights, ventilation, communications system, and electric doors in case regular power is interrupted. Power systems are tested every two weeks, other emergency equipment and systems are tested monthly.

§343.8. Physical Plant.

(a) The following standards are mandatory for all detention facilities.

(1) Location. If the facility is on the grounds of any other type of adult corrections facility, it is a separate, self-contained unit. The facility is located so as to be reasonably accessible to juvenile justice agencies, including law enforcement, prosecutor, courts, community agencies, and children's lawyers, family, and friends. The facility conforms to all applicable zoning ordinances, or the superintendent of detention has a plan to come into compliance.

(2) Safety. The facility and its furnishings conform to all applicable state and local fire, building, health, and waste disposal codes.

(A) Facility exits are properly positioned, clear of obstruction, and permanently marked for evacuation in the event of fire or other emergency. All housing areas and places of assembly have a minimum of two exits.

(B) Closets for storage of nonflammable cleaning supplies and equipment are located in each principal area and are well ventilated. Flammable materials are stored in a well ventilated area outside the facility.

(3) Safety plan. Written policies insure the safety of children, staff, and visitors. The policies are reviewed by a qualified fire prevention and safety officer. These include, but are not limited to:

(A) provisions of adequate fire protection service;

(b) The following standards are mandatory for all detention facilities except for hold over detention facilities.

(1) Sleeping units. Sleeping rooms are designed for single occupancy with a minimum ceiling height of seven and one half feet. Children held in sleeping rooms have access to a toilet above floor level which is available for use without staff assistance 24 hours a day, a wash basin, drinking water, running water, and a bed above floor level. There are separate sleeping rooms for male and female children. Isolation rooms, if any, are equipped with a toilet, wash basin, running water, and a bed. The design permits continuous staff monitoring and frequent observation of ill, mentally ill, injured, and nonambulatory children.

(2) Activity areas. The facility is designed to provide:

(A) space for coeducational activities;

(B) a visiting area that affords privacy;

(C) space for religious services;

(D) a room suitable for medical examinations;

(E) interview space in or near the living unit;

(F) separate and adequate space for medical equipment;

(G) accessibility to handicapped children, staff, and visitors;

(H) secure storage space for children's personal property; and

§343.9. Security and Control.

(a) The following standards are mandatory for all detention facilities.

(1) Written policies for security and control of the facility include the following:

(A) procedures to continue operations in the event of a work stoppage or other staff crisis;

(B) prohibition of the use of chemical agents such as mace or tear gas, percussion, or electrical shocking devices by detention staff; and

(C) policies governing the use of agency and personal vehicles to transport children. Proper documentation of liability insurance coverage is required of all personnel who transport children.

(2) Searches are conducted in these circumstances only.

(A) A child may be required to surrender his clothing and to shower upon admission.

(B) A child may be required to surrender his clothing and submit to a search at times other than admission only if there is probable cause to believe he is concealing contraband.

(C) A child may be required to undergo an anal or genital body cavity search only if there is probable cause to believe he is concealing contraband.

(D) A body cavity search may be conducted only by a physician.

(3) All special incidents including, but not limited to, the taking of hostages,

escapes, assaults, staff use of restraint devices, and physical force are reported in writing to the superintendent. The report also placed in the file of the child concerned.

(b) The following standards are mandatory for all detention facilities except hold over detention facilities.

(1) Written policies for security and control of the facility include the following:

(A) policies governing the control and use of keys. The superintendent determines which doors shall be kept locked except when in use and during emergencies;

(B) policies requiring frequent inspections and maintenance of security devices and all other areas of the facility. Written reports document deficiencies; and

(C) policies controlling the use of tools and medical and kitchen equipment.

(2) The security of the facility is designed and constructed so children can be grouped in accordance with a classification plan.

(3) The facility is structured so children remain within the premises and the general public is denied access without authorization.

(4) Space is provided for the secure storage of chemical agents, restraining devices, and related security equipment. This equipment is readily accessible to authorized persons only.

(5) Each living unit is designed so individual rooms, a day room, and child care workers' offices are in close proximity to children for purposes of communication and interaction.

§343.13. Medical and Health Care Services. The following standards are mandatory for all detention facilities.

(1) Written policies describe the manner in which health care services are provided to detained children. Each child is informed orally and in writing of the procedures. The policies include the following.

(A) If the superintendent believes any child or employee to be in need of immediate medical attention, he may require that person to submit to a medical examination.

(B) At admission, a child care worker completes a Texas Juvenile Probation Commission approved medical checklist to determine whether the child has prescribed medication and whether he appears to be ill, injured, or intoxicated. Policies ensure the information is conveyed to all appropriate staff.

(C) A child care worker obtains consent to medical treatment from the child's parent or guardian or, if they are not available, from a grandparent, an adult brother or sister, or an adult aunt or uncle. If none of these relatives are available to give consent and there are reasonable grounds to believe the child is in need of immediate medical treatment, a policy identifies the detention facility staff members authorized to give consent to medical treatment.

(D) If a child requests medical treatment or if a child care worker believes that a child is in need of treatment, the child care worker or other designated personnel consults with a recognized medical professional.

(2) Child care workers' training to respond to health related situations includes the following:

(A) recognition of signs, symptoms, and actions required in potential emergency situations;

(B) knowledge of first aid and cardiopulmonary resuscitation;

(C) methods of obtaining assistance, including posted telephone numbers of medically trained professionals;

(D) recognition of symptoms of mental illness, mental retardation, and chemical dependency;

(E) procedures for transfer to appropriate medical or health care providers; and

(F) control of pharmaceuticals, including security of drugs and prescriptions, manner and time of administration, and documentation of each administration.

(3) If medical services are delivered in the facility, adequate space, equipment, supplies, and materials are provided.

(4) Written policies for emergency services provide for:

(A) the emergency evacuation of children from the facility;

(B) arrangements for the use of one or more designated hospital, emergency, or other appropriate health facility; and

(C) arrangements for emergency on-call medical and dental services when there is no emergency facility near by.

§343.18. Citizen and Volunteer Involvement.

(a) The following standards are mandatory for all detention facilities. The superintendent of detention encourages involvement of local citizens. This may include the establishment of a council to foster communication between the public and detention facility and an active volunteer program to provide supportive services to detained children.

(b) The following standards are mandatory for all detention facilities, except hold over detention facilities. Written policies govern the volunteer program, including their authority, responsibility, and accountability. The policies include:

(1) screening, selection, and termination criteria;

(2) orientation and training requirements;

(3) a requirement that volunteers who provide professional services meet the same requirements as would be expected of paid professional staff who conduct those services;

(4) provision for documentation of the volunteer's presence in the facility; and

(5) provision for the volunteer to be acquainted with the policies and procedures

of the facility and to agree in writing to comply with them before being accepted as a volunteer.

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 October 21, 1986.

TRD-8609987

Bill Anderson
Executive Director
Texas Juvenile Probation
Commission

Effective date: November 11, 1986

Proposal publication date: June 13, 1986

For further information, please call
(512) 443-2001.

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 3. Income Assistance Services

The Texas Department of Human Services (DHS) adopts §§3.303, 3.501, 3.704, 3.1101, 3.1104, 3.2801, 3.2801, and 3.2802, and the repeal of §3.1103, without changes to the proposed text published in the August 28, 1986, issue of the *Texas Register* (11 Tex-Reg 3785).

The justification for the amendments and repeal is to clarify and reformat existing sections. The clarifications involve no policy or procedural changes.

The amendments and repeal will function as DHS' sections concerning determination of eligibility for aid to families with dependent children (AFDC) and food stamps.

No comments were received regarding adoption of the amendments and repeal.

Subchapter C. The Application Process

★ 40 TAC §3.303

The amendment is adopted under the Human Resources Code, Title 2, Chapters 31 and 33, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on October 22, 1986.

TRD-8610011

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: November 12, 1986

Proposal publication date: August 26, 1986

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

Subchapter E. Household Determination

★40 TAC §3.501

The amendment is adopted under the Human Resources Code, Title 2, Chapters 31 and 33, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on October 22, 1986.

TRD-8610012 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: November 12, 1986
Proposal publication date: August 26, 1986
For further information, please call
(512) 450-3766.

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Subchapter G. Resources

★40 TAC §3.704

The amendment is adopted under the Human Resources Code, Title 2, Chapters 31 and 33, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on October 22, 1986.

TRD-8610013 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: November 12, 1986
Proposal publication date: August 26, 1986
For further information, please call
(512) 450-3766.

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Subchapter K. Employment Services

★40 TAC §3.1101, §3.1104

The amendments are adopted under the Human Resources Code, Title 2, Chapters 31 and 33, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on October 22, 1986.

TRD-8610014 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: November 12, 1986
Proposal publication date: August 26, 1986
For further information, please call
(512) 450-3766.

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★40 TAC §3.1103

The repeal is adopted under the Human Resources Code, Title 2, Chapters 31 and 33, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on October 22, 1986.

TRD-8610010 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: November 12, 1986
Proposal publication date: August 26, 1986
For further information, please call
(512) 450-3766.

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Subchapter Z. Direct Mail Issuance

★40 TAC §3.2601

The amendment is adopted under the Human Resources Code, Title 2, Chapters 31 and 33, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on October 22, 1986.

TRD-8610015 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: November 12, 1986
Proposal publication date: August 26, 1986
For further information, please call
(512) 450-3766.

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Subchapter BB. Changes

★40 TAC §3.2801, §3.2802

The amendments are adopted under the Human Resources Code, Title 2, Chapters 31 and 33, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on October 22, 1986.

TRD-8610016 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: November 12, 1986
Proposal publication date: August 26, 1986
For further information, please call
(512) 450-3766.

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Part V. Veterans Land Board Chapter 175. General Rules

★40 TAC §175.2, §175.3

The Veterans Land Board adopts amendments to §175.2 and §175.3, without changes to the proposed text published in the June 27, 1986, issue of the *Texas Register* (11 TexReg 2936).

These amendments provide that an eligible veteran may participate in both veterans land and housing programs as a veteran purchaser, and obtain a home improvement loan under the veterans housing assistance program, and decrease the minimum acreage requirements of the veterans land program to five acres. Eligible veterans will now be able to participate in both veterans land and housing programs, and the minimum acreage requirements of the veterans land program will decrease from 10 acres to five acres.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Natural Resources Code, §161.061 and §161.062, which authorizes the board to adopt rules that it considers necessary or advisable to insure the proper administration of the veterans land program.

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

Issued in Austin, Texas, on October 15, 1986.

TRD-8609938 Garry Mauro
Chairman
Veterans Land Board

Effective date: November 10, 1986
Proposal publication date: June 27, 1986
For further information, please call
(512) 463-5009.

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Chapter 177. Loan Eligibility Requirements

★40 TAC §177.5.

The Veterans Land Board adopts an amendment to §177.5, without changes to the proposed text published in the June 27, 1986, issue of the *Texas Register* (11 TexReg 2936).

This amendment provides that an eligible veteran may participate in both veterans land and housing programs as a veteran purchaser, and obtain a home improvement loan under the veterans housing assistance program.

As amended, an eligible veteran will be able to participate in both the veterans housing and land programs as a veteran purchaser, and obtain a home improvement loan under the veterans housing assistance program.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Natural Resources Code, §162.003, which provides the Veterans Land Board with the authority to adopt rules that it considers necessary and advisable.

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 October 15, 1986.

TRD-8609939

Garry Mauro
Chairman
Veterans Land Board

Effective date: November 10, 1986
Proposal publication date: June 27, 1986
For further information, please call
(512) 463-5009.

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Open Meetings

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

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

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

Texas Department of Corrections

Thursday, October 23, 1986, 2 p.m. The Board of Corrections of the Texas Department of Corrections met in emergency session via conference call in the conference room, Suite 1800, Interfirst Bank Building, 515 Congress Avenue, Austin. According to the agenda, the board met in executive session to consider Ruiz litigation concerning Trusty Camps. The emergency status was necessary because of issues requiring resolution prior to the next regular board meeting.

Contact: O. L. McCotter, P.O. Box 99, Huntsville, Texas 77340, (409) 295-6371.

Filed: October 22, 1986, 9:14 a.m.
TRD-8610041

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Texas State Board of Dental Examiners

Thursday-Saturday, October 30-November 1, 1986, 8 a.m. daily. The Texas State Board of Dental Examiners made emergency additions to the agenda for meetings held in the Embassy Suite Hotel, 5901 IH 35 North, Austin. The additions concern a report on American Association of Dental Examiners meeting and a discussion of the upcoming meetings.

Contact: William S. Nail, Suite 400, 8317 Cross Park Drive, Austin, Texas 78754, (512) 834-6021.

Filed: October 22, 1986, 9 a.m.
TRD-8610042

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Texas Commission on Economy and Efficiency in State Government

Wednesday, October 29, 1986, 9 a.m. The Committee on Computer and Information Services of the Texas Commission on

Economy and Efficiency in State Government met in emergency session in Room 101, John H. Reagan Building, Austin. According to the agenda summary, the committee finalized its recommendations for submission by January 1, 1987, to the governor and the legislature. Prior to this finalization the committee via this hearing solicited final comment on the proposed recommendations that have resulted from the committee's work. The emergency status was necessary due to failure of hearing participants to respond to the committee's request by October 21, 1986.

Contact: Jess Irwin, Jr., P.O. Box 12128, Austin, Texas 78711-2128, (512) 463-1159.

Filed: October 22, 1986, 12:36 p.m.
TRD-8610050

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Texas Education Agency

Wednesday, October 29, 1986, 1 p.m. The Committee for Finance and Programs of the State Board of Education of the Texas Education Agency met in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the committee considered public testimony by interested parties on the subject of price differential index proposed rules.

Contact: Jim Wisnoski, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9704.

Filed: October 21, 1986, 12:29 p.m.
TRD-8609969

Thursday, October 30, 1986, 8:30 a.m. The Committee for Finance and Programs of the State Board of Education of the Texas Education Agency met in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the committee considered special education rules, textbook rules, large type textbooks, applications for depository status, agency audit rules, school transpor-

tation contracts, funds for grants under P.L. 98-337, Math and Science Teacher Excellence Renewal, funds for certification testing, grant application for traffic safety funds for driver education alcohol curriculum, participation in the migrant education council, dropout prevention program for migrant secondary students, procedure for allocation of adult education funds, price differential index, biennial program budget request, and discussed the master plan for vocational education.

Contact: W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

Filed: October 22, 1986, 12:45 p.m.
TRD-8610051

Thursday, November 6, 1986, 9 a.m. The Committee of the Whole of the State Board of Education of the Texas Education Agency will meet in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the committee will consider textbooks recommended for adoption for Proclamation 62.

Contact: W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

Filed: October 22, 1986, 12:45 p.m.
TRD-8610052

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Texas Employment Commission

Wednesday, October 29, 1986, 8:30 a.m. The Texas Employment Commission (TEC) met in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. Items on the agenda included prior meeting notes, internal procedures of commission appeals, consideration and action on higher level appeals in unemployment compensation cases on commission Dockets 43 and 43a, and setting the date of the next meeting.

Contact: Courtenay Browning, TEC Building, Room 608, 15th Street and Congress Avenue, Austin, Texas, (512) 463-2226.

Filed: October 21, 1986, 12:31 p.m.
TRD-8609970

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Employees Retirement System of Texas

Tuesday, October 28, 1986, 9 a.m. The Board of Trustees of the Employees Retirement System of Texas (ERS) made an emergency revision to the agenda for a meeting held in the ERS Building, 18th and Brazos Streets, Austin. The revision concerned the review and approval of board minutes; consideration and action on proposed amendments to insurance rules, emergency and proposed amendment to Board Rule §81.7 concerning enrollment and participation, and Board Rule §73.15; review of federal legislation regarding the Social Security Program; action on the appeal of Douglas B. Parker (insurance); the status report on the state auditor management letter; discussion and action on the proposed Judicial Retirement System of Texas Plan Two operating budget; the executive director's report; and set the date of the next trustee meeting. The board also met in executive session. The emergency status was necessary because a provision in Board Rule §81.7 was inadvertently omitted in a prior rule making procedure. It was necessary to adopt the omitted provision so that the welfare of participants in the Texas Employees Uniform Group Insurance Program will not be adversely affected.

Contact: James T. Herod, 18th and Brazos Streets, Austin, Texas 78701, (512) 476-6431, ext. 178.

Filed: October 22, 1986, 11:37 a.m.
TRD-8610048

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Firemen's Pension Commission

Thursday, November 6, 1986, 2 p.m. The Administrative Division of the Firemen's Pension Commission will meet in Suite 235, 3910 IH 35 South, Austin. According to the agenda, the Board of Trustees of the division will discuss the pension plan as prescribed by Texas Civil Statutes, Article 6243e.

Contact: Hal H. Hood, Suite 235, 3910 IH 35 South, Austin, Texas 78704, (512) 462-0222.

Filed: October 21, 1986, 1:39 p.m.
TRD-8609974

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State Department of Highways and Public Transportation

Wednesday and Thursday, October 29 and 30, 1986, 10 a.m. daily. State Highway and Public Transportation Commission of the State Department of Highways and Public Transportation met in Room 101-A, 11th and Brazos Streets, Dewitt C. Greer Building, Austin. According to the agenda summary, the commission executed contract awards and routine minute orders; considered presentations from previous public hearing dockets as necessary; and reviewed staff reports relative to planning and construction programs and projects.

Contact: Jois Jean Turner, 11th and Brazos Streets, Austin, Texas 78711, (512) 463-8616.

Filed: October 21, 1986, 1:29 p.m.
TRD-8609971

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University of Houston System

Monday, October 27, 1986, 8 a.m. The Board of Regents of the University of Houston System met in the Zodiac Room, Conrad Hilton College Building, University of Houston Campus, Houston. According to the agenda summary, the board discussed and/or approved the minutes, the consent docket, the football training facility at the University of Houston campus, various reports, construction change order of University of Houston, various contracts and leases, personnel recommendations, various degrees of the University of Houston, dual employment requests, the memorial resolution at Clear Lake, acceptance of 1986-1987 catalogs, the appointment of the president in Victoria, acquisition of real properties, and annual banking relationships.

Contact: Michael T. Johnson, Suite 500, 4600 Gulf Freeway, Houston, Texas 77023, (713) 749-7545.

Filed: October 22, 1986, 9:15 a.m.
TRD-8610043

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Texas Department of Human Services

Thursday, October 30, 1986, 8 a.m. The Council on Child Abuse and Neglect Prevention of the Texas Department of Human Services met at 505 Ryan Plaza Drive, Arlington. According to the agenda summary, the council heard the status report on grant awards; and considered programmatic and fiscal planning.

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

Filed: October 22, 1986, 12:34 p.m.
TRD-8610049

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State Board of Insurance

Thursday, October 30, 1986, 2 p.m. The State Board of Insurance met in Room 414, State Insurance Building, 1110 San Jacinto Street, Austin. According to the agenda summary, the board acted on requests by the Texas Medical Liability Insurance Underwriting Association for modification of rates for excess liability for health care providers; decided on the appeal of Nan-Travis Memorial Hospital from the action of Texas Medical Liability Insurance Underwriting Association; set the hearing on appeal of Commissioner's Order 84-1305; considered the interagency contract with the attorney general's office, the appointment of the Accident Prevention Education Committee for workers' compensation insurance, and board orders on several different matters; heard the fire marshal's report on personnel matters and the commissioner's report on personnel matters; and considered pending and contemplated litigation.

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

Filed: October 22, 1986, 3:07 p.m.
TRD-8610077

The State Board of Insurance will meet in Room 414, State Insurance Building, 1110 San Jacinto Street, Austin. Days, times, and agendas follow.

Monday, November 3, 1986, 9 a.m. The board will consider the appeal of workers' compensation classification by Texoma Forest Products, Inc., doing business as Budget Tires and Wheels.

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

Filed: October 22, 1986, 3:07 p.m.
TRD-8610078

Monday, November 3, 1986, 2 p.m. The board will consider the appeal of Dan Raymond Hart from Commissioner's Order 86-0842.

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

Filed: October 22, 1986, 3:08 p.m.
TRD-8610079

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Texas Department of Labor and Standards

Tuesday, October 28, 1986, 9 a.m. The Labor, Licensing, and Enforcement Division of the Texas Department of Labor and Standards met in emergency session in Room 105, 920 Colorado Street, E. O. Thompson Building, Austin. According to the agenda, the division considered license and registration, suspensions, and alleged violations of various rules and regulations of the depart-

ment concerning Orlando Paulding. The emergency status was necessary to consider the possible violation of Texas Civil Statutes, Article 5221f rules which jeopardize individual safety and the public's welfare.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 463-3127.

Filed: October 22, 1986, 3:11 p.m.
TRD-8610080

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Legislative Audit Committee

Wednesday, November 5, 1986, 9:30 a.m. The Legislative Audit Committee will meet in Room 309, State Capitol, Austin. According to the agenda, the committee will consider Senate Bill 1—Error Correction of Classified Positions for the State Board of Medical Examiners. The meeting is rescheduled from October 22, 1986.

Contact: Lawrence F. Alwin, P.O. Box 12067, Austin, Texas 78711, (512) 463-5776.

Filed: October 22, 1986, 9:11 a.m.
TRD-8610009

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Legislative Budget Board

Wednesday, November 5, 1986, 9:30 a.m. The Legislative Budget Board will meet in Room 309, State Capitol, Austin. According to the agenda, the board will consider appropriations requirements for the 1988-1989 biennium and any other business that might come before the board. The meeting is rescheduled from Wednesday, October 22, 1986.

Contact: Jim Oliver, Room 207A, State Capitol, Austin, Texas 78711, (512) 463-1166.

Filed: October 21, 1986, 11:40 a.m.
TRD-8609968

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Texas State Board of Medical Examiners

Thursday, October 30, 1986, 9 a.m. The Disciplinary Process Review Committee of the Texas State Board of Medical Examiners met at 1101 Camino La Costa, Austin. According to the agenda, the committee reviewed investigation files; and discussed committee recommendations. The committee also met in executive session under the authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §3.05 (d), 2.07, 4.05(d), 5.06(e)(1), and Attorney General Opinion H-484, 1974. The meeting was rescheduled from October 31, 1986, at 9 a.m..

Contact: Jean Davis, P.O. Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: October 21, 1986, 3:65 p.m.
TRD-8610005

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Texas Public Building Authority

Tuesday, October 28, 1986, 10 a.m. The Texas Public Building Authority met in emergency session at Underwood Neuhaus and Company, Inc., 909 Fannin, Houston. According to the agenda, the authority approved the minutes from the July 23, 1986, meeting; heard the budget and finance report; considered the status of the annual audit, building projects, and the Texas Research League Project; discussed the preparation for the 70th Legislature; discussed advance refunding; and set the day and time for the next meeting. The authority also met in executive session to discuss personnel matters and reconvened to announce any decisions made during the session. The emergency status was necessary to take advantage of current market conditions for advance refunding purposes.

Contact: Gayle Colby, Room 907, Sam Houston Building, 201 East 14th Street, Austin, Texas 78711, (512) 463-5544.

Filed: October 22, 1986, 2:24 p.m.
TRD-8610076

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Public Utility Commission of Texas

Wednesday, October 29, 1986, 9 a.m. The Hearings Division of the Public Utility Commission of Texas met in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda summary, the division considered Dockets 6848, 6032, 6611, 6906, 6984, 6989, 6917, 6978, and 7006. The division also met in executive session to consider pending litigation in the General Telephone of Southwest v. Public Utility Commission of Texas case and the City of Austin v. Public Utility Commission of Texas case.

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

Filed: October 21, 1986, 2:31 p.m.
TRD-8609985

Thursday, October 30, 1986, 9 a.m. The Administrative Division of the Public Utility Commission of Texas met in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda summary, the division approved the minutes; heard reports; discussed and acted on budget and fiscal matters; considered public information policies, the issuance of proposed staff request for proposal for focused management audit of Southwestern Bell Telephone Company; and set the time and place for the next meeting. The division also met in executive session.

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

Filed: October 22, 1986, 3:19 p.m.
TRD-8610081

Thursday, October 30, 1986, 9 a.m. The Administrative Division of the Public Utility Commission of Texas made a revision to the agenda for a meeting held in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The revision concerned the executive session, including discussion and action regarding the hiring of an assistant director in the Electric Division.

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

Filed: October 22, 1986, 4:21 p.m.
TRD-8610082

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.

Tuesday, November 11, 1986, 1:30 p.m. A hearing on the merits in Docket 6932—application of Deaf Smith Electric Cooperative, Inc., to revise its power cost recovery factor.

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

Filed: October 21, 1986, 2:29 p.m.
TRD-8609987

Tuesday, January 13, 1987, 10 a.m. A hearing on the merits in Docket 7027—application of AT&T Communications of the Southwest to reduce rates of its 1.544 MBPS digital services staff.

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

Filed: October 21, 1986, 2:31 p.m.
TRD-8609988

Wednesday, February 18, 1987, 10:30 a.m. A hearing on the merits in Docket 7022—complaint of Marie Pierce against Victoria County Electric Cooperative.

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

Filed: October 21, 1986, 2:29 p.m.
TRD-8609989

Monday, April 20, 1987, 10 a.m. A hearing on the merits in Docket 6995—petition of Lower Colorado River Authority *et al.* for determination of wheeling impact of the transmission of bulk power from Oklahoma Unit No. 1 to the Public Utilities Board of the City of Brownsville.

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

Filed: October 21, 1986, 2:29 p.m.
TRD-8609990

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Railroad Commission of Texas

Wednesday, October 22, 1986, 9:30 a.m. The Oil and Gas Division of the Railroad Commission of Texas met in emergency session in Room 101, Eighth Floor, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the Natural Gas Rules Committee discussed the staff draft of proposed rules on gas proration, specifically amendments to Statewide Rules 30 and 34 (16 TAC §3.30 and §3.34); heard a commentary on staff draft and committee member drafts; and considered proposals for additional or substitute amendments. The emergency status was necessary in order to allow the commission to, before the effective date of some rule provisions, hear commentary on and consider possible rule amendments which may be necessary to prevent waste of oil and gas, promote conservation, and protect correlative rights.

Contact: Susan Cory, P.O. Drawer 12967, Austin, Texas 78701, (512) 463-6923.

Filed: October 21, 1986, 3:31 p.m.
TRD-8610003

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Texas Rehabilitation Commission

Thursday, October 30, 1986, 9:30 a.m. The Planning and Evaluation Committee of the Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission met in Room 302, 118 East Riverside Drive, Austin. Items on the agenda included the approval of the summary report; the committee role in evaluation, including the annual report to the council on grant projects and the tracking system for state plan goals and objectives; priority setting of goals for fiscal year 1988 request for proposal activities; and selection of the Nominating Committee member.

Contact: Roger Webb, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8004.

Filed: October 22, 1986, 8:59 a.m.
TRD-8610044

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State Securities Board

Tuesday, November 4, 1986, 2 p.m. The Securities Commissioner of the State Securities Board will meet at 1800 San Jacinto Street, Austin. According to the agenda summary, the commissioner will conduct a hearing to determine whether a cease and desist order should be issued prohibiting the sale of securities issued and offered by SAZ II, Inc., and Stephen A. Zabawa.

Contact: Sue B. Roberts, 1800 San Jacinto Street, Austin, Texas 78701, (512) 474-2233.

Filed: October 21, 1986, 3:02 p.m.
TRD-8609993

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Texas A&M University

Saturday, October 25, 1986, 8 a.m. The Board of Regents of the Texas A&M University System met in the MSC Annex, Texas A&M University, College Station. According to the agenda, the board considered salary adjustments.

Contact: Vickie Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: October 21, 1986, 10:02 a.m.
TRD-8609966

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Texas Southern University

Friday, November 7, 1986, 9:30 a.m. Committees of the Board of Regents of Texas Southern University will meet in Room 203, Sterling Student Life Center, 3100 Cleburne Avenue, Texas Southern University, Houston. Committees and agendas follow.

The Building and Grounds Committee will consider payments to architects, engineers, and contractors; authorize and ratify contracts and change in contracts; and consider informational items.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: October 22, 1986, 1:52 p.m.
TRD-8610062

The Finance Committee will consider reports on short term and extended university investments, monthly fiscal reports on university operations, matters relating to the current biennium budget, and adjustments to the current annual budget.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: October 22, 1986, 1:52 p.m.
TRD-8610063

The Personnel and Academic Affairs Committee will consider the ratification of instructional personnel changes and appointments, the enrollment projections and reports, reports on academic plans and projections, and special report on fall registration.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: October 22, 1986, 1:52 p.m.
TRD-8610064

The Student Affairs Committee will consider information from the university administration on tuition installment payments; hear the status report on the recruitment, admission, and retention of students; and hear the status report on student financial aid and on student dormitories.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: October 22, 1986, 1:52 p.m.
TRD-8610065

The University Development Committee will receive reports from the administration on university fund raising efforts; receive reports on special funds budget; and consider the plan and projection for fiscal year 1986-1987.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: October 22, 1986, 1:52 p.m.
TRD-8610066

Friday, November 7, 1986, 1:30 p.m. The Board of Regents of Texas Southern University will meet in Room 203, Sterling Student Life Center, Texas Southern University, Houston. According to the agenda, the board will consider reports from the board's standing committees; and hear a report from the president. The board also will meet in executive session for the evaluation of university personnel to confer with the university attorney on litigation pending, and to discuss matters relating to the purchase and sale of university owned real estate.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: October 22, 1986, 1:52 p.m.
TRD-8610067

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Texas State University System

Thursday, November 6, 1986. Committees of the Board of Regents of Texas State University System will meet in the Second Floor Conference Room, Administration Building, Sul Ross University, Alpine. Times, committees, and agendas follow.

1 p.m. The Building Committee will review construction projects and documents for the four universities in the system.

Contact: Lamar Urbanovsky, Room 505, 201 East 14th Street, Austin, Texas 78711, (512) 463-1808.

Filed: October 22, 1986, 2:17 p.m.
TRD-8610072

2 p.m. The Curriculum Committee will review curriculum needs and requests for the four universities in the system.

Contact: Lamar Urbanovsky, Room 505, 201 East 14th Street, Austin, Texas 78711, (512) 463-1808.

Filed: October 22, 1986, 2:17 p.m.
TRD-8610073

2:30 p.m. The Finance Committee will review financial matters of the System Office and the four universities in the system.

Contact: Lamar Urbanovsky, Room 505, 201 East 14th Street, Austin, Texas 78711, (512) 463-1808.

Filed: October 22, 1986, 2:17 p.m.
TRD-8610074

Thursday and Friday, November 6 and 7, 1986, 3 p.m. and 9 a.m., respectively. The Board of Regents of Texas State University System will meet in the Second Floor Conference Room, Administration Building, Sul Ross University, Alpine. According to the agenda summary, the board will review matters of the board and the four universities in the system.

Contact: Lamar Urbanovsky, Room 505, 201 East 14th Street, Austin, Texas 78711, (512) 463-1808.

Filed: October 22, 1986, 2:17 p.m.
TRD-8610075

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Board of Vocational Nurse Examiners

Monday-Wednesday, November 17-19, 1986, 8 a.m. daily. The Board of Vocational Nurse Examiners will meet in the Mesquite Room, Executel Motor Inn, 925 East Anderson Lane, Austin. According to the agenda summary, the board will conduct a grievance hearing and termination hearing at the request of Sandra Jones; approve the minutes; hear the report of the executive director and the education report, including program matters, program actions, and an update of criteria for the use of the long-term care facility to augment acute care clinical practice for vocational nursing students; and consider unfinished business and new business, including the occupational education administrator's view of three levels of nursing, the amendment of §235.17 and §235.47, and conduct administrative hearings. On Tuesday and Wednesday the board will conduct administrative hearings. The board also will meet in executive session on call.

Contact: Joyce A. Hammer, Suite 285, 1300 East Anderson Lane, Austin, Texas 78752, (512) 835-2071.

Filed: October 22, 1986, 1:53 p.m.
TRD-8610068

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Texas Water Commission

Thursday, November 6, 1986, 10 a.m. The Water District and River Authority Study Committee of the Texas Water Commission will meet in Room 107, John H. Reagan Building, 105 15th Street, Austin. According to the agenda, the committee, created under Senate Bill 249, 69th Legislature, will discuss the first draft of its report to the legislature and will hear public comments.

Contact: Kate Wilkins, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7863.

Filed: October 22, 1986, 4:04 p.m.
TRD-8610083

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

Monday, November 10, 1986, 10 a.m. In Room 618, the office will consider Application 5074 of Cross Country Cattle Company, Inc.

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

Filed: October 22, 1986, 4:05 p.m.
TRD-8610084

Tuesday, December 2, 1986, 9 a.m. In Room 119, the office will consider the application of Southland Regional Service Corporation, P.O. Box 201930, Austin, Texas 78720, for an amendment to Permit 12938-01 to authorize an increase in the discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,300,000 gallons per day to 7,800,000 gallons per day. The proposed amendment would also authorize the permittee to use treated effluent from this facility to irrigate the greenbelt area and unoccupied grass areas within the treatment plant site. Application rates for the irrigated land shall not exceed 2.7 acre-feet/acre/year. The meeting is rescheduled from October 7, 1986.

Contact: Douglas Roberts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: October 21, 1986, 3:52 p.m.
TRD-8610006

Tuesday, December 2, 1986, 10 a.m. In Room 618, the office will consider Docket 7057-R—application for a rate increase by Coe Utilities, Inc.

Contact: Claire Patterson, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: October 22, 1986, 4:04 p.m.
TRD-8610085

Tuesday, December 2, 1986, 10 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet in the Abilene City Hall Council Chambers, 555 Walnut Street, Abilene. According to the agenda summary, the office will consider the application of West Texas Utilities Company,

P.O. Box 841, Abilene, Texas 79604, for an amendment to Permit 00962 which currently authorizes a discharge of once through cooling water at a volume not to exceed an average flow of 133,000,000 gallons per day via internal Outfall 101 in Lake Pauline from Lake Pauline Power Station, plus an intermittent, flow variable discharge from Lake Pauline (Outfall 001). The proposed amendment would delete the intermittent cooling pond discharge (Outfall 001); renumber the current Outfall 101 as Outfall 001; and add a new Outfall 002 to monitor an intermittent discharge of fuel tank area stormwater.

Contact: Steve Dickman, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: October 22, 1986, 4:05 p.m.
TRD-8610086

Wednesday, December 3, 1986, 9 a.m. The Office of Hearings Examiner will meet in the courtroom, County Courthouse, Main Street, Marfa. According to the agenda summary, the office will consider the application of Gold Fields Mining Corporation, 200 Union Boulevard, Suite 500, Lakewood, Colorado 80228, for an amendment to Permit 02297 to authorize an increase in the discharge of settled mine water at Outfall 002 from a volume not to exceed an average flow of 125,000 gallons per day to an average flow of 250,000 gallons per day. The permit also authorizes the discharge of settled mine water via Outfall 001 at a volume not to exceed an average flow of 25,000 gallons per day which is to remain the same. The applicant operates a silver mine which has been shut down since June 2, 1983; however, the applicant wishes to retain their permit in order to resume operations in the future.

Contact: Cynthia Hayes, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: October 22, 1986, 4:05 p.m.
TRD-8610087

Wednesday, December 3, 1986, 10 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet in the Council Chambers, City Hall, 211 Southwest First Avenue, Mineral Wells. According to the agenda summary, the office will consider the application of Bar-B Management, Inc., Bar-B Truck Plaza, P.O. Box 439, Gordon, Texas 76453, for an amendment to Permit 02693 to authorize an increase in the discharge of treated restaurant waste water plus external truck wash water effluent from a volume not to exceed an average flow of 5,000 gallons per day to an average flow of 12,300 gallons per day. The proposed amendment would also increase daily average mass limits for biochemical oxygen demand and total suspended solids to 20 mg/l based on the increased flow. The applicant will install a spray irrigation system in the proposed aerated pond to evaporate any waste water volume generated above the permitted limit.

Contact: Steve Dickman, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: October 22, 1986, 4:05 p.m.
TRD-8610088

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

Thursday, December 4, 1986, 9 a.m. In Room 618, the office will consider the application of Granite Shoals North, Partnership, P.O. Box 368, Marble Falls, Texas 78654, for a Proposed Permit 13320-01 to authorize the disposal of treated domestic wastewater effluent by irrigation at a volume not to exceed an average flow of 50,000 gallons per day. The applicant proposes to construct a wastewater treatment plant to provide service to a school, multi-family, and commercial development. The treatment facility will operate in the extended aeration version of the activated sludge process followed by clarification and chlorination.

Contact: Marcella Sellers, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: October 22, 1986, 4:05 p.m.
TRD-8610089

Tuesday, December 9, 1986, 10:15 a.m. In Room 1149B, the office will consider the application of Hurst Creek Municipal Utility District, in care of Vinson and Elkins, 1800 First City Centre, Austin, Texas 78703, for renewal of Permit 12215-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 650,000 gallons per day from the wastewater treatment facilities which are located approximately 600 feet south of World of Tennis Boulevard and 1200 feet west of Lohmans Ford Road in the Lakeway Development Complex in Travis County. The meeting is rescheduled from July 9, 1986.

Contact: Kevin McCalla, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: October 21, 1986, 3:52 p.m.
TRD-8610007

Thursday, December 11, 1986, 9 a.m. In Room 1149B, the office will consider the application of Lee Don Bienski, Bienski Treatment Plant, P.O. Box 2612, College Station, Texas 77841, for a Proposed Permit 13313-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 4,000 gallons per day from the Bienski Treatment Plant wastewater treatment facilities. The applicant proposes that this sewage treatment plant serve a 5,500 square foot store/restaurant building which will also include two residential apartments upstairs. The meeting is rescheduled from October 28, 1986.

Contact: Joe O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: October 21, 1986, 3:52 p.m.
TRD-8610008

Tuesday, December 16, 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 Willowbend Lakes Master Homeowners Association, Inc., and Glenagles Country Club Inc., Application 5103, who seeks a permit to authorize use of a reservoir created by a dam on an unnamed tributary of White Rock Creek, tributary of Trinity River, Trinity River Basin, for recreational purposes, Collin County.

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

Filed: October 22, 1986, 4:06 p.m.
TRD-8610090

Tuesday, December 16, 1986, 10 a.m. The commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider Application 5102, Aquaplex, Inc., who seeks a permit to construct and maintain a dam reservoir on an unnamed tributary of Maha Creek, tributary of Cedar Creek, tributary of Colorado River, Colorado River Basin, for recreational purposes, Travis County.

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

Filed: October 22, 1986, 4:06 p.m.
TRD-8610091

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Regional Agencies Meetings Filed October 21

The Central Texas Mental Health and Mental Retardation Center, Board of Trustees, met at 408 Mulberry Drive, Brownwood, on October 27, 1986, at 4:30 p.m. Information may be obtained from Don Jones, P.O. Box 250, Brownwood, Texas 76804, (915) 646-9574, ext. 102.

The Dallas Area Rapid Transit, Board Briefing, was held at 601 Pacific Avenue, Dallas, on October 21, 1986, at 4 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Lubbock Regional Mental Health and Mental Retardation Center, Board of Trustees, met at 3800 Avenue H, Lubbock, on October 27, 1986, at noon. Information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, (806) 763-4213.

The Panhandle Regional Planning Commission, Board of Directors, met for an emergency revised agenda in the Conference Room, 2736 West 10th, Amarillo, on October 23, 1986, at 1:30 p.m. Information may be obtained from Polly Jennings, P.O. Box

9257, Amarillo, Texas 79105-9257, (806) 372-3381.

The Trinity River Authority of Texas, Board of Directors, met at 5300 South Collins, Arlington, on October 22, 1986, at 10 a.m. Information may be obtained from Jack C. Worsham, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

TRD-8609965

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Meetings Filed October 22

The Ark-Tex Council of Governments, Executive Committee, met at the Mt. Pleasant Club, Mt. Pleasant, on October 30, 1986, at 5:30 p.m. Information may be obtained from Susan J. Rice, P.O. Box 5307, Texarkana, Texas 75455, (214) 832-8636.

The Austin-Travis County Mental Health and Mental Retardation Center, Board of Trustees, met at 2001 Wheless Lane, Austin, on October 23, 1986, at 7 a.m. Information may be obtained from Sharon Taylor, 1700 South Lamar Boulevard, Suite 203, Austin, Texas 78704, (512) 447-4141.

The Colorado River Municipal Water District, Board of Directors, met at 400 East 24th Street, Big Spring, on October 30, 1986, at 10 a.m. Information may be obtained from O. H. Ivie, Box 869, Big Spring, Texas 79721, (915) 267-6341.

The Gillespie County Appraisal District, Board of Directors, will meet in the Assembly Room, City Hall, Fredericksburg, on November 5, 1986, at 9 a.m. Information may be obtained from Mary Lou Smith, P.O. Box 429, Fredericksburg, Texas 78624, (512) 997-9809.

The Lee County Appraisal District, Board of Directors, met at 218 East Richmond Street, Giddings, on October 29, 1986, at 9 a.m. Information may be obtained from Roy L. Holcomb, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

The Liberty County Central Appraisal District, Appraisal Review Board, met at 1820 Sam Houston, Liberty, on October 27, 1986, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 712, Liberty, Texas 77575, (409) 336-6771.

The Parmer County Appraisal Office, Board of Directors, will meet at 305 Third Street, Bovina, on November 3, 1986, at 8 p.m. Information may be obtained from Ron Proctor, Box 56, Bovina, Texas 79009, (806) 238-1405.

The Pecan Valley Mental Health and Mental Retardation Region, Board of Trustees, met at the Life Skills Center, 102 Charles Street,

Granbury, on October 29, 1986, at 8 a.m. Information may be obtained from Dr. Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806.

The San Jacinto River Authority, Board of Directors, met in the Conference Room, Lake Conroe Office Building, Highway 105 West, Conroe, on October 28, 1986, at noon.

The Wood County Appraisal District, Appraisal Review Board, met in emergency session in the Conference Room, 217 North Main, Quitman, on October 24, 1986, at 10 a.m. Information may be obtained from W. Carson Wages, P.O. Box 951, Quitman, Texas 75783, (214) 763-4946.

TRD-8610045

Meeting Filed October 23

The Henderson County Appraisal District, Board of Directors, met in emergency session at 101 East Corsicana, Athens, on October 23, 1986, at 3 p.m. Information may be obtained from Helen Marchbanks, P.O. Box 430, Athens, Texas 75751, (214) 675-9296.

TRD-8610094

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In Addition

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

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

State Banking Board Notice of Hearing

As no opposition has been noted in the application for domicile change by Texas Independent Bank, Irving, the hearing previously scheduled for October 20, 1986, has been canceled.

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

TRD-8609931 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: October 20, 1986
For further information, please call (512) 479-1200.

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Texas Department of Community Affairs

Request for Proposals

The Texas Department of Community Affairs (TDCA) is soliciting proposals for programs to be funded from Job Training Partnership Act (JTPA) Title IIA, Section 123 funds. Approximately \$1 million is available to fund projects ranging from a minimum of \$50,000 to a maximum of \$250,000 each. The primary goal of programs funded under this solicitation is to identify and test innovative program models that increase the functioning level and employment potential of at-risk out-of-school youth, ages 14-21. JTPA law requires that at least 75% of Section 123 funds be expended for activities for economically disadvantaged JTPA eligible participants.

Project design criteria in the request for proposals will specify certain program elements necessary to be considered for funding. These criteria are based on previous research which documents the necessity for these elements in achieving success with the target population. Elements include: emphasis on remediation in basic education skill areas (reading, writing, mathematics); a vocational component; individualized open-entry, open-exit approach to training; provision of necessary support services (child care, transportation, etc.); specific coordinative service arrangements with other youth-serving organizations; and a system, in coordination with school district(s), for identification, tracking, and referral of dropouts to the proposed program. Proposals which propose to complete or build upon an existing program to meet all of the previously listed elements are encouraged.

All programs selected will have an independent evaluation which will assess program elements, extent to which the curriculum covers essential elements required for graduation from Texas high schools, and participant outcomes.

Development and testing of curriculum materials in both academic and vocational areas will be considered an appropriate expenditure of project funds, and may be subject to Texas Civil Statutes, Article 6252-11c.

All funds awarded will require an equal match, either in-kind or cash, from either federal or nonfederal sources. Bidders must be one of the following: unit or consortium of state, or local government, including regional councils of government; other public or private nonprofit entities; and private-for-profit entities.

All provisions and conditions must conform to relevant federal and state regulations. Technical assistance will not be provided by TDCA in the preparation of proposals.

The TDCA reserves the right to accept or reject any or all proposals submitted. The TDCA is under no legal requirement to execute a contract on the basis of this request and intends this material only as a means of identifying the various contractor alternatives. The TDCA intends to use responses as a basis for further negotiation of specific program details with potential contractors. This request does not commit the TDCA to pay for any cost incurred prior to the execution of contracts, and is subject to the availability of federal funds from the United States Department of Labor to fund projects solicited hereunder.

The period of performance for these programs is approximately 12 months, beginning on or about January 1, 1987. Pending availability of funds, successful programs will be considered for second year funding. Proposals will be reviewed upon receipt and will be accepted no later than 4 p.m., December 30, 1986. Applications will not be accepted after the 4 p.m. deadline on December 30, 1986. The mailing address is Texas Department of Community Affairs, Training and Employment Development Division, 8317 Cross Park Drive, P.O. Box 13166, Austin, Texas 78711, Enrique Barrera, Room 2-48.

Issued in Austin, Texas, on October 23, 1986.

TRD-8610111 Douglas C. Brown
General Counsel
Texas Department of Community
Affairs

Filed: October 23, 1986
For further information, please call (512) 834-8060.

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Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricul- tural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 10/27/86-11/02/86	18.00%	18.00%
Monthly Rate— Article 1.04(c)(1) 10/01/86-10/31/86	18.00%	18.00%
Standard Quarterly Rate—Article 1.04(a)(2) 10/01/86-12/31/86	18.00%	18.00%
Retail Credit Card Quarterly Rate— Article 1.11(3) 10/01/86-12/31/86	18.00%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d)(3) 10/01/86-12/31/86	14.00%	N/A
Standard Annual Rate—Article 1.04(a)(2)(2) 10/01/86-12/31/86	18.00%	18.00%
Retail Credit Card Annual Rate— Article 1.11(3) 10/01/86-12/31/86	18.00%	N/A
Annual Rate Applicable to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 10/01/86-12/31/86	18.00%	N/A
Judgment Rate—Article 1.05, §2 11/01/86-11/30/86	10.00%	10.00%

- (1) For variable rate commercial transactions only.
(2) Only for open-end credit as defined in Texas Civil Statutes, Article 5069-1.01(f).
(3) Credit for personal, family, or household use.
(4) Credit for business, commercial, investment, or other similar purpose.

Issued in Austin, Texas, on October 20, 1986.

TRD-8809975 Al Endsley
Consumer Credit Commissioner

Filed: October 21, 1986
For further information, please call (512) 479-1280.

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Texas Department of Health Correction of Error

An adopted rule of the Texas Department of Health contained an error as submitted in the October 3, 1986, issue of the *Texas Register* (11 TexReg 4158).

The second sentence of §217.25(d)(13)(B) should read: "The hauler shall repeat procedure to get two identical measurements and record the measurement on the weight ticket;"

Houston-Galveston Area Council Consultant Proposal Request

This request for proposals is filed under the provisions of the Texas Civil Statutes, Article 6252-11c.

Description of services. Projects funded from this request may provide outreach, intake, eligibility determination, assessment, basic education, skill training, on-the-job training, work experience, placement assistance, vocational counseling, and support services to eligible individuals in the balance of Gulf Coast JTPA service delivery area (Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Liberty, Matagorda, Montgomery, Walker, Waller, and Wharton Counties). Projects will operate approximately six months, beginning January 1, 1987.

Service population. Projects will operate with funds from the Job Training Partnership Act of 1982, Title IIA or Title I, §123. Individuals must meet eligibility criteria contained in the legislation to receive services. In addition, participants in §123 programs must come from hard-to-serve adult or at-risk youth target populations.

Funds available. Approximately \$500,000 is available for all projects funded from Title IIA. Approximately \$275,000 is available for all projects funded from Title I, §123.

Contact. For more information, or to obtain a proposal package, interested individuals may contact Rodney Bradshaw or Mike Temple at the Houston-Galveston Area Council, P.O. Box 22777, Houston, Texas 77227, (713) 627-3200.

Review process. All proposals will be reviewed by the Gulf Coast Private Industry Council and the Houston-Galveston Area Council board of directors. Proposals are evaluated on compliance with instructions; need for services offered; quality of approach to providing services; and prior experience.

Closing date. Closing date for offers is Friday, November 14, 1986, at 5 p.m.

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

TRD-8809932 Jack Steele
Executive Director
Houston-Galveston Area Council

Filed: October 20, 1986
For further information, please call (713) 627-3200.

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Office of the Secretary of State Texas Register

Due to the upcoming November 4, 1986, election, the *Texas Register* has revised issue dates and deadlines for the November 4, 1986, Quarterly Index, and the November 7, 1986, issue of the *Texas Register*.

The Quarterly Index will be published on November 7, 1986. The November 7, 1986, issue of the *Texas Register* will be published on November 4, 1986, thereby changing the deadline for submission of rules to 10 a.m., Wednesday, October 29, and the deadline for open meeting submissions to 10 a.m., Thursday, October 30, 1986.

The publication schedule will resume with the November 11, 1986, issue and follow publication schedule deadlines thereafter.

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 October 2-14, 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.

T. J. Hall, Inc.; from the stream crossing FM Road 149, approximately 35 miles northwest of Houston, Harris County; Spring Creek tributary West Fork San Jacinto River, tributary San Jacinto River; two acre-feet, one-year period; TP-5581; October 2, 1986

APAC-Texas, Inc., Trotti and Thomson; from the stream crossing of State Highway 87, approximately 27 miles south of Newton, Newton County; Slaydons Creek, tributary Sabine River; three acre-feet, one-year period; TP-5582; October 6, 1986

Grimmett Brothers, Inc.; from two stream crossings of State Highway 349 and FM Road 980, approximately 56 and 61 miles east of Fort Stockton, Pecos County; Pecos River, tributary Rio Grande; three acre-feet, six-month period; TP-5583; October 6, 1986

Odell Geer Construction Company, Inc.; from the stream crossing of FM Road 3467, approximately two miles northwest of Belton, Bell County; Nolan Creek, tributary Leon River, tributary Little River, tributary Brazos River; one acre-foot, one-year period; TP-5584; October 6, 1986

Seadrift Pipeline Corporation; from a reservoir in the vicinity of La Gloria Pipeline, approximately 10 miles west of Port Lavaca, Calhoun County; Victoria Barge Canal, tributary San Antonio Bay; four acre-feet, six-month period; TP-5585; October 3, 1986

Foremost Paving, Inc.; from the stream crossing of U.S. Highway 83, approximately two miles southeast of Laredo, Webb County; Chacon Creek, tributary Rio Grande; 10 acre-feet, six-month period; TP-5586; October 6, 1986

Wise Sullivan Construction Company, Inc.; from the stream crossing near U.S. Highway 283, approximately 1½ miles northeast of Vernon, Wilbarger County; Pease River, tributary Red River; two acre-feet, six-month period; TP-5587; October 6, 1986

R. W. McKinney and T. L. James and Company, Inc.; from the stream crossing of IH 10, approximately 24 miles south of Hempstead, Waller County; Brazos River; 10 acre-feet, one-year period; TP-5588; October 6, 1986

Arco Oil and Gas; from a reservoir in the vicinity of US Highway 83, approximately 15 miles southeast of Zapata,

Zapata County; Rio Grande; two acre-feet, six-month period; TP-5589; October 9, 1986

A. K. Gillis and Sons; from the stream crossing of US Highway 59, approximately six miles south of Carthage, Panola County; Murvaul Creek, tributary Sabine River; 10 acre-feet, one-year period; TP-5590; October 14, 1986

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

TRD-8609949 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: October 20, 1986

For further information, please call (512) 463-7898.

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Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of October 13-17, 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) 463-7905.

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 October 13-17, 1986

Dove Springs Development Company, Inc.; wastewater treatment facility; approximately 2¾ miles east of the intersection of State Highway 29 and U.S. Highway 81 (State Highway 418), 4,000 feet south of the intersection of County Road 102 and State Highway 29 and 1,000 feet west of County Road 102 in Williamson County; Georgetown; 13322-01; new permit

Santa Maria Chili, Inc.; chili pepper and jalapeno processing plant; at 200 Valley Chili Drive in the town of Vinton, El Paso County; Santa Maria; 02671; amendment

Frito-Lay, Inc.; snack food production facility; on the northeast side of State Highway 36 approximately three miles northwest of the City of Rosenberg, Fort Bend County; Rosenberg; 02443; renewal

McDermott Properties Company; wastewater treatment plant; adjacent to the north side of Cole Creek at 5975 Langfield Road in Houston, Harris County; Houston; 12257-01; amendment

The Pillsbury Company; food processing plant; on the northern edge of the City of Denison in Grayson County; Denison; 02515; renewal

Chevron U.S.A., Inc; petroleum storage and transfer facility; on the south side of State Highway 31E, approximately four miles east of the City of Dawson, Navarro County; Dawson; 02865; new permit

Kock Refining Company; petroleum refinery; northwest of the intersection of Up River Road and Viola Road (County Road 51-A) and northwest of the City of Corpus Christi, Nueces County; Corpus Christi; 00531; amendment

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

TRD-8609950 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: October 20, 1986
For further information, please call (512) 463-7898.



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