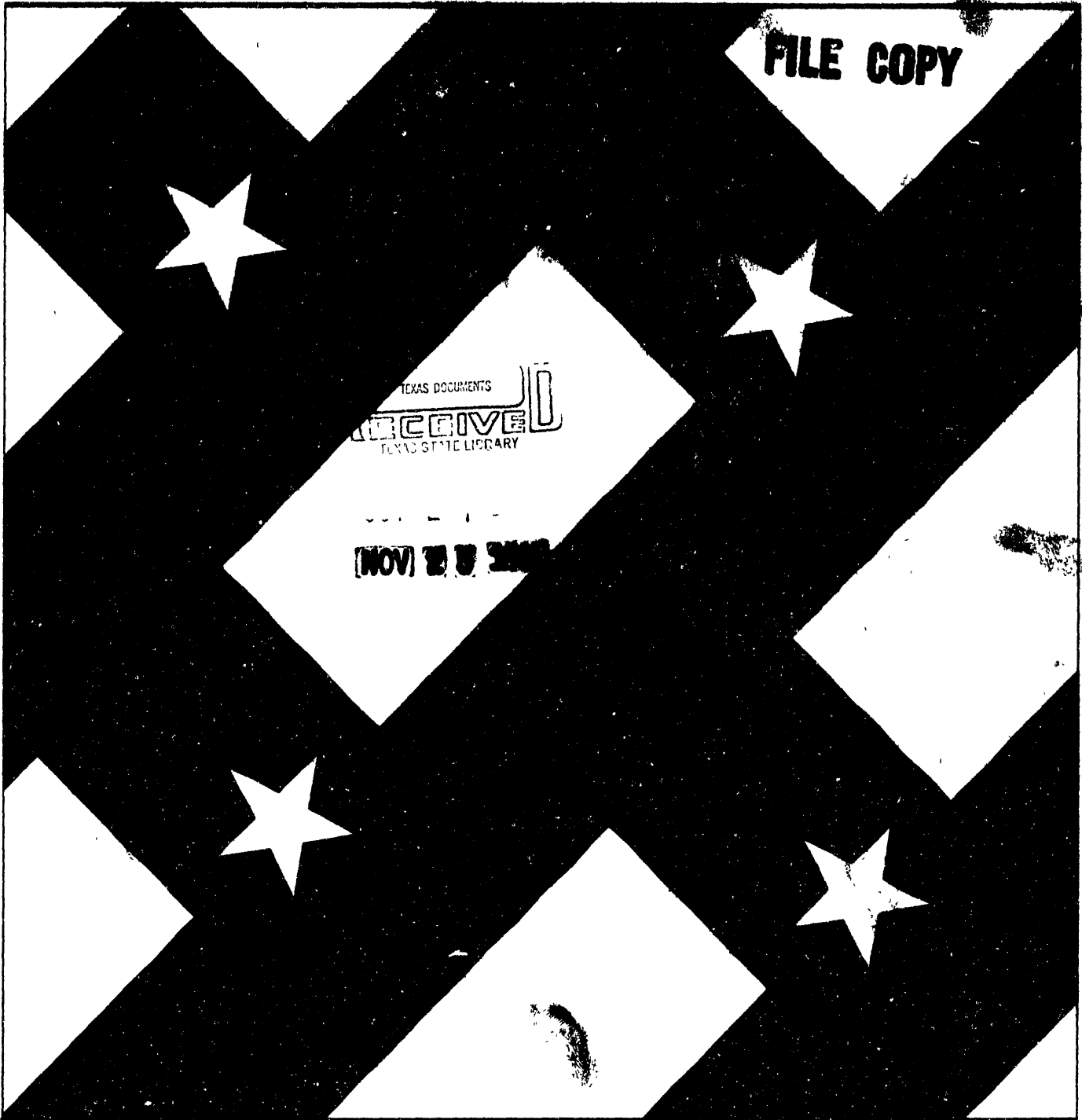


Texas Register

Volume 11, Number 85, November 14, 1986

Pages 4661-4693



Highlights

The **State Securities Board** proposes an new section concerning the establishment of branch bank and drive-in facilities by state-chartered banks. Earliest possible date of adoption - December 15. **page 4668**

The **Texas Commission on the Arts** proposes a new section concerning the new grant application form that enables TCA to better

serve its constituency and meet national requirements. Earliest possible date of adoption - December 15 **page 4669**

The **Texas Department on Aging** adopts an amendment to ease cash flow problems and permit greater flexibility in administering program income funds. Effective date - November 27 **page 4683**

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

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

How To Cite: Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written: "11 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 11 TexReg 3."

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

Texas Administrative Code

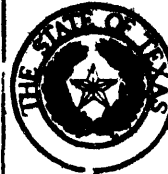
The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules.

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

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

TAC stands for the *Texas Administrative Code*;

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



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Illustrations courtesy of Texas Parks and Wildlife Department.

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The Governor

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

Appointments Made

October 31

107th Judicial District Court of Cameron County

To be judge, until the next general election and until his successor shall be elected and duly qualified:

Gilberto Hinojosa
Presiding Judge
County Court-at-Law No. 2
Cameron County Courthouse
974 East Harrison
Brownsville, Texas 78520

Judge Hinojosa is replacing Melchor Chavez of Brownsville, who resigned.

Texas Commission for the Deaf

For a term to expire January 31, 1987:

Texana Faulk Conn
2007 Paramount
Austin, Texas 78704

Ms. Conn is replacing Beatrice Groginski of Bellaire, who resigned.

State Board of Insurance

For a term to expire January 31, 1989:

James L. Nelson
3105 Kerbey
Austin, Texas 78703

Mr. Nelson is replacing Catherine Brown Fryer of Austin, who resigned.

State Job Training Coordinating Council

For terms to expire June 30, 1988:

Leonardo Camarillo
Route 1, Box 446
Edinburg, Texas 78539

Mr. Camarillo is being reappointed.

Eddie Cavazos
4313 O'dell
Corpus Christi, Texas 78413

Mr Cavazos is being reappointed.

Ruben M. Garcia
3001 Lyon
Laredo, Texas 78040

Mr. Garcia is being reappointed.

William Dean Grossenbacher
9416 Shady Oaks
Austin, Texas 78701

Mr. Grossenbacher is being reappointed.

Marvin James Kennedy
4307 Parkwood Drive
San Antonio, Texas 78218

Mr. Kennedy is being reappointed.

Jane Sara Lack
2107 East Commercial
Victoria, Texas 77901

Ms. Lack is being reappointed.

Richard Phillip Leblanc, Jr.
6235 Navajo
Beaumont, Texas 77709

Mr. Lablanc is being reappointed.

J. K. Magouirk
1107 Rebecca
Austin, Texas 78758

Mr. Magouirk is being reappointed.

Dr. Ray Marshall
LBJ School
University of Texas
Austin, Texas 78701

Dr. Marshal is being reappointed.

Leodoro Martinez, Jr.
501 South West Lane
Cotulla, Texas 78014

Mr Martinez is being reappointed.

Charles F. Nielson
Texas Instruments, Inc.
P.O. Box 225474, M.S. 217
Dallas, Texas 75262

Mr. Nielson is being reappointed.

Macey Hodges Reasoner
2312 Rice Boulevard
Houston, Texas 77005

Ms. Reasoner is being reappointed.

Valita F. Waits
1329 West Lollar
Tyler, Texas 75702

Ms. Waits is being reappointed.

Automated Information and Telecommunications Council

For a term to expire February 1, 1991:

Gary L. Hammon
8961 Tesoro Drive
Suite 500
San Antonio, Texas 78217

Mr. Hammon is replacing James A. Patterson of San Antonio, who resigned.

Carl D. Perkins Scholarship Program Committee

For terms to continue at the pleasure of this governor:

Bobby Douglas
Box 295
Runge, Texas 78151

Jess Ben Lathan, III
2613 Harmony
Amarillo, Texas 79105

Dr. La Rue Miller
100 Wall Street
Brady, Texas 76828

Burnham Robinson
2129 Briardale Road
Fort Worth, Texas 76119

Dr. Fred Tarpley
Route 2, Box 55
Campbell, Texas 75422

Kathryn Townsend
607 Rosewood Drive
Victoria, Texas 77901

Maria Valdez-Fisher
51 Woodhollow
Brownsville, Texas 78521

Issued in Austin, Texas, on November 6, 1986.

TRD-8610509

Mark White
Governor of Texas

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 7. BANKING AND SECURITIES

Part VII. State Securities Board

Chapter 109. Transactions Exempt from Registration

★ 7 TAC §109.13

The State Securities Board adopts on an emergency basis an amendment to §109.13, concerning the uniform limited offering exemption filing requirement. Currently, the section requires the filing of a notice on Form D as made effective in United States Securities and Exchange Commission Release Number 33-6389 (17 Code of Federal Regulations 239.500). The Securities and Exchange Commission (SEC) recently revised Form D, and the revisions became effective on November 10, 1986. Because a copy of Form D is required to be filed with the State Securities Board to claim the uniform limited offering exemption set forth in §109.13(k), it is necessary to amend the section to reflect the new SEC release number and make related changes.

The State Securities Board adopts this amendment on an emergency basis to retain the requirement that the information required to be set forth in Form D be provided to the State Securities Board so that the board can continue monitoring offerings made pursuant to the exemption. Because Form D is a uniform form recognized by the SEC and many states, a failure to amend the section could result in a substantial disruption of the capital formation process in this state to the extent that capital is raised in exempt limited offerings done on an interstate basis.

The amendment is adopted under Texas Civil Statutes, Article 581, §28-1 and §5.T, which provide that the board may prescribe exempt transactions by rule.

§109.13. Limited Offering Exemptions.

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

(k) Uniform limited offering exemption. In addition to sales made under the Texas Securities Act, §5.1, the State Securities Board, pursuant to the Act, §5.t, exempts from the registration requirements of the Act, §7, any offer or sale of securities offered or sold in compliance with the

Securities Act of 1933, Regulation D, Rules 230.501-230.503, 230.505, and 230.506 as made effective in United States Securities and Exchange Commission Release Number 33-6389 and release Number 33-6663 and which satisfies the following further conditions and limitations.

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

(7) The issuer shall file with the securities commissioner a notice on Form D as made effective in United States Securities and Exchange Commission Release Number 33-6663 [33-6389] (17 Code of Federal Regulations 239.500):

(A) one manually executed copy of the form required under Regulation D, Rule 230.503, to be filed with the Securities and Exchange Commission, no later than 15 days after the first sale of securities to a resident of this state and **amendments as needed. Amendments need only report the name of the issuer and offering, any changes thereto, the information requested in Part C, and any material changes in Parts A, B, and E, and the appendix from information previously supplied; and** [at such later times as prescribed in paragraph (c) of the instructions, covering when filings must be made, found on the facing page of Form D].

[(B) the initial notice shall contain an undertaking by the issuer to furnish to the securities commissioner, upon written request, the information furnished by the issuer to offerees.]

(B) [(C)] unless otherwise available, included with or in the [initial] notice shall be a consent to service of process.

(8)-(16) (No change.)

(l) (No change.)

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

TRD-8610508

Richard D. Latham
Securities Commissioner
State Securities Board

Effective date: November 10, 1986

Expiration date: March 10, 1987

For further information, please call
(512) 474-2233.

★ ★ ★



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 15. Medicaid Eligibility

Subchapter II. Budgeting for Individuals Related to the SSI Program

★ 40 TAC §15.3410

The Texas Department of Human Services adopts on an emergency basis an amendment to §15.3410, in its Medicaid Eligibility chapter. Section 15.3410 is amended to include recent federal legislation that allows states to continue Medicaid eligibility for a couple in the same room of a Title XIX long-term care facility, regardless of the length of time since the couple last lived in a community setting.

Current department policy requires couples to be re-evaluated on an individual basis after they have been in an institutional setting for six months. This frequently results in the denial of Medicaid benefits for one spouse because the spouse's income exceeds the special income limit for an individual. In many instances, the denied spouse has been forced to leave the facility because the spouse cannot pay private rates. Delayed implementation of the amendment will result in imminent peril to the health, safety, and welfare of the individuals because they will no longer be able to continue to receive services in a nursing facility.

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

§15.3410. Definitions of Budgeting in Vendor Living Arrangements.

(a) (No change.)

(b) The caseworker prepares a budget for an individual if:

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

(3) the individual's ineligible spouse becomes eligible for assistance in a month after the month of separation; or

(4) an eligible couple has been separated for more than six months [;or]. The caseworker uses the special income limit for an individual and considers only the income of the individual;

[(5) an eligible couple in the same room of a Title XIX long-term care facility has not lived together in a household within the last six months. (A Title XIX long-term care facility is not considered a household.) The caseworker uses the special income limit for an individual and considers only the income of the individual.]

(c) (No change.)

(d) [The federal policy definition of a couple requires that a man and woman live together in the same household. Federal policy also specifies that an institution is not a household.] The caseworker[, therefore,] prepares a budget for a couple [only] if an individual and eligible spouse:

(1) are both MAO applicants/recipients with the same type program; and

[(2) enter a Title XIX long-term care facility at the same time;]

[(2) [(3)] live together in the same room of the Title XIX long-term care facility. For a couple case, the caseworker considers the needs and incomes of both spouses; [and]

[(4) lived together in the same household within the last six months. For a couple case, the caseworker considers the needs and incomes of both spouses. To determine couple status, the caseworker accepts the couple's statement of when they last lived together in the same household. If they have not lived in the same household within the last six months, the caseworker budgets each spouse as an individual.]

(e) If one member of an eligible couple moves into a different room in the same Title XIX facility, the caseworker continues to budget them as a couple until they have been separated [not lived together in the same household] for six months.

(f)-(g) (No change.)

Issued in Austin, Texas, on November 7, 1986.

TRD-8610545 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: November 7, 1986
Expiration date: March 7, 1987
For further information, please call
(512) 450-3766.

Chapter 33. Early and Periodic Screening, Diagnosis, and Treatment

Subchapter H. Eligibility

★ 40 TAC §33.112

The Texas Department of Human Services is renewing the effectiveness of the emergency adoption of amended §33.112 for a 60-day period effective November 12, 1986. The text of the amended §33.112 was originally published in the July 15, 1986, issue of the *Texas Register* (11 TexReg 3237).

Issued in Austin, Texas, on November 6, 1986.

TRD-8610540 Cathy Rossberg
Administrator
Policy Development
Support Division
Texas Department of
Human Services

Effective date: November 12, 1986
Expiration date: January 11, 1987
For further information, please call
(512) 450-3766.

★ ★ ★

Subchapter I. Periodicity

★ 40 TAC §33.122

The Texas Department of Human Services is renewing the effectiveness of the emergency adoption of amended §33.122 for a 60-day period effective November 12, 1986. The text of the amended §33.122 was originally published in the July 15, 1986, issue of the *Texas Register* (11 TexReg 3238).

Issued in Austin, Texas, on November 12, 1986.

TRD-8610541 Cathy Rossberg
Administrator
Policy Development
Support Division
Texas Department of
Human Services

Effective date: November 12, 1986
Expiration date: January 11, 1987
For further information, please call
(512) 450-3766.

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Subchapter R. Dental Services

★ 40 TAC §33.306, §33.317

The Texas Department of Human Services is renewing the effectiveness of the emergency adoption of amended §33.306 and §33.317 for a 60-day period effective November 12, 1986. The text of the amended §33.306 and §33.317 was originally published in the July 15, 1986, issue of the *Texas Register* (11 TexReg 3238).

Issued in Austin, Texas, on November 6, 1986.

TRD-8610542 Cathy Rossberg
Administrator
Policy Development
Support Division
Texas Department of
Human Services

Effective date: November 12, 1986
Expiration date: January 11, 1987
For further information, please call
(512) 450-3766.

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Subchapter T. EPSDT Eyeglass Program

★ 40 TAC §33.402

The Texas Department of Human Services is renewing the effectiveness of the emergency adoption of amended §33.402 for a 60-day period effective November 12, 1986. The text of the amended §33.402 was originally published in the July 15, 1986, issue of the *Texas Register* (11 TexReg 3238).

Issued in Austin, Texas, on November 6, 1986.

TRD-8610543 Cathy Rossberg
Administrator
Policy Development
Support Division
Texas Department of
Human Services

Effective date: November 12, 1986
Expiration date: January 11, 1987
For further information, please call
(512) 450-3766.

★ ★ ★



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 7. BANKING AND SECURITIES

Part I. Finance Commission of Texas

Chapter 3. Banking Section Subchapter E. Banking House and Other Facilities

★ 7 TAC §3.91

The Banking Section of the State Finance Commission proposes new §3.91, concerning the establishment of branch bank and drive-in facilities by state-chartered banks, as provided in Texas Civil Statutes, Article 342-903, amended in the 69th Legislature, 1986, 1st Called Session, and passage of Proposition 4 (amending the state constitution) by the voters on November 4, 1986.

Proposed new §3.91, published in the June 17, 1986, issue of the *Texas Register* (11 TexReg 2789) is withdrawn and is replaced by this new proposed §3.91.

Pursuant to the respective rulemaking authority granted the Banking Section of the State Finance Commission and the State Banking Board in Texas Civil Statutes, Articles 342-113 and 342-115, and in view of the regulatory and chartering functions of the two respective agencies, this new §3.91 is jointly proposed, as acknowledged and referenced in State Banking Board proposed new §31.7. It is the intent of the State Banking Board and the Banking Section of the State Finance Commission that the proposed new §3.91 facilitate competitive parity and regulatory equality between state and national banks by not unduly restricting geographic mobility of state-chartered banks, consistent with the Texas Constitution, Article 16, §16(c).

Jorge A. Gutierrez, 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. Gutierrez also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a clear understanding in the banking industry of the prescribed procedure

for the establishment of branches and drive-in facilities. The public will also benefit by the maintenance of competitive equality between state and national banks in regard to the selection of geographic locations where banking services may be provided. 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 Jorge A. Gutierrez, General Counsel, State Department of Banking, 2601 North Lamar, Austin, Texas 78705, (512) 479-1200.

The new section is proposed under Texas Civil Statutes, Article 342-113, which provide the Banking Section of the State Finance Commission with the authority to promulgate rules that are not inconsistent with the constitution and statutes of this state.

§3.91. Establishment of Branch Bank and Drive-In Facilities.

(a) The State Banking Board and the Banking Section of the Finance Commission hereby delegate the responsibility for receiving and processing applications filed by state-chartered banks for branch bank and drive-in facilities to the banking commissioner of Texas (hereinafter referred to as the commissioner).

(b) Applications for branch bank and drive-in facilities at locations authorized by Texas Civil Statutes, Article 342-903, shall be filed with the commissioner on forms prescribed by the commissioner.

(c) The commissioner, as the primary regulator of state-chartered banks, shall approve applications for branch bank or drive-in facilities if:

(1) in the opinion of the commissioner, there are no significant supervisory problems with respect to the applicant which would affect its ability to properly operate such branch bank or drive-in facility; and

(2) the application for a proposed branch bank or drive-in facility complies with the provisions of Texas Civil Statutes, Article 342-903, any other applicable provision of the Texas Banking Code, Texas Civil Statutes, Article 342-101, et seq., and any related rules and regulations.

(d) The branch bank or drive-in facility shall commence operation within a period of 12 months after the date of approval un-

less an extension is granted in writing by the commissioner. No more than one 12-month extension will be approved by the commissioner. The branch bank or drive-in facility approval will automatically expire if no extension is granted prior to the end of the first 12-month period.

(e) All facilities established, under construction, applied for, or notice of proposed establishment filed, on or before July 15, 1986, shall register such facility with the commissioner by December 31, 1986. If these facilities have been previously registered, no additional registration is necessary. Registration forms will be provided by the commissioner.

(f) Applications for branch bank and drive-in facilities may be filed with the commissioner after the effective date of this regulation.

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

Issued in Austin, Texas, on November 6, 1986

TRD-8610611

Jorge A. Gutierrez
General Counsel
State Finance
Commission

Earliest possible date of adoption:
December 15, 1986
For further information, please call
(512) 479-1200

★ ★ ★

Part III. State Banking Board

Chapter 31. Miscellaneous General Rules

★ 7 TAC §31.7

The State Banking Board proposes new §31.7, concerning the establishment of branch bank and drive-in facilities by state-chartered banks as provided in Texas Civil Statutes, Article 342-903, amended in the 69th Legislature, 1st Called Session (1986), and passage of Proposition 4 (amending the state's constitution) by the voters on November 4, 1986 Pursuant to the respective rulemaking authority granted the Banking Section of the State Finance Commission and the State Banking Board in

Texas Civil Statutes, Articles 342-113 and 342-115, and in view of the regulatory and chartering functions of the two respective agencies, this new §3.91 is jointly proposed, as acknowledged and referenced in State Banking Board new proposed §31.7. It is the intent of the State Banking Board Section of the State Finance Commission that the new proposed §3.91 facilitate competitive parity and regulatory equality between state and national banks by not unduly restricting geographic mobility of state-chartered banks, consistent with the Texas Constitution, Article 16, §16(c).

Jorge A. Gutierrez, 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. Gutierrez also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a clear understanding in the banking industry of the prescribed procedure for the establishment of branches and drive-in facilities. The public will also benefit by the maintenance of competitive equality between state and national banks with regards to the selection of geographic locations where banking services may be provided. 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 Jorge A. Gutierrez, General Counsel, State Department of Banking, 2601 North Lamar, Austin, Texas 78705, (512) 479-1200.

The new section is proposed under Texas Civil Statutes, Article 342-115, which provide the State Banking Board with the authority to promulgate rules that may be necessary to facilitate business matters that may be brought before it.

§31.7. Branch Bank and Drive-In Facilities. Applications for the establishment of branch bank and drive-in facilities are governed by State Finance Commission, §3.91 of this title (relating to Bank Facilities).

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

Issued in Austin, Texas, on November 6, 1986.

TRD-8610520

Jorge A. Gutierrez
General Counsel
State Finance
Commission

Earliest possible date of adoption:
December 15, 1986
For further information, please call
(512) 479-1200



TITLE 13. CULTURAL RESOURCES

Part III. Texas Commission on the Arts

Chapter 31. Agency Procedures

★ 13 TAC §31.10

The Texas Commission on the Arts (TCA) proposes new section §31.10, concerning the grant application form. The new grant application form will enable the TCA to better serve its constituency and also meet national requirements.

Betty Brown, fiscal officer, 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.

Ms. Brown also has determined that for each year of the first five years the section is in effect there is no public benefit anticipated as a result of enforcing the section. 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 Sandi Wilson, Texas Commission on the Arts, P.O. Box 13406, Austin, Texas 78711.

The new section is proposed under Texas Civil Statutes, Article 6144g, §4, which provide the Texas Commission on the Arts with the authority to make rules and regulations for its government and that of its officers and committees.

§31.10. New Grant Application Form. The following form is adopted by the Texas Commission on the Arts to meet national requirements.

TEXAS COMMISSION ON THE ARTS FINANCIAL ASSISTANCE APPLICATION

P.O. BOX 13486, CAPITOL STATION
AUSTIN, TEXAS 78711-3486
929 COLORADO, 6TH FLOOR
512/463-5536 OR 1-800/252-9415

GENERAL APPLICATION INSTRUCTIONS:

YOU MUST READ THE PLAN FOR THE OPERATIONAL FUNDING AND SERVICES FOR THE ARTS IN TEXAS BEFORE COMPLETING THIS FORM.

All applications must be completed as described in the following "General Application Instructions." Because each funding program requires additional information, please refer to the Specific Program Instructions and the Plan for the Operation, Funding and Services for the Arts in Texas before submitting the application.

THE TCA WELCOMES ALL INQUIRIES ABOUT ITS PROGRAMS OR SERVICES AND EXPRESSLY ENCOURAGES THE SUBMISSION OF DRAFT APPLICATIONS TWO MONTHS PRIOR TO THE ANNUAL JANUARY 15TH APPLICATION DEADLINE.

Section A - Applicant Organization Information:

- Applicant Organization Information:** Type the legal name of the organization as it appears on the IRS determination letter for tax-exempt status or the official document identifying the organization as a unit of state or local government. In the case of umbrella projects, list sponsoring organization first/then name of group or individual being umbrellaed.
- Project Contact Person:** Give the name of the individual who can answer any and all questions regarding the application. This should be the person assigned by the organization to direct the project. Include the person's title, mailing address and telephone numbers.
- Federal Employer's ID #:** Provide your federal employer's identification number. This number can be found in your tax exempt files.

Section B - Proposal Data:

- Period of Support:** Indicate the beginning and ending dates including the amount of time necessary to plan, execute and close-out the proposed project. However, if the project involves a performance it is advised that the beginning date of support be 30 days prior to the performance and the ending date be 30 days after the performance. The project cannot begin prior to September 1 or end after the following August 31.
- Project Performance Dates:** Indicate the specific dates of the project (e.g. actual date of a performance, workshop or exhibition festival, etc. if applicable).
- State payment is needed:** Indicate the month you need payment within the period of support requested.
- Facility address:** Indicate the name and location of the facility where the project will take place. Include seating capacity if applicable.
- Number of seats available/total:** If applicable, based on previous year include total number of seats available and the total amount sold for a similar project. Do not include complimentary tickets.
- Number of guests to benefit from this project:** Include the total audience members, participants, students or others (exclude employees and performers) who are anticipated to benefit from the project.
- Population of service area:** Indicate the population of your community city, surrounding counties or area in which your organization's services are available.
- What facilities are available to insure accessibility to handicapped/ disabled persons?** Describe the facilities/services you have available in the space where the project is to take place to insure the accessibility of handicapped/ disabled persons.

Section C - Authorization:

Authorizing Official: The authorizing official is a principal of the organization with legal authority to certify the information contained in this application. Include the person's name (typed), title, business and home telephone numbers, social security number and date of signature. The authorizing official must read and guarantee the compliance of the organization with the requirements listed in Section C APPLICATIONS LAGERS. AN AUTHORIZING OFFICIAL SIGNATURE WILL BE HELD LIABLE FOR REVIEW.

Section D - Additional Information Applicable to Your Specific Proposal:

THE INFORMATION IN THIS SECTION APPLIES EXCLUSIVELY TO THE ARTS-IN-EDUCATION PROGRAMS AND THE TEXAS TOURISM PROGRAMS. THESE ITEMS ARE USED BY THE APPLICANT AND TCA STAFF IN CALCULATING AND VERIFYING PROJECT SUBSIDIES. PLEASE REFER TO THE "SPECIFIC PROGRAM INSTRUCTIONS" FOR FURTHER INFORMATION.

Section E - Application Type:

Please refer to the Plan for the Operation, Funding and Services for the Arts in Texas Section V Financial Assistance Programs pages 15-17 to determine the program for which you are applying. CHECK ONLY ONE FOR APPLICATION.

Section F - Narrative:

Be sure to read and address the review criteria in the Plan for the Operation, Funding and Services for the Arts in Texas (pages 15-20). Provide a concise description of the project you are applying for. The first sentence of the narrative should be a brief overview of the proposal including the amount requested from the TCA. Provide names of key personnel where appropriate. Additional pages will not be accepted. PLEASE REFER TO "SPECIFIC PROGRAM INSTRUCTIONS" FOR FURTHER INFORMATION.

Section G - Proposal Financial Information:

Indicate revenues and expenses for THIS PROJECT ONLY. Round all figures to the nearest dollar. IN ORGANIZATIONAL SUPPORT, YOU MUST SHOW YOUR ORGANIZATION'S ENTIRE BUDGET IN THIS SECTION.

- Cash Resources/Income and Anticipated:** List the cash resources for the project. Include all known and anticipated funds to be specifically designated for this project. Do not include Title TCA request. Pro-rata where necessary.
 - Earned Income:** Indicate all earned income in the categories applicable to your project. Sponsor fees and optional services apply ONLY in the various touring programs.
 - State/Local Income:** Indicate any amounts of income in categories listed on the application from fundraising, contributions, benefits, membership, etc. for this project.
 - Grants:** Indicate sources and amounts for each specifically designated for this project (pro-rata where necessary). Indicate if funds are pending or committed by entering a "P" or "C" in the appropriate blank. Specify the date on which you expect to be notified (or were notified) concerning the commitment of these funds.
 - State Government:** Do not include the TCA request. Do include any other TCA funds which would provide support for this project. Indicate any other funds from state agencies for this project.

- Hotel/Hotel Tax:** Funds received from local government through hotel/hotel tax revenues.
 - Other City:** Indicate revenues from city funds other than hotel/hotel tax revenues. Be specific (e.g. a city planning department or city neighborhood funds, etc.)
 - Local Government:** Applies only to those organizations included as a separate line item in a local government budget.
 - County:** Specify which component of the county government is allocating the funds.
 - Federal:** List those federal departments or agencies providing the project funds (e.g. National Endowment for the Arts, National Endowment for the Humanities, etc.)
 - Corporate:** List the name(s) of the corporation and the amounts received/requested.
 - Foundation:** List the name(s) of the foundation and the amount received/requested.
 - Other Grants:** Include revenues from other grants not listed above. Indicate the granting organization and amount received/requested.
 - Other Year Carry-over Funds:** Specify amount of carry-over funds to be applied towards this project. These are funds raised from any source from a prior fiscal year.
- Total Cash Resources:** Indicate the total of earned income, unearned income and prior year carry-over funds (Should equal Cash in Section G column (B)).
 - TCA Request:** Enter the amount requested for this project (Should equal G7 column (A)).
 - Total Expenses:** Enter the sum of all the sub-totals above.
 - In-kind resources:** Items of all in-kind services (from Section G7 column (C) of proposal expenditures). These are goods or services which are donated and are not paid for by the applicant. Volunteer time is based on minimum wage or the current rate for such professional services. Other in-kind services might include donated office space, facilities, use of equipment, printing, etc.
 - Total Project Resources:** Indicate total resources to be applied towards the project (Must equal Section G7 column (D)).
 - Proposal Expenditures:** Indicate expenses for this project only or in the case of organizational support, indicate organization's entire budget.
 - Personnel:** Includes any employee of the organization full or part time who will be directly involved with the project.
 - Administrative:** May include executive director, program coordinator, managers, fundraisers, clerical staff (secretaries, bookkeepers, typists, etc.), support personnel (box office, security, etc.).
 - Artistic:** Curators, music directors, conductors, choreographers, graphic artists, actors, dancers, singers, musicians, instructors, designers, etc.
 - Technical:** Technical management and staff such as technical directors, electricians, lighting, sound engineers, preparator, technical stage crew, etc.
 - Other Personnel:** Any full or part time employee not covered in the above categories.
 - fringe benefits:** Indicate fringe benefits such as health insurance, dental, social security, etc. for the personnel above.
 - Fees for outside professional services:** Indicate honoraria or stipends for any non-staff person(s) in administrative, artistic, technical and others as described in the categories above.
 - resident artist fee: AE only
 - visiting artist fee: AE only
 - artist fee: touring

PLEASE REFER TO "SPECIFIC PROGRAM INSTRUCTIONS"

- Space rental:** Includes office, rehearsal, theatre, gallery, hall or other rental space.
 - Travel and Transportation:** Include costs for travel and related expenses for project personnel (TCA will not fund out of state travel).
 - Sub-granting:** Indicate funds that are re-granted locally to arts organizations and artists.
 - Other operating expenditures:**
 - Equipment rental:** Indicate costs for office equipment (typewriter, etc.), photocopying machines, etc., production equipment, camcorder, lighting, etc. rented by your organization for this project.
 - Shipping expenses:** Include freight charges for visual arts exhibitions, performance related items, etc.
 - Supplies and materials (AE only):** PLEASE REFER TO "SPECIFIC PROGRAM INSTRUCTIONS"
 - Exhibition fee:** Visual arts touring exhibitions only.
 - Printing and mailing:** Indicate costs for the printing of announcements, mailers, brochures, catalogues, tickets, programs, etc., and/or promotion costs for PSA's newspaper radio, television, etc.
 - Other:** Include any expenses not covered in the above categories such as office supplies, postage, telephone, insurance, utilities, etc.
 - Bold definition:** Organizational assistance only. PLEASE REFER TO "SPECIFIC PROGRAM INSTRUCTIONS".
 - Capital expenditures:** Include expenses for capital costs such as permanent fixtures, acquisitions, improvements and property. TCA will not fund this category (Organizational assistance only).
- SUB-TOTALS:** Add up column (A) (should equal G3 TCA Request column (B)) (should equal G2 Total Cash Resources column (C)) (should equal G5 In Kind Summary) and column (D) (should equal G6 Total Project Resources)
- TOTAL - Total Sum of Column A&B**

Section H - Applicant Organization Financial Information:

- Date of organization's fiscal year:** Indicate the 12 month operational year of the organization.
 - organization's previous fiscal year's budget:** Include the total income and expenditures for the previous fiscal year.
 - approved budget for the organization's current fiscal year:** Indicate the total budget income and expenditures for the current fiscal year of the organization. These figures should match your current operating budget attachment.
 - Projected budget for the organization's upcoming fiscal year:** Indicate the projected budget revenue and expenditures for the upcoming fiscal year of the organization. This should reflect the figure for the grant request year. These figures should match your projected budget for the upcoming fiscal year attachment.

"SPECIFIC PROGRAM INSTRUCTIONS":

THESE INSTRUCTIONS REFER ONLY TO THOSE SECTIONS OF THE FINANCIAL ASSISTANCE APPLICATION FORM IN WHICH ADDITIONAL INFORMATION AND ATTACHMENTS ARE REQUIRED FOR SPECIFIC PROGRAMS.

ORGANIZATIONAL ASSISTANCE:

- Section G - Proposal Financial Information:**
 - Organizational Assistance is predicated on the applicant's entire budget for the period of support requested.
 - Total Project Resources:** Must equal the amount of your organization's total revenues for the period of support requested.
 - Proposal Expenditures:** Indicate expenses for your organization a year of activities.
 - State-revenues:** Indicate funds that are budgeted for the reduction of a previous debt. TCA does not fund this category, see may this be used as matching income.
 - Capital expenditures/acquisitions:** Include expense for capital costs such as permanent fixtures, acquisitions, improvements and property. TCA does not fund this category.
- Section B - 7. (a) - Personnel - additional lines are provided so you may detail those specific staff salaries to which TCA funds are applied.**

ADDITIONAL REQUIRED ATTACHMENTS:

In addition to the narrative description required in Section F of this application, applicants for Organizational Assistance must also submit a 12 month plan for organizational activity. PLEASE REFER TO THE PLAN FOR OPERATIONAL FUNDING AND SERVICES FOR THE ARTS IN TEXAS, SECTION V, FINANCIAL ASSISTANCE PROGRAMS, ORGANIZATIONAL ASSISTANCE, PAGE 15 FOR FURTHER INFORMATION.

PROJECT ASSISTANCE:

A. SUBGRANTING:

- Section G 7 - Proposal Expenditures**
 - In addition to project expenditures, the amount to be subgranted must be entered on G 7 (f) Subgranting.
 - This line must be matched on a 1 to 1 basis, entirely with cash.
- Additional required attachments:**
 - Please submit a copy of your subgrant program guidelines goals and criteria used to make decisions at the local level.
 - One copy of application and evaluation forms used by subgrantees.
 - A list of past year subgrantees which includes the organization's name, the amount awarded and a one-line description of the project funded.

B. ARTS-IN-EDUCATION PROGRAM:

- Section B - Proposal Data:**
 - Period of Support:** Indicate the actual dates of the residency. Residencies can range in length from one week to ten months between September 1 and June 30.
 - Date payment is needed:** Indicate the beginning month of your residency.
- Section D - Additional Information -**
 - APPLICABLE TO YOUR SPECIFIC PROPOSAL. INDICATE DISCIPLINE TYPE - SELECT ONE.**

1A Dance	08 Fashion
1B Ballet	09 Graphic
1C Ethnic/jazz	10 Industrial
1D Modern	11 Interior
2 Music	12 Landscape arts
2A Band (J or P)	7 Crafts
2B Chamber	7A Clay
2C Choral	7B Fiber
2D New	7C Glass
2E Ethnic	7D Leather
2F Jazz	7E Metal
2G Popular	7F Paper
2H Solo/vocal	7G Plastic
2I Orchestral	7H Wood
3 Opera/Music Th	7I Mixed media
3A Opera	8 Photography (include holography)
3B Musical Th	9 Media arts
4 Theatre	9A Film
4A Theatre-general	9B Audio (radio sound installation)
4B Mime	9C Video
4C Puppet	10 Literature
4E Theatre-young audi	10A Fiction
5 Visual arts	10B Non fiction
5A Experimental	10C Playwriting
5B Graphics	10D Poetry
5C Planning	11 Interdisciplinary - more than one discipline (in single work)
5D Sculpture	12 Folk Arts
6 Design Arts	
6A Architecture	

- Length of residency:** Indicate the number of weeks/months of your residency.

Section F - Narrative:

Utilize this area to describe the proposed project. Include facilities and equipment available for the resident artist. Describe your existing arts curricula and how an Arts in Education program would fit into your current program. Attach a separate sheet to list schools and other sites who will participate in the program. You may apply for one artist per application.

Section G - Proposal Financial Information:

- Please refer to the General Application Instructions for information on completing the G 1 Cash Resources/Income and Anticipated.
- Proposal Expenditures:**
 - The Texas Commission on the Arts will provide up to 50% of total program costs. The AIE program is a formula based program per the following schedule:
 - Artist fees: one week \$500 - one month \$1200 (for residencies over one week, pro-rata based on the monthly fee (e.g. a 3 week residency = \$1200 divided by 4 x 3 weeks = \$900.00 artist fee). For residencies over one month multiply the monthly fee by number of months (e.g. a 5 month residency = \$1200 x 5 = \$6000.)
 - Only the following line items are to be included in the Arts in Education program budget:

Pass for artist, technical and other personnel - resident artist fee: see above schedule and indicate request. TCA will provide up to 50% of the resident artist fee in-kind is not allowable

-Residing artist fees: optional category May be included as a supplement to the program. If you are interested in including a residing artist fee please contact the TCA staff

Travel and transportation:

-If the residency is two months or less, artists receive a \$20 per day lodging and expenses budget unless the resident artist resides in the city/town of the residency or if the sponsor is providing the artist lodging.

-If the artist is to travel to more than one site per day for residency activities he/she should be reimbursed at 23¢ a mile

Other

-supplies and materials: Visual artists, designers, architects and media artists require a \$150.00 personal supply budget and \$150.00 supply budget for participants (\$300 total per month). Residences less than one month prorated this expense. In-kind can be used only for the participant supply budget

In other arts disciplines this is an optional category

-Other: Use this category for any other expense directly related to the arts in education program not covered above. (costs associated with anthologies, documentation, etc.)

C. UMBRELLA PROJECTS

1 Section C - Assurances:

a) **Authorizing Official:** The authorizing official is a principal of the not-for-profit umbrella organization with legal authority to certify the information contained in this application.

2 Section F Narrative - Should begin by stating that "inasmuch as sponsoring organizations for (name of organization or individual being umbrellaed) requests (amount be requested) for (project summary)."

3 ADDITIONAL REQUIRED ATTACHMENTS

a) Signed agreement between the umbrella organization and the applicant

TOURING PROGRAM

A. Fee Support

1 Texas Touring Program

a) Fee support program need only include a signed contract with the company/artist as an attachment

2 Dance Touring - LIMITED ENGAGEMENT/SINGLE EVENT - REGIONAL TOURING

a) Additional Required Attachments:

Please refer to the required attachment check list

A signed contract with the company/artist strengthens the application. Contingency clauses are strongly recommended

B. Texas Touring Program Company/Artist Reser

1 Please note that application to this program is twenty (20) months in advance of the beginning of the applicable Touring Season. In addition funds granted under this program are held in reserve for the company/artist and allocated to the individual sponsors applying under the Texas Touring Fee Support Program. Individual artists applying to this program should note the instruction exceptions specific to their application

2 Section A - Applicant Organization/Artist Information - Individual artists must provide their home mailing address, county, city, state, zip and telephone number

3 Section B, 2, A & B - Additional Information Applicable to your Specific Applicant, Fees: Indicate the maximum fee for a single performance and provide a description of optional services including costs

4 Section F - Narrative: Include the types of program options available and technical specifications needed (space, lights, security, etc.) Identify the available dates and limitation of the touring production as well as the geographic areas where it might tour. If potential sponsors have been identified list organizations, communities and geographic areas expressing interest. Additional pages will not be accepted

5 Section G, 1(a) - Earned Income: Indicate all projected revenues in the categories provided on the application. Note sponsor fees and fees for optional services should be divided by two (2) as the TCA request provides one-half of these revenues

6 Section G, 7 (e) - Travel and Transportation: Include all costs associated with projected number of performances involved with the tour. Be sure to consider geographic distances in this travel and transportation cost estimate

7 Additional Required Attachments:

- a) A sample of the company's contract
- b) Press list
- c) Technical specification sheet

C. Visual Arts Touring -

1 Visual Arts Touring provides assistance for both producing and presenting visual arts exhibitions. Please refer to the *Plan for the Operation, Funding and Services for the Arts in Texas* (pg. 18-17) for specific information

2 Preparation Assistance: 50% of the costs related to the preparation of producing an exhibit to tour

a) The TCA request Section G 7 (g) exhibition rental fee must not exceed 50% of the rental cost

3 ADDITIONAL REQUIRED ATTACHMENTS

a) Producers must submit two letters of intent or two applications from institutions wanting to present the exhibition. **PLEASE REFER TO THE PLAN FOR OPERATION, FUNDING AND SERVICES FOR THE ARTS IN TEXAS, APPLICATIONS (PG. 17).**

b) Contracts between organizing organization and exhibiting institution

D. PRESENTER PROGRAM

1 Section F - Narrative: Unlike other applications to the TCA the narrative section of the presenter application requires additional pages. In your narrative please be sure to include the following information:

a) List companies/artists your organization has presented during the past three years (name of company, discipline, date and fee paid) if your organization has not been presenting for the past three years please list the artists you have brought in and your plans for the upcoming season. **INCLUDE TEXAS AND OUT OF STATE ARTISTS IN YOUR LIST**

b) List total attendance figures for the past three years. How are these figures derived? Give an estimate for the upcoming year. Also include ticket prices and information about discounts where appropriate

c) Describe the facility or facilities used for performing arts events including: size, type of stage, speakers on your lighting and sound equipment, parking and other

d) Describe your full-time/part-time/volunteer personnel (technical, administrative, box office and others)

e) Describe marketing strategies and promotion of events including usage of TV, radio, P.S.A.s, newspaper, readers, pre- and post-performance activities, outreach efforts to surrounding geographic areas

f) Describe efforts made in connection with your performing arts program toward special interest groups (children, senior citizens, handicapped, disadvantaged, other). List special facilities or services

g) Describe contingencies and/or constraints your organization requires as standard policy with artists and companies. If your organization has general contract or rider, please attach

2 Section G - Projected Financial Information: Note the information contained in Section G is to be used only as an estimate of the organization's expenses and revenues for the upcoming presenting season. This application is not a request for funds. THE TCA REQUEST COLUMN SECTION B, 7 (a-b), MUST BE LEFT BLANK.

BEFORE MAILING A COPY OF THIS APPLICATION TO THE TCA OFFICES, RETAIN A COPY FOR YOUR OWN FILES. ALSO, BE SURE THAT THE APPLICATION HAS BEEN SIGNED BY THE APPROPRIATE AUTHORIZING OFFICIAL AND THAT YOU HAVE INCLUDED ALL THE INFORMATION IN THE "REQUIRED ATTACHMENT CHECKLIST". APPLICATIONS WHICH ARE NOT COMPLETE TWO WEEKS PRIOR TO ADVISORY PANEL REVIEW WILL BE DEEMED UNRELIABLE.

"REQUIRED ATTACHMENT CHECKLIST"

<input type="checkbox"/>	Financial statement for the previous fiscal year
<input type="checkbox"/>	Audit, including management letter
<input type="checkbox"/>	Current Operating Budget
<input type="checkbox"/>	Projected budget for upcoming fiscal year
<input type="checkbox"/>	IRS letter of determination
<input type="checkbox"/>	Current list of board of directors
<input type="checkbox"/>	Resumes of key personnel
<input type="checkbox"/>	Job descriptions and resumes if salary support is being requested from TCA
<input type="checkbox"/>	Organizational history
<input type="checkbox"/>	Required attachments as per SPECIFIC PROGRAM INSTRUCTIONS
Optional Attachments	
The following attachments are not required but will be accepted and utilized in the Assistance Review Process	
• Letters of support	
• Samples of past publicity and critical reviews	
• Visual and tape support (slides, video, etc.) if submitting video please use 1/2 inch tape	

ARTISTS WISHING TO APPLY TO THE ARTISTS-IN-EDUCATION PROGRAM SHOULD CONTACT TCA STAFF FOR INSTRUCTIONS.

A APPLICANT ORGANIZATION/ARTIST INFORMATION

1 Organization Name/Artist _____ A/C Telephone Number _____
 Mailing Address _____ County _____ City _____ State _____ Zip _____
 2 Project Contact Person _____ Title _____ A/C Business Telephone Number _____
 Address _____ City _____ State _____ Zip _____ A/C Home Telephone Number _____
 3 Federal Employer's ID Number _____

B PROPOSAL DATA

1 Period of support requested Starting month ____ day ____ year ____ Ending month ____ day ____ year ____
 2 Project/performance dates month ____ day ____ year ____ to month ____ day ____ year ____
 3 Date payment is needed month ____ year ____
 4 Facility name _____ seating capacity _____
 5 Based on previous year list total # of seats available _____ # sold _____
 6 Number of persons expected to benefit from this proposal _____
 7 Population of service area _____
 8 What facilities are available to insure accessibility to handicapped/disabled persons?

C ASSURANCES

If financial assistance is awarded, the applicant hereby gives assurance to the Texas Commission on the Arts that
 1 The activities and services for which financial assistance is sought will be administered by the applicant organization
 2 Any funds received as a result of this application will be used solely for the project described
 3 The applicant has read, understands and will conform to the intent outlined in A Plan for the Operation, Funding and Services for the Arts in Texas
 4 The applicant will comply with Title VI of the Civil Rights Act of 1964 with labor standards under Section 5(j) of the National Foundation of the Arts and Humanities Act of 1965 and with Section 504 of the Rehabilitation Act Amendments of 1974
 5 The undersigned has been duly authorized by the applying organization to submit this application
 6 The applicant is a non-profit entity as defined by the I.R.S. an educational institution or a unit of government
 I certify that all information contained in this application including all attachments and supporting materials is true and correct to the best of my knowledge

Signature of Authorizing Official/Artist _____ Date _____ Typed Name _____
 Title _____ A/C Home Number _____ A/C Business Number _____ Social Security Number _____

D ADDITIONAL INFORMATION APPLICABLE TO YOUR SPECIFIC PROPOSAL

1 Sponsor applying to the Arts In Education program
 A Discipline type applying for (see instructions) # _____
 B Length of residency _____
 2 Company/artist applying to the Touring Arts program
 A Minimum fee for a single performance \$ _____
 B Description of optional services _____

TEXAS COMMISSION ON THE ARTS
FINANCIAL ASSISTANCE APPLICATION

Box 13408 Capitol Station Austin, Texas 78711-3408 If you have any questions call TCA at (512) 463-5535 or toll free 1-800-255-9415

DATE RECEIVED _____
 APPLICATION # _____

E APPLICATION TYPE (Check only one)

- | | |
|---|---|
| 1 Organizational Assistance _____ [] | b Single Event/Limited Engagement fee support _____ |
| 2 Project Assistance | c Dance Touring fee support _____ |
| A General Project Assistance _____ [] | 2) Company/Artist Roster application _____ |
| B Arts In Education Program Sponsor _____ [] | 3) Presenter Program _____ |
| 3 Touring Assistance | B Visual Arts Touring |
| A Performing Arts | 1) Preparation assistance _____ |
| 1) Performance fee support _____ | 2) Exhibition support _____ |
| a Texas Touring Arts Program _____ [] | |

F NARRATIVE - Provide a concise description of the proposed activity in the space below. Please state amount requested. See instructions for information which must be included for specific programs.

JOB NO	CUSTOMER	OPERATOR	DATE	REVISED	DISK NO
02012408	TX Comm Arts	Lester/Hobby	7-8-88	3-25-88/9-10-88/9-21-88	233

G PROPOSAL FINANCIAL INFORMATION

1 Cash Resources/Known and Anticipated		Single Ticket Price	
a Earned Income			
- Admission charges, subscriptions, box office receipts	\$ _____	\$ _____	\$ _____
- Concessions sales, parking, publications, rentals, advertisers, etc	\$ _____	Minimum	Maximum
- Tuition, class/workshop fees	\$ _____		
- Sponsor fees for performances/exhibitions	\$ _____		
- Sponsor fees for optional services	\$ _____		
- Interest on investments, endowments	\$ _____		
- Other earned income (itemize)	\$ _____		
	TOTAL EARNED		
b Unearned Income			
- Fundraising	\$ _____		
- Individual contributors/sponsors	\$ _____		
- Memberships	\$ _____		
- Benefits	\$ _____		
- Other unearned income (itemize)	\$ _____		
	TOTAL UNEARNED		
Grants (Itemize sources and amounts)			
- State government [do not include this TCA request (Itemize)]	\$ _____	Pending/ Committed	Notification Date
- Hotel/Motel tax	\$ _____		
- Other city (Itemize)	\$ _____		
	\$ _____		
- Local government (Line item for organizations, LAA s, units of government, educational institutions, etc)	\$ _____		
- County (Itemize)	\$ _____		
- Federal (Itemize)	\$ _____		
- Corporate (Itemize)	\$ _____		
- Foundation (Itemize)	\$ _____		
- Other grants (Itemize)	\$ _____		
	TOTAL CARRY-OVER		
c Prior year carry-over funds			
2 Total Cash Resources (Total of Section 1 a, b and c) (Should equal Cash in Section G7 Column (B))			
3 TCA Request (Should equal Section G7 column (A))			
4 TOTAL REVENUES			
5 In-Kind Summary (Itemize)			
(should equal Section G7, column (C))			
6 Total Project Resources (Should equal Section G7, column (D))			
TOTAL APPLICATION RESOURCES			

7 PROPOSAL EXPENDITURES

	TCA request (A)	Cash (B)	In-Kind (C)
a Personnel			
-administrative	_____	_____	_____
-artistic	_____	_____	_____
-technical	_____	_____	_____
-other personnel	_____	_____	_____
b Fringe benefits			
c Fees for outside professional services			
-administrative	_____	_____	_____
-artistic	_____	_____	_____
-technical and other	_____	_____	_____
-resident artist fee (AIE)	_____	_____	XXXXXXXXXXXX
-visiting artist fee (AIE)	_____	_____	_____
d Space rental			
e Travel & Transportation			
f Subgranting			
g Other operating expenses			
-equipment rental	_____	_____	_____
-shipping	_____	_____	_____
-supplies & materials (AIE)	_____	_____	_____
-exhibition rental fee	_____	_____	_____
-promotion & printing	_____	_____	_____
-other	_____	_____	_____
*h Debt-reduction	XXXXXXXXXXXX	_____	XXXXXXXXXXXX
*i Capital expenditures/acquisitions	XXXXXXXXXXXX	_____	_____
SUB-TOTALS	\$ _____ (A)	\$ _____ (B)	\$ _____ (C)
*TCA does not fund these line items - (See instructions)			TOTAL
			(COLUMN A + B)

H APPLICANT ORGANIZATION FINANCIAL INFORMATION

1	Date of organization's fiscal year	month _____	to month _____
	a	organization's previous fiscal year's budget	\$ _____
		Total Income	\$ _____
		Total Expenditures	\$ _____
	b	approved budget for the organization's current fiscal year	\$ _____
	c	projected budget for the organization's upcoming fiscal year	\$ _____

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

Issued in Austin, Texas, on November 5, 1986.

TRD-8610478 Betty J. Brown
Fiscal Officer
Texas Commission on
the Arts

Earliest possible date of adoption.

December 15, 1986

For further information, please call
(512) 463-5535

★ ★ ★

TITLE 22. EXAMINING BOARDS

Part VI. Texas State Board of Registration for Professional Engineers

Chapter 131. Practice and Procedure

Registration

★ 22 TAC §§131.131-131.135, 131.138, 131.139

The Texas State Board of Registration for Professional Engineers proposes amendments to §§131.131-131.135, 131.138, and 131.139, concerning completion of registration.

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 procedures for completing a registration and a better understanding of the rules governing disciplinary actions and the use of the seal. 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, §8a, which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§131.131. General. The process of registration as a professional engineer will be [is] initiated upon approval of the application for registration by the board. The fee which

accompanied the application is applied toward the required registration fee. Subsequent to application approval, the applicant will be [is] assigned a serial number. These numbers will be issued consecutively in the order in which the applications are approved. The applicant will be advised of his serial number in a [the] notification of approval sent by the executive director, and he may begin practicing engineering immediately. The applicant will be instructed to obtain a seal, as required by law, of the type specified in §131.138 of this title (relating to Engineers' Seals) [board rule]. As soon as the seal (rubber stamp, embossing, or both) is obtained, an imprint or imprints made [rubber stamp, or embossed, will] be made on a form provided by the board and the form returned to the board office for its files. Any applicant who fails to provide an acceptable seal impression [complete his registration as provided for by law and herein] within a period of six months after notice is mailed to him by the executive director that he has been approved for registration shall have such approval withdrawn by the action of the board.

§131.132. Issuance of Certificates of Registration. As soon as possible after the board has received an imprint of the applicant's [registrant's] seal or seals, the board shall complete the registration process by issuing a certificate of registration [will be issued], signed by the chairman of the board and the secretary of the board bearing the seal of the board and also bearing the full name and serial number of the registrant.

§131.133. Certificates of Registration. The certificate of registration issued by the board in compliance with the provisions of the Act and board rules shall be uniform in all cases. Registration is as professional engineer. Although the Act makes no specific designation as to the branches of engineering practice for which certificates of registration will [shall] be issued, the records of the board will indicate the branch considered dominant in accordance with §131.87(7) of this title (relating to Experience Evaluation). [To determine who is a professional engineer and who has engaged in professional engineering as defined in the Act and board rules,] The board will recognize the following branches of engineering practice:

- (1)-(9) (No change.)
- (10) (H)—fire protection;
- (11)[(10)] (G)—geological;
- (12)[(11)] (L)—industrial;
- (13)[(12)] (M)—mechanical;
- (14)[(13)] (I)—mining;
- (15)[(14)] (J)—metallurgical;
- (16)[(15)] (U)—manufacturing;
- (17)[(16)] (N)—nuclear;
- (18)[(17)] (O)—ocean;
- (19)[(18)] (P)—petroleum and natural gas;
- (20)[(19)] (S)—sanitary (environmental health);
- (21)[(20)] (B)—structural;
- (22)[(21)] (T)—textile.

§131.134. Expirations and Renewals.

The certificate of registration is a license to practice engineering under the provisions of the Act and must be renewed by the registrant annually; otherwise, such license shall become invalid until the date the board receives the registrant's renewal and penalty fee. Each registrant shall advise [notify] the board in writing of each change of mailing address as it occurs. The board will mail a renewal notice to the last recorded address of each registrant in compliance with the Act, §16(a). [However,] It is the sole responsibility of the registrant to pay the required renewal fee together with any applicable penalty at the time of payment, regardless of whether the renewal notice is received [late]. Stipulations with reference to expirations and renewals of certificates of registration are set out in the Act, §16 and §16.1. The following will apply to renewals.

(1) An unexpired license may be renewed by payment to the board before the expiration date of the license the required annual renewal fee. Payment may be made by personal, company, or other checks drawn on a United States bank payable in United States currency without penalty.

(2) The amount of the annual renewal fee is set by the board and by law may vary from year to year. Board action to change [the amount of] the renewal fee will become effective at the beginning of the calendar year following such action.

(3) Licenses [Certificates of registration] will expire according to the following schedule.

(A) Licenses [Certificates] originally approved in the first quarter of a calendar year will expire on December 31.

(B) Licenses [Certificates] originally approved in the second quarter of a calendar year will expire on March 31.

(C) Licenses [Certificates] originally approved in the third quarter of a calendar year will expire on June 30.

(D) Licenses [Certificates] originally approved in the fourth quarter of a calendar year will expire on September 30.

(4) Late renewals will be effected as follows.

(A) A license expired for not more than 90 calendar days may be renewed by payment of the set annual renewal fee, plus a fee equal to ½ of the current application fee for a license.

(B) A license expired for more than 90 calendar days but less than one year may be renewed by payment of the renewal fee which was due at expiration, plus a fee equal to the current application fee for a license.

(C) (No change.)

(5) (No change.)

§131.135. Replacement Certificates. Only one certificate of registration will be issued to each registrant. A new certificate of registration to replace any certificate lost, destroyed, or mutilated, may be issued, subject

to the rules of the board, on payment of the established fee [a fee of \$3.00], unless otherwise provided by law. A registrant requesting a replacement certificate under this section will, if possible, surrender to the board any remaining portions of his original certificate and shall file with his request a sworn affidavit setting out the reasons for his request so that the board records will reflect the reason for issuance of a new certificate. Replacement certificates will reflect the assigned serial number of the registrant.

§131.138. *Engineers' Seals.* Seals of two different sizes will be acceptable, a pocket seal the size commercially designated as 1 5/8-inch seal, or a desk seal, commercially designated as a two-inch seal, to be of the design shown as follows:



(1) The use of the first or middle name, or both, or the initials thereof, or the name used for the usual written signature, is at the discretion of the registrant, provided the surname of the registrant appears on the seal.

(2) The engineer shall only seal work done by him or under his responsible supervision. [Since after-the-fact ratification of a nonprofessional's prior unsupervised work product is generally alien to professional standards and presumably could lead to interim abuse and unethical practices, the sealing of work which was not performed by or under the responsible charge and supervision of the registrant as required by the Act, §§1.2, 17, 18, 19, and 20(c), is considered to be plan stamping and regarded as being in violation of the Act and contributing to the unauthorized practice of engineering by unlicensed individuals.]

(3) It shall be misconduct [unlawful] to knowingly sign, seal, or stamp any engineering drawings, diagrams, specifications, maps, plats, reports, or other engineering documents if their use or implementation may endanger the public health, safety, and/or welfare.

(4) (No change.)

(5) Registrants may obtain and use both an impression type seal and a rubber stamp facsimile. The rubber stamp facsimile shall bear the same name as the impression type seal. [A rubber stamp facsimile of the impression seal may be used in lieu of the impression seal.]

(6) Preprinting of blank forms with an engineer's seal, or the use of decal, computer aided drafting or other seal replicas, is prohibited [not recommended]. Any misuse of such seal reproductions shall be charged against the responsible engineer.

(7) A registrant should insure the security of his engineer's seal at all times. In the event of loss of a seal, the registrant will immediately upon learning of such loss communicate in writing all facts relative to the loss to the executive director of the board.

(8) Engineering documents to be filed with public authorities as stipulated in the Act, §15, are construed by the board to be issued as completed work and the responsible engineer must seal such documents and further sign his normal signature and date of execution in proximity to his seal impression. This requirement applies whether public entities are acting as third-party approving authorities or are themselves the owner/client. [Whenever an engineer's seal impression is required under the Texas Engineering Practice Act, all engineering registrants must place their normal signatures and date of execution in close proximity to their seal impressions.] The use of signature reproductions, such as rubber stamps or other facsimiles, shall not be permitted in lieu of actual signatures.

(9) Engineering documents required to be submitted to public authorities as an owner/client or as an approving authority to satisfy an intermediate requirement of a law, rule, regulation, ordinance, code, or policy shall be dated and bear no less than the responsible engineer's name, serial number, and the designation of "engineer, professional engineer, or P.E." for identification purposes. Since these documents may be incomplete, they shall be qualified by prominently affixing appropriate stamps or statements near the engineer's identification when the documents are for preliminary review and not intended to be used for construction, bidding, or permit purposes, or are otherwise released and submitted for a specific or limited purpose.

(10) Engineering documents released by a licensee to any party for other than filing with public authorities shall be dated; they shall either identify the responsible engineer by his seal, and signature when complete, or by his name, serial number, and the

designation of "engineer, professional engineer, or P.E.;" and their completeness or intended uses shall be qualified by stamps or statements.

§131.139. *Reregistration.*

(a) A person whose original certificate of registration has been expired for two or more years may obtain a new certificate of registration and serial number by submitting to an examination to be determined by the board and complying with the legal requirements and procedures of the Act, §12(A) or (B). [for obtaining an original license. Such examination will take into consideration pertinent data which produced the previous registration, the professional conduct during that registration, the length of license expiration and activities during the unlicensed period.]

(b)-(e) (No change.)

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

Issued in Austin, Texas, on November 5, 1986

TRD-8610476

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

Proposed date of adoption
January 29, 1987

For further information, please call
(512) 440-7723.

★ ★ ★

**Part XIX. Polygraph
Examiners Board
Chapter 391. Polygraph
Examiner Internship**

★22 TAC §391.3

The Polygraph Examiners Board proposes an amendment to §391.3, concerning the internship training schedule. The board founded this school to meet the minimum standards required for accreditation.

Bryan M. Perot, executive officer, 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. Perot 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 continuance of an effective program of competent polygraph service that complies with the intent of the 1985 legislature. 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 Bryan M. Perot, Polygraph Ex-

aminers Board, P.O. Box 4087, Austin, Texas 78773.

The amendment is proposed under Texas Civil Statutes, Article 4413(29cc), which provide the Polygraph Examiners Board with the authority to regulate persons who purport to be able to detect deception or verify truth of statements through the use of instrumentation, and to provide a course of study at the commencement of an internship.

§391.3. Internship Training Schedule.

The following internship schedule has been approved and adopted by the board as a minimum type and number of hours of any internship training program to be utilized in a course of supervised instruction of not less than 32 hours per week:

(1)-(12) (No change.)

(13) [All intern polygraph examiners are required to take and pass an intern examination prescribed by the board. No intern may administer an actual polygraph examination until he or she has met these requirements. Interns who have not graduated from a recognized polygraph school must wait at least 30 days from the time of board approval of their internship program before they are eligible to take the intern test. Such] Approved polygraph schools include the following:

(A) Backster School of Lie Detection [New York School of Lie Detection];

(B)-(J) (No change.)

(K) Maryland Institute of Criminal Justice [Polygraph Personnel Research School for Lie Detection];

(L) American Institute of Technology and Applied Psychology [Maryland Institute of Criminal Justice];

(M) Munford Institute of Polygraph [American Institute of Technology and Applied Psychology];

(N) Rocky Mountain Security Institute [Munford Institute of Polygraph];

(O) Argenbright International Institute of Polygraph [Rocky Mountain Security Institute];

(P) Carroll Institute of Polygraph [Academy of Forensic Polygraph];

(Q) Sturm School of Polygraph [Any other polygraph school or institution the board may approve from time to time];

(R) Los Angeles Institute of Polygraph;

(S) Arizona School of Polygraph Science;

(T) Any other polygraph school or institution the board may approve from time to time.

[(14) If the intern fails to make a passing score on the intern examination, his internship will be terminated and he will cease to be an intern polygraph examiner. The intern who failed the intern examination may be allowed to retake the examination at the board's discretion, if the following conditions are met.

[(A) The board has received from

the intern applicant's sponsor a sworn, notarized, written affidavit that he has given the intern the additional training necessary, in his opinion, as to assure the intern applicant can pass the intern examination.

[(B) At least 30 days have elapsed since the date of the intern applicant taking the last examination.

[(15) If the intern candidate fails the intern examination on two successive occasions, he cannot be further considered for a Texas internship without evidence of his successful completion of a polygraph school approved by the Board of Polygraph Examiners. Any intern examiner who has failed the intern examination three times must wait at least one year before he may take the intern examination again.]

[(14) [(16)] The board request and require inspection and review of the internship program of any licensed examiner or interneer at any time to ascertain compliance with the program approved by the board.

[(15) [(17)] Each sponsoring polygraph examiner shall submit to the board progress reports every 60 days on each intern on forms furnished by the board. To serve as a sponsor for an intern polygraph examiner, a Texas licensed polygraph examiner must have held an original Texas polygraph license continuously for at least two years immediately preceding the application.

[(16) [(18)] No licensed examiner shall have more than two interns under his sponsorship at any one time.

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

Issued in Austin, Texas, on November 4, 1986.

TRD-8610504

Bryan M. Perot
Executive Officer
Polygraph Examiners
Board

Earliest possible date of adoption:

December 15, 1986

For further information, please call
(512) 465-2058.

★ ★ ★

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 29. Purchased Health Services

Subchapter G. Hospital Services

★ 40 TAC §29.609

The Texas Department of Human Services proposes new §29.609, concerning additional reimbursement to disproportionate share hospitals, in its Purchased Health

Services chapter. Section 29.609 describes the methodology that the department will use to identify and provide additional reimbursement to disproportionate share hospitals.

The Indigent Health Care and Treatment Act passed by the 69th Texas Legislature appropriated funds to the department to provide assistance to hospitals delivering a disproportionate share of indigent health care. Section 29.609 is the basis for distribution of those funds. To identify disproportionate share hospitals, the department considered other factors, such as charity care, beyond the factors described in §29.609. These factors could not be used at this time, however, because of the lack of commonly accepted definitions and the lack of uniform data reporting.

The department will make a one-time payment to each disproportionate share hospital during state fiscal year 1987. Future payments will depend upon the availability of appropriated funds.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the proposed section will be in effect, there will be fiscal implications for state and local government as a result of enforcing or administering the section. The effect on state government will be an estimated cost of \$6,000,000 for each of the fiscal years 1987, 1988, 1989, 1990, and 1991. There will be increased revenue to local governments. The amounts cannot be determined, however, until the department knows which hospitals qualify for the additional reimbursement. There is no effect on small businesses.

Mr. Packard 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 distribution of funds to relieve part of the financial burden for hospitals that serve a disproportionately high percentage of indigents. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

A public hearing to accept oral comments concerning the proposal will be held on December 10, 1986, at 9 a.m. in the public hearing room at the Department of Human Services headquarters, 701 West 51st Street, Austin. Written comments may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-778, Texas Department of Human Services, P.O. Box 2960, Austin, Texas 78768, mail code 222-E, within 30 days of publication in this *Texas Register*.

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

§29.609. *Additional Reimbursement to Disproportionate Share Hospitals.*

(a) Introduction. Hospitals participating

in Title XIX that serve a disproportionate share of low-income patients as defined by the department are eligible for additional reimbursement from the department. The department establishes each hospital's eligibility for and amount of reimbursement as specified in this section.

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

(1) Title XVIII days—The total number of billed Title XVIII patient days based upon the latest available federal fiscal year data for patients entitled to both Title XVIII and Title XIX benefits.

(2) Title XIX days—The total number of reported Title XIX patient days based upon the latest available state fiscal year data for patients entitled to Title XIX benefits.

(3) Disproportionate patient percentage—The percentage of inpatient care provided by a hospital that is attributable to indigent health care.

(4) Additional indigent days—The total annual number of additional days of inpatient care provided by a hospital to low-income patients who are not entitled to Title XVIII or Title XIX benefits.

(5) State and local revenue—Total annual revenue for inpatient care received by a hospital from cities, count hospital districts,

and units of state government, excluding Title XIX funds.

(6) Gross patient revenue—Total annual revenue for inpatient care received by a hospital from all sources, including Title XVIII and Title XIX funds.

(7) Total patient census days—The total annual number of patient days in a hospital as reported by the hospital to the Texas Department of Health.

(c) Determining additional indigent days.

(1) The department determines each hospital's additional indigent days using the following formula:

$$\frac{\text{State and Local Revenue}}{\text{Gross Patient Revenue}} \times (\text{Total Patient Census Days} - (\text{Title XVIII Days} + \text{Title XIX Days}))$$

(2) If a hospital wants the department to calculate and use its additional indigent days, the hospital must submit data reflecting its state and local revenue and gross patient revenue to the department in a manner and

format prescribed by the department. If a hospital chooses not to submit the data, the department does not include the data in calculating the hospital's disproportionate patient percentage.

(d) Calculating a hospital's disproportionate patient percentage.

(1) The department determines each hospital's disproportionate patient percentage using the following formula:

$$\frac{\text{Title XVIII Days} + \text{Title XIX Days} + \text{Additional Indigent Days}}{\text{Total Patient Census Days}} \times 100$$

(2) Each hospital's disproportionate patient percentage is arrayed in descending order. Those hospitals that are within the up-

per quartile are defined by the department as disproportionate share hospitals.

The department determines each disproportionate share hospital's amount of reimbursement using the following formula:

$$\frac{\text{Title XVIII Days} + \text{Title XIX Days} + \text{Additional Indigent Days of the Hospital}}{\text{Title XVIII Days} + \text{Title XIX Days} + \text{Additional Indigent Days of All Disproportionate Share Hospitals}} \times \text{Allocated Fund}$$

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

Issued in Austin, Texas, on November 8, 1986.

TRD-8610510
Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:
December 15, 1986
For further information, please call
(512) 450-3768

★ ★ ★

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 7. BANKING AND SECURITIES

Part I. Finance Commission of Texas

Chapter 3. Banking Section Subchapter E. Banking House and Other Facilities

★7 TAC §3.91

The Finance Commission of Texas has withdrawn from consideration new §3.91, concerning banking house and other facilities. The text of the new section appeared in the June 17, 1986, issue of the *Texas Register* (11 TexReg 2789). The effective date of this withdrawal is November 6, 1986.

Issued in Austin, Texas, on November 6, 1986.

TRD-8610518 Jorge A. Gutierrez
 General Counsel
 Finance Commission of
 Texas

Filed: November 6, 1986
For further information, please call
(512) 479-1200.

TITLE 22. EXAMINING BOARDS

Part XXII. Texas State Board of Public Accountancy

Chapter 511. Certification as CPA

Certification by Examination

★22 TAC §511.26

The Texas State Board of Public Accountancy has withdrawn from consideration the repeal of §511.26, concerning certification by examination. The text of the repeal appeared in the May 6, 1986, issue of the *Texas Register* (11 TexReg 2058). The effective date of this withdrawal is November 6, 1986.

Issued in Austin, Texas, on November 6, 1986.

TRD-8610511 William A. Sansing
 Enforcement Coordinator
 Texas State Board of
 Public Accountancy

Filed: November 6, 1986
For further information, please call
(512) 450-7066

★22 TAC §511.27

The Texas State Board of Public Accountancy has withdrawn from consideration the repeal of §511.27, concerning certification by examination. The text of the repeal appeared in the May 6, 1986, issue of the *Texas Register* (11 TexReg 2058). The effective date of this repeal is November 6, 1986.

Issued in Austin, Texas, on November 6, 1986.

TRD-8610512 William A. Sansing
 Enforcement Coordinator
 Texas State Board of
 Public Accountancy

Filed: November 6, 1986
For further information, please call
(512) 450-7066.

★ ★ ★

The Texas State Board of Public Accountancy has withdrawn from consideration new §511.27, concerning certification by examination. The text of the new section appeared in the May 6, 1986, issue of the *Texas Register* (11 TexReg 2059). The effective date of this new section is November 6, 1986.

Issued in Austin, Texas, on November 6, 1986.

TRD-8610513 William A. Sansing
 Enforcement Coordinator
 Texas State Board of
 Public Accountancy

Filed: November 6, 1986
For further information, please call
(512) 450-7066.

★ ★ ★



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 7. BANKING AND SECURITIES

Part I. Finance Commission of Texas

Chapter 3. Banking Section Subchapter E. Banking House and Other Facilities

★ 7 TAC §3.93

The Finance Commission of Texas adopts new §3.93, without changes to the proposed text published in the June 17, 1986, issue of the *Texas Register* (11 TexReg 2789).

This new section is needed to provide guidance to the banking industry regarding the establishment and operation of a loan production office. Additionally, the new section will provide the Banking Department of Texas with more complete information as to the location and total number of such offices operating in the state.

The new section provides that a state, national, or private bank may solicit and take loan applications at a location other than authorized bank facilities, provided no credit decision is made at that location. The rule further provides for notification to the banking commissioner prior to the establishment of such an office, as well as notification of the locations of existing loan production offices within 60 days of the effective date of the section. No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 342-113, which provide the Banking Section of the Finance Commission of Texas with the authority to promulgate rules which are not inconsistent with the constitution and statutes of this state.

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

Issued in Austin, Texas, on November 6, 1986.

TRD-8610619

Jorge A. Gutierrez
General Counsel
Banking Department of
Texas

Effective date: December 6, 1986

Proposal publication date: June 17, 1986

For further information, please call
(512) 479-1200

TITLE 13. CULTURAL RESOURCES

Part III. Texas Commission on the Arts

Chapter 31. Agency Procedures

★ 13 TAC §31.6

The Texas Commission on the Arts adopts new §31.6, with changes to the proposed text published in the September 5, 1986, issue of the *Texas Register* (11 TexReg 3857).

The new section enables the agency to better meet the needs of its constituency. The commission will utilize its advisory panels in a more effective, efficient manner.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 6144g, §4, which provide the Texas Commission on the Arts with the authority to make rules and regulations for its government and that of its officers and committees.

§31.6. Required Advisory Panel Meetings and Required Advisory Panel Member Resignation upon Relocation Out-of-State.

(a) Recommendations from an advisory panel are acceptable only from a meeting of that advisory panel at which a quorum is present. The emergency review process is the only exemption to this rule.

(b) When a member of the Texas Commission on the Arts advisory panels moves outside the boundaries of the State of Texas, said member shall automatically be removed from the advisory panel on which he or she has been serving. The Texas Commission on the Arts chairman shall then appoint someone to fulfill the uncompleted term.

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

Issued in Austin, Texas, on November 5, 1986.

TRD-8610477

Betty J. Brown
Fiscal Officer
Texas Commission on
the Arts

Effective date: November 26, 1986
Proposal publication date: September 5, 1986
For further information, please call
(512) 463-5535.

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part III. Texas Air Control Board

Chapter 114. Motor Vehicles

★ 31 TAC §114.4

The Texas Air Control Board (TACB) adopts new §114.4, with changes to the proposed text published in the July 22, 1986, issue of the *Texas Register* (11 TexReg 3342-3343).

The new section provides the procedures by which a manufacturer of vehicle exhaust gas analyzer equipment may apply to the executive director for approval of a specific analyzer system for use in the Texas Vehicle Idle Inspection/Maintenance (I/M) Program. The new section incorporates by reference detailed equipment specifications developed by the TACB which must be met by any exhaust gas analyzer in order to receive this approval. The new section also describes the information which must be submitted by the manufacturer as a demonstration of conformance with these specifications.

The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5(C)(1), requires categorization of comments as being for or against a proposal. A commenter who suggests any changes in the proposal is categorized as against the proposal, while a commenter who agrees with the proposal in its entirety is categorized as being for the proposal.

While no comments were received regarding the new §114.4, four commenters, Bear Automotive Service Equipment Company; Allen Group, Test Products Division; Sun Electric Corporation; and the U. S. Environmental Protection Agency (EPA), submitted written testimony categorized as against the proposed equipment specifications to be incorporated into the new section by reference. Copies of the written testimony and of the hearing transcript are available for inspection at the

TACB office, 6330 Highway 290 East, Austin, Texas 78723.

While no comments were received which directly addressed the proposed language of the section, several changes were necessary to provide consistency with changes in the referenced equipment specifications. In §114.4(b)(4), the proposal required that the company applying for approval of an exhaust gas analyzer system include in the required demonstration of conformance a copy of the minimum service/maintenance agreement to be offered to the purchaser of an approved unit. Any duplication in the provisions of the mandatory service contract with the warranty coverage provided with new analyzers could unnecessarily increase the expense to the inspection station. To eliminate any such duplication or conflict, the TACB has changed the title of the applicable section of the equipment specifications to "Warranty Coverage" and has made all appropriate revisions in the new section to reflect this change. The conformance demonstration to be submitted by the company must still include a commitment to provide all the services described in the proposed specifications and to guarantee extensions of the warranty coverage for at least five years.

In §114.4(a), the date of the referenced equipment specifications was July 11, 1986. Since changes to the specifications have been made in response to the comments received as testimony to this hearing, the date of the referenced document was revised to reflect the date of final adoption by the TACB, September 26, 1986.

In section A.5, entitled Service Agreement, of the proposed equipment specifications, any duplication in the provisions of the mandatory service agreement and the warranty coverage provided with new analyzers could unnecessarily increase the expense to the inspection station. To eliminate any such duplication or conflict, the staff changed the title of this section to "Warranty Coverage" and will require manufacturers to provide all the services described in the proposed specifications. As with the previously proposed service contracts, this warranty coverage will extend for one year, with guaranteed extensions for at least five years.

One commenter indicated that mandatory service contracts may not be readily accepted by inspection stations and recommended that such agreements should be an option available to each station operator. An informal survey was conducted by the staff to determine the experience in other states with operating decentralized I/M programs. Every response favored mandatory service agreements, not only to ensure the smooth operation of the I/M program, but also for the protection of the individual station operator. In one state, initial objections by station operators to the additional expense of the mandatory agreements prompted program adminis-

trators to make these agreements optional. According to state officials, however, increased frequency of service calls and rising repair costs have caused many station operators to request the mandatory requirements be reinstated. The complexity of the computerized analyzers to be used in the Texas Vehicle Idle I/M Program and the quality control and anti-tampering systems designed into the analyzers make it impractical for inspection stations or other service companies to maintain or repair this equipment. The electronics within the analyzer may also be more susceptible to the adverse conditions experienced in a garage environment and are more costly to repair than most other types of equipment used by mechanics or service technicians. The acceptance of the program by inspectors and the public may be jeopardized if analyzers are not maintained properly to prevent excessive downtimes or are not repaired promptly when they do malfunction. Furthermore, requiring the manufacturer to provide extended maintenance and repair coverage to stations represents an enforceable means of ensuring that manufacturers uphold their responsibility to the I/M program and to the participating inspection stations.

Two commenters objected to the requirement that analyzers monitor the interval between scheduled or periodic maintenance visits for the station operator, as described in section C.2, Process Control System. They argued that the field programming of such information would be expensive and unnecessary.

Alternatively, they suggested requiring service technicians to attach a sticker to the analyzer cabinet each time that service is performed on the equipment, stating the dates of the last and the next scheduled service visit. This would eliminate any costly computer programming and would allow the station operator, Texas Department of Public Safety (DPS) trooper, or any other program official to read this information without access to the analyzer keyboard.

One commenter requested a clarification of the specific computer software items which must be annually updated at no additional cost to the station operator. Various program inputs may require periodic revision to keep up with changes in vehicle technology and program characteristics. Several of these changes can be made by the manufacturer at relatively low cost and will be included in the annual warranty coverage. These items will include: changes in the emission standards, including expanding the number of vehicle groupings to a maximum of 15; changes in the inspection fees for specified vehicle model years; changes in the listed vehicle codes in Table 3; and changes in the printing system to correspond to changes in the preceding items. Other changes involving expansion of inspection parameters, quality controls, or

data storage capabilities or variations in process flow criteria may require more extensive software development. These revisions, if required by the TACB to improve program effectiveness, data assessment, or other administrative tasks, may involve additional cost to the inspection station. A mechanism should be available to preset an effective date of any software change to ensure that all analyzers in the program automatically and simultaneously convert to the updated format. This would eliminate the potential for confusion and inconsistency during the extended transition period which would otherwise result if manufacturers reprogrammed each analyzer independently. Such changes, however, will likely be made only if major changes or expansions of the program into other geographical areas are considered.

Regarding section C.3, entitled Sampling System, of the proposed equipment specifications, EPA recommended a minimum probe insertion depth of 12 inches rather than the 6 inches included in the Proposal. EPA and the California Bureau of Automotive Repair (BAR) documents referenced in the proposed specifications suggest that the sample probe should be inserted from 12 to 16 inches into the tail pipe in order to reduce possible dilution of the exhaust gases. While the equipment specifications are not intended to address the actual inspection procedures or requirements, the physical design of the probe must allow for a minimum insertion depth of 12 inches whenever possible. Excessive dilution of the exhaust gas stream also will be detected by the quality control feature described in section C.15. A vehicle inspection will be invalidated until the reason for the excessive dilution, including an unacceptable probe insertion depth, is identified and corrected.

Regarding section C.6, entitled Automatic Data Collection, of the proposed equipment specifications, two manufacturer representatives and EPA recommended a provision to require that all analyzers contain a mechanism to ensure that all necessary vehicle preconditioning procedures identified by EPA are completed prior to the start of any emission testing. Only one such procedure has been officially recognized at this time: the restart requirements for vehicles manufactured by Ford Motor Company (40 Code of Federal Regulations 85.2201 (b)). This procedure is necessary to prevent secondary air diversion, in accordance with approved 207(b) warranty regulations. In addition to this Ford restart procedure, EPA has presented a suggested procedure that could be universally applied to all tested vehicles to help make vehicle emission readings more representative. This procedure calls for the operator to precondition the vehicle to be tested by increasing the engine speed to 2,500 RPM (revolutions per minute) for 30 seconds. The actual sampl-

ing of exhaust emissions would then begin when the engine is brought back to idle. Emission readings are analyzed for stability in accordance with algorithms presented in the EPA testimony and recorded on the data tape. While EPA stated that the suggested additions were in full compliance with 207(b) warranty regulations, these procedures have not been officially adopted or published by EPA and are not required in order to satisfy the 207(b) regulations. Therefore, manufacturers may be encouraged to include these steps in their routine prompt sequence for inspections, but will not be required to adjust existing software to accommodate these unofficial procedures. Updates of analyzer programming will be necessary as revised EPA requirements are published. If the suggested preconditioning and stability criteria are adopted by EPA as supplemental requirements to all vehicle I/M programs, manufacturers participating in the Texas program will be required to make appropriate alterations.

Two manufacturer representatives and EPA also requested a clarification of the access to the data cassette recorder and tape. The proposed specifications were unclear since authorized state and service technicians were to replace data tapes but station operators were to clean the recording heads. Commenters recommended that station operators not be allowed entry into the tape recorder unit to change tapes or to perform any type of maintenance. Recording heads, therefore, will only be cleaned by service technicians during all routine service visits or unscheduled repair calls. This precaution may prevent the unnecessary loss of data due to improper handling of either the tape cassette or recorder by unqualified individuals and would reduce the liability of station operators and DPS personnel for malfunctions in the data recording and storage system.

Clarifications to the listing of data included in Table 1 (I/M Data Storage—Vehicle Test) were recommended by two manufacturer representatives. The following changes have been incorporated.

Item 5, county identification: a two-letter designation code will be used consistent with the standardized TACB codes applied to each county in Texas (such as EE for El Paso, DB for Dallas, etc.) in order to simplify data processing and to provide for any future expansion of the program into other geographical areas.

Item 7, analyzer number. the analyzer number will be formatted such that the first character is a letter indicating the manufacturer (such as A for Allen Test Products, B for Bear Automotive, etc.) followed by the last three digits of the individual analyzer's serial number in order to enable the TACB to cross-reference test results by a unique analyzer designation.

Item 8, date: the date will be recorded as

YY/MM/DD in order to be consistent with the existing TACB data processing format

Item 9, time: the time will be recorded based on a 24-hour clock in order to simplify TACB data processing.

Item 12, VIN: the space for vehicle identification numbers (VIN) used by vehicle manufacturers has been expanded to a potential of 20 bytes to allow for variability and future growth in the vehicle fleet.

Item 33, CO₂ emission test: this requirement has been changed to CO + CO₂ (carbon monoxide plus carbon dioxide) Test to more accurately reflect the actual number used to determine dilution of the exhaust stream.

Item 34, RPM: this requirement has been deleted since there appears to be no practical need to record or track actual RPM values.

Items 31-34, idle emissions test results: this information has been expanded to include records which indicate a pass or fail of the CO and HC (hydrocarbon) emissions tests and a valid or invalid designation for the dilution or RPM tests in order to improve TACB data processing and to clarify specific program results.

Item 35, overall inspection results: this requirement has been expanded to include a potential designation of invalid in order to improve TACB data processing.

Item 36, inspection fee: this requirement has been deleted since there appears to be no practical need to record or track fee information.

Commenters also suggested that the type of character to be used for each manual input should be identified as a specific code (such as P/F for pass/fail) or as an alphanumeric, alpha only, or numeric only designation to minimize operator error. Similar comments were made regarding the inputs in Table 2 (I/M Data Storage—Gas Calibration). These changes also were incorporated where appropriate.

Changes to Table 3 (I/M Data Storage—Vehicle Codes) were identified to delete vehicle makes which will not be affected by the Idle I/M program and to add vehicle makes which now contribute significantly to the affected vehicle fleet. These changes include: deletion of Austin Healey, Austin, and MG; and addition of Alfa Romeo, Ferrari, Isuzu, and Suzuki.

Regarding section C.7, entitled Printing System, of the proposed equipment specifications, equipment manufacturers again requested clarification of individual data items and recommended improvements. The following changes have been incorporated

The county designation in the heading of the printout will include the complete spelling of the county name rather than just the county code to be recorded for data processing purposes. The date will be printed in the familiar form of MM/DD/

YY to be more easily recognized by the average motorist. The time will be printed in the familiar form using a 12-hour clock and designating a.m. or p.m. to be more easily recognized by the average motorist. Under Emission Test, Minimum CO₂ has been changed to dilution (CO + CO₂), to more clearly and accurately describe the results being reported. Also under Emission Test, the term maximum regarding RPM has been deleted.

Overall inspection results have been expanded to include a designation for invalid results due to excessive dilution or incorrect RPM values. The subdivision concerning certificate number has been clarified to include a designation that indicates when a vehicle fails an inspection, no certificate is issued. A statement has been added preceding the signature of the certified inspector which declares that the inspection was properly performed and meets 207(b) warranty requirements as described in 40 Code of Federal Regulations 85, Subpart W.

Regarding section C.8, entitled Automatic Gas Span Check, of the proposed equipment specifications, the staff has determined that it may be necessary to include specifications regarding the concentration, accuracy, precision, and purity of the standard gases to be used to ensure the proper performance of the analyzers. The gases used for spanning, calibrating, and auditing the instruments must satisfy all federal 207(b) warranty requirements in order for the I/M program to be approved by EPA. The California BAR has developed detailed procedures for the testing and certification of gas parameters and for the appropriate labeling of standard gas canisters. Adoption of these criteria and procedures will provide enforceable provisions which are consistent with standards used in other parts of the country and which will be compatible with the operating requirements of all major exhaust gas analyzers.

Regarding section C.9, entitled Automatic Leak Check, of the proposed equipment specifications, two manufacturer representatives stated that alternate methods have been developed to meet the leak check requirements without the use of span gases. These methods have been shown to be essentially equivalent to the reference method and are currently being used in EPA-approved I/M programs in other states. Therefore, these leak check procedures will be acceptable for use in Texas if documentation of appropriate testing and EPA approval is provided by the manufacturers to the TACB for approval.

Regarding section C.12, entitled Anti-Tampering, of the proposed equipment specification one manufacturer representative explained that not all companies employed physical seals, tags, or other devices to meet the anti-tampering criteria and requested assurances that il-

miting access to these critical systems by means of software codes was acceptable. The intent of the proposed specifications was to allow these alternate software safeguards if they could be shown to be as effective as the identified mechanical protection. Limiting access through special access codes available only to service technicians and authorized DPS personnel, therefore, will satisfy all requirements. Detailed information to document or demonstrate the equivalency of these systems must be provided to the TACB for approval.

Regarding section C.16, entitled Engine Tachometer/Excessive Idle Lockout, of the proposed equipment specifications, one manufacturer representative and EPA stressed the importance of the No RPM bypass mode, but did not specify how best to accomplish this process in the inspection sequence. In the proposal, the operator is provided the opportunity to input a code to initiate this bypass when asked for the number of cylinders during pretest preparations. This does not, however, address those instances when the operator does not know or realize prior to initiation of the test sequence that RPM readings cannot be obtained. Discussions with manufacturer representatives have indicated that this decision also can be made during the automatic validation sequence performed before sampling is begun. If no RPM readings are received by the analyzer during this sequence, a prompt will be displayed for the operator requesting that any problems with the inductive leads be corrected or that the No RPM bypass be selected. This process is automatic and does not require operator input until it is clear that RPM data cannot be obtained. The No RPM bypass selection is recorded on the data tape and printout in the idle inspection test results for RPM as an N or No RPM, respectively. All references to manual inputs of this bypass in the general inspection information sections, therefore, have been deleted.

The staff, however, recognizes the potential for abuse of this bypass system to allow inspectors to circumvent the RPM control check if acceptable RPM readings cannot be obtained on a vehicle with standard RPM hookups. This is critical since CO emissions may be reduced in some cases merely by increasing the engine speed. Therefore, to reduce the opportunity for abuse of this necessary bypass, the staff has identified three methods of monitoring this portion of the inspection procedure.

The first method is to restrict the availability of this bypass mode to 1986 and newer model year vehicles only. While a few older model year vehicles may have legitimate no RPM engine designs, the majority of affected vehicles began to be introduced in 1986. Special cases may undergo DPS referee testing. The second method involves DPS inspector training,

which may include a detailed explanation of the intent and proper use of the No RPM bypass option including a listing of the vehicle makes which may be affected. The third method involves periodic data analysis checks, which may be performed to cross-check the use of the No RPM bypass with the vehicle makes and to identify higher than expected use of the bypass option.

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

§114.4. Equipment Evaluation Procedures for Vehicle Exhaust Gas Analyzers.

(a) Any manufacturer or authorized distributor of vehicle testing equipment may apply to the executive director for approval of an exhaust gas analyzer or analyzer system for use in the Texas Vehicle Idle Inspection/Maintenance (I/M) Program administered by the Texas Department of Public Safety (DPS). Each applicant must provide sufficient information regarding a specific analyzer or analyzer system to demonstrate conformance with the criteria set forth in Specifications for Vehicle Exhaust Gas Analyzer Systems for Use in the Texas Vehicle Idle Emissions Inspection/Maintenance Program dated September 26, 1986, which is herein adopted by reference. Copies of this document are available at the Texas Air Control Board (TACB) central office, 6330 Highway 290 East, Austin, Texas, and at the DPS central office, 5805 North Lamar Boulevard, Austin, Texas.

(b) The conformance demonstration shall include, but is not limited to:

(1) certification that equipment design and construction conforms with the specifications referenced in subsection (a) of this section;

(2) documentation of successful results from appropriate performance testing;

(3) evidence of necessary changes to internal computer programming, display format, and data recording sequence; and

(4) a commitment to fulfill all maintenance, repair, training, and other service requirements described in the specifications referenced in subsection (a) of this section. A copy of the minimum warranty agreement to be offered to the purchaser of an approved vehicle exhaust gas analyzer shall be included in the demonstration of conformance.

(c) If a review of the demonstration of conformance and all related support material indicates compliance with the criteria listed in subsections (a) and (b) of this section, the executive director may issue a notice of approval to the analyzer manufacturer which endorses the use of the specified analyzer or analyzer system in the Texas Vehicle Idle Emission I/M Program. A copy of this notice shall be submitted to the DPS for

final authorization.

(d) The applicant shall comply with all special provisions and conditions specified by the executive director in the notice of approval.

(e) Any manufacturer or authorized distributor which receives a notice of approval from the executive director for a vehicle exhaust gas analyzer for use in the Vehicle Idle I/M Program may be subject to appropriate enforcement action and penalties prescribed in the Texas Clean Air Act or the rules and regulations promulgated thereunder if:

(1) any information included in the conformance demonstration as required in subsection (b) of this section is misrepresented, resulting in the purchase or operation of equipment in the Vehicle Idle I/M Program which does not meet the specifications referenced in subsection (a) of this section; or

(2) the applicant fails to comply with any requirement or commitment specified in the notice of approval issued by the executive director or implied by the representations submitted by the applicant in the conformance demonstration required by subsection (b) of this section.

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

Issued in Austin, Texas, on November 4, 1986.

TRD-8610516

Allen Eli Bell
Executive Director
Texas Air Control Board

Effective date, November 27, 1986

Proposal publication date, July 22, 1986

For further information, please call
(512) 451-5711, ext. 353.

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TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 5. Funds Management (Fiscal Affairs)

Deferred Compensation—Vendor Participation

★ 34 TAC §5.111

The Comptroller of Public Accounts adopts the repeal of §5.111, without changes to the proposed text published in the August 26, 1986, issue of the *Texas Register* (11 *TexReg* 3785). This section is being repealed in order that a substantially revised section may be adopted.

No comments were received regarding adoption of the repeal.

This repeal is adopted under Texas Civil Statutes, Article 6252-3b, which provides that the comptroller may prescribe, adopt,

and enforce rules relating to the administration and enforcement of the deferred compensation program.

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

Issued in Austin, Texas, on November 6, 1986.

TRD-8610495 Bob Bullock
Comptroller of Public
Accounts

Effective date: November 6, 1986
Proposal publication date: August 26, 1986
For further information, please call
(512) 463-4004.

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★34 TAC §§5.112-5.114

The Comptroller of Public Accounts adopts the repeal of §§5.112-5.114, without changes to the proposed text published in the August 15, 1986, issue of the *Texas Register* (11 TexReg 3631). These sections are being repealed in order that substantially revised sections may be adopted.

No comments were received regarding adoption of the repeals.

The repeals are adopted under Texas Civil Statutes, Article 6252-3b, which provide that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the deferred compensation program.

This agency hereby certifies that the rule as adopted has been reviewed by legal

counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on November 6, 1986.

TRD-8610496 Bob Bullock
Comptroller of Public
Accounts

Effective date: November 6, 1986
Proposal publication date: August 15, 1986
For further information, please call
(512) 463-4004

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**TITLE 40. SOCIAL
SERVICES AND
ASSISTANCE**
**Part IX. Texas Department
on Aging**
**Chapter 265. Grant Related
Income .**

Statutes and Regulations

★40 TAC §265.1

The Texas Department on Aging adopts an amendment to §265.1, without changes to the proposed text published in the October 3, 1986, issue of the *Texas Register* (11 TexReg 4148).

This amendment will further ease the cash flow problems which may occur during the first quarter of subsequent fiscal years, and permit greater flexibility in the use of program income funds to ease beginning of year cash flow difficulties of area agencies on aging and service providers.

This amendment will create an environment in the funding processes of grantees and service providers which will provide less disruption and greater efficiency during the transitional period from previous fiscal year to current fiscal year. It will complement service delivery by removing uncertainty regarding receipt of funds to provide services for the elderly of Texas.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, Chapter 101, which provides the Texas Department on Aging with the authority to develop rules governing the function of the department.

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

Issued in Austin, Texas, on November 6, 1986.

TRD-8610498 O. P. (Bob) Bobbitt
Executive Director
Texas Department on
Aging

Effective date: November 27, 1986
Proposal publication date: October 3, 1986
For further information, please call
(512) 444-2727.

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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 Agriculture

Wednesday, November 19, 1986, 1:30 p.m. The Texas Department of Agriculture will meet in the Room 105, Cochran County Courthouse, Morton. According to the agenda, the department will conduct a public hearing to receive comments regarding proposed amendments to the Texas Herbicide Law concerning special exemptions for Cochran County.

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

Filed: November 7, 1986, 12:56 p.m.
TRD-8610578

Tuesday, November 25, 1986, 1 p.m. The Texas Department of Agriculture will meet on the Ninth Floor, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the department will conduct an administrative hearing to review the alleged violation of Texas Agriculture Code, §76.116(a)(1), by Blume Tree Service.

Contact: Deborah E. Brown, P.O. Box 12847, Austin, Texas 78711.

Filed: November 7, 1986, 1:38 p.m.
TRD-8610580

Tuesday, November 25, 1986, 1:30 p.m. The Texas Department of Agriculture will meet on the Ninth Floor, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the department will conduct an administrative hearing to review the alleged violation of Texas Agriculture Code, §76.116(a)(1) by Gulf States Utilities.

Contact: Deborah E. Brown, P.O. Box 12847, Austin, Texas 78711.

Filed: November 7, 1986, 1:38 p.m.
TRD-8610581

Tuesday, November 25, 1986, 1:30 p.m. The Texas Department of Agriculture will meet on the Ninth Floor, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the department will conduct an administrative hearing to review the alleged violation of Texas Agriculture Code, §76.116(a)(1), by Gulf States Utilities.

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

Filed: November 7, 1986, 1:38 p.m.
TRD-8610581

Tuesday, December 2, 1986, 9 a.m. The Texas Department of Agriculture will meet in the Texas A&M University Agricultural Research and Extension Center, 7887 North Highway 87, San Angelo. According to the agenda, the department will conduct a public hearing to receive comments regarding proposed amendments to the department's pesticide regulations concerning the classification of the Compound 1080 livestock protection collar and sodium cyanide M-44 device as state-limited-use pesticides when used for livestock predator control.

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

Filed: November 7, 1986, 8:55 a.m.
TRD-8610547

Thursday, December 4, 1986, 9 a.m. The Texas Department of Agriculture will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the department will conduct a public hearing to receive comments regarding proposed amendments to the department's pesticide regulations concerning the classification of the Compound 1080 livestock protection collar and sodium cyanide M-44 device as state-limited-use pesticides when used for livestock predator control.

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

Filed: November 7, 1986, 8:55 a.m.
TRD-8610548

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Texas Education Agency

Friday, November 7, 1986, 11 a.m. The Committee for Finance and Programs of the State Board of Education, Texas Education Agency met in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. The committee met for an emergency revised agenda addition to consider options for reduction of cost estimates for textbooks under Proclamation 62. The emergency status was necessary to enable options related to the master plan for vocational education to be considered in conjunction with consideration of the plan.

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

Filed: November 6, 1986, 4:17 p.m.
TRD-8610522

Saturday, November 8, 1986, 8:30 a.m. The State Board of Education of the Texas Education Agency made an emergency revision to the agenda for a meeting held in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the board considered deletion of the call for home economics textbooks from Proclamation 63. The emergency status was necessary to ensure that the board does not call for textbooks whose content is not consistent with the Master Plan for Vocational Education in Texas.

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

Filed: November 7, 1986, 4:19 p.m.
TRD-8610599

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Office of the Governor

Wednesday-Thursday, November 19-20, 1986, 8 a.m. The State Job Training Coordinating Council of the Governor's Office will meet at La Mansion Hotel, IH 35 at US Highway 290, Austin. According to the

agenda, the council will meet Wednesday to hold meetings for the following committees: Oversight Committee, Private Sector/Partnership Committee, Youth Committee, and Planning Committee. On Thursday, the council will hold a full meeting of the council and hear committee reports regarding the various titles of the JTPA and related topics.

Contact: Rik Mackay, 107 West 27th Street, Austin, Texas 78712, (512) 471-6010.

Filed: November 6, 1986, 3:38 p.m.
TRD-8610515

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Texas Department of Health

Friday, November 14, 1986, 3 p.m. The Environmental Health Committee of the Texas Board of Health of the Texas Department of Health will meet in Room T-604, 1100 West 49th Street, Austin. According to the agenda summary, the committee will consider proposed amendments to the Texas Regulations for Control of Radiation, Part 21, Disposal of Short-Lived Waste; final adoption of amendments to the Texas Regulations for Control of Radiation, Part 12; Parts 11, 21, 22, and 41-45; changes to rules under the Texas Hazardous Substances Act, §205.43 and §205.44; the revision of the proposed rules for the use of synthetic narcotics in the treatment of narcotic addiction (methadone rules); assessment of administrative penalties in accordance with the Texas Food, Drug, and Cosmetic Act, Texas Synthetic Narcotic Treatment Act and the Texas Food, Drug, Device, and Cosmetic Salvage Act; and proposed rules for hazardous household waste.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: November 6, 1986, 4:08 p.m.
TRD-8610523

Friday, November 14, 1986, 4 p.m. The Public Relations Committee of the Texas Board of Health of the Texas Department of Health will meet in Room T-507, 1100 West 49th Street, Austin. According to the agenda summary, the committee will consider the update on the three-year public information plan by the Public Health Promotion Division; and evaluate and discuss the three-year public information plan.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: November 6, 1986, 4:08 p.m.
TRD-8610524

Friday, November 14, 1986, 5 p.m. The Alternate Care Committee of the Texas Board of Health of the Texas Department of Health will meet in the boardroom, La Mansion Hotel, 6505 IH 35 North, Austin. According to the agenda summary, the committee will consider the final adoption of

rules relating to the licensure of speech-language pathologists and audiologists; proposed rules concerning the licensing of abortion facilities; proposed amendments to the Health Maintenance Organization rules; rules concerning massage therapists; and rules relating to respiratory care practitioner certification.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: November 6, 1986, 4:07 p.m.
TRD-8610525

Committees of the Texas Board of Health of the Texas Department of Health will meet at 1100 West 49th Street, Austin. Days, times, rooms, committees, and agendas follow.

Saturday, November 15, 1986, 8 a.m. In Room T-604, the Crippled Children's Services Committee will discuss the standards for approval of Cardiovascular Providers for the Crippled Children's Services Program; and review of the crippled children's services budget request for fiscal year 1988-1989.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: November 6, 1986, 4:07 p.m.
TRD-8610526

Saturday, November 15, 1986, 8 a.m. In Room T-507, the Nursing Homes Committee will consider the final adoption of the rules for charging fees for plan reviews and building inspection of long term care facilities.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: November 6, 1986, 4:08 p.m.
TRD-8610527

Saturday, November 15, 1986, 8:30 a.m. In Room G-107, the Legislative Committee will approve the minutes of the October 25, 1986, meeting; consider the proposal to draft legislation relating to licensing certain state hospitals; approve a proposal and a draft legislation relating to fees for milk, milk products, and frozen desserts; approve the draft legislation relating to the frequency of meetings of the Texas Board of Health; and consider the draft legislation relating to the practice of lay midwifery.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: November 6, 1986, 4:07 p.m.
TRD-8610528

Saturday, November 15, 1986, 9 a.m. In Room T-709, the Personnel Committee will consider appointment to the Tuberculosis Advisory Committee.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: November 6, 1986, 4:07 p.m.
TRD-8610529

Saturday, November 15, 1986, 9:30 a.m. In Room T-610, the Texas Board of Health will approve the minutes of the last meeting; hear the commissioner's report; consider the Texas Department of Health Volunteer Services; adopt the proposed and final rules covering department programs; hear committee reports from the Alternate Care, Nursing Homes, Environmental Health, Personnel, Crippled Children's Services, Emergency and Disaster, Hospitals, Legislative, Public Relations, and Strategic Planning Committees; hear announcements and comments; set the next meeting date for December 1986; and discuss the meeting dates for 1987. The board also will meet in executive session.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: November 6, 1986, 4:08 p.m.
TRD-8610530

Monday, November 17, 1986, 9:30 a.m. In Room T-507, the Interagency Committee on Special Senses and Communications Disorders will consider the minutes of the last meeting; hear the annual report by the staff; consider individual agency responsibilities regarding the delivery of vision services, hearing services and speech/language services; review the screening program(s) format and contents of the vision screening, hearing screening, and speech/language screening; and consider programming for prevention of vision, hearing, and speech/language disorders.

Contact: Doug Ozias, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7420.

Filed: November 6, 1986, 4:07 p.m.
TRD-8610531

Friday, November 21, 1986, 9 a.m. In Room T-610, the Municipal Solid Waste Management and Resource Recovery Advisory Council will approve the minutes of the June 23, 1986, meeting; hear the division director's report to the council; consider the impact of the Tax Reform Act on financing waste-to-energy plants; consider the status of waste paper recycling in Texas; legislation recommended for the 70th Legislature; plan a resource recovery conference for Texas city and county officials; and consider future agenda items.

Contact: L. Don Thurman, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7271.

Filed: November 6, 1986, 4:07 p.m.
TRD-8610532

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Texas Department of Human Services

Thursday, November 20, 1986, 9 a.m. The Family Self-Support Services Branch Advisory Council of the Texas Department of Human Services will meet in the conference room, fifth floor, 701 West 51st, West

Tower, Austin. According to the agenda, the council will introduce new members; elect officers; consider public awareness; review and revise goals and objectives; consider budget update, and program updates; and schedule future meetings.

Contact: Elizabeth Silbernagel, P.O. Box 2960, Austin, Texas 78759, (512) 450-4163.

Filed: November 6, 1986, 4:02 p.m.
TRD-8610533

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Texas Industrial Accident Board

Wednesday, November 19, 1986, 1 p.m. The Legislative Advisory Committee Administration Subcommittee of the Texas Industrial Accident Board will meet in Room 107, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the committee will hold a meeting, rescheduled from November 14, 1986, to discuss remedial legislation for submission to the 70th Legislature concerning changes in the Worker's Compensation Law, Texas Civil Statutes, Article 8306-8309.

Contact: William Treacy, 200 East Riverside Drive, Room 107, Austin, Texas 78701, (512) 448-7900.

Filed: November 7, 1986, 9:46 a.m.
TRD-8610552

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State Board of Insurance

Monday, November 17, 1986, 9 a.m. The State Board of Insurance will meet in Room 101, Reagan Building, 15th Street and Congress Avenue, Austin. According to the agenda, the board will consider discussion of agenda item 1-86 (rates) from the July 24, 1986, Fire and Allied Lines hearing.

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

Filed: November 7, 1986, 4:27 p.m.
TRD-8610600

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Lamar University System

Friday, November 7, 1986, 1:30 p.m. The Executive Board of the Board of Regents of Lamar University System (LU) met in emergency session in the Lamar Room, Gray Library, Lamar University, Beaumont. According to the agenda, the board met to consider appointments to Lamar University-System Foundation. The emergency status was necessary to discuss personnel matters.

Contact: Dr. George McLaughlin, P.O. Box 11900, Beaumont, Texas 77710.

Filed: November 7, 1986, 11 a.m.
TRD-8610560

Friday, November 7, 1986, 2:30 p.m. The Development/Public Relations Committee of the Board of Regents of Lamar University System met in emergency session in the Lamar Room, Gray Library, Lamar University, Beaumont. According to the agenda, the board met to consider appointments to the LU Foundation Board. The emergency status was necessary to add consideration of appointments to the foundation.

Contact: Dr. George McLaughlin, P.O. Box 11900, Beaumont, Texas 77710.

Saturday, November 8, 1986, 9:30 a.m. The Board of Regents of Lamar University System met in emergency session in the Spindletop Room, John and Mary Gray Library, Lamar University, Beaumont. According to the agenda, the board met to consider the approval of June 12, 1986, and July 9, 1986, minutes; hear the chairman's comments, the chancellor's report, consider approval of committee recommendations from the Finance/Audit Committee, the Building and Grounds Committee, the Personnel Committee, the Academic Affairs Committee, the Student Relations and Services Committee, and the Development/Public Relations Committee; and hear regents comments and suggestions. The board also met in executive session to discuss legal matters and personnel. The emergency status was necessary to consider appointments to LU Foundation board.

Contact: Dr. George McLaughlin, P.O. Box 11900, Beaumont, Texas 77710, (409) 880-2304.

Filed: November 7, 1986, 10:59 a.m.
TRD-8610562

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Board of Law Examiners

Sunday-Tuesday, November 16-18, 1986, 3 p.m. on Sunday, and 8 a.m. on Monday and Tuesday. The Board of Law Examiners will meet at the Habitat Inn, 500 Highland Mall Boulevard, on Sunday, and at the Texas Law Center, 1414 Colorado, Austin, on Monday and Tuesday. According to the agenda, the board will consider minutes of July and October 1986, meetings; review and amend the budget for fiscal year 1987, and close-out the budget for fiscal year 1986; discuss July 1986 and February 1987 exam; authorize changes in bank accounts; consider destruction and copying of files; consider District Committee procedures and appointments; discuss questions of eligibility and special requests; and conduct hearings on moral character and fitness.

Contact: Wayne E. Denton, Suite 505, Texas Law Center, 1414 Colorado, Austin, Texas 78701, (512) 463-1621

Filed: November 7, 1986, 1:01 p.m.
TRD-8610579

North Texas State University/Texas College of Osteopathic Medicine

Wednesday, November 12, 1986, noon. The Role and Scope Committee of the Board of Regents of North Texas State University/Texas College of Osteopathic Medicine (TCOM) met in Suite 1100, 400 West 15th Street, Austin. According to the agenda, the Texas College of Osteopathic Medicine considered the policy on academic consulting; distinguished research professorships; sports medicine educational program affiliation agreement; personnel transactions; and appointments to the TCOM advisory council. North Texas State University heard the regents' faculty lecture series; considered distinguished research professorships; Professor Emeritus recommendation; and discussed faculty workload and small class reports for fall of 1986.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 656-2198.

Filed: November 6, 1986, 11:20 a.m.
TRD-8610500

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Board of Pardons and Paroles

Monday-Friday, November 17-21, 1986, 1:30 p.m. daily Monday-Thursday and 11 a.m. Friday. A three-member panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will receive, review, and consider information and reports concerning prisoners and inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2713.

Filed: November 7, 1986, 10:26 a.m.
TRD-8610550

Tuesday, November 18, 1986, 1:30 p.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions, other than out-of-country conditional pardons, including full pardons and restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; and other reprieves, remissions, and executive clemency actions.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2749.

Filed: November 7, 1986, 10:26 a.m.
TRD-8610551

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Texas State Board of Pharmacy

Monday, November 17, 1986, 3 p.m. The Texas State Board of Pharmacy will meet in Room 109, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the board will receive testimony regarding the repeal of existing Rules 22 TAC §§291.91-291.93, 291.95, 291.96, and new Rules 22 TAC §§291.91-291.94 (Class D) Clinic Pharmacies.

Contact: Fred S. Brinkley, Jr., Suite 110, 8505 Cross Park Drive, Austin, Texas 78754, (512) 478-9827.

Filed: November 6, 1986, 1:33 p.m.
TRD-8610503

Tuesday-Thursday, November 18-20, 1986, 10 a.m. on Tuesday, and 8:30 a.m. on Wednesday and Thursday. The Texas State Board of Public Accountancy will meet at Embassy Suites North, 5901 IH 35 North, Austin. According to the agenda summary, the board will hear testimony and review evidence of alleged violations of those laws which persons are subject to administrative sanctions and what form the sanctions are to take; approve the minutes of August 25-27, 1986, meetings; hear the fiscal report, including the approval of fiscal year 1986 annual report, budget amendment ratifications of fiscal year 1986, the report on the legislative special session, the ratification of fiscal year 1987 appropriation and budget, review of the Texas State Board of Pharmacy fund balance and cash flow analysis, and consider the proposed fee increase and proposed amendments to Chapters 295 and 291; consider the rules for final adoption (281.24, 291.91-291.93, 291.95, 291.96, 291.91-291.94, and proposed rule amendments (281.25 and Chapter 291); consider old business, including a discussion of Attorney General Opinion JM-555, and TSBME proposed rules on physician dispensing, and a report regarding various meetings; and consider new business, including the approval of Pharmacy D programs of the University of Texas and Texas Southern University, and board approval of soft drink vending machine. The board also will meet in executive session to discuss pending litigation and personnel matters

Contact: Fred S. Brinkley, Jr., Suite 110, 8505 Cross Park Drive, Austin, Texas 78754, (512) 478-9827

Filed: November 6, 1986, 1:34 p.m.
TRD-8610502

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Public Utility Commission of Texas

Friday, November 7, 1986, 9 a.m. The Hearings Division of the Public Utility Commission made an emergency addition to the agenda for a meeting held in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The addition concerned Docket 7020—MCI Telecommunica-

tions Corporation's request for a stay of effect of a portion of the examiner's order of October 30, 1986. The emergency status was necessary in order to preserve commission authority over the issues in the merits of MCI's appeal.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 6, 1986, 4:10 p.m.
TRD-8610534

Friday, November 7, 1986, 9 a.m. The Hearings Division of the Public Utility Commission of Texas made an emergency addition to the agenda for a meeting held in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The addition concerned Docket 7020—TEXALTEL's request for a stay of two aspects of the examiner's order of October 30, 1986; and application of Southwestern Bell Telephone Company for authority to implement rates for IntraLata service provided over multijurisdictional WATS access lines, and extension of the time for acting on the merits of TEXALTEL's interim appeal in the same docket. The emergency status was necessary in order to preserve commission authority over the issues in the merits of TEXALTEL's appeal.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 6, 1986, 4:27 p.m.
TRD-8610353

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

Friday, November 14, 1986, 9 a.m. An open meeting in which the commissioners will consider the following dockets: 7120, 6755, 6915, 5113, 6764, 6949, 6969, 6765, 6766, and 6960; and consider Projects 7132 and 7133; and consider the need for revisions to Substantive Rule §23.61(b). The division also will meet in executive session to consider pending litigation in the General Telephone of the Southwest v. Public Utility Commission of Texas case and the Central Power and Light Company v. Lubow, McKay, Stevens, and Lewis case, and personnel matters including discussion and action regarding the hiring of a general counsel of the commission.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 6, 1986, 4:10 p.m.
TRD-8610536

Friday, November 14, 1986, 9 a.m. A prehearing conference in Docket 6915—application of Gulf States Utilities Company for determination of in-service date of River Bend Unit 1.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 6, 1986, 4:10 p.m.
TRD-8610537

Wednesday, November 19, 1986, 10 a.m. A prehearing conference in Docket 7122, 7123, 7124, and 7154—complaint of Intellicall, Inc, against private coin phone rates and practices of Southwestern Bell Telephone Company; complaint of Advanced Telecom Systems, Inc., against private coin phone rates and practices of Southwestern Bell Telephone Company; complaint of Intellicall *et al.* against private coin phone rates and practices of Southwestern Bell Telephone Company; and application of Southwestern Bell Telephone Company to revise its private coin service tariff.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 6, 1986, 4:10 p.m.
TRD-8610538

Wednesday, November 19, 1986, 9 a.m. A prehearing conference in Docket 7169—application of Southwestern Bell Telephone Company for authority to introduce a Type II interconnection for cellular mobile carrier customers.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 7, 1986, 2:42 p.m.
TRD-8610591

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State Purchasing and General Services Commission

Tuesday, November 18, 1986, 2 p.m. The State Purchasing and General Services Commission will meet in Room 916, LBJ Building, 111 East 17th Street, Austin. According to the agenda, the commission will consider the status of Texas Public Building Authority projects; discuss change orders on current construction projects; hear information regarding twice daily mail delivery; consider extending the August 8, 1986, emergency amendments to Commission Rule 113.10(b) and (c) an additional 60 days, and publish proposed amendments to Commission Rule 113.10(b) and (c); consider modification of Personnel Policy #21; and discuss the Physical Fitness Program for capitol security officers. The commission also will meet in executive session to consider settlement of Civil Action A-85-CA-185 and set the date for the next meeting.

Contact: John R. Neel, 111 East 17th Street, Room 916, LBJ Building, Austin, Texas 78705, (512) 463-3446

Filed: November 7, 1986, 8:56 a.m.
TRD-8610549

Railroad Commission of Texas

Monday, November 10, 1986, 9 a.m. Divisions of the Railroad Commission of Texas made emergency revisions to the agenda for meetings held in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. Revised agendas follow. The emergency status was necessary because the items were properly noticed for the meeting of November 3, 1986, and were passed, and are now being taken on less than seven days notice.

Consideration of Gas Utilities Docket 6397—statement of intent filed by Perry Pipeline Company, Inc., to change rates charged to Dow Pipeline Company.

Contact: Lucia Strudevart, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7003.

Filed: November 7, 1986, 11:01 a.m.
TRD-8610557

Consideration of Oil and Gas Docket 8-88,414—Railroad Commission District 8, review temporary field rules, Moonlight (Mississippian) Field, Midland County, motion for rehearing.

Contact: Doug Johnson, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7291.

Filed: November 7, 1986, 11:01 a.m.
TRD-8610558

Consideration of Oil and Gas Docket 8-84, 755—application of Cov, Inc., *et al.*, on the complaint of Cov, Inc., alleging nonratable purchases of gas by Lone Star Gas Company of Texas, Inc., from the Burkholder (Fuselman) Field, Ward County.

Contact: Don Walker, P.O. Drawer 12967, Austin, Texas 78711, (412) 463-6925.

Filed: November 7, 1986, 11 a.m.
TRD-8610559

Monday, November 17, 1986, 9 a.m. The Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. The commission will consider and act on division agendas as follows.

The Administrative Services Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7257.

Filed: November 7, 1986, 11:04 a.m.
TRD-8610563

The Automatic Data Processing Division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

Contact: Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7251.

Filed: November 7, 1986, 11:01 a.m.
TRD-8610564

The Flight Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Ken Fossler, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-6787.

Filed: November 7, 1986, 11:03 a.m.
TRD-8610565

Various matters falling within the Gas Utilities Division's regulatory jurisdiction.

Contact: Lucia Strudevart, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7003.

Filed: November 7, 1986, 11:02 a.m.
TRD-8610566

The Office of Information Services director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6710.

Filed: November 7, 1986, 11:03 a.m.
TRD-8610567

The LP-Gas Division director's report on division administration, budget, procedures, and personnel matters; and consideration of various matters falling within the Railroad Commission of Texas LP-Gas regulatory jurisdiction.

Contact: Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6931.

Filed: November 7, 1986, 11:02 a.m.
TRD-8610568

Various matters falling within the Oil and Gas Division's regulatory jurisdiction.

Contact: Timothy A. Poe, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6713.

Filed: November 7, 1986, 11:02 a.m.
TRD-8610569

Additions to the previous agenda:

Consideration of category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108.

Contact: Margie L. Osborn, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6755.

Filed: November 7, 1986, 11:04 a.m.
TRD-8610570

The Personnel Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Mark K. Bogan, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6981.

Filed: November 7, 1986, 11:02 a.m.
TRD-8610571

The Office of Research and Statistical Analysis director's report on division administration, budget, procedures, and personnel matters.

Contact: Gail Gemberling, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6976.

Filed: November 7, 1986, 11:04 a.m.
TRD-8610572

The Office of the Special Counsel director's report relating to pending litigation, state and federal legislation, and other budget, administrative, and personnel matters.

Contact: Walter Earl Lillie, 1124 IH 35 South, Austin, Texas 78704, (512) 463-7149.

Filed: November 7, 1986, 11:03 a.m.
TRD-8610573

The Surface Mining and Reclamation Division director's report on division administration, budget, procedures, and personnel matters; and consideration of the awarding of a contract for consultant engineering services to Morrison-Knudsen, Inc., for the Alcoa abandoned mine land project.

Contact: J. Randel (Jerry) Hill, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas, (512) 463-7149.

Filed: November 7, 1986, 11:01 a.m.
TRD-8610574

Various matters falling within the Transportation Division's regulatory jurisdiction.

Contact: Michael A. James, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7122.

Filed: November 7, 1986, 11:05 a.m.
TRD-8610575

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House of Representatives

Thursday, November 13, 1986, 10 a.m. The Texas State Korean and Vietnam Veterans Memorials of the House of Representatives met in emergency session in Room 106, John H. Reagan Building, 14th Street and Congress Avenue, Austin. According to the agenda, the house discussed the location and financing of the competition for veteran memorials. The emergency status was necessary due to a date revision.

Contact: C. J. Kelly, State Capitol, Room 345-A, Austin, Texas 78701, (512) 463-0494.

Filed: November 7, 1986, 12:43 p.m.
TRD-8610577

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Texas Savings and Loan Department

Tuesday, November 18, 1986, 9 a.m. The Texas Savings and Loan Department will meet in Suite 201, 2601 North Lamar Boulevard, Austin. According to the agenda, the department will hear record of evidence in regard to the application of Central Texas Savings and Loan Association, Waco, McLennan County, Texas, for a branch office at 100 Belton Street, Troy, Bell County,

Texas, from which record the commissioner will determine whether to grant or deny the application.

Contact: Russell R. Oliver, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, (512) 479-1250.

Filed: November 6, 1986, 4:37 p.m.
TRD-8610544

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Secretary of State

Monday, November 10, 1986, 11 a.m. The State Board of Canvassers of the Secretary of State met in emergency session in Room 127, Capitol Building, Austin. According to the agenda, the board met to canvass returns of special election in State Representative, District 53, held on November 4, 1986. The emergency status was necessary due to scheduling.

Contact: Melinda Nickless, 915 Sam Houston Building, Austin, Texas 78711, (512) 463-5650.

Filed: November 7, 1986, 3:36 p.m.
TRD-8610597

Tuesday, December 2, 1986, 10 a.m. The State Board of Canvassers of the Secretary of State will meet in Room 127, State Capitol, Austin. According to the agenda, the board will meet to canvass returns of the November 4, 1986, general election.

Contact: Melinda Nickless, 915 Sam Houston Building, Austin, Texas 78711, (512) 463-5650.

Filed: November 10, 1986, 9:56 a.m.
TRD-8610610

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Texas State Soil and Water Conservation Board

Thursday, November 20, 1986. The Texas State Soil and Water Conservation Board will meet in the conference room, 311 North Fifth, Temple. Times and agendas follow.

8 a.m. According to the agenda, the board will review and take action on the following: minutes of 9/18/86 and 10/20/86 meetings; district director appointments; division and reorganization of Duck Creek SWCD; change in subdivisions of Nueces-Frio-Sabinal SWCD; 1986 annual state meeting of SWCD directors; requirements of district audits; public hearing on state brush control plan pursuant to Senate Bill 1083 at 11 a.m.; requests for 1987 allocations of conservation assistance funds; 1988-1989 biennium budget request; 1987 legislative session; 1986 district director elections; public information and education activities; provisions of Clean Water Act; pilot loan program; state board audit; conservation provisions of 1985 farm bill; NACD meeting of February 1-5, 1987; comments from agencies and guests; set the

date for the next board meeting—January 15, 1987; memorandum of understanding between A&M University System and the State Soil and Water Conservation Board and Soil and Water Conservation Districts.

Contact: Harvey Davis, P.O. Box 658, Temple, Texas 76503, (817) 773-2250.

Filed: November 6, 1986, 1:28 p.m.
TRD-8610505

11 a.m. The board will conduct a public hearing on the state brush control plan pursuant to Senate Bill 1083.

Contact: Harvey Davis, P.O. Box 658, Temple, Texas 76503, (817) 773-2250.

Filed: November 6, 1986, 1:29 p.m.
TRD-8610506

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Board of Tax Professional Examiners

Friday, November 21, 1986, 10 a.m. The Board of Tax Professional Examiners will meet in Room 107, John H. Reagan Building, 15th Street and Congress Avenue, Austin. According to the agenda, the board will approve minutes of the August 21, 1986, meeting, act on certification and recertification of qualified persons; approve the second request for legislative appropriations; approve the 1987 operating budget; hear a special request for non-class in appraisal; discuss complaint, jurisdiction, alleged misfeasance, complaint, jurisdiction, effective tax rate calculations, pre-retirement situations, special certification by the board, and proposal for elective course; consider assessing/collecting courses, renewal program, mileage and board travel status, legislative matters/hearings (Stiles Report); schedule exams and events; and discuss statistical data on registrants and exams.

Contact: Sam H. Smith, P.O. Box 15920, Austin, Texas 78705, (512) 834-4982.

Filed: November 7, 1986, 1:39 p.m.
TRD-8610582

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Advisory Council for Technical-Vocational Education in Texas

Thursday, December 4, 1986, 7 p.m. The Advisory Council for Technical-Vocational Education in Texas will meet in the Eldorado I Room, Marriott Market Center Hotel, 2101 Stemmons Freeway, Dallas. According to the agenda summary, the council will be greeted by Representative Gordon Ropp, President of the National Association of State Councils on Vocational Education; hear an update on the Master Plan for Vocational Education in Texas; discuss and take action on the council's report to the governor and legislature; hear a status report on

the 1986-1987 schedule of work; review the council's budget/expenditure report; and discuss a schedule of council meetings as well as other business.

Contact: Val Blaschke, P.O. Box 1886, Austin, Texas 78767, (512) 463-5490.

Filed: November 7, 1986, 1:38 p.m.
TRD-8610583

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University Interscholastic League

Wednesday, November 12, 1986, 10 a.m. The Waiver Review Board of the University Interscholastic League met in Room 1.122, Thompson Conference Center, UT Campus, 26th and Red River Streets, Austin. According to the agenda, the board met to review hearings on student eligibility.

Contact: Bob Young, P.O. Box 8028, Austin, Texas 78713, (512) 471-5883.

Filed: November 6, 1986, 3:27 p.m.
TRD-8610514

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Texas Water Commission

Tuesday, November 18, 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 district bond issues, release from escrow, use of surplus funds, water rate matters, proposed water quality permits, amendments, and renewals, forfeiture and abandonment matters, extension of time and setting of hearing date for temporary permit docket.

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

Filed: November 6, 1986, 3:55 p.m.
TRD-8610521

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Regional Agencies

Meetings Filed November 6

The Cass County Appraisal District, Board of Directors, met at 208 West Houston Street, Linden, on November 11, 1986, at 6 p.m. Information may be obtained from Janelle Clements, P.O. Box 1150, Linden, Texas 75563, (214) 756-7545.

The Coryell County Appraisal District, Board of Directors, met at 113 North Seventh Street, Gatesville, on November 13, 1986, at 7 p.m. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593.

The Golden Crescent Service Delivery Area, Private Industry Council, Inc., met at TEC, 1301 East Rio Grande, Victoria, on November 13, 1986, at 6:30 p.m. Information may

be obtained from Cleve F. Schoener, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587.

The Gulf Bend Mental Health and Mental Retardation Center, Board Committee, met at 1404 Village Drive, Victoria, on November 12, 1986, at noon. Information may be obtained from Bill Dillard, 1404 Village Drive, Victoria, Texas 77901.

The Lower Neches Valley Authority, Board of Directors, met at 7850 Eastex Freeway, Beaumont, on November 7, 1986, at 9:30 a.m. Information may be obtained from J.D. Nixon, P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011.

The West Central Texas Council of Governments, Executive Committee, and Board of Directors, General Membership, will meet at Briarstone Manor, 101 Eplen Court, Abilene, on November 18, 1986, at 5:15 p.m. and 7 p.m., respectively. Information may be obtained from Brad Helbert, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544. TRD-8610497

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Meetings Filed November 7

The Dallas Area Rapid Transit, Minority Affairs Committee, and Board met at 601 Pacific Avenue, Dallas, on November 11, 1986, at 2 p.m. and 4 p.m., respectively. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Central Appraisal District, Appraisal Review Board, will meet in Suite 500, 1420 West Mockingbird Lane, Dallas, on November 21, 1986, at 10 a.m. Information may be obtained from Rick L. Kuehler, 1420 West Mockingbird Lane, Suite 500, Dallas, Texas 75247, (214) 631-0522.

The Grand Parkway Association, met at 140 East Wing, 5757 Woodway, Houston, on November 12, 1986, at 10 a.m. Information may be obtained from Larry W. Nettles, 2823 First City Tower, 1001 Fannin, Houston, Texas 77002, (713) 654-4586.

The Hale County Appraisal District, Appraisal Review Board, met at 302 West Eighth Street, Plainview, on November 13, 1986, at 11 a.m. Information may be obtained from Linda Jaynes, 302 West Eighth Street, Plainview, Texas 79072, (214) 293-4226.

The Henderson County Appraisal District, Board of Directors, met for a revised agenda at 101 East Corsicana, Athens, on November 10, 1986, at 7:30 p.m. Information may be obtained from Helen Marchbanks, P.O. Box 430, Athen, Texas 75751, (214) 675-9296.

The Hockley County Appraisal District, Board of Directors, met at 1103-C Houston Street, Levelland, on November 10, 1986, at 7 p.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

The Hunt County Tax Appraisal District, Board of Directors, met in the boardroom, 4815-B King Street, Greenville, on November 13, 1986, at 7 p.m. Information may be obtained from Joe Pat Davis, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

The Lamb County Appraisal District, Board of Directors, will meet in the boardroom, 330 Phelps Avenue, Littlefield, on November 18, 1986, at 7:30 p.m. Information may be obtained from Murlene J. Bilbrey, P.O. Box 552, 330 Phelps Avenue, Littlefield, Texas 79339, (806) 385-6474.

The Lampasas County Appraisal District, Board of Directors, met at 109 East Fifth, Lampasas, on November 12, 1986, at 3 p.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

The Liberty County Central Appraisal District, Board of Directors, will meet 1820 Sam Houston, Liberty, on November 19, 1986, at 9:30 a.m. The Appraisal Review Board will meet at the same location, on November 21, 1986, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 712, Liberty, Texas 77575, (409) 336-6771.

The Mopac South Transportation Corporation, Board of Directors, met in the boardroom, 21st Floor, The Headliner's Club, MBank Tower, 221 West Sixth Street, Austin, on November 13, 1986, at 5 p.m. Information may be obtained from John C. Boehm, Jr., 600 Congress Avenue, Suite 2400, Austin, Texas 78701, (512) 474-5201.

The Texas Municipal Power Agency, Board of Directors, met at Gibbons Creek Electric Station, Administration Building, 2½ miles north of Carlos on FM Road 244, Grimes County, on November 13, 1986, at 8:30 a.m. Information may be obtained from Jim Bailey, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013.

The North Plains Water District, Board of Directors, will meet at 702 East First Street, Dumas, on November 17, 1986, at 10 a.m. Information may be obtained from Orval E. Allen, P.O. Box 795, Dumas, Texas 79029, (806) 935-6401.. TRD-8610546

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Meetings Filed November 10

The Bexar Appraisal District, Appraisal Review Board, will meet at 535 South Main, San Antonio, on November 14, 1986, at 9 a.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Callahan County Appraisal District, Board, will meet on the first floor, Courthouse, Baird, on November 19, 1986, at 7 p.m. Information may be obtained from Jane Ringhoffer, P.O. Box 806, Baird, Texas 79504, (915) 854-1165.

The Capital Area Planning Council, Executive Committee, will meet in the conference room, Suite 100, 2520 IH 35 South, Austin, on November 18, 1986, at 2 p.m. Information may be obtained from Richard G. Bean, (512) 443-7653.

The Central Texas Council of Governments, Private Industry Council, will meet at 302 East Central, Belton, on November 20, 1986, at 10 a.m. Information may be obtained from Walton B. Reedy, P.O. Box 729, Belton, Texas 76513, (817) 939-3771.

The Deep East Texas Council of Governments, Board of Directors, will meet at the Village Inn, Livingston, on November 20, 1986, at 11 a.m. Information may be obtained from Katie Bayliss, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704.

The Education Service Center Region XI, Board of Directors, will meet at 3001 North Freeway, Fort Worth, on November 25, 1986, at noon. Information may be obtained from R. P. Campbell, Jr., 3001 North Freeway, Fort Worth, Texas 76106, (817) 625-5311, ext. 102.

The Fisher County Appraisal District, Board of Directors, will meet in the Appraisal/Tax Office, Courthouse, Roby, on November 18, 1986, at 7:30 p.m. Information may be obtained from Teddy Kral, P.O. Box 516, Roby, Texas 79543, (915) 776-2733.

The Gray County Appraisal District, Board of Directors, met in Suite 196-A, Hughes Building, 400 West Kingsmill, Pampa, on November 13, 1986, at 5 p.m. Information may be obtained from Charles Buzzard, P.O. Box 836, Pampa, Texas 79065, (806) 665-0791.

The Heart of Texas Council of Governments, Executive Committee, will meet in the conference room, 320 Franklin Avenue, Waco, on November 20, 1986, at 10 a.m. Information may be obtained from Mary McDow, 320 Franklin Avenue, Waco, Texas 76701, (817) 756-6631.

The Hickory Underground Water Conservation District Number 1, Board and Advisors, met at the district office, 2005 Old Nine

Road, Brady, on November 13, 1986, at 7 p.m. Information may be obtained from Rick Illgner, P.O. Box 1214, Brady, Texas 76825, (915) 597-2785.

The Appraisal District of Jones County, Board of Directors, will meet at 1137 East Court Plaza, Anson, on November 20, 1986, at 8 a.m. Information may be obtained from John Steele, 1137 East Court Plaza, Anson, Texas 79501, (915) 823-2422.

The Lower Neches Valley Authority, Board of Directors, met in emergency session at 7850 Eastex Freeway, Beaumont, on November 10, 1986, at 2 p.m. Information may be obtained from J. D. Nixon, P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011.

The Trinity River Authority of Texas, Central Region Wastewater System Right-of-Way Committee, will meet at 5300 South Collins, Arlington, on November 14, 1986,

at 9 a.m. Information may be obtained from Jack C. Worsham, P.O. Box 60, Arlington, Texas 76101, (817) 467-4343.

The Tyler County Appraisal District, Appraisal Review Board, will meet at 103 Pecan, Woodville, on November 19, 1986, at 3 p.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.
TRD-8610601

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 Cancellation

As no opposition has been noted in the application for domicile change by Reunion Bank, Dallas, the hearing previously scheduled for November 14, 1986, has been canceled.

Issued in Austin, Texas, on November 5, 1986.

TRD-8610507 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: November 6, 1986
For further information, please call (512) 479-1200.

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Banking Department of Texas Application to Acquire Control of a State Bank

Texas Civil Statutes, Article 5-2-401a, require any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On November 4, 1986, the banking commissioner received an application to acquire control of Farmers State Bank, Groesbeck, by James L. Bradley, Sr., Groesbeck.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas, on November 4, 1986.

TRD-8610499 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: November 6, 1986
For further information, please call (512) 479-1200.

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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⁾ Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
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Indicated (Weekly) Rate—Article 1.04(a)(1) 11/10/86-11/16/86	18.00%	18.00%
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Monthly Rate— Article 1.04(c) ⁽¹⁾ 11/01/85-11/30/86	18.00%	18.00%
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Standard Quarterly Rate—Article 1.04(a)(2) 10/01/86-12/31/86	18.00%	18.00%
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Retail Credit Card Quarterly Rate— Article 1.11 ⁽³⁾ 10/01/86-12/31/86	18.00%	N/A
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Lender Credit Card Quarterly Rate— Article 15.02(d) ⁽³⁾ 10/01/86-12/31/86	14.00%	N/A
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Standard Annual Rate—Article 1.04(a)(2) ⁽²⁾ 10/01/86-12/31/86	18.00%	18.00%
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Retail Credit Card Annual Rate— Article 1.11 ⁽³⁾ 10/01/86-12/31/86	18.00%	N/A
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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
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Judgment Rate—Article 1.05, §2 10/01/86-11/30/86	10.00%	10.00%
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(1) For variable rate commercial transactions only
(2) Only for open-end credit as defined in Texas Civil Statutes, Article 5069-1.01(f)
(3) Credit for personal, family, or household use
(4) Credit for business, commercial, investment, or other similar purpose.

Issued in Austin, Texas, on November 3, 1986.

TRD-8610459 Al Endsley
Consumer Credit
Commissioner

Filed: November 5, 1986
For further information, please call (512) 479-1280.

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Texas Education Agency Notice of Contract Award

This notice is filed pursuant to the provisions of Texas Civil Statutes, Article 6252-11c.

Description. After publication of a consultant proposal request in the July 1, 1986, issue of the *Texas Register* (11 TexReg 3083), the Texas Education Agency has executed a contract with the Center for Assessment and Demographic Studies, Gallaudet University, 800 Florida Avenue, North East, Washington, D.C. 20002, to continue a data-based accountability system to assist in the measuring of educational outcomes within the regional day school programs for the deaf, including the design and modification of data collection instruments, scoring, and analysis. This is a continuation of a service previously performed by the Center for Assessment and Demographic Studies, Gallaudet College.

Cost and Dates. The total amount of the contract is \$38,500. The beginning date of the contract is September 1, 1986, and the ending date of the contract is August 31, 1987.

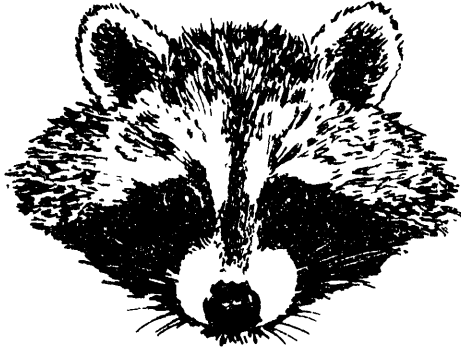
Due Dates of Documents. A written plan for output products and data analyses appropriated to local, regional, state, and national levels is due no later than August 31, 1987.

Issued in Austin, Texas, on November 5, 1986

TRD-8610539 W N Kirby
 Commissioner of Education

Filed: November 6, 1986

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



Finance Commission of Texas Notice of Hearing

The Finance Commission of Texas will conduct a public hearing at 10 a.m. on November 18, 1986, in the hearing room of the State Banking Department, 2601 North Lamar Boulevard, Austin, Texas. The purpose of the hearing is to receive comments and information concerning the feasibility and practicality of mortgage company regulation by the State of Texas. The Finance Commission has designated Allo Crow as the presiding hearings officer.

The 69th Legislature of the State of Texas, Third Called Session, adopted S.C.R. 4, which directed the Finance Commission of Texas to conduct a study of the feasibility and practicality of state regulation of mortgage companies. This hearing is called pursuant to the directive of S.C.R. 4. Data gathered at the hearing will be included in the complete report, which the Finance Commission of Texas will make to the 70th Legislature when it convenes in January, 1987.

Interested persons desiring to make oral comments during the hearing should provide a written summary of their comments. Any interested person may also submit written comments without making an oral presentation. Based on the number of persons desiring to make oral presentations, the hearings officer may impose reasonable limits on the time allowed for each commenter.

Additional information may be obtained from Jorge A. Gutierrez, General Counsel, State Finance Commission, 2601 North Lamar, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas, on November 6, 1986

TRD-8610517 Jorge A. Gutierrez
 General Counsel
 State Finance Commission

Filed: November 6, 1986

For further information, please call (512) 479-1200.

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