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Texas Register

Volume 11, Number 85, November 18, 1986

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Highlights

The **Texas Department of Agriculture** proposes a new section concerning the collection and assessment of fees for testing, weighing, and measuring devices. Earliest possible date of adoption - December 19 **page 4704**

The **Texas Real Estate Commission** proposes an amendment concerning education,

experience, educational programs, and license type. Earliest possible date of adoption - December 19 **page 4704**

The **State Board of Insurance** proposes an amendment concerning workers' compensation and standards for accident prevention services. Earliest possible date of adoption - December 19 **page 4708**

Office of
the Secretary
of State

How To Use the Quarterly Index

The Quarterly Index to the *Texas Register* consists of two sections:

Agency Guide TAC Titles Affected

The Agency Guide section is a compilation of the agency activity since January of this year. The arrangement of agency names is alphabetical, with agencies alphabetized by the first key word in the name (Corrections, Texas Department of). Schools are listed under their full names (Texas A&M University) unless the first word is "university" (Houston, University of), and regional governmental bodies are listed under their full names (Deep East Texas Council of Governments). All agency names appear in capital letters.

Under each agency entry, the rule chapter titles are alphabetized followed by the subchapter titles. Each type of action is listed under the subchapter heading (emergency, proposed, adopted). Following the rules is a listing of nonregulatory notices. This list is a compilation of items found in the In Addition section of the *Texas Register* and other nonregulatory information.

Requests for opinions, opinions, and open records decisions of the Attorney General's Office, and the administrative decisions of the Comptroller of Public Accounts are also included in the Agency Guide section. They are arranged numerically by the numbers assigned by the issuing agency. Entries that refer to actions of the Attorney General's Office are designated by abbreviations in the Agency Guide section: RQ—request for opinion; JM—opinion of Attorney General Jim Mattox; ORD—open records decision.

The section on TAC Titles Affected is a list of the chapters of each title of the *Texas Administrative Code* (TAC) affected by documents published during the quarter. The listings are arranged in the same order as the table of contents of TAC.

The *Texas Register* invites comments and suggestions for improvement in future indexes. Comments may be directed to this office at P.O. Box 13824, Austin, Texas 78711-3824, (512) 463-5561.



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Attorney General

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

Opinion

JM-573 (RQ-831). Request from Bob Bush, chairman, Committee on Judiciary, Texas House of Representatives, Austin, concerning whether a municipal housing authority may participate in the Consolidated Supply Program of the Department of Housing and Urban Development without complying with competitive bidding statutes.

Summary of Opinion. As to contracts that are subject to the competitive bidding requirements specified in Texas statutes for contracts entered into by cities, the competitive bidding of the federal Department of Housing and Urban Development for its Consolidated Supply Program would not constitute compliance with or a substitute for the state's bidding requirements and would not permit municipal housing authorities to participate in the Consolidated Supply Program without seeking competitive bids.

TRD-8610675

★ ★ ★

Open Records Decisions

ORD-446 (RQ-820). Request from John R. Hale, commissioner, Texas Credit Union Department, Austin, concerning whether information regarding a state-chartered credit union is excepted from disclosure under the Open Records Act, Texas Civil Statutes, Article 6252-17a.

Summary of Opinion. The financial statements of a credit union, its annual report, and a Credit Union Department report and memorandum concerning examination of a credit union are excepted from public disclosure under the Open Records Act, Article 6252-17a, by §3(a)(12) of that Act, and by Texas Civil Statutes, Article 2461, §11.12(b), as incorporated by the Open Records Act, §3(a)(1).

TRD-8610676

★ ★ ★

ORD-447 (RQ-782). Request from W. O. Shultz, II, general attorney and associate general counsel, The University of Texas System, Austin, concerning whether records of University of Texas athletic department investigations are excepted from disclosure under the Open Records Act, Texas Civil Statutes, Article 6252-17a.

Summary of Opinion. The University of Texas at Austin received a request under the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a, for copies of any reports filed with the National Collegiate Athletic Association regarding actual or potential violations of the association's rules. Information concerning students of the University of Texas at Austin is excepted from disclosure under the Open Records Act by the federal Family Educational Rights and Privacy Act of 1974. The remaining information in the reports, concerning employees of the University of Texas and other persons

who are not students of the university, is not protected from public disclosure by the right of privacy incorporated into the Open Records Act, §3(a)(1).

TRD-8610677

★ ★ ★

ORD-448 (RQ-791). Request from Nanette G. Williams, assistant city attorney, El Paso, concerning whether the City of El Paso must provide home addresses of a public employee to the Child Support Enforcement Bureau of another state.

Summary of Opinion. The City of El Paso received a request from the Child Support Bureau of a state other than Texas for an employee's home address. The employee had exercised his option under Texas Civil Statutes, Article 6252-17a, §3A to deny public access to his home address. Public Law 93-647 authorizes federal funding to help enforce the child support obligations of absent parents and to locate absent parents. 42 Code of Federal Regulations §651, *et seq.* The federal law and regulations promulgated thereunder provide for cooperation between states in locating absent parents, but these provisions do not authorize other states to obtain employee information about political subdivisions in Texas. Accordingly, the requestor is not entitled to know the El Paso employee's home address.

TRD-8610678

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to appear for an interview with a representative or representatives of the Comptroller of Public Accounts. The comptroller will designate those persons required to be present and will designate the location of the interview. The purpose of this interview is to make sure the applicant is aware of and understands fully its duties and responsibilities under the Bingo Enabling Act and the rules and regulations promulgated thereunder, and for the comptroller to be assured by the applicant that all operations of the applicant relating to bingo will be conducted in accordance with the Act. The comptroller may refuse to issue or renew an annual license based on the conclusions resulting from this interview.

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

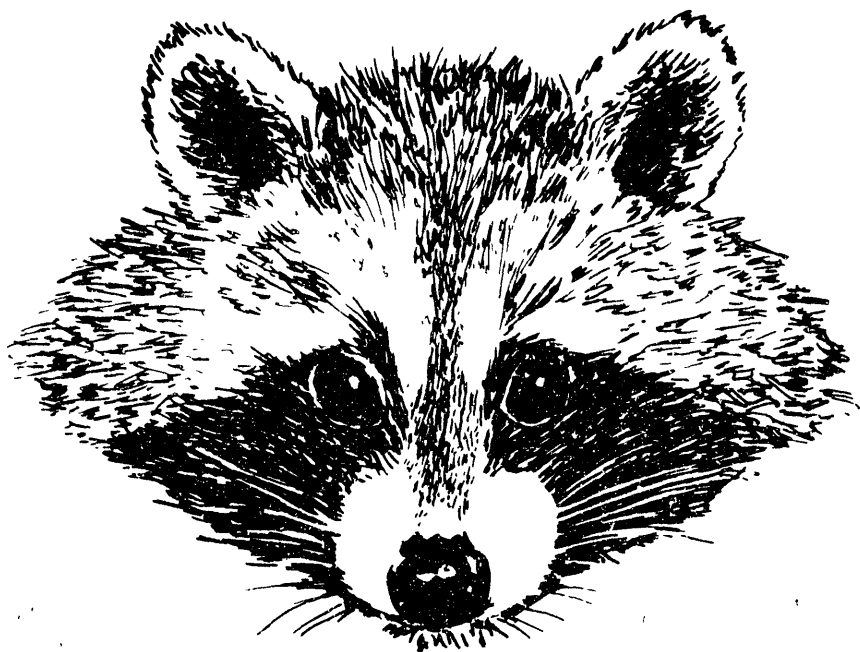
TRD-8610576

Bob Bullock
Comptroller of Public
Accounts

Effective date. November 7, 1986

Expiration date. March 7, 1987

For further information, please call
(512) 463-4004.



★ ★ ★

Proposed Rules

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

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

TITLE 4. AGRICULTURE Part I. Texas Department of Agriculture Chapter 15. Consumer Services Division

Texas Weights and Measures

★4 TAC §15.11

The Texas Department of Agriculture proposes an amendment to §15.11, concerning collection and assessment of fees for testing, weighing, and measuring devices. Section 15.11 sets out a fee schedule for registration of various weighting and measuring devices. The proposed amendment increases from \$5.00 to \$10 the registration fee for scales with a capacity of less than 4,999 pounds. The increase will bring revenue collections for registration of small capacity scales closer to the cost to the state of registering and inspecting such devices.

Susan Raleigh, director, Consumer Services Division, has determined that for the first five-year period the proposed section will be in effect there will be fiscal implications as a result of enforcing or administering the section. The effect on state government is an estimated increase in revenue of \$260,000 each year in 1987-1991. The effect on local government will be minimal. Cities and counties that operate a small scale for commercial use would incur the cost of the additional fee. The cost of compliance with the section for small businesses will be \$5.00 per small scale per year. The average cost per business will be \$15 per year. The cost of compliance for the smallest outlet will be \$5.00 per year per employee (based on one scale and one employee). The cost of compliance for the largest outlet will be \$4.00 per year per employee (based on 50 scales and 60 employees).

Ms. Raleigh 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 to allow the Weights and Measures Program to recover a larger portion of its costs from the regulated community. The anticipated economic cost to individuals who are required to comply with the proposed section will be \$15 each year in 1987-1991. Proprietors of approximately 17,000 businesses operating small scales will

pay an average of \$15 more per year in registration fees.

Comments on the proposal may be submitted to Susan Raleigh, Director, Consumer Services Division, P.O. Box 12847, Austin, Texas 78711.

The amendment is proposed under the Texas Agriculture Code, §13.1151, which provides the Texas Department of Agriculture with the authority to charge a fee for the registration of scales registered under the Texas Agriculture Code, §13.1011, such fee not to exceed \$10 for scales with capacities of less than 4,999 pounds.

§15.11. *Collection and Assessment of Fees for Testing, Weighing, and Measuring Devices.*

- (a) (No change.)
- (b) Fees for registering weighing and measuring devices. Prior to the operation of a weighing or measuring device in a commercial transaction, the owner or operator of such device shall register with the department by paying the established registration fee for each such device in accordance with the following schedule:
 - (1)-(3) (No change.)
 - (4) scale (capacity less than 4,999 pounds)—\$10 [\$5.00];
 - (5) (No change.)
- (c) (No change.)

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

Issued in Austin, Texas, on November 10, 1986

TRD-861065E

Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Earliest possible date of adoption.
December 19, 1986
For further information, please call
(512) 463-7583.



TITLE 22. EXAMINING BOARDS

Part XXIII. Texas Real Estate Commission

Chapter 535. Provisions of the Real Estate License Act Education, Experience, Educational Programs, Time Periods, and Type of License

★22 TAC §535.61

The Texas Real Estate Commission proposes an amendment to §535.61, concerning educational programs or courses of study in real estate accepted by the commission to satisfy educational requirements for Texas real estate broker or salesman licensure

The amendment sets several criteria for the acceptability of real estate programs or courses offered by schools accredited by the commission and accredited colleges and universities

An acceptable course must contain the content required by the Real Estate License Act, Texas Civil Statutes, Article 6573a, or applicable commission rules, and the applicant for a real estate license must have received in a classroom presentation the number of hours of instruction either required by commission rule of a school accredited by the commission or, for programs or courses offered by accredited colleges and universities, the number of hours comparable to those required by the college or university for courses of equivalent length confirming academic credit

An acceptable program or course must also have been presented at regular campus facilities or have been a scheduled and publicized course open to enrollment by the general public if offered at a location other than regular campus facilities.

If conducted by correspondence, the program or course must satisfy course content requirements, and the applicant must have passed a written examination administered by an official on the campus of a school, college, or university

Donald C. Roose, director of programs, has determined that for the first five-year period the proposed section will be in ef-

fect there will be fiscal implications for state government as a result of enforcing or administering the section, but they are indeterminate. There will be no fiscal implications for local government or small businesses.

Mr. Roose also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be clarification of the acceptability of real estate courses submitted by applicants for real estate licensure. 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 Donald C. Roose, Director of Programs, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 6573a, §5(e), which authorize the commission to make and enforce all rules and regulations necessary for the performance of its duties or to insure compliance with the provisions of the Act.

§535.61. Competency: Examinations—Educational Programs or Courses of Study in Real Estate.

(a)-(o) (No change.)

(p) Educational programs or courses of study in real estate offered after the effective date of this rule by schools accredited by the commission or by accredited colleges and universities, as defined by these rules, shall be accepted as meeting the requirements of the Act for the successful completion of educational prerequisites for licensure upon a determination by the commission that:

(1) the content of the program or course, as presented to the applicant, has complied with the course content requirements of the Act and any applicable commission rule relating thereto;

(2) for a program or course offered by a college or university, the applicant has received in a classroom presentation the hours of instruction comparable to those required by the college or university for courses of equivalent length conferring academic credit;

(3) for a program or course offered by an institution other than a college or university, the applicant has received in a classroom presentation the hours of instruction required by applicable commission rules;

(4) the program or course was presented at the regular campus facilities of the school, college, or university or if the program or course was presented at a location other than regular campus facilities, the program or course was a scheduled and publicized course open to enrollment by the general public;

(5) if the program or course was conducted by correspondence, it complies with the requirements of this section with the exception of paragraphs (2)-(4) of this sub-

section, and the applicant has passed a written examination which was administered on the campus of a school, college, or university or at a location approved by the commission and which was administered by an official of a school, college, or university under controlled conditions to positively identified students.

(q) If it determines that the requirements in subsection (p) of this section have not been met, the commission shall, upon written notice to the school, college, or university, deny acceptance of the program or course for real estate licensure.

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 7, 1986

TRD-8610587

Mark A. Moseley
Legal Counsel
Texas Real Estate
Commission

Earliest possible date of adoption:

December 19, 1986

For further information, please call
(512) 465-3960

★ ★ ★

**Education, Experience,
Educational Programs, Time
Periods, and Type of License**

★ 22 TAC §535.63

The Texas Real Estate Commission proposes an amendment to §535.63, concerning educational requirements for real estate broker or salesman licensure. The amendment deletes a definition of the terms "accreditation," "accredited," or "accrediting" which is being more precisely defined by another section. Portions of the section are renumbered as part of the amendment.

Donald C. Roose, director of programs, 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. Roose 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 clearer understanding of terms used in the agency's enabling legislation. 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 Donald C. Roose, Director of Programs, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 6573a, §5(e), which authorize the commission to make and

enforce all rules and regulations necessary for the performance of its duties or to insure compliance with the provisions of that Act.

§535.63. Brokers: Education and Experience.

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

[(g)] The term "accreditation," "accredited," "accrediting," or any such reference to accreditation with respect to colleges and universities shall mean membership in or accreditation by the Southern Association of Colleges and Schools, or those other parallel regional associations covering the United States and Territories, i.e., New England Association of Colleges and Secondary Schools, Middle States Association of Colleges and Secondary Schools, North Central Association of Schools and Colleges, and the Western Association of Schools and Colleges. Candidacy for accreditation in the accrediting bodies referred to previously is not accreditation.]

[(g)](h) The commission shall evaluate official credit transcripts or official degree conferring instruments which reflect courses of study completed from schools of law which are recognized by the Association of American Law Schools or approved by the American Bar Association.

[(h)](i) The commission shall evaluate instruments which may reflect courses of study completed via the United States Armed Forces Institute, and may evaluate credit instruments of other service-connected schools.

[(i)](j) The commission shall evaluate credit instruments from courses of study completed from institutions of higher learning from territories outside the United States and its territories which are members of the International Association of Universities.

[(j)](k) The commission shall accept classroom hour units of instruction as such are reflected on the credit instruments under evaluation, if the commission is satisfied that the amount of classroom instruction reflected on the certificate is compatible with the amount of clock hour instruction the student actually received.

[(k)](l) The commission shall interpret one semester hour as 15 classroom hours from an acceptable source of study.

[(l)](m) The commission shall accept 10 classroom hours for one quarter hour of credit conferred from an acceptable source of study.

[(m)](n) The commission shall accept 10 classroom hours of credit for each continuing education unit conferred from an acceptable source of study.

[(n)](o) When credit is conferred for a course of study, such credit will be for the complete credit units (classroom hours, semester hours, quarter hour, continuing education unit) offered and presented for the given course. Credit shall not be conferred for partial or any amount of units other than the total units offered in the course of study. Specifically, the commission shall not credit 30 hours of classroom instruction for a course

which presents and offers 45 hours of classroom study, nor shall the commission award semester hour credits for any semester hours other than that shown on the transcript as earned credit.

(p)[(p)] The commission shall not accept for the educational requirements for broker application more than one course with the same course title and level or same course content and level.

(q)[(q)] The commission shall not accept for the educational requirements for broker application a course emphasizing salesmanship or sales techniques.

(r)[(r)] Acceptable courses of study for broker licensure shall be those prescribed by statute and those related courses as determined by the commission. The commission will periodically publish guidelines as to the acceptability of related courses.

(s)[(s)] In evaluating courses for the educational requirements for broker application for licensure, the commission may require that an individual furnish materials (outlines, syllabi, course descriptions) in support of credit instruments which sufficiently describe the course content.

(t)[(t)] With respect to the education requirement of 15 semester hours in effect January 1, 1979, through December 31, 1980, the commission shall require not less than two semester hours (30 classroom hours) in a course reflecting a course title or course description in the real estate disciplines including, but not limited to, the statutory subject areas identified in the Act, §7(a) and §7(k). The commission will publish periodically guidelines as to the acceptability of related courses.

(u)[(u)] With respect to the education requirements of 36 semester hours in effect January 1, 1981, through December 31, 1982, the commission shall require not less than six semester hours (90 classroom hours) in courses reflecting a course title or course description in the real estate disciplines including, but not limited to, the statutory subject areas identified in the Act, §7(a) and §7(k). The commission will publish periodically guidelines as to the acceptability of related courses.

(v)[(v)] With respect to the education requirements of 48 semester hours in effect from January 1, 1983, through December 31, 1984, the commission will require not less than nine semester hours (135 classroom hours) in courses reflecting a course title or course description in the real estate disciplines, including, but not limited to, the statutory subject areas identified in the Act, §7(a) and §7(k). The commission will publish periodically guidelines as to the acceptability of related courses. Provided, however, that an applicant for broker licensure who was licensed as a salesman subject to the annual education requirements set forth in the Act must provide the commission satisfactory evidence of having completed the 12 semester (180 classroom) hours of core real estate courses that would have been required for

the applicant's third annual certification of salesman licensure privileges.

(w)[(w)] With respect to the education requirement of 60 semester hours in effect on and after January 1, 1985, the commission shall require not less than 12 semester hours (180 classroom hours) in courses reflecting course titles or course descriptions in the real estate disciplines including, but not limited to, the statutory subject areas identified in the Act, §7(a) and §7(k). The commission will publish periodically guidelines as to the acceptability of related courses. Provided, however, that an applicant for broker licensure who was licensed as a salesman subject to the annual education requirements set forth in this Act must provide the commission satisfactory evidence of having completed 12 semester (180 classroom) hours of core real estate courses that would have been required for the applicant's third annual certification of salesman licensure privileges.

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 7, 1986

TRD-8610588 Mark A. Moseley
Legal Counsel
Texas Real Estate
Commission

Earliest possible date of adoption:

December 19, 1986
For further information, please call
(512) 465-3960.

★ ★ ★

★ 22 TAC §535.66

The Texas Real Estate Commission proposes an amendment to §535.66, concerning educational programs required for Texas real estate broker or salesman licensure. The proposed amendment defines the term "accredited colleges and universities" as used in Texas Civil Statutes, Article 6573a, §7(f).

The commission is authorized by law to accredit educational programs and courses in study in real estate for schools other than accredited colleges and universities. By defining the statutory term "accredited colleges and universities," the commission clarifies the extent of its authority to accredit

Donald C. Roose, director of programs, 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. Roose 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 clearer understanding of the terms used in the agency's enabling legislation.

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 Donald C. Roose, Director of Programs, Texas Real Estate Commission, P.O. Box 12188, Capital Station, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 6573a, §5(e), which authorize the commission to make and enforce all rules and regulations necessary for the performance of its duties or to insure compliance with the provisions of that Act.

§535.66. *Education Programs: Accreditation.*

(a)-(ww) (No change.)

(xx) For the purpose of this section, accredited colleges and universities means those junior/community colleges senior colleges, and universities; and the Texas State Technical Institute which are accredited by the commission on colleges of the Southern Association of Colleges and Schools or like commission of other regional accrediting associations, or are candidates for such accreditation.

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 7, 1986.

TRD-8610589 Mark A. Moseley
Legal Counsel
Texas Real Estate
Commission

Earliest possible date of adoption:

December 19, 1986
For further information, please call
(512) 465-3960.

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Licensed Real Estate Inspectors [Registration and Certification: Fees]

★ 22 TAC §535.203

The Texas Real Estate Commission proposes new §535.203, concerning violations of Texas Civil Statutes, Article 6573a, §18C.

The new section establishes four grounds to suspend or revoke the license of a real estate inspector for misconduct related to dealings with the commission, procuring licenses by fraud; misrepresentation or deceit or by making material misstatements in an application, failing to make good a check issued to the commission; failing to produce records for inspection by the commission; and failing to provide information to the commission requested as a result of a complaint against the inspector.

Mark A. Moseley, legal counsel, has determined that for the first five-year period the

proposed section will be in effect there will be fiscal implications as a result of enforcing or administering the section. The effect on state government is an anticipated increase in the number of administrative hearings conducted by the commission, estimated to result in an estimated additional cost of \$500 each year from 1987-1991. There will be no fiscal implications for local government or small businesses as a result of enforcing or administering the section.

Mr. Moseley 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 protection of the public by enforcement of the law governing licensed real estate inspectors. 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 Jack Morris, Director of Programs, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711.

The new section is proposed under Texas Civil Statutes, Article 6573a, §5(e), which authorize the Texas Real Estate Commission to make and enforce all rules and regulations necessary for the performance of its duties.

§535.203. Violations. It is a violation of this section for a licensed real estate inspector to:

(1) procure or attempt to procure a license a fraud, misrepresentation, or deceit; or by making misstatement of fact in an application filed with the commission; or

(2) fail within a reasonable time to make good a check issued to the commission after the commission has mailed a request for payment by certified mail to the licensee's last known business address as reflected by the commission's records; or

(3) fail or refuse on demand to produce a document, book, or record in his possession concerning a real estate inspection conducted by him for inspection by the commission or its authorized personnel or representative; or

(4) fail within a reasonable time to provide information requested by the commission as a result of a formal or informal complaint to the commission which would indicate a violation of this section.

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

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

TRD-8610585 Mark A. Moseley
Legal Counsel
Texas Real Estate
Commission

Earliest possible date of adoption:
December 19, 1986
For further information, please call
(512) 465-3960.

★ 22 TAC §535.204

The Texas Real Estate Commission proposes new §535.204, concerning applications filed with the agency for real estate inspector licensure.

The new section provides a means to void applications where required examinations have not been completed, required fees have not been paid, or the applicant has failed to provide requested information or documentation. If an application is considered void, the section obligates the commission to refund any fee paid by the applicant for deposit in the real estate inspection recovery fund or for an examination which has not been taken.

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

Mr. Moseley also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be clarification of the application and refund process governing applicants for real estate inspector license. 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 Jack Morris, Director of Programs, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711.

The new section is proposed under Texas Civil Statutes, Article 6573a, §5(e), which authorize the Texas Real Estate Commission to make and enforce all rules and regulations necessary for the performance of its duties.

§535.204. Licensed Real Estate Inspectors: Voiding of Applications.

(a) An application is considered void and is subject to no further evaluation or processing when one of the following events occurs.

(1) The applicant fails to satisfy an examination requirement within six months from the date the application is filed.

(2) The applicant, having satisfied any examination requirements, fails to submit a required fee within 60 days after the commission makes written request for payment.

(3) The applicant, having satisfied any examination requirement, fails to provide information or documentation within 60 days after the commission makes written request for correct or additional information or documentation.

(b) When an application is considered void, the commission shall refund to the applicant any fee paid by the applicant for deposit in the real estate inspection recovery fund and the commission shall refund to the applicant any fee paid by the applicant for

the taking of a license examination if such examination has not been taken.

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 7, 1986.

TRD-8610586 Mark A. Moseley
Legal Counsel
Texas Real Estate
Commission

Earliest possible date of adoption:
December 19, 1986
For further information, please call
(512) 465-3960.

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Chapter 537. Professional Agreements and Standard Contracts

Standard Contract Forms

★ 22 TAC §537.11

The Texas Real Estate Commission proposes an amendment to §537.11, concerning use of standard contract forms. The amendment specifies how promulgated contract forms may be reproduced by real estate licensees and prohibits the reproduction of the forms by means of word processors, computers, optical scanners, and other similar machines.

The amendment is proposed to insure accurate reproduction of contract forms used by Texas real estate licensees and the general public to negotiate real estate transactions and to lessen the possibility of unauthorized alterations of forms approved by the commission.

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

Mr. Moseley also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be clarification of the sources and methods by which promulgated real estate contract forms may be reproduced. The anticipated economic cost to individuals who are required to comply with the proposed section will be the purchase price of copies of the forms, estimated at \$5.00 for 50 copies.

Comments on the proposal may be submitted to Mark A. Moseley, Legal Counsel, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 6573a, §16(e), which authorize the Texas Real Estate Commission to adopt rules and regulations requir-

ing real estate brokers and salesmen to use forms promulgated by the commission

§537.11. Use of Standard Contract Forms.

(a) Standard Contract Form TREC No. 2-2 is promulgated for use as an addendum only to another promulgated standard contract form. Standard Contract Form TREC No. 9-1 is promulgated for use in the sale of unimproved property where intended use is for one to four family residences. Standard Contract Form TREC No. 10-0 is promulgated for use as an addendum concerning sale of other property by a buyer to be attached to promulgated forms of contracts. Standard Contract Form No. TREC No. 11-0 is promulgated for use as an addendum to be attached to promulgated forms of contracts which are second or back-up contracts. Standard Contract Form TREC No. 12-0 is promulgated for use as an addendum to be attached to promulgated forms of contracts where there is a Veterans Administration release of liability or restoration entitlement. Standard Contract Form TREC No. 13-0 is promulgated for use as an addendum concerning new home insulation to be attached to promulgated forms of contracts. Standard Contract Form TREC No. 14-0 is promulgated for use as an addendum concerning financing conditions to be attached to promulgated contracts where there is a conventional loan. Standard Contract Form TREC No. 15-1 is promulgated for use as a residential lease when a seller temporarily occupies property after closing. Standard Contract Form TREC No. 16-1 is promulgated for use as a residential lease when a buyer temporarily occupies property prior to closing. Standard Contract Form TREC No. 20-0 is promulgated for use in the resale of residential real estate where there is all cash or owner financing, an assumption of an existing loan or a conventional loan. Standard Contract Form TREC No. 21-0 is promulgated for use in the resale of residential real property where there is a Veterans Administration guaranteed loan or a Federal Housing Administration insured loan. **Forms approved or promulgated by the commission shall be reproduced from numbered proofs obtained from the commission, from printed copies made from proofs obtained from the commission, or from legible photocopies made from such proofs or printed copies. The control number of each proof must appear on all forms reproduced from the proof. Forms shall not be reproduced by means of word processors, computers, optical scanners, or other similar devices of machines.** [Real estate licensees may supply themselves with the forms for their use in any way they desire. Copies may be purchased from the commission. For those who desire to reproduce a form in volume, slick proofs may be purchased from the commission. All slick proofs will be separately numbered for the purpose of control of reproduction. The control number on each proof must appear on all forms reproduced.] **When reproducing a form, additions or changes are prohibited, except that brokers,**

organizations or printing services may add their name and/or logo at the top of the form itself. Also, the real estate broker's name may be inserted on the front page of the form in the blank space provided after the words "BROKERS FEE" and the broker's name and license number may be printed in the signature section on the back page.

(b)-(g) (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 7, 1986.

TRD-8610590

Mark A. Moseley
Legal Counsel
Texas Real Estate
Commission

Earliest possible date of adoption:
December 19, 1986
For further information, please call
(512) 465-3960.

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TITLE 28. INSURANCE

Part I. State Board of Insurance

Chapter 5. Property and Casualty Insurance

Subchapter G. Workers' Compensation

Standards for Accident Prevention Services

★ 28 TAC §5.6104

The State Board of Insurance proposes an amendment to §5.6104, concerning annual statements certifying compliance with standards for accident prevention services by insurers who write workers' compensation insurance.

The amendment is necessary to obtain specific information in a form that will facilitate determinations concerning compliance by insurers with statutory requirements of accident prevention services. The amendment revises the form for the certificate of compliance that an insurer must file as a requirement for writing workers' compensation insurance in Texas. The revision asks for information concerning expenditures for accident prevention facilities and field safety representatives and for information concerning the amount of workers' compensation insurance written during the relevant calendar year. Comparison of this information is useful for determinations concerning compliance with statutory requirements of accident prevention services reasonably commensurate with risks, exposures, and experience of policyholders.

If the board decides to adopt this amendment, this amended section will contain the number of the board order adopting

the amendment in the place where the proposed text refers to "Board Order XXXXX."

Interested persons can obtain a copy of the form for the certificate of compliance, as proposed, from the chief clerk of the State Board of Insurance, 406 State Insurance Building, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

Dixie Evatt, director, Research and Information Services, 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. Evatt 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 facilitation of determinations concerning compliance by insurers with statutory requirements of accident prevention services. 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 Nicholas Murphy, Chief Clerk, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

The amendment is proposed under the Insurance Code, Article 5.76-1, which authorizes the State Board of Insurance to promulgate reasonable rules and regulations for the enforcement of requirements that any insurer writing workers' compensation insurance in Texas shall provide accident prevention facilities and shall render accident prevention services for policyholders.

§5.6104. Annual Statements.

(a) The State Board of Insurance directs that each insurer writing workers' compensation insurance in Texas file with its annual state the certificate of compliance required by Board Order XXXXX of the State Board of Insurance [as revised in 1986, incorporated herein by reference]. A copy of the form for the certificate of compliance is attached to Board Order XXXXX, which adopts, requires, and incorporates by reference this form for certification of compliance under this section. This form may be obtained from the Corporate Custodian and Tax Division, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

(b) (No change.)

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

Issued in Austin, Texas, on November 6, 1986

TRD-8610615

Nicholas Murphy
Chief Clerk
State Board of Insurance

Earliest possible date of adoption:
December 19, 1986
For further information, please call
(512) 463-6327

TITLE 34. PUBLIC FINANCE
Part I. Comptroller of Public Accounts
Chapter 1. Central Administration
Practice and Procedure

★34 TAC §1.12

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

The Comptroller of Public Accounts proposes an amendment to §1.12, concerning motions to set. The amendment notifies parties who need more than two hours in which to present their case that they must request an extended hearing at the time the motion to set is filed. The motion must set out good cause.

This amendment is proposed to allow a greater number of hearings to be held and to reduce the present number of hearings. It has been determined that the change will result in an increase in the speed and efficiency of the administrative hearings process, thereby speeding up the collection of tax revenue.

John Moore, director of comptroller's economic analysis center, 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. Moore also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a streamlined process of handling these issues and a speedier hearings pro-

cess. 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 Wade Anderson, Executive Counsel, P.O. Box 13528, Austin, Texas 78711.

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

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 7, 1986

TRD-8610555 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption
December 19, 1986
For further information, please call
(512) 463-4004.

★ ★ ★

★34 TAC §1.21

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

The Comptroller of Public Accounts proposes an amendment to §1.21, concerning the method of conducting hearings. The amendment limits the length hearings to two hours unless a request for an extended hearing is made in writing at the time the motion to set is filed. Additionally, the amendment provides that the administrative law judge may allow the parties to file

proposed findings of fact after the record has closed

The amendment is proposed to allow a greater number of hearings to be held and to reduce the present number of hearings. It has been determined that the change will result in an increase in the speed and efficiency of the administrative hearings process, thereby speeding up the collection of tax revenue

John Moore, director of the comptroller's economic analysis center, 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 Moore also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a streamlined process of handling these issues and a speedier hearings process. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Wade Anderson, Executive Counsel, P.O. Box 13528, Austin, Texas 78711.

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

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 7, 1986

TRD-8610556 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption:
December 19, 1986
For further information, please call
(512) 463-4004

★ ★ ★

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 19. EDUCATION Part II. Texas Education Agency Chapter 53. Regional Education Service Centers

The Texas Education Agency adopts the repeal of §§53.1-53.4, 53.21-53.25, 53.27-53.38, 53.51, and 53.52, without changes to the proposed text published in the September 30, 1986, issue of the *Texas Register* (11 TexReg 4099).

The repealed sections do not reflect the state plan for regional education service centers, adopted by the State Board of Education in May 1986. In addition, they contain language pertaining to management and service audits of service centers by the Central Education Agency, which have now been transferred to Chapter 109.

The repeals permit the adoption of new Chapter 53, Subchapters A and B, adopted elsewhere in this issue.

No comments were received regarding the repeals.

Subchapter A. Authorization

★ 19 TAC §§53.1-53.4

The repeals are adopted under the Texas Education Code, §11.32, which authorizes the State Board of Education to make rules concerning the establishment and operation of regional education service centers.

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 10, 1986

TRD-8610631 W. N. Kirby
Commissioner of
Education

Effective date: December 1, 1986
Proposal publication date: September 30, 1986
For further information, please call
(512) 463-9212

Subchapter C. Services Program

★ 19 TAC §§53.51, §53.52

The repeals are adopted under the Texas Education Code, §11.32, which authorizes the State Board of Education to make rules

concerning the establishment and operation of regional education service centers.

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 10, 1986.

TRD-8610635 W. N. Kirby
Commissioner of
Education

Effective date: December 1, 1986
Proposal publication date: September 30, 1986
For further information, please call
(512) 463-9212.

Subchapter B. Administration and Operation

★ 19 TAC §§53.21-53.25, 53.27-53.38

The repeals are adopted under the Texas Education Code, §11.32, which authorizes the State Board of Education to make rules concerning the establishment and operation of regional education service centers.

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 10, 1986

TRD-8610633 W. N. Kirby
Commissioner of
Education

Effective date: December 1, 1986
Proposal publication date: September 30, 1986
For further information, please call
(512) 463-9212

★ ★ ★

The Texas Education Agency adopts new §§53.1-53.3 and 53.21-53.25. New §53.22 is adopted with changes to the proposed text published in the September 30, 1986, issue of the *Texas Register* (11 TexReg 4100). The rest of the new sections are adopted without changes and will not be republished.

The new sections reflect the state plan for regional education service centers, adopted by the State Board of Education in May 1986. They promote closer relationships between service centers and institutions of higher education and provide for greater accountability on the part of service centers.

New §53.1 specifies that regional education service centers will establish and maintain close working relationships with institutions of higher education, rather than merely utilizing their resources. New §53.2 states that the services to be provided by service centers are specified in the state plan for regional education service centers. New §53.3 provides for the periodic review of service center locations and boundaries by the State Board of Education. New §53.23 specifies that service center fiscal records and accounting must follow the principles and policies contained in Bulletin 679, *Financial Accounting Manual*. New §53.24 provides for the annual review of each service center budget. New §53.25 adds to the previous list of sanctions the commissioner may impose whenever he determines that a service center is operating in substantial violation of law a sanction that he may direct the service center board of directors to withhold the executive director's salary. In addition, procedures governing management and service audits of service centers, previously contained in Chapter 53, have been transferred to §§109.21, 109.24, and 109.25, which have been amended.

Section 53.22(a) was changed to add language to require each service center board of directors to adopt policies for the effective recruitment of minorities with the objective of obtaining a qualified professional staff that reflects the ethnic composition of the professional staff of the public schools of Texas.

Comments from regional education service centers concerning new sections were favorable.

The new sections are adopted under the Texas Education Code, §11.32, which authorizes the State Board of Education to make rules concerning the establishment and operation of regional education service centers.

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 10, 1986.

TRD-8610632 W. N. Kirby
Commissioner of
Education



★19 TAC §§53.21-53.25

The new sections are adopted under the Texas Education Code, §11.32, which authorizes the State Board of Education to make rules concerning the establishment and operation of regional education service centers.

§53.22. Staff.

(a) General provisions. The regional board of directors shall employ personnel as needed to carry out the functions of the center and to ensure its successful operation. Staffing structure shall be consistent with position titles and functions specified in the state plan. The board of directors shall adopt policies for effective minority recruitment with the objective of attaining a qualified professional staff is reflective of the ethnic composition of the professional staff of the public schools of Texas.

(b) Staff selection.

(1) The regional board of directors shall employ an executive director in accordance with the following procedures.

(A) The board notifies the commissioner of education that a vacancy exists.

(B) The board drafts a list of competencies it expects the executive director to possess. This will provide a guide for the board in identifying and employing the best possible applicant.

(C) The board drafts a job vacancy notice which includes the draft list of competencies and position qualifications.

(D) The board designates a search committee to assist with the initial steps in the selection process.

(E) The board sends the draft list of competencies, the job vacancy notice, and the list of search committee members to the commissioner of education for approval. As part of the approval process, the commissioner of education may meet with the board to review and revise documents as necessary.

(F) After approval, the job vacancy notices are distributed as follows:

- (i) commissioner of education;
- (ii) each of the 20 regional education service centers;
- (iii) each school district within the region; and
- (iv) other (optional).

(G) Notices of the job vacancy are posted for a period of at least 30 days from the date of the announcement, and applications are accepted during that time.

(H) All qualified applicants are given equal consideration, and no person shall be excluded on the grounds of race, religion, color, national origin, sex, handicap,

or age (except where handicap or age constitutes a bona fide impediment to the proper and efficient fulfillment of the duties of this position).

(I) The search committee narrows the field of applicants to three-five finalists and notifies the board. The board then provides the commissioner a list of all qualified candidates with the selected finalists identified. The commissioner may approve the list or may choose to interview the finalists prior to making a decision. If fewer than two finalists are approved by the commissioner, the board may direct the search committee to develop another list of finalists.

(J) Upon receipt of approval from the commissioner of education, the board initiates the final steps in the selection process.

(K) The board of directors as a whole interviews each of the finalists, selects the best qualified applicant, and notifies the commissioner of education of its decision.

(2) The board of directors confirms employment of other staff who are recommended by the executive director. Qualifications of personnel employed shall equal or exceed those which are required by school districts with similar duties and responsibilities. Professional personnel shall possess appropriate training, experience, and certification to perform assigned responsibilities and functions competently and effectively.

(3) Each regional education service center shall provide to the Central Education Agency an organization chart and personnel roster for each fiscal year.

(c) Salaries.

(1) An annual salary schedule including salary ranges for all positions shall be prepared according to provisions in the state plan for education service centers and approved by the education service center board of directors and submitted each year to the commissioner of education.

(2) Salary ranges, including fringe benefits, for executive directors shall be established by the commissioner of education in consultation with the regional board of directors. The salary range will take into consideration the size of the service center operation and the salaries of superintendents in the region.

(3) Employees of the regional education service center shall be eligible to contribute to and participate in the Teacher Retirement System of Texas.

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 10, 1986

TRD-8610634

W. N. Kirby
Commissioner of
Education



Chapter 81. Instructional Resources
Subchapter D. State Textbook Program
Special Textbooks

★19 TAC §81.179

The Texas Education Agency adopts new §81.179, with changes to the proposed text published in the September 26, 1986, issue of the *Texas Register* (11 TexReg 4062).

In response to public comment on the proposed section, language was added to subsection (b) to clarify that permission for audiotaping of books shall be consistent with existing copyright requirements.

The new section helps ensure that instructional materials can be provided to students in audiotape form when materials in this medium may be more helpful to them.

The new section requires publishers of textbooks adopted by the State Board of Education to grant permission to the state to have reproduced textbooks on audiotape without penalty or royalty. Currently §81.171(c) requires publishers to grant similar permission for textbooks to be transcribed into braille, large type, and any other medium for blind and visually impaired students. The new section extends to each local school district authority to reproduce any state-adopted textbook that has been adopted by the local board of education and ordered for use in that district. Districts are prohibited from making available for sale copies of a textbook reproduced on audiotape.

One publisher expressed concern about permission for reproduction of portions of textbooks in which original works are used by permission of authors or the estates of authors, such as literature anthologies. In response, the section was amended to clarify that permission granted under the section shall be consistent with existing copyright requirements.

The new section is adopted under the Texas Education Code, §12.24, which authorizes the State Board of Education to adopt textbooks for use in public schools of the state.

§81.179. *Reproduction of Textbooks on Audiotape.*

(a) Publishers shall grant permission to the state to have textbooks reproduced on audiotape without penalty or royalty. Textbooks or portions of textbooks reproduced on audiotape under the provisions of this section shall be used to provide an alternative instructional medium for students.

(b) Publishers shall grant permission, consistent with existing copyright requirements, to each local education agency to have reproduced on audiotape a textbook or portion of a textbook which is under current adoption and use by the local district.

(c) Textbooks or portions of textbooks reproduced on audiotapes under the provisions of the section may not be made available for sale by the local education agency.

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 10, 1986.

TRD-8610636 W N Kirby
Commissioner of
Education

Effective date December 1, 1986
Proposal publication date September 26, 1986
For further information, please call
(512) 463-9212

★ ★ ★

**Chapter 89. Adaptations for
Special Populations
Subchapter G. Special Education
Clarification of Provisions in
Federal Regulations and State
Law**

★ 19 TAC §89.240

The Texas Education Agency adopts an amendment to §89.240, without changes to the proposed text published in the September 26, 1986, issue of the *Texas Register* (11 TexReg 4062)

Previously, the commissioner of education had a prominent role in special education due process. It is now appropriate that referral for placement in the Texas School for the Blind and Texas School for the Deaf be left in the hands of local admission, review, and dismissal (ARD) committees. In the case of the Texas School for the Deaf, students may also receive educational services if admitted into the school as per the Texas Education Code, §11.032(c)(1)-(3)

The amendment removes the commissioner's authority to refer students into consideration for placement at the Texas School for the Blind or the Texas School for the Deaf

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules concerning the Foundation School Program, and §16.151, which includes special education as part of the Foundation School 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.

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TRD-8610637 W N Kirby
Commissioner of
Education

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

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**Chapter 109. Budgeting,
Accounting, and Auditing
Subchapter B. Central Education
Agency Audit Functions**

★ 19 TAC §§109.21, 109.24, 109.25

The Texas Education Agency adopts amendments to §§109.21, 109.24, and 109.25, without changes to the proposed text published in the September 26, 1986, issue of the *Texas Register* (11 TexReg 4063).

In July 1986, the Management and Services Division was merged with the Divisions of Education Service Centers and the Division of Audits. As a result, the Division of Audits became the entity responsible for performing management and service audits and for reviewing independent audits of regional education service centers. Previously, audits of regional education service centers were addressed in Chapter 53, which was revised in view of the state plan for regional education service centers adopted by the State Board of Education in May 1986

The amendments bring all audit functions, including those for regional education service centers, under Chapter 109

No comments were received regarding adoption of the amendments

The amendments are adopted under the Texas Education Agency, §11.26, which authorizes the State Board of Education to make rules concerning Central Education Agency audit functions

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 10, 1986.

TRD-8610638 W N Kirby
Commissioner of
Education

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

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**Chapter 141. Teacher
Certification
Subchapter J. Requirements for
Issuance of Texas Certificate
Based on Certificates and
College Credentials from Other
States**

★ 19 TAC §141.181, §141.184

The Texas Education Agency adopts amendments to §141.181 and §141.184, without changes to the proposed text published in the September 26, 1986, issue of the *Texas Register* (11 TexReg 4063).

The amendments facilitate the entry into the teaching profession in Texas of fully qualified persons from other states.

The amendments permit the Central Education Agency to accept statements of eligibility issued by other state departments of education for purposes of Texas certification. Previously, applicants from states that no longer issue initial certificates to graduates of teacher education programs until the applicant has been employed in the schools of that state could not seek Texas certification based on out-of-state teacher preparation programs, since the sections specifically excluded acceptance of statements of eligibility in lieu of actual certificates.

No comments were received regarding adoption of the amendments

The amendments are adopted under the Texas Education Code, §13.032, which authorizes the State Board of Education to make rules concerning the issuing of teacher certificates

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 10, 1986

TRD-8610639 W N Kirby
Commissioner of
Education

Effective date December 1, 1986
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For further information, please call
(512) 463-9212

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**TITLE 22. EXAMINING
BOARDS**
**Part XXII. Texas State
Board of Public
Accountancy**
**Chapter 511. Certification as
CPA**

Exemption for Attorneys

★ 22 TAC §511.73

The Texas State Board of Public Accountancy adopts the repeal of §511.73, without changes to the proposed text published in the May 13, 1986, issue of the *Texas Register* (11 TexReg 2224)

The repeal is required to allow for the adoption of a new section, which provides for equal application of the requirements of passing one or more parts to gain credit by attorney-candidates for the business law part of the uniform CPA examination

No comments were received regarding adoption of the repeal

The repeal is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct relating to the granting of credit for candidates taking the uniform CPA examination

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

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

TRD-8610592 Bob E Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date. November 28, 1986
Proposal publication date May 13, 1986
For further information, please call
(512) 450-7066

★ ★ ★

The Texas State Board of Public Accountancy adopts new §511.73, with changes to the proposed text published in the May 13, 1986, issue of the *Texas Register* (11 TexReg 2224).

The new section is required to provide for equal application of the requirements that an examination candidate pass one or more parts of the uniform CPA examination before granting credit to attorneys for commercial and business law

Attorney-candidates for the CPA examination shall be deemed to have passed the commercial law affecting public accounting part of the examination at the time of first passing one or more parts of the examination.

No comments were received regarding adoption of the new section

The new section is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct relating to the granting of credit for candidates taking the uniform CPA examination.

§511.73. Exemption for Attorneys.

(a) Any examination candidate who meets the applicable educational requirements under the Act and who is duly enrolled as an attorney by the Supreme Court of Texas (an attorney-candidate) shall be given credit for the subject, commercial law affecting public accounting, without taking the written examination therefor

(b) For purposes of meeting the requirements for partial reexamination in §511.81 of this title (relating to Partial Reexamination) an attorney-candidate who, after the date on which an application for exemption is provided to the board, meets the requirements of subsection (a) of this section shall be deemed to have passed the commercial law affecting public accounting part of the examination at the time that the attorney-candidate first passes one or more other parts of the examination

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

Issued in Austin, Texas, on November 7, 1986

TRD-8610593 Bob E Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date November 28, 1986
Proposal publication date May 13, 1986
For further information, please call
(512) 450-7066

★ ★ ★

Mechanical or Other Aids

★ 22 TAC §511.74

The Texas State Board of Public Accountancy adopts the repeal of §511.74, without changes to the proposed text published in the May 13, 1986, issue of the *Texas Register* (11 TexReg 2224)

The repeal is required to allow for a new section, which provides for additional examination security by requiring a second picture I D or driver's license, to be displayed at the uniform CPA examination, with the board photo I D card.

The repeal allows for the adoption of the new section to provide added security for the uniform CPA examination

No comments were received regarding adoption of the repeal

The repeal is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct relating to the conducting and security of the uniform CPA examination.

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 7, 1986.

TRD-8610594 Bob E Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: November 28, 1986
Proposal publication date: May 13, 1986
For further information, please call
(512) 450-7066.

★ ★ ★

The Texas State Board of Public Accountancy adopts new §511.74, without changes to the proposed text published in the May 13, 1986, issue of the *Texas Register* (11 TexReg 2225).

The new section is required to insure that each candidate for the uniform CPA examination will possess a photo I.D. or drivers license, which will be matched with the board's photo I.D. to provide positive identification and insure exam security.

The new section requires that candidates possess and display at the uniform CPA examination a positive photo identification or drivers license, together with the board's exam card.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct relating to the conducting and security of the uniform CPA examination.

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

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

TRD-8610595 Bob E Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: November 28, 1986
Proposal publication date: May 11, 1986
For further information, please call
(512) 450-7066.

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Positive Identification

★22 TAC §511.88

The Texas State Board of Public Accountancy adopts the repeal of §511.88, without changes to the proposed text published in the May 13, 1986, issue of the *Texas Register* (11 TexReg 2225).

The repeal is required, as another section now includes the provision of positive identification of examination candidates. The repeal deletes provisions no longer applicable.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 41a-1, §(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct relating to the conducting and security of the uniform CPA examination.

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

Issued in Austin, Texas, on November 7, 1986

TRD-8610596

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

Effective date: November 28, 1986

Proposal publication date: May 13, 1986
For further information, please call
(512) 450-7066.

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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

Chapter 15. Drivers License Rules

Application Requirements

Original, Renewal, Duplicate, Identification Certificates

★37 TAC §15.23

The Texas Department of Public Safety adopts an amendment to §15.23, without changes to the proposed text published in the October 7, 1986, issue of the *Texas Register* (11 TexReg 4207)

The amendment allows applicants more flexibility in choosing how their names appear on their drivers licenses or identification cards.

The amendment adds language to paragraph (1), allowing a married woman to use her middle name as her first name if desired. Appropriate examples are also

updated. Public requests for this option were received.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 6687b, §1A, which authorize the Texas Department of Public Safety to adopt rules necessary to effectively administer the drivers license law.

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 10, 1986.

TRD-8610650

James B. Adams
Director
Texas Department of
Public Safety

Effective date: December 1, 1986

Proposal publication date: October 7, 1986
For further information, please call
(512) 465-2000.

★ ★ ★

Chapter 23. Vehicle Inspection Parameter Vehicle Emission Inspection and Maintenance Program

★37 TAC §23.91

The Texas Department of Public Safety adopts an amendment to §23.91, without changes to the proposed text published in the October 7, 1986, issue of the *Texas Register* (11 TexReg 4207).

The amendment clarifies the precise scope of the section.

The amendment changes the title of the section to properly specify the Parameter Vehicle Emission Inspection and Maintenance Program. Language is added to subsection (e), an exception for vehicles registered in El Paso county that must also be inspected under the Vehicle Idle Emissions Inspection and Maintenance Program. Language is also added to subsection (e) that provides an exception that vehicles registered in El Paso County and subject to the Vehicle Idle Emissions Inspection and Maintenance Program shall bear an inspection certificate with a green numeral insert.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 6701d, §141(c)(1) and §142(c)-(h), which authorize the Public Safety Commission to establish a Parameter Vehicle Emission Inspection and Maintenance Program for vehicles registered in any county in this state which does not meet national ambient air quality standards and for which the Texas Air Control Board has adopted a resolution requesting the Texas Department of Pub-

lic Safety to institute such a program. See also Attorney General Opinion JM138, dated March 16, 1984.

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 10, 1986.

TRD-8610651

James B. Adams
Director
Texas Department of
Public Safety

Effective date: December 1, 1986

Proposal publication date: October 7, 1986
For further information, please call
(512) 465-2000.

★ ★ ★

Parameter Vehicle Emissions Inspection and Maintenance Program

★37 TAC §23.92

The Texas Department of Public Safety adopts new §23.92, with changes to the proposed text published in the October 7, 1986, issue of the *Texas Register* (11 TexReg 4208).

The new section is adopted to reduce carbon monoxide produced by automobiles currently operating below minimum standards. The section is adopted with changes to subsection (a). One sentence is divided in two, and appropriate punctuation and language is added. The meaning of subsection (a) is not changed.

The new section establishes the Vehicle Idle Emissions Inspection and Maintenance Program for El Paso County, effective January 1, 1987, to reduce carbon monoxide emissions from automobiles. The Texas Air Control board, by Board Order 86-18, requested that the Texas Department of Public Safety establish an Idle Emissions Inspection and Maintenance Program for vehicles registered in El Paso County because El Paso County does not meet national ambient air quality standards. The program will be designed to facilitate the compliance of El Paso County with the Federal Clean Air Act. This new section requires inspection of 1975 and new-model-year passenger cars and light-duty trucks for excessive carbon monoxide emissions in addition to those items of inspection required in §23.91. The idle emissions inspection will be accomplished by use of a four-gas analyzer. An additional inspection fee is proposed and will be retained by the vehicle inspection station. Certain new vehicles that are sold in this state and that have not been registered previously are subject to an initial inspection and fee that expires at the end of two years.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 6701d, §141(c)(1) and §142(c)(h), which authorize the Public Safety Commission to establish any motor vehicle emissions inspection and maintenance programs required by federal law or by a rule or order adopted under federal law. The Texas Air Control Board adopted a resolution requesting the Texas Department of Public Safety to institute such a program. See also Attorney General Opinion JM-138, dated March 16, 1984

§23.92. Vehicle Idle Emissions Inspection and Maintenance Program.

(a) All 1975 and newer year model passenger cars and light-duty trucks currently registered and operated in El Paso County must be inspected, as part of, and at the time of, the required annual vehicle inspection and parameter vehicle inspection under the Vehicle Idle Emissions Inspection and Maintenance Program and the rules of the department applicable to the particular year model. A passenger car or light-duty truck that is sold in this state and has not been previously registered in this or another state, and on the date of sale is of the current or the immediately preceding year model, is subject to an initial inspection expiring at the end of two years.

(b) Certified inspectors in El Paso County must perform the vehicle idle emissions inspection and maintenance inspection on all 1975 and newer-year-model passenger cars and light-duty trucks presented for inspection which are currently registered in El Paso and any other designated county.

(c) Certified inspectors in El Paso County and any other designated county must perform the vehicle idle emissions inspection and maintenance inspection on all 1975 and newer-year-model passenger cars and light-duty trucks presented for inspection which are currently registered and operated in El Paso County, provided that the certified inspectors have completed the training for the Vehicle Idle Emissions Inspection and Maintenance Program and hold the department's current inspector's certificate for such training.

(d) In order to determine whether a vehicle is currently registered in El Paso County, certified inspectors in El Paso and Hudspeth Counties shall read the number code printed on the rear license plate validation sticker of each 1975 or newer-year-model passenger car or light-duty truck presented for inspection. The certified inspector shall compare said validation sticker number to the list of numbers assigned to the county tax collector as required. The Texas Department of Public Safety (DPS) will provide to each inspection station in the counties named in this subsection, a current list of validation sticker code numbers assigned to the appropriate county tax collector, which said list must be displayed in a manner as directed by the department. The procedures in this subsection shall be fol-

lowed by certified inspectors in El Paso and Hudspeth Counties to determine whether a vehicle is registered in El Paso County.

(e) Vehicles having been inspected under the Vehicle Idle Emissions Inspection and Maintenance Program and found to have met the requirements of such program in addition to all other vehicle inspection requirements will be passed by the certified inspector, who will thereafter affix to the windshield an inspection certificate with a green numeral insert designating the month in which the vehicle was inspected. The only valid inspection certificate for those vehicles subject to the Vehicle Idle Emissions Inspection and Maintenance Program shall be an inspection certificate with the appropriate and currently effective green numeral insert.

(f) A vehicle which is registered in El Paso County and which is otherwise subject to the Vehicle Idle Emissions Inspection and Maintenance Program need not display an inspection certificate with a green numeral insert if:

(1) the vehicle is both owned and operated by a person (or persons) who does not reside within any of the territorial boundaries of El Paso County; and

(2) the vehicle is operated within the territorial boundaries of El Paso County on not more than 15 days per calendar year.

(g) If a person claiming to be covered by subsection (f) of this section is prosecuted for operating a vehicle on the highways in El Paso County without displaying a valid inspection certificate, the defendant must prove by a preponderance of the evidence that the circumstances as provided in subsection (f) of this section exist

(h) All certified inspectors in El Paso and any other designated counties must complete the training for the Vehicle Idle Emissions Inspection and Maintenance Program and be trained and certified on the analyzer's operation by the analyzer manufacturer and receive certification from the Texas Department of Public Safety for such training. Certified inspectors in any other designated county of the state may receive the training and certification to conduct the vehicle idle emissions inspection and maintenance inspections for vehicles required to be so inspected.

(i) Only those certified inspectors who have completed the training for the Vehicle Idle Emissions Inspection and Maintenance Program and who have received certification for such training may perform the vehicle idle emissions inspection and maintenance inspections

(j) Certified inspectors in El Paso County who have been certified to perform the vehicle idle emissions inspection and maintenance inspections shall accurately complete forms provided by the department, including a notation of whether or not the inspected vehicle has had the idle emissions inspection performed in El Paso County. The form will also contain a space to note

whether the inspected vehicle was bearing a previously issued inspection certificate with a colored numeral insert.

(k) For the purposes of the Vehicle Idle Emissions Inspection and Maintenance Program, the term "passenger car" shall have the meaning ascribed to it by Texas Civil Statutes, Article 6701d, §2(j), except that motor vehicles powered by diesel fuel or any fuel other than gasoline or gasohol are not included in the meaning of the term "passenger car," if their design precludes the use of gasoline or gasohol without modification

(l) For purposes of the Vehicle Idle Emissions Inspection and Maintenance Program, the term "light-duty truck" means a motor vehicle with a gross weight of 8,500 pounds or less, which shall include, but not be limited to, pickup trucks, panel delivery trucks, and carry-all trucks, except that motor vehicles powered by diesel fuel or any fuel other than gasoline or gasohol are not included in the meaning of the term "light-duty truck" if their design precludes the use of gasoline or gasohol without modification.

(m) Specific inspection requirements for passenger cars and light-duty trucks in the Vehicle Idle Emissions Inspection and Maintenance Program are as follows.

(1) Only 1975 and newer-year-model vehicles will be inspected under this program. A vehicle's idle emissions standards shall be determined by the year model of the motor vehicle's chassis or motor vehicle's engine, whichever is the newer of the two, beginning with year model 1968.

(2) The exhaust emissions of all applicable vehicles shall be tested for carbon monoxide level.

(3) The test will be performed with the vehicle motor at idle only after completing the manufacturer's preconditioning requirements as necessary.

(4) The test shall be conducted by a certified idle emissions inspector.

(5) The test shall be conducted on an approved infrared four-gas exhaust gas emissions analyzer.

(6) The test results - pass/fail determination - will be made available as follows.

(A) One copy will be given to the motorist.

(B) One copy will be retained by the inspection station.

(7) If a vehicle fails the idle emissions testing or any other vehicle inspection procedure, and is not immediately repaired, a rejection receipt shall be issued which lists items for which the vehicle was rejected, along with a copy of the emissions test results. The certified inspector shall mark the back of the inspection certificate which is presently affixed to the vehicle's windshield with a large "X," using a laundry marking pen.

(8) The Vehicle Idle Emissions Inspection and Maintenance Program does allow for a temporary waiver system, pro-

vided the motorist has completed and shows proof to the Department of Public Safety of the completed required repairs. The DPS Vehicle Inspection Office in El Paso may issue a written temporary waiver for a specified vehicle to allow the owner additional time to complete the mandatory repair requirements of the program if the following conditions are met:

(A) the vehicle has failed the initial emissions inspection and the mandatory retest;

(B) all tampering has been corrected in accordance with the provisions of the Parameter Vehicle Inspection Program (Tampering is not included in the total cost adjustments.);

(C) repairs of all malfunctions authorized under the Federal Vehicle Design and Defects Warranty Program recalls or the Federal Vehicle Performance Warranty Program have been made; and

(D) all of the following reasonable repairs and adjustments have been satisfactorily performed and certified, in writing, to manufacturer's specifications:

(i) low emissions tune-up including timing and adjustment, spark plug replacement (if necessary), idle speed adjustment, fuel mixture adjustment (if applicable), and all other emission-related adjustments or replacements recommended by the vehicle manufacturer under normal maintenance procedures;

(ii) examination and replacement (if necessary) of the air cleaner filter;

(iii) examination and repair (if necessary) of the positive crankcase ventilation system and related components; and

(iv) diagnosis of any other malfunctions which may have resulted in, or contributed to, elevated concentrations of carbon monoxide above the applicable emission standard and repair of all malfunctions which, in combination with the repairs identified in paragraph (8)(D)(i)-(iii) of this subsection, have cost \$250 or less.

(9) Vehicles which have been issued a temporary waiver by the DPS Vehicle Inspection Office indicating that the previously mentioned conditions have been satisfied, and otherwise have passed all other inspection requirements, will be issued a punched inspection certificate. Certificates will not be reissued to such vehicles at the next annual inspection unless one of the following conditions is met:

(A) the vehicle passes all inspection requirements including an applicable idle emissions test; or

(B) the owner provides evidence to the DPS Vehicle Inspection Office in El Paso that all additional diagnosed malfunctions identified in paragraph (8)(D)(iv) of this subsection which, when combined with the repair performed in accordance with paragraph (8)(D)(iv) of this subsection, costs less than or equal to \$450, have been properly repaired and certified, in writing, to manu-

facturer's specifications and that all of the annual maintenance requirements identified in paragraph (8)(D)(i)-(iv) of this subsection have been recently performed. After meeting these requirements, a vehicle will receive another temporary waiver from the DPS Vehicle Inspection Office.

(n) The vehicle idle emissions inspection and maintenance fee is established, for the purposes of this section, as \$5.00, which is in addition to the statutory inspection fee. The additional fee shall be charged upon completion of the vehicle idle emissions inspection and maintenance inspection, whether or not the vehicle passed the inspection. For vehicles subject to an initial inspection that expires at the end of two years, as provided in subsection (a) of this section, the vehicle idle emissions inspection and maintenance fee is \$5.00, which is in addition to the statutory inspection fee.

(o) Pursuant to Texas Civil Statutes, Article 6701d, §141(f), willful failure to comply with these rules may result in revocation or suspension of an inspection station's certificate of appointment or the certified inspector's certificate.

(p) Pursuant to Texas Civil Statutes, Article 6701d, §140(g), any person operating on the highways in El Paso County, a passenger car or light-duty truck currently registered in that county and required by this section to be inspected under the Vehicle Idle Emissions Inspection and Maintenance Program, without the valid inspection certificate as described in subsection (e) of this section, may be subject to prosecution and, if convicted, may be punished by a fine in an amount not to exceed that set out in Texas Civil Statutes, Article 6701d, §143.

(q) Inspection certificates issued prior to the effective date of this section shall be valid and shall remain in effect until the expiration date thereof.

(r) The Public Safety Commission authorizes the Director of the Department of Public Safety to promulgate, publish, and distribute necessary manuals of instruction for the implementation of the Vehicle Idle Emissions Inspection and Maintenance Program in a manner not inconsistent with these rules. Such manuals shall be available for public inspection at reasonable times at offices of the department, as designated by the director, throughout the 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 10, 1986.

TRD-8610649 James B Adams
Director
Texas Department of
Public Safety

Effective date: December 1, 1986
Proposal publication date: October 7, 1986
For further information, please call
(512) 465-2000

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part IX. Texas Department on Aging

Chapter 251. Support Documents Statutes and Regulations

★ 40 TAC §§251.1-251.7

The Texas Department on Aging adopts amendments to §§251.1-251.7, without changes to the proposed text published in the October 10, 1986, issue of the *Texas Register* (11 TexReg 4236).

The amendments eliminate the previous address of the Texas Department on Aging, provide the new permanent address, and standardize the abbreviation of the Texas Department on Aging as TDOA.

These amendments will eliminate confusion regarding the present location of the Texas Department on Aging, and clarify the abbreviation of the TDOA.

No comments were received regarding adoption of the amendments

The amendments are adopted under the Human Resources Code, Chapter 101, which provides the Texas Department on Aging with the authority to promulgate 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-8610602 O. P. (Bob) Bobblitt
Executive Director
Texas Department on
Aging

Effective date: December 1, 1986
Proposal publication date: October 10, 1986
For further information, please call
(512) 444-2727.

★ ★ ★ Chapter 252. Private Donors

★ 40 TAC §252.1

The Texas Department on Aging adopts an amendment to §252.1, without changes to the proposed text published in the October 10, 1986, issue of the *Texas Register* (11 TexReg 4237).

This amendment is intended to correct the authorized abbreviation for the Texas Department on Aging throughout this section and throughout the Texas Administrative Code.

This amendment will remove confusion regarding the standard abbreviation to be used when referring to the Texas Department on Aging.

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 promulgate rules governing the operation 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-8610603 O P (Bob) Bobbitt
Executive Director
Texas Department on
Aging

Effective date: December 1, 1986
Proposal publication date. October 10, 1986
For further information, please call
(512) 444-2727

★ ★ ★

Chapter 253. State Aging Plan

★40 TAC §253.1

The Texas Department on Aging adopts an amendment to §253.1, without changes to the proposed text published in the October 10, 1986, issue of the *Texas Register* (11 TexReg 4238).

The purpose of amending this section is to correct the mailing address of the Texas Department on Aging as a result of moving to new facilities

This amendment will assure proper addressing of correspondence to the department and clarify the new location of the Texas Department on Aging.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, Chapter 1, which provides the Texas Department on Aging with the authority to promulgate rules governing the operation 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-8610604 O P (Bob) Bobbitt
Executive Director
Texas Department on
Aging

Effective date. December 1, 1986
Proposal publication date October 10, 1986
For further information, please call
(512) 444-2727

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Chapter 255. State Delivery Systems

Planning and Service Area Designation

★40 TAC §255.11, §255.12

The Texas Department on Aging adopts amendments to §255.11 and §255.12, without changes to the proposed text published in the October 17, 1986, issue of the *Texas Register* (11 TexReg 4298)

The amendments clarify the TDoA's responsibility to designate as planning and service areas units of general purpose local governments which have certain characteristics

The amendments will provide a clearer understanding of the requirements to designate general purpose local governments as planning and service areas as appropriate.

No comments were received regarding adoption of the amendments.

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

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

Issued in Austin, Texas, on November 7, 1986

TRD-8610605 O P (Bob) Bobbitt
Executive Director
Texas Department on
Aging

Effective date: December 1, 1986
Proposal publication date: October 17, 1986
For further information, please call
(512) 444-2727.

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Chapter 257. Hearing Procedures

Appeal Procedures for Service Providers and Applicants

★40 TAC §§257.73, 257.74, 257.79

The Texas Department on Aging adopts amendments to §§257.73, 257.74, and 257.79, without changes to the proposed text published in the October 31, 1986, issue of the *Texas Register* (11 TexReg 4479).

Amendments were required to reflect the new planning periods for the area agencies on aging and to correct misspelled words which did not reflect the intent of the sections

The sections as amended will provide a better understanding of the requirements and intent of department policy regarding area plan submission and handling of hearings

No comments were received regarding adoption of the amendments

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

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-8610606 O P (Bob) Bobbitt
Executive Director
Texas Department on
Aging

Effective date December 1, 1986
Proposal publication date. October 31, 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 Alcoholic Beverage Commission

Monday, November 24, 1986, 1:30 p.m. The Texas Alcoholic Beverage Commission will meet in the Hearing Room, Third Floor, 1600 West 38th Street, Austin. According to the agenda, the commission will approve the minutes of the October 27, 1986, meeting; hear the administrator's and staffs' report of agency activity; and approve the affidavit of destruction of tested alcoholic beverages.

Contact: W. S. McBeath, P.O. Box 13127, Austin, Texas 78711, (512) 458-2500.

Filed: November 10, 1986, 1:19 p.m.
TRD-8610622

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Texas School for the Blind

Friday, November 21, 1986, 9:30 a.m. The Local Board of Trustees of the Texas School for the Blind will meet at 1100 West 45th Street, Austin. Items on the agenda include approval of minutes; presentation of business requiring local board approval, including consultant contracts, the Textbook Committee, brochure proposal—legacy budget, year-book proposal—legacy budget; business for information purposes; the report of special committees; audiences with individuals or committees wishing to make a report or request; and report or discussions from board members.

Contact: Ann Kennedy, 1100 West 45th Street, Austin, Texas 78756, (512) 454-8631, ext 133.

Filed: November 10, 1986, 10:38 a.m.
TRD-8610616

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Texas Department of Corrections

Monday, November 17, 1986, 1 p.m. The Prison Industrial Advisory Committee of the Texas Department of Corrections met in emergency session in the conference room,

815 11th Street, Huntsville. According to the agenda, the committee approved officers, considered board member items and staff items. The emergency status was necessary because commission action was required prior to normal ten-day posting period.

Contact: Larry Kyle, P.O. Box 90, Huntsville, Texas 77340, (409) 295-6371, ext. 1188.

Filed: November 13, 1986, 9:47 a.m.
TRD-8610723

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Interagency Council on Early Childhood Intervention

Tuesday, November 18, 1986, 1:30 p.m. The Interagency Council on Early Childhood Intervention will meet in the First Floor Conference Room, Texas Department of Health, 1101 East Anderson Lane, Austin. According to the agenda summary, the council will review and approve the minutes of the October 27, 1986, meeting; hear an update on the status of Brazoria County Center for the Retarded (BCCR) hearing (schedule council meeting date to make final decision), consider the recommendation on rule change; review the summary comments on health program standards; review fiscal issues relating to contracts; review the Waiver Committee's recommendation on South Texas Children's Habilitation Center's request for waiver of program standards; hear a report on the Legislative Budget Board presentation; and consider educational issues related to fiscal year 1988-1989 request.

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

Filed: November 10, 1986, 11:15 a.m.
TRD-8610614

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Texas Economic Development Commission

Wednesday, November 19, 1986, 1:30 p.m. The Review Committee of the Texas World Trade Development Authority will meet in emergency session in the Lieutenant Governor's Committee Room 220, State Capitol, Austin. According to the agenda, the committee will review proposals from bond counsel; review proposals from financial advisor; and review proposals from financial underwriter. The emergency status is necessary because the committee needs to review and expedite the selection of the underwriter, financial advisor, and bond counsel.

Contact: Sandy Harris, 410 East Fifth Street, Austin, Texas 78701, (512) 472-5059.

Filed: November 12, 1986, 2:44 p.m.
TRD-8610687

Thursday, November 20, 1986, 11:30 a.m. The Administration Committee of the Texas Economic Development Commission will meet on the Fifth Floor, Republic Bank, 130 East Travis, San Antonio. According to the agenda, the committee will act on prior minutes; hear the progress report on personnel policy adoption and training for managers on personnel policy; act on implementation of the Affirmative Action Plan; act on implementation of career ladder programs; and discuss TEDC organization and staffing. The committee also will meet in executive session to discuss personnel matters under Texas Civil Statutes, Article 6252-17, §2(e) to include a status report on the grievance action of a former employee and the status of a claim for unemployment compensation and the appeal of a Texas Employment Commission decision by a former employee.

Contact: Alexa Richter, 410 East Fifth Street, Austin, Texas 78701, (512) 472-5059.

Filed: November 12, 1986, 3:19 p.m.
TRD-8610602

Thursday, November 20, 1986. Committees of the Texas Economic Development Commission will meet in the Hyatt Regency

Hotel, 123 Losoya, San Antonio. Times, committees, and agendas follow.

1:30 p.m. The Long-Range Planning Committee will act on prior minutes; hear testimony on intrastate trucking regulations by TEXALID, Texas Motor Transportation Association, and Trammell Crow Company; discuss and possibly act on the intrastate trucking regulations; and review special legislative session and activities with the Speaker's Task Force on Economic Development.

Contact: Alexa Richter, 410 East Fifth Street, Austin, Texas 78701, (512) 472-5059.

Filed: November 12, 1986, 13: 1.m.9p
TRD-8610693

3 p.m. The Texas Small Business Industrial Development Corporation (TSBIDC) will approve the minutes from the September 23 and 29, 1986, meetings; consider final action on commission rules regarding the TSBIDC revenue bond programs; hear an update on TEXCAP Program; discuss and act on TEXCAP guidelines (adopted at the September 29, 1986, meeting in El Paso); consider amendments to bylaws of the TSBIDC; discuss and act on projects requesting bond resolutions, including Mita Copystar America, Inc., and Moulding Products; discuss and act on TSBIDC accounting system, administration, and expenditures; and select the next meeting site.

Contact: Wardaleen F. Belvin, 410 East Fifth Street, Austin, Texas 78701, (512) 472-5059.

Filed: November 12, 1986, 3:18 p.m.
TRD-8610694

4 p.m. The Rural Loan Committee will approve the agenda, and the tenant for Luling under the Rural Loan Act.

Contact: Katy Schultz, 410 East Fifth Street, Austin, Texas 78701, (512) 472-5059.

Filed: November 4, 1986, 59:p
TRD-8610698

Friday, November 21, 1986, 7 a.m. The Board of Commissioners of the Texas Economic Development Commission (TEDC) will meet in the Regency Ballroom, Hyatt Regency Hotel, 12 Losoya, San Antonio. According to the agenda summary, the board will have breakfast a 7 a.m. and begin the meeting at 9 a.m. The board will hear the TIDC report, executive director's report; act on prior minutes and financial statements; hear quarterly department reports; consider TEXCAP project guidelines and fees; consider TSBIDC bond programs (\$750,000 ceiling); consider emergency and proposed rules for IRB Program, the unit resolution for Mita Copystar America, Inc., unit resolution for Moulding Products, Inc.; hear the CAPITAL Program update, the Tax Reform Act update; approve the tenant for Luling under the Rural Loan Act; consider the TEXCEL Program briefing, the

briefing on results of special session; hear the report on Prospect Handling Committee, the first year status report on Film Commission as a division of the TEDC, Technology Training Board report, Administration Committee report, Long-Range Planning Committee report, World Trade Council report, and World Trade Authority report. The board also will meet in executive session to consider personnel matters.

Contact: Alexa Richter, 410 East Fifth Street, Austin, Texas 78701, (512) 472-5059.

Filed: November 12, 1986, 3:19 p.m.
TRD-8610695

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Texas Education Agency

Thursday, November 20, 1986. Committees of the Commission on Standards for the Teaching Profession of the Texas Education Agency will meet in Room 1-110, William B. Travis Building, 1701 North Congress Avenue, Austin. Times, committees, and agendas follow.

10 a.m. The Interim Reports Committee will consider interim reports from Bishop College and Schreiner College

Contact: Dr Edward M Vodicka, 1701 North Congress Avenue. Austin, Texas 78701, (512) 463-9337

Filed: November 10, 1986, 1 52 p.m.
TRD-8610624

11 a.m. The Committee on Membership will consider the recommendation of individuals for appointment and reappointment to membership.

Contact: Dr. Edward M. Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

Filed: November 10, 1986, 1:51 p.m.
TRD-8610625

1:30 p.m. The Committee on Standards and Procedures for Institutional Approval will hear the report on the Pilot Program in elementary education, with specialization in visually impaired at Stephen F. Austin State University, the report on the Pilot Program in generic special education at Texas A&M University; the report on the Pilot Program in generic special education at the University of Houston at Victoria; and consider the letter from Texas Tech University concerning the addition of a teaching field to a vocational agriculture or home economics certificate.

Contact: Dr. Edward M Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337

Filed: November 10, 1986, 1:51 p.m.
TRD-8610626

2:30 p.m. The Committee on Certification Programs and Requirements will hear the

status report on certification tests, the report on criteria for alternate certification; and consider individual programs (1984 standards) from Abilene Christian University, Midwestern State University, Tarleton State University, the University of Texas at Arlington, Southwestern Adventist College, and Stephen F Austin State University.

Contact: Dr. Edward M Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-93376.

Filed: November 10, 1986, 1:51 p.m.
TRD-8610627

Thursday, November 20, 1986, 6 p.m. The Committee of the Whole of the Commission on Standards for the Teaching Profession of the Texas Education Agency will meet in the Topaz-Palmwood Room, Embassy Suites Hotel, 300 South Congress Avenue, Austin. According to the agenda, the committee will hear the staff report on the review of 1984 standards by State Board of Education, and review and modification of 1984 standards.

Contact: Dr Edward M. Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337

Filed: November 10, 1986, 1:51 p.m.
TRD-8610628

Friday, November 21, 1986, 8:15 a.m. The Executive Committee of the Commission on Standards for the Teaching Profession of the Texas Education Agency will meet in Room 1-110, William B Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the committee will review agenda items with the committee chairmen.

Contact: Dr Edward M Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

Filed: November 10, 1986, 1:52 p.m.
TRD-8610629

Friday, November 21, 1986, 9 a.m. The Commission on Standards for the Teaching Profession of the Texas Education Agency will meet in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the commission will adopt the agenda; approve the minutes of October 24, 1986, minutes; consider information items; and hear committee reports from Interim Reports, Membership, Standards and Procedures for Institutional Approval, Certification Programs and Requirements, and Committee of the Whole.

Contact: Dr. Edward M Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

Filed: November 10, 1986, 1:52 p.m.
TRD-8610630



Texas Employment Commission

Wednesday, November 19, 1986, 8:30 a.m. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will consider prior meeting notes, internal procedures of commission appeals, consider and act on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 46, and set the date of next meeting.

Contact: Courtenay Browning, 101 East 15th Street, Austin, Texas 78778, (512) 463-2226.

Filed: November 10, 1986, 4:15 p.m.
TRD-8610657

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Texas Housing Agency

Wednesday, November 12, 1986, 10 a.m. The Board of Directors of the Texas Housing Agency made emergency additions to the agenda for a meeting held in Suite 700, 411 West 13th, Austin. The additions concerned consideration and action on an application for reservation of a portion of the 1986 state ceiling available for private activity bonds to be used for mortgage credit certificates, and consideration and action on an election to issue mortgage credit certificates in lieu of issuing single family mortgage revenue bonds pursuant to a reservation of the 1986 state ceiling for such purpose. The emergency status was necessary because of items pertaining to a reservation of state ceiling for private activity bonds in compliance with Executive Order MW-40, dates November 10, 1986.

Contact: Dan McNeil, P O Box 13941, Austin, Texas 78711, (512) 475-0812.

Filed: November 12, 1986, 7:48 a.m.
TRD-8610680

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Texas Department of Human Services

Friday, November 21, 1986, 9:30 a.m. The Texas Council of Child Welfare Boards of the Texas Department of Human Services will meet in Classroom 1, Second Floor, West Tower, 701 West 51st Street, Austin. According to the agenda summary, the council will hear a report from the state office, a legislative information report, Issues Committee report, Telephone Committee report, and committee reports on education and public information, consider committee meetings; and hear closing announcements.

Contact: Shirley Richburg, P.O. Box 2960, Austin, Texas 78757, (512) 450-3447.

Filed: November 12, 1986, 9:35 a.m.
TRD-8610681

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Texas Industrial Accident Board

Monday, November 17, 1986, 9:30 a.m. The Texas Industrial Accident Board met in Room 107, Bevington A Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board discussed the adoption of the rate of assessment on gross premiums; and considered revising present interpretation of Board Rule 28 TAC §41.10 (061.01.00.015), in compliance with Attorney General's Opinion JM-421. The board also met in executive session to review board files pursuant to the workers' compensation statute.

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

Filed: November 12, 1986, 3:45 p.m.
TRD-8610691

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State Board of Insurance

The Commissioner's Hearing Section will meet at 1110 San Jacinto Street, Austin. Days, times, rooms, and dockets follow.

Tuesday, November 18, 1986, 9 a.m. In Room 342, the section will consider Docket 9380—application of NAC Holding Corporation, a Delaware corporation, to acquire control of Home Security Life Insurance Company, Dallas.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: November 10, 1986, 2:29 p.m.
TRD-8610640

Tuesday, November 18, 1986, 1:30 p.m. In the Education Room, First Floor, the section will consider Docket 9370—application of Daniel Balli Gonzales, Lubbock, for a Group I, legal reserve life insurance agent's license.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524

Filed: November 10, 1986, 2:30 p.m.
TRD-8610641

Tuesday, November 18, 1986, 1:30 p.m. In Room 353, the section will consider Docket 9379—application of William Tillman Heard to acquire control of Life Insurance Company of Texas, Dallas.

Contact: O. A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498

Filed: November 10, 1986, 2:30 p.m.
TRD-8610642

Thursday, November 20, 1986, 9 a.m. In Room 342, the section will consider Docket 9377—whether disciplinary action should be taken against David Lawrence Elliott, Dallas, who holds a Group II life, health,

and accident insurance agent's license issued by the State Board of Insurance.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

Filed: November 10, 1986, 2:30 p.m.
TRD-8610643

Thursday, November 20, 1986, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will consider board orders on several different matters; hear the fire marshal's report on personnel matters, the research and information services report on personnel matters, the commissioner's report on personnel matters; and consider pending and contemplated litigation.

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

Filed: November 12, 1986, 10:14 a.m.
TRD-8610684

The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Austin. Days, times, rooms, and agendas follow.

Thursday, November 20, 1986, 1:30 p.m. In Room 353, the section will consider Docket 9371—application of Karen Walton Arnold, Corpus Christi, for a solicitor for local recording agent's license.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: November 10, 1986, 2:30 p.m.
TRD-8610644

Thursday, November 20, 1986, 3 p.m. In Room 342, the section will consider Docket 9386—application for amendment to the restated articles of incorporation of Underwriters Indemnity Company, Houston, increasing the number of authorized shares of stock.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

Filed: November 10, 1986, 2:30 p.m.
TRD-8610645

Friday, November 21, 1986, 9 a.m. In Room 342, the section will consider Docket 9384—whether disciplinary action should be taken against Todd Norman Novak, Dallas, who holds a Group II, health, life, and accident insurance agent's license and a legal reserve life insurance agent's license issued by the State Board of Insurance.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

Filed: November 10, 1986, 2:30 p.m.
TRD-8610646

Friday, November 21, 1986, 1:30 p.m. In Room 342, the section will consider Docket 9392—appointment of Commonwealth Managing General Agency, Inc., Houston, by Savers Annuity Insurance Company, Hurst, to act as its managing general agent.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524

Filed: November 10, 1986, 2:30 p.m.
TRD-8610647

Monday, November 24, 1986, 9 a.m. In Room 342, the section will consider Docket 9382—application of Protective Life Corporation to acquire control of Central Security Life Insurance Company, Fort Worth.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: November 10, 1986, 2:31 p.m.
TRD-8610648

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Texas Advisory Commission on Intergovernmental Relations

Friday, November 21, 1986. Committees of the Texas Advisory Commission on Intergovernmental Relations will meet in Room 102, John H. Reagan Building, 105 West 15th Street, Austin. Times, committees, and agendas follow.

8:30 a.m. The Special Committee on Operations and Funding will review the fiscal year 1987 finances, and consider potential new grants and contracts.

Contact: Jay G. Stanford, P.O. Box 13206, Austin, Texas 78711, (512) 463-1812.

Filed: November 10, 1986, 4:17 p.m.
TRD-8610659

9:30 a.m. The New Federalism Committee will consider progress reports, including productivity and management, high-level radioactive waste issues, low-level radioactive waste issues, and the State Data Center.

Contact: Jay G. Stanford, P.O. Box 13206, Austin, Texas 78711, (512) 463-1812.

Filed: November 10, 1986, 4:18 p.m.
TRD-8610660

9:30 a.m. The State-Local Issues Committee will hear progress reports on the following projects: Dallas Alliance/Intergroup Relations, Risk Management for Regional Councils, Cancer/Indigent Health Care, Education of Juveniles in Detention, and 9-1-1 Emergency Communications.

Contact: Jay G. Stanford, P.O. Box 13206, Austin, Texas 78711, (512) 463-1812.

Filed: November 10, 1986, 4:18 p.m.
TRD-8610661

10:30 a.m. The Commission will hear the executive director's report, committee reports, including the Operations and Funding Committee, State-Local Issues Committee and New Federalism Committee; and possible actions regarding modification of current and future budgets and proposals, the initiation or modification of grants and contracts for commission projects, and the publication of project reports will be considered by committees.

Contact: Jay G. Stanford, P.O. Box 13206, Austin, Texas 78711, (512) 463-1812.

Filed: November 10, 1986, 4:17 p.m.
TRD-8610662

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Texas Department of Labor and Standards

Wednesday, November 12, 1986, 9 a.m. The Labor, Licensing, and Enforcement and Manufactured Housing Division of the Texas Department of Labor and Standards met in emergency session in Room 105, E. O. Thompson Building, 920 Colorado Street, Austin. According to the agenda, the division will consider license and registration, suspensions and alleged violations of various rules and regulations of the department concerning Boxer Leonard Washington and consumer complaint Hernandez. The emergency status was necessary because of rules which jeopardize individual safety and the public's welfare under Texas Civil Statutes, Article 5221f and Article 8501-1.

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

Filed: November 10, 1986, 10:59 a.m.
TRD-8610613

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Texas State Library and Archives Commission

Friday, November 21, 1986, 9:30 a.m. The Texas State Library and Archives Commission will meet in Room 314, Lorenzo De Zavala Archives and Library Building, 1201 Brazos Street, Austin. According to the agenda, the commission will approve the minutes of the July 10 and October 10, 1986, meetings; elect the commission vice-chairman; hear status reports on the transfer of records from Texas Christian University to the University of Texas at Arlington depository, records center construction project, agency's long-range plan and Automation Steering Committee, and the return of archival documents from the Hall of State, and hear committee reports. The commission also will meet in executive session to discuss personnel matters.

Contact: Dorman H. Winfrey, P.O. Box 12927, Austin, Texas 78711, (512) 463-5460.

Filed: November 13, 1986, 8:03 a.m.
TRD-8610701

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Texas State Board of Public Accountancy

Wednesday, November 19, 1986, 9 a.m. The Continuing Education Panel of the Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. According to the agenda, the panel will conduct hearings for licensees who are not in compliance with Rule 5011 25, Mandatory Continuing Education.

Contact: Bob E. Bradley, Suite 340, 1033 La Posada, Austin, Texas 78752-3892, (512) 451-0241.

Filed: November 10, 1986, 4:35 p.m.
TRD-8610672

Friday, November 21, 1986, 9 a.m. The Executive Committee of the Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. According to the agenda, the committee will review the status of the Constructive Enforcement Program; discuss the assignment of board representation of the attorney general's office; review the 1986 annual report, and consider other matters coming before the board.

Contact: Bob E. Bradley, Suite 340, 1033 La Posada, Austin, Texas 78752-3892, (512) 451-0241

Filed: November 10, 1986, 4:34 p.m.
TRD-8610673

Friday and Saturday, November 21 and 22, 1986, 1 p.m. and 10 a.m. The Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin on Friday, and the Frank Erwin Special Events Center on Saturday. According to the agenda summary, the board will approve the minutes of the October board meeting; hear reports from the Examination Committee, the Committee on Technical Standards Review, Enforcement Committee, Executive Committee, and Continuing Education Committee, Long-Range Planning Committee; consider final adoption of substantive rules; review requests for attorney general opinions; review board financial condition, board litigation, ratify board orders, consent orders, and proposals for decision; review plans for the November 22 swearing-in ceremony; review board communications and future meeting and hearing schedules; and conduct the swearing-in ceremony for new CPA's.

Contact: Bob E. Bradley, Suite 340, 1033 La Posada, Austin, Texas 78752-3892, (512) 451-0241.

Filed: November 10, 1986, 4:35 p.m.
TRD-8610674

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Texas Department of Public Safety

Thursday, November 20, 1986, 10 a.m. The Public Safety Commission of the Texas Department of Public Safety (DPS) will meet in the Commission Room, DPS Headquarters, 5805 North Lamar Boulevard, Austin. According to the agenda, the commission will approve the minutes; conduct an appeal hearing of discharged employee, consider budget matters, miscellaneous, and other unfinished business.

Contact: James B. Adams, 5805 North Lamar Boulevard, Austin, Texas 78773, (512) 465-2000, ext. 3700.

Filed: November 10, 1986, 1:26 p.m.
TRD-8610623

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Public Utility Commission of Texas

Friday, November 14, 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—application of Southwestern Bell Telephone Company for authority to implement rates for IntraLATA service provided over multi-jurisdictional WATS access lines. (Appeal of examiner's order dated October 30, 1986—State Purchasing and General Services Commission). Issue considered was whether time for ruling on the appeal should be extended. The emergency status was necessary in order to preserve commission authority of issues in the appeal

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

Filed: November 12, 1986, 3 p.m.
TRD-8610690

Wednesday, November 19, 1986, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will conduct a prehearing conference in Docket 7167—application of El Paso Electric Company for authority to refund an overrecovery of fuel cost revenues and to set interim fuel factors.

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

Filed: November 10, 1986, 4:34 p.m.
TRD-8610671

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School Land Board

Tuesday, November 18, 1986, 10 a.m. The School Land Board will meet in Room 831, General Land Office, Stephen F. Austin Building, Austin. According to the agenda,

the board will approve the minutes of the previous board meeting; consider pooling applications, lease suspension applications, land trade in Matagorda County, excess acreage applications, coastal public lands easement applications, lease applications, and commercial lease applications.

Contact: Linda K. Fisher, Room 836, 1700 North Congress Avenue, Austin, Texas 78701, (512) 463-5016.

Filed: November 10, 1986, 4:13 p.m.
TRD-8610655

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Board for Lease of State-Owned Lands

Wednesday, November 19, 1986, 3:30 p.m. The Board for Lease of Texas Parks and Wildlife Lands of the Board for Lease of State-Owned Lands will meet in Room 883, General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will approve the minutes of the previous board meeting and consider the easement application renewal.

Contact: Linda K. Fisher, Room 836, 1700 North Congress Avenue, Austin, Texas 78701, (512) 463-5016

Filed: November 10, 1986, 4:12 p.m.
TRD-8610656

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Texas Tech University

Thursday, November 20, 1986. Committees of the Board of Regents of Texas Tech University and Texas Tech University Health Sciences Center will meet in the Board Suite, Administration Building, Texas Tech University campus, Lubbock Times, committees, and agendas follow.

1 p.m. The Academic and Student Affairs Committee will consider the appointment of the executive director for the Research Foundation, the granting of academic tenure with appointment, and reports. The committee also will meet in executive session.

The committee of Texas Tech University will consider the institutional plan for televised instruction; the ratification of establishing a center for the advancement of professional theatre training and applied research, a change in name of the School Consultation, Evaluation, and Counseling Center, and the conferral of degrees for the December 1986, commencement.

The committee of Texas Tech University Health Sciences Center will consider the granting of authority to president to confer degrees to those who complete the degree requirements out of sequence.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: November 13, 1986, 9:50 a.m.
TRD-8610720, 8610719

3 p.m. The Finance and Administration Committee will consider the revised fiscal 1987 annual operating budget, the increase in travel reimbursement from gift and grant funds, the annual investments report, the Board of Regents financial report, the policy on salary adjustments for 1987, the annual report on goals, and the audit report on TECHFIM. The committee also will meet in executive session.

The committee for Texas Tech University will consider the authorization for the administration to make plans for the sale of approximately \$5 million in additional Texas Tech University Housing System Revenue Bonds and to select a fiscal agent and a bond attorney to assist in the sale of such revenue bonds; approve the fee increase for students attending New Student Orientation Programs; and approve the financial exigency policy for Texas Tech University.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: November 13, 1986, 9:50 a.m.
TRD-8610717, 8610718

4:30 p.m. The Campus and Building Committee will hear reports and also meet in executive session.

The committee of Texas Tech University Health Sciences Center will consider the authorization for the president to proceed with planning, establish the project budget, and appoint a project architect for Phase IIA 5C Laboratories at the Health Sciences Center.

The committee of Texas Tech University will award construction contracts for Bid Package #1 of Campus Secondary Electrical Service, the computer room in the Advanced Technology Learning Center, and the second stack elevator in the Library Building; receive bids to renovate the Electrical Engineering Building, the Meats Laboratory relocation and demolish the old, renovate and expand studios work areas, and program offices of the Education Television Station, construct greenhouse for biology and renovate roof and two floors of the Biology Building, replace roofs of Chitwood, Weymouth, and Coleman Residence Halls, replace hot water supply lines in Chitwood and Weymouth Halls, replace hot water generators in Carpenter Hall, renovate three bathrooms in Wells Hall, renovate serving counters in Wells/Carpenter Residence Halls; appoint the project architect to renovate trash chute and fire stairs in Wiggins Complex and remodel Gordon Hall for apartments; and ratify the acceptance date for the Athletics Training Center.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: November 13, 1986, 9:51 a.m.
TRD-8610715, 8610716

Friday, November 21, 1986. Committees of the Board of Regents of Texas Tech University and Texas Tech University Health Sciences Center will meet in the Board Suite, Administration Building, Texas Tech University Campus, Lubbock. Times, committees, and agendas follow.

8 a.m. The Athletic Affairs Committee will consider the revision of Board Policy 10.04, Football Bowl Games. The committee also will meet in executive session.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: November 13, 1986, 9:52 a.m.
TRD-8610710

8:30 a.m. The Development Committee will consider the report on the status of the Enterprise Campaign, the report of the Search Committee for the vice president of development, and other reports

The committee of Texas Tech University Health Sciences Center will appoint members to the Board of Directors of Texas Tech Medical Foundation.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: November 13, 1986, 9:51 a.m.
TRD-8610713, 8610714

9 a.m. The Public Affairs and University Relations Committee will hear reports. The committee also will meet in executive session.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: November 13, 1986, 9:51 a.m.
TRD-8610711, 8610712

9:15 a.m. The Committee of the Whole will consider reviews and reports. The committee also will meet in executive session.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: November 13, 1986, 9:52 a.m.
TRD-8610708, 8610709

10 a.m. The Board of Regents of Texas Tech University Health Sciences Center will consider the minutes; hear reports from Academic and Student Affairs, Finance and Administration, Campus and Building, and Development Committees; and consider other business. The board also will meet in executive session

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: November 13, 1986, 9:48 a.m.
TRD-8610722

11:05 a.m. The Board of Regents of Texas Tech University will consider the minutes; hear reports from Academic and Student Affairs, Finance and Administration, Campus and Building, and Development Committees; consider other business and athletic affairs.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: November 13, 1986, 9:49 a.m.
TRD-8610721

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Texas Water Commission

Wednesday, November 19, 1986, 2 p.m. The Texas Water Commission made a revision to the agenda for a meeting to be held in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The revision concerns the request by the City of Uvalde for order authorizing construction of wastewater treatment facilities in Uvalde County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7858.

Filed: November 10, 1986, 4:20 p.m.
TRD-8610663

Tuesday, January 13, 1987, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Agendas follow.

Consideration of Leonard and Mildred Baca No. 5105 who seek a permit to divert water directly from the Colorado River Basin, for irrigation of land in Fayette County.

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

Filed: November 10, 1986, 4:21 p.m.
TRD-8610664

Consideration on Phillips Coal Company No. 5106 which seeks a permit to construct and maintain a dam on an unnamed tributary of Bee Branch, tributary of Walnut Creek, tributary of Little Brazos River, tributary of the Brazos River, Brazos River Basin, to temporarily retain storm runoff and to retain sediments at the applicant's lignite mine Robertson County.

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

Filed: November 10, 1986, 4:21 p.m.
TRD-8610665

Consideration of Barbara Jean Murchison Coffman Trust (J.D.M. Trust 31) No. 5104 who seek a permit to construct a dam and reservoir on Catfish Creek, tributary of the Trinity River, Trinity River Basin, for recreational purposes on the applicant's land, Henderson County.

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

Filed: November 10, 1986, 4:21 p.m.
TRD-8610666

Consideration on G. W. Worth, Jr., and Wife, Darolyn J. Worth No. 5107 who seek a permit to maintain an existing dam and reservoir on an unnamed tributary of the Guadalupe River, Guadalupe River Basin, for irrigation in Kendall County.

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

Filed: November 10, 1986, 4:22 p.m.
TRD-8610667

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Texas Water Development Board

Wednesday, November 19, 1986, 10 a.m. The Texas Water Development Board will meet in the William Barton Room, Marriott Capitol Hotel, 701 East 11th Street, Austin. According to the agenda, the board will conduct a working session to be briefed on and discuss board programs. Areas to be considered are financial programs and funding alternatives for the board, 1987 legislative program, tax reform implications, the status report on progress of research grants, and use of consultants. The board also will meet in executive luncheon session to discuss personnel matters.

Contact: Charles E. Nemur, P.O. Box 13231, Austin, Texas 78711, (512) 463-7874.

Filed: November 10, 1986, 11:10 a.m.
TRD-8610620

Wednesday, November 19, 1986, 10:30 a.m. The Multi-State Water Resources Planning Commission of the Texas Water Development Board will meet in Room 513F, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will approve the minutes of the September 24, 1986, meeting; brief the Texas Water Development Board meeting of October 16, 1986, Interstate Compact Commissioners meeting of October 16 and 17, 1986; brief the interstate compacts, and the history of water rights in Texas; consider the budget and work program; discuss the possibility of conducting a multi-state forum on water problems and planning in the Southwest, and select the next meeting date.

Contact: Charles E. Nemur, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: November 10, 1986, 11:10 a.m.
TRD-8610621

Thursday, November 20, 1986, 9:30 a.m. The Texas Water Development Board will meet in Room 118, Stephen F. Austin Building, Austin. According to the agenda, the board will approve the minutes of the October 16, 1986, meeting; hear the development fund manager's report; consider the extension of loan commitments for the City of Bertram and the City of Olney, the annual budget of San Jacinto River Authority, financial assistance for the City of Laredo, City of Hackberry; consider allocating \$2,000,000 from the Water Assistance Fund to Research and Planning Fund, the regional water supply planning grant for Brazos River Authority, regional water supply and wastewater services plann-

ing grant for the City of Denton, Denton County Commissioner's Court, Denton County municipalities and City of Dallas, cooperative program between Texas Natural Resource Information System and U.S. Geological Survey for development of a Gazetteer of geographic names of Texas; consider proposed amendments to Chapter 363 of the board's rules, the contract with Employees Retirement System for office space, and the results of the logo contest.

Contact: Charles E. Nemur, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: November 12, 1986, 2:13 p.m.
TRD-8610684

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West Texas State University

Tuesday, November 18, 1986, 11 a.m. The Board of Regents of West Texas State University will meet in Room 211, Virgil Henson Activities Center, West Texas State University, Canyon. According to the agenda summary, the board will elect officers; appoint committees; consider business and finance items, including construction contracts, construction contracts-change orders, construction contracts permission to bid and award, legislative appropriation request, 1986-1987 operating budget adjustments; appoint Regent Tom Christian as interim director of Panhandle-Plains Historical Museum; hear the status report on the University Master Plan; and consider faculty and staff and curriculum items. The board also will meet in executive session to report on the president's residence any any action thereon.

Contact: Texas Smith, West Texas State University, Canyon, Texas 79016, (806) 656-3962.

Filed: November 10, 1986, 10:37 a.m.
TRD-8610617

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Regional Agencies

Meetings Filed November 10

The Bexar Appraisal District, Board of Directors, met at 535 South Main, San Antonio, on November 17, 1986, at 5 p.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511

The Mental Health and Mental Retardation Authority of Brazos Valley, Board of Trustees, will meet at 302 East 24th Street, Bryan, on November 20, 1986, at 1:30 p.m. Information may be obtained from Ann Pye-Shively, 707 Texas Avenue, Suite 225C, College Station, Texas 77840, (409) 822-6467.

The Dallas Area Rapid Transit, Minority Affairs Committee, and the Audit Committee

met at 601 Pacific Avenue, Dallas, on November 11, 1986, at 4 p.m. and 5 p.m., respectively. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Denton Central Appraisal District, Appraisal Board, will meet at 3911 Morse, Denton, on November 20, 1986, at noon. Information may be obtained from John D. Brown, 3911 Morse, Denton, Texas 76205, (817) 566-0904

The Ellis County Tax Appraisal District, met at 406 Sycamore Street, Waxahachie, on November 13, 1986, at 7 p.m. Information may be obtained from Gray Chamberlain, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

The Central Appraisal District of Johnson County, Board of Directors, will meet at 109 North Main, Cleburne, on November 20, 1986, at 4:30 p.m. Information may be obtained from Don Gilmore, 109 North Main, Cleburne, Texas 76027, (817) 645-3986.

The Lee County Appraisal District, Appraisal Review Board, will meet at 218 East Richmond Street, Giddings, on November 20, 1986, at 9 a.m. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618

The Nortex Regional Planning Commission, Executive Committee, will meet in the Bounty Room, Trade Winds Motor Hotel, 1212 Broad Street, Wichita Falls, on November 20, 1986, at noon. Information may be obtained from Edwin B. Daniel, 2101 Kemp Boulevard, Wichita Falls, Texas 76309, (817) 322-5281

The Northeast Texas Municipal Water District, Board of Directors, met at Highway 250 South, Hughes Springs, on November 17, 1986, at 3 p.m. Information may be obtained from Homer Tanner, P.O. Box 955, Hughes Springs, Texas 75656, (214) 639-7538

The Palo Pinto Appraisal District, Board of Directors, will meet at the Courthouse, Palo Pinto, on November 19, 1986, at 3 p.m. Information may be obtained from Jack Sanford, P.O. Box 250, Palo Pinto, Texas 76072, (817) 659-3651.

The San Antonio River Authority, Board of Directors, will meet at 100 East Guenther Street, San Antonio, on November 19, 1986, at 2 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, San Antonio, Texas 78204, (512) 227-1373.

The South East Texas Regional Planning Commission, Executive Committee, will meet in City Council Chambers, Beaumont, on November 19, 1986, at 7 p.m. Information may be obtained from Jackie Vice, P.O.

Drawer 1387, Nederland, Texas 77627, (409) 727-2384.

The Swisher County Appraisal District, Appraisal Review Board, met at 130 North Armstrong, Tullia, on November 14, 1986, at 3 p.m. Information may be obtained from Rose Lee Powell, P.O. Box 8, Tullia, Texas 79088, (816) 995-4118.

The Upper Leon River Municipal Water District, Board of Directors, will meet at the General Office of the Filter Plant, Proctor Lake, on November 20, 1986, at 6:30 p.m. Information may be obtained from Zollie Skaggs, P.O. Box 67, Comanche, Texas 76442, (817) 879-2258.

TRD-8610618

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Meetings Filed November 12

The Bastrop County Appraisal District, Appraisal Review Board, will meet at 1200 Cedar Street, Bastrop, on November 18, 1986, at 7 p.m. The Board of Directors will meet at the same location, on November 20, 1986, at 7:30 p.m. Information may be obtained from Lorraine Perry, P.O. Drawer 578, Bastrop, Texas 78602, (512) 321-3925.

The Brazos River Authority, Board of Directors, will meet at the Wyndham Hotel, 2222 Stemmons Freeway, Dallas, on November 19, 1986, at 11 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714, (817) 776-1441.

The Central Counties Center for Mental Health and Mental Retardation Services, Board of Trustees, will meet at 304 South 22nd Street, Temple, on November 18, 1986, at 7:45 p.m. Information may be obtained from Steven B. Schnee, Ph.D., P.O. Box 518, Temple, Texas 76503, (817) 778-4841.

The Dewitt County Appraisal District, Board of Directors, will meet at 103 Baily Street, Cuero, on November 18, 1986, at 7:30 p.m. Information may be obtained from Wayne K. Woolsey, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753.

The Golden Crescent Service Delivery Area, Private Industry Council, Inc., met in emergency session at 1301 East Rio Grande, Victoria, on November 12, 1986, at 6:30 p.m. Information may be obtained from Cleve F. Schoener, P.O. Box 149, Victoria, Texas 77902.

The Grayson Appraisal District, Board of Directors, will meet at 205 North Travis, Sherman, on November 19, 1986, at noon. Information may be obtained from Deborah Reneau, 124 South Crockett, Sherman, Texas 75090, (214) 893-9673.

The Gregg Appraisal District, Board of Directors, met at 2010 Gilmer Road, Long-

view, on November 13, 1986, at 10:30 a.m. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.

The Guadalupe-Blanco River Authority Industrial Development Corporation, and Board of Directors, will meet at 933 East Court Street, Seguin, on November 20, 1986, at 9:30 a.m. and 10 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78156, (512) 379-5822.

The Hale County Appraisal District, Board of Directors, will meet at Patches Prime, 1801 West Fifth Street, Plainview, on November 20, 1986, at 7 p.m. Information may be obtained from Linda Jaynes Dobbins, P.O. Box 29, Plainview, Texas 79072, (806) 293-4226.

The Harris County Appraisal District, Board of Directors, will meet on the eighth floor, 2800 North Loop West, Houston, on November 19, 1986, at 1:30 p.m. Information may be obtained from Margie Hilliard, P.O. Box 920975, Houston, Texas 77292, (713) 957-5291.

The Houston-Galveston Area Council, Natural Resources Advisory Committee, will meet on the fourth floor, 3555 Timmons, Houston, on November 20, 1986, at 3 p.m. Information may be obtained from Jack Steele, 3555 Timmons, fourth floor, Houston, Texas 77227.

The Jack County Appraisal District, Board of Directors, will meet in the Los Creek Office Building, 216-D South Main, Jacksboro, on November 18, 1986, at 7 p.m. Information may be obtained from Doris G. Ray, 216-D South Main, Jacksboro, Texas 76056, (817) 567-6301.

The Kendall County Appraisal District, Board of Directors, will meet at 207 East San Antonio, on November 19, 1986, at 7 p.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

The Limestone County Appraisal District, Board of Directors, will meet at the Limestone County Courthouse, Groesbeck, on November 19, 1986, at 5 p.m. Information may be obtained from Clydene Hyden, P.O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009.

The Lower Neches Valley Authority, Board of Directors, will meet at 7850 Eastex Freeway, Beaumont, on November 18, 1986, at 10:30 a.m. Information may be obtained from J. D. Nixon, P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011.

The Panhandle Ground Water Conservation District No. 3, Board of Directors, met at 300 South Omohundro, White Deer, on November 17, 1986, at 7:30 p.m. Information may be obtained from Richard S. Bowers, P.O. Box 637, White Deer, Texas 79097, (806) 883-2501.

The Mason County Appraisal District, will meet at 206 Ft. McKavitt Street, Mason, on November 19, 1986, at 5:15 p.m. Information may be obtained from Ann Stapp, P.O. Drawer 1119, Mason, Texas 76856, (915) 347-5989.

The Middle Rio Grande Development Council, Texas Review and Comment System Committee, will meet at the Kinney County Courthouse, Brackettville, on November 18, 1986, at 10 a.m. Information may be obtained from Oralia Saldua, 612 D. Bedell, Del Rio, Texas 78840, (512) 775-4160.

The Mills County Appraisal District, will meet at the Mills County Courthouse, Goldthwaite, on November 20, 1986, at 7:30 p.m. Information may be obtained from Doran E. Lemke, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253.

The Nolan County Central Appraisal District, Board of Directors, will meet in the Holiday Inn Restaurant, Sweetwater, on November 18, 1986, at 7 a.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-9421.

TRD-8610683

Meetings Filed November 13

The Atascoca County Appraisal District, Board of Directors, will meet at 1010 Zanderson Avenue, on November 20, 1986, at 1:30 p.m. Information may be obtained from Vernon A. Warren, 1010 Zanderson Avenue, Jourdanton, Texas 78026, (512) 769-2730.

The Comal Appraisal District, Board of Directors, met in the district office, 644 North Loop 337, New Braunfels, on November 17, 1986, at 7:30 p.m. Information may be obtained from Pat S. Fox, P.O. Box 1222, New Braunfels, Texas 78130, (512) 625-8597.

The Edwards County Appraisal District, Appraisal Review Board will meet in the New County Office Building, Rocksprings, on December 9, 1986. Information may be obtained from Sondra Madden, Box 378, Rocksprings, Texas 78880, (512) 683-7490.

The Lamar County Appraisal District, Appraisal Review Board will meet in the district office, 1523 Lamar Avenue, Paris, on November 18, 1986, at 3 p.m. Information may be obtained from Rodney Anderson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822.

The Middle Rio Grande Development Council, Area Advisory Council on Aging will meet in the McNelly Room, First State Bank, Uvalde, on November 19, 1986, at 10 a.m. Information may be obtained from Estella Hernandez, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533.

The Red River Authority of Texas, Board of Directors, will meet in Room 512, Activity Center, 1001 Indiana, Wichita Falls, on November 20, 1986, at 9:30 a.m. Information may be obtained from Ronald J. Glenn, 520 Hamilton Building, Wichita Falls, Texas 76301, (817) 723-8697

TRD-8610705

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In Addition

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

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

Office of the Attorney General Solid Waste Enforcement Notice

Notice is hereby given by the State of Texas of the following proposed resolution of an environmental enforcement lawsuit under the Texas Solid Waste Disposal Act. The following is a summary of the nature of the lawsuit and the proposed agreed final judgment.

Case Title and Court. State of Texas vs. TRW, Inc.; Cause Number 39,588, in the district court of Harrison County, 71st Judicial District.

The Complaint. TRW, Inc., is in the business of manufacturing submersible oil pumps at a plant located at Marshall, Harrison County. TRW has used underground tanks for the handling and storage of waste solvents.

The state alleges that TRW operated the tanks without a permit and in such a way as to allow the tanks to leak. The state also alleges numerous violations of certain rules and regulations on the Texas Water Commission applicable to hazardous facilities, including failure to report a spill, failure to prepare a closure plan and contingency plan, and failure to train facility personnel.

Civil Penalty. The proposed agreed final judgment requires the defendant to pay a civil penalty of \$175,000, plus \$40,000 in attorney's fees.

Injunctive Relief. The proposed judgment also requires the defendant to excavate the underground storage tanks and contaminated soils, to conduct extensive groundwater monitoring, and to take corrective action to remove contaminated groundwater.

For a complete description of the allegations and proposed settlement, the original petition and proposed agreed final judgment should be consulted.

Comments and requests for copies of these pleadings may be directed to Grant Gurley, Texas Attorney General's Office, Environmental Protection Division, P.O. Box 12548, Austin, Texas 78711-2548, (512) 463-2012.

Issued in Austin, Texas, on November 10, 1986.

TRD-8610679 Lou McCreary
Assistant Attorney General
Office of the Attorney General

Filed: November 10, 1986
For further information, please call (512) 463-2087.

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Texas Department of Community Affairs

Announcement of Contract Awards

The Texas Department of Community Affairs (TDCA) announces that the units of general local government listed have each been selected as a contract recipient for economic development under the Texas Community Development Program established pursuant to Texas Civil Statutes, Article 4413(201), §4A, for the first 1986 competition: Prairie View—500,000; Premont—450,000; Maverick County—460,000; Freer—200,000; San Marcos—147,000; Commerce—300,000; Athens—350,000; Bloomburg—375,000; Swisher County—330,000; Memphis—395,000; Port Neches—460,000.

A contract is not effective until executed by the unit of general local government and the executive director of TDCA.

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

TRD-8610598 Douglas C. Brown
General Counsel
Texas Department of Community
Affairs

Filed: November 7, 1986
For further information, please call (512) 834-6060.

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Texas Commission for the Deaf Correction of Error

Proposed rules submitted by the Texas Commission for the Deaf contained several errors as published and submitted in the November 4, 1986, issue of the *Texas Register*.

On page 4569, the first sentence of §183.3(7) should begin: "The board shall maintain its office within the offices of the Texas Commission for the Deaf. The board shall preserve a record. . ." The third sentence should read: "The record shall show the name of . . ."

On page 4570, the definition of "evaluation" in §183.11 should read: "The process by which the board or its designees evaluate the skills tests taken by interpreters for interpreter certification. . ."

On page 4570, §183.13(3)(F) should read: "validate certification held by the interpreter at Level I or Level II from the Texas Commission for the Deaf, certification held by the interpreter from the Texas Society of Interpreters for the Deaf at the general interpreting skills certificate (GISC) level, certification held by the interpreter from the Registry of Interpreters for the Deaf at the IC, TC, IC/TC, RSC, OC:V/S, OC:S/V, OIC:C, or any combination of these

levels, or equivalent certificate from appropriate organizations or agencies. . ."

On page 4571, §183.13(3)(K) should read: "may grant certification at Level III or Level II. . ."

On page 4572, the word "changes(s)" should "change(s)" in §183.33(a), and the word "named" should be "name" in §183.33(d).

On page 4573, §183.75(1)(C) should read: ". . .depending upon test performance results;" Section 183.75(2)(A) should read: "submit application forms. . ." Section 183.75(3)(B) should read: ". . .within the next two scheduled. . ."

On page 4574, §183.85(11) should read: "failure of certification validation/maintenance under §183.21 of this title (relating to Validation/Maintenance Requirements)."

Texas Department of Health Intent to Revoke Certificates of Registration

The Bureau of Radiation Control, Texas Department of Health, filed complaints against the following registrants for failure to pay fees pursuant to *Texas Regulations for Control of Radiation* (TRCR) 13.8:

- (1) Anthony W. Sharber, D.D.S., P.O. Box 1759, Glen Rose, Texas 76043, Registration Number 4-13475
- (2) Richard D. Odom, D.P.M., 5101 San Pedro, San Antonio, Texas 78212, Registration Number 9-13568
- (3) Lindig K. Kiesling, B.A., D.C., 3001 LBJ Building, Suite 103, Dallas, Texas 75234, Registration Number 5-12563
- (4) Texas State Technical Institute, James Connally Campus Building 1-7, Waco, Texas 76705, Registration Number 6-13357
- (5) James C. Baxter, D.C., P.C., 225 F.M. 1092, Stafford, Texas 77477, Registration Number 11-11589

In addition:

Anthony W. Sharber, D.D.S. and Richard Odom, D.P.M. applications of renewal of Certificate of Registration to this department has not been received.

The agency intends to revoke the certificates of registration, order the registrants to cease and desist use of radiation machine(s), and order the registrants to divest themselves of such equipment, presenting evidence satisfactory to the Bureau of Radiation Control that they have complied with the order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of each complaint, no order will be issued.

This notice affords the opportunity for a hearing to show cause why the certificates of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the certificates of registration will be revoked at the end of the 30-day period of notice.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East

Anderson Lane, Austin, Texas from 8:00 a.m. to 5:00 p.m., Monday through Friday (except holidays).

Issued in Austin, Texas, on November 10, 1986.

TRD-8610808

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: November 10, 1986

For further information, please call (512) 835-7000.

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Licensing Actions for Radioactive Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License #	City	Amend- ment #	Date of Action
Borger	Phillips 66 Company	01-3977	Borger	0	10/23/86

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amend- ment #	Date of Action
Arlington	In Vitro Technologies	05-3971	Arlington	1	10/23/86
Austin	South Austin Medical Center	06-3273	Austin	10	10/24/86
Baytown	Mobay Corporation	11-1577	Baytown	24	10/24/86
Corciana	Guardian Industries Corporation	05-2874	Corciana	2	10/24/86
Dallas	Dallas Family Hospital	05-0202	Dallas	23	10/24/86
Denton	AMI Denton Regional Medical Center	05-2764	Denton	10	10/24/86
Greenville	Citizens General Hospital	05-1695	Greenville	11	10/24/86
Houston	Eastman Whipstock	11-3902	Houston	1	10/23/86
Pasadena	Celanese Chemical Company	11-1130	Houston	27	10/23/86
Phillips	Phillips Petroleum Company	01-2480	Borger	11	10/23/86
Texas City	Tex Tin Corporation	11-1270	Texas City	21	10/27/86
Three Rivers/Pawnee	Intercontinental Energy Corporation	08-2238	Three Rivers	14	10/27/86
Three Rivers	Intercontinental Energy Corporation	08-2538	Three Rivers	25	10/27/86
Throughout Texas	Southwestern Laboratories	11-299	Houston	48	10/20/86
Throughout Texas	S & T Fabricators, Inc	10-3652	Woodville	5	10/20/86
Throughout Texas	Radiation Con- sultants	11-2179	Houston	19	10/24/86
Throughout Texas	Magnum Wireline, Inc	06-3184	Giddings	4	10/23/86
Throughout Texas	T-Tru-Tec, Inc	11-3913	Friendswood	3	10/23/86
Throughout Texas	HVJ Associates	11-3813	Houston	3	10/23/86
Throughout Texas	Schlumberger Well Services	11-1833	Houston	53	10/23/86
Throughout Texas	Phoenix Wireline Services	9-3513	Segun	2	10/16/86
Throughout Texas	12-3353		Odessa	4	10/23/86
Throughout Texas	Support Consultants and Associates, Inc				
Throughout Texas	Texas Nuclear Cor- poration	06-3524	Austin	8	10/23/86
Throughout Texas	Tracer Service, Inc.	07-3526	Kilgore	8	10/21/86

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Houston	RADX Corporation	11-1372	Houston	15	10/18/86
Missouri City	Fort Bend Community Hospital	11-3457	Missouri City	3	10/24/86
Throughout Texas	Shell Development Company	11-2116	Houston	19	10/16/86
Throughout Texas	Murillo Engineering, Inc.	11-1373	Houston	10	10/23/86
Throughout Texas	Weaver Services	12-1489	Snyder	13	10/23/86
Throughout Texas	NL McCullough	11-374	Houston	37	10/08/86

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Throughout Texas	Mustang Electrical Services, Inc	07-815	Longview	15	10/24/86

In issuing new licenses and amending and renewing existing licenses, the Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Texas Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m. Monday through Friday (except holidays).

Issued in Austin, Texas, on November 10, 1986.

TRD-8610607 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: November 10, 1986
For further information, please call (512) 835-7000.

Opportunity for Public Hearing

This notice affords an opportunity for public hearing on the following applications for solid waste sites filed with the Texas Department of Health: Winfield Environmental, Inc., has filed Application Number 1931 with the Texas Department of Health for a permit to operate a proposed Type V municipal solid waste processing facility (pathological waste incinerator) to be located inside the city limits of Ennis in the south part of the city, approximately 600 feet west of FM Road 1183 (1600 Jack McKay Boulevard), in Ellis County. The site consists of approximately 1.50 acres of land, and is to daily receive approximately 24 tons of pathological and hospital wastes under the regulatory jurisdiction of the Texas Department of Health.

The Division of Solid Waste Management, Texas Department of Health, has evaluated the application in coordination with other state and local agencies. The application adequately addresses land use, ground and surface water protection, site development and operation, and other regulatory requirements. The Division of Solid Waste Management is of the opinion that, based on the information provided in the application and comments received from other review agencies, the solid waste site should not significantly endanger the health, welfare, or physical property of the area residents or the environment.

No public hearing will be held on this application unless a person affected has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request, and a brief description of how the requester, or persons represented by the requester, has suffered or will suffer actual injury or economic damage by the granting of the application.

If a hearing is requested by a person affected, notice of such hearing will be provided to the requester and will also be published in a newspaper of general circulation in the area where the site is located at least 30 days before the date of such hearing. If no request for a hearing is received within 30 days of the date of publication of the said notice in a newspaper of general circulation, the department will make a decision. If a hearing is requested, it will be conducted, and the final decision will be rendered, in accordance with the applicable rules contained in the department's "Municipal Solid Waste Management Regulations," including all changes in effect as of August 20, 1986.

Requests for a public hearing and/or requests for a copy of the technical summary of the applications prepared by the Bureau of Solid Waste Management shall be submitted in writing to the Chief, Bureau of Solid Waste Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. A copy of the complete applications may be reviewed at the Bureau of Solid Waste Management or at the department's Public Health Region 5 headquarters located at 2561 Matlock Road, Arlington, Texas 76014, (817) 460-3032.

Issued in Austin, Texas, on November 10, 1986.

TRD-8610609 Robert A. MacLean
Deputy Commissioner
Professional Services

Filed: November 10, 1986
For further information, please call (512) 458-7271.



Withdrawal of Notice

A notice of proposed radioactive material license issuance was published in the September 16, 1986, issue of the *Texas Register* (11 TexReg 3978). The notice concerned an action to issue Radioactive Material License 5-3915 to Nutopes of Denton. In that Nutopes has been sold and the company dissolved, the Texas Department of Health does not, therefore, propose to issue said license as announced. The notice of September 16, 1986, should be disregarded as having no force or effect.

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

TRD-8610619 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: November 10, 1986
For further information, please call (512) 458-7236.

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State Board of Insurance Company Licensing

The following applications have been filed with the State Board of Insurance and are under consideration.

(1) Application for a name change by Commercial Union Reinsurance Company, a foreign fire and casualty insurance company. The home office is in Wilmington, Delaware. The proposed new name is Belvedere America Reinsurance Company.

(2) Application for admission to do business in Texas of Protective Service Life Insurance Company, a foreign life insurance company. The home office is in Jackson, Mississippi.

(3) Application for admission to do business in Texas of West General Insurance Company, Inc., a foreign fire and casualty insurance company. The home office is in Topeka, Kansas.

(4) Application for incorporation of Clarion Casualty Company, to be a domestic fire and casualty insurance company. The home office is to be in Austin.

(5) Application for a name change by Eagle Insurance Company, a domestic fire and casualty insurance company. The home office is in San Antonio. The proposed new name is Alamo Insurance Company.

(6) Application for admission to do business in Texas of United Guaranty Commercial Insurance Company of North Carolina, a foreign casualty insurance company. The home office is in Greensboro, North Carolina.

(7) Application for a name change by an American General Corporation holding company system Texas affiliate to National Public Service Life Insurance Company, Waco.

(8) Application for admission to do business in Texas of The Canadian Insurance Company of California, a foreign fire and casualty insurance company. The home office is in Costa Mesa, California.

(9) Application for incorporation of Metro Health Care of American, to be a domestic health maintenance organization. The proposed home office is to be in San Antonio.

(10) Application for incorporation of United Healthcare Dental, Inc., to be a domestic health maintenance organization. The home office is to be in Houston.

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

TRD-8610584 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: November 7, 1986
For further information, please call (512) 463-8327.

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Texas Advisory Board of Occupational Therapy Examination Notices

Pursuant to the rules of the Texas Advisory Board of Occupational Therapy, §373.1(c), public notice is given of the next scheduled examination of occupational therapy assistant to be administered by the American Occupational Therapy Association on January 24, 1987. The scores are scaled ranging from 300 to 600, with 450 being the passing score.

The examination standards of performance are those used by the American Occupational Therapy Association.

The examination will be held in various locations across the state. Any eligible person interested in taking the examination should contact: American Occupational Therapy Association, 1383 Piccard Drive, Suite 300, Rockville, Maryland 20850, (301) 948-9626.

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

TRD-8610652 Vernon Newman
Assistant Commissioner
Texas Rehabilitation Commission

Filed: November 10, 1986
For further information, please call (512) 445-8388.

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Pursuant to the rules of the Texas Advisory Board of Occupational Therapy, §373.1(c), public notice is given of the next scheduled examination of occupational therapist to be administered by the American Occupational Therapy Association on January 24, 1987. The scores are scaled ranging from 300 to 600, with 450 being the passing score.

The examination standards of performance are those used by the American Occupational Therapy Association.

The examination will be held in various locations across the state. Any eligible person interested in taking the examination should contact: American Occupational Therapy Association, 1383 Piccard Drive, Suite 300, Rockville, Maryland 20850, (301) 948-9626.

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

TRD-8610653 Vernon Newman
Assistant Commissioner
Texas Rehabilitation Commission

Filed: November 10, 1986
For further information, please call (512) 445-8388.

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Texas State Board of Registration for Professional Engineers Correction of Error

Proposed rules submitted by the Texas State Board of Registration for Professional Engineers contained errors as published in the October 31, 1986, issue of the *Texas Register*.

On page 4514, the reference in §131.112(c) to subsections (A) and (B) should have been subsections (a) and (b).

On page 4515, the next to the last sentence in §131.117 should read: "The acceptance or refusal of the board's invitation or the board's disapproval of an applicant's request for a personal appearance will not of itself prejudice the board's consideration of the application for registration."

On page 4520, the first sentence of §131.167(b) should read: "Each registrant is personally responsible to notify the board of each change in his professional engineering association or employment as it [each change] occurs."

Texas Department of Public Safety Correction of Error

A proposed section submitted by the Texas Department of Public Safety contained an error as published in the October 7, 1986, issue of the *Texas Register* (11 TexReg 4207).

In §23.91 it should have read "(m)-(s) (No change)."

Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of November 3-7, 1986.

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

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

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

Period of November 3-7, 1986

Crown Advanced Films, A Division of Crown Zellerbach Corporation; Orange; plant that extrudes plastic film; in the southeast quadrant of the FM Road 1006 intersection with Foreman Road, approximately one mile north of Cow Bayou and 1,000 feet south of Round Bunch Road, or approximately 2.5 miles east-southeast of the Orange County Airport in Orange County; 02858; new permit

City of Kirbyville; wastewater treatment facilities; approximately ¼ mile east of the intersection of U.S. Highway 96 and Main Street in the City of Kirbyville, Jasper County; 10202-03; renewal

Texas State Department of Highways and Public Transportation, Wichita Falls; sewage treatment plant; within the existing right-of-way in the rest area on the southwest side of U.S. Highway 287 and approximately 2.5 miles southeast of State Highway 148 in Clay County; 11800-01; renewal

City of Dalhart; wastewater treatment facilities; approximately ½ mile west of U.S. Highway 87, approximately 2½ miles southeast of the intersection of U.S. Highway 54 with Highway 87 in Hartley County; 10099-01; renewal

Fort Bend County MUD Number 34, Houston; wastewater treatment facilities; approximately 2.1 miles east-northeast of the intersection of FM Roads 1093 and 723 in Fort Bend County; 12298-01; renewal

Houston Lead Company, Houston; secondary lead smelter operation; at 300 Holmes Road in the City of Houston, Harris County; 02706; renewal

Double "S" Farm, Warrenton; pullet raising facility; of FM Road 1291, 1¼ miles south of Warrenton in Fayette County; 02879; new permit

City of Ralls; sewage treatment plant; near the intersection of Pecan Street and First Street; 3,000 feet southeast of the intersection of U.S. Highway 82 and State Highway 207 in Crosby County; 10116-01; amendment

Sal Del Rey Feedyard, Ltd., Linn; cattle feedlot operation; approximately 7.5 miles east of Linn, Hidalgo County; 02874; new permit

James E. Peterson, Houston, wastewater treatment plant; approximately 7,500 feet west of the intersection of U.S. Highway 290 and FM Road 529, and south of the intersection of Fairview Road and FM Road 529 in Harris County; 12398-01, renewal

Charles N. Schwarz, Jr., doing business as Loop 610 Joint Venture, Houston; wastewater treatment facilities; approximately 2,000 feet southeast of the intersection of Ella Street and Loop 610 and 500 feet south of Loop 610 in the northwest quadrant of the City of Houston, Harris County, 12335-01, renewal

Harris County MUD 257, Houston, wastewater treatment plant; approximately 900 feet southeast of the intersection of FM Road 529 (Spencer Road) and State Highway 6 in Harris County; 12316-01; renewal

City of Tioga; wastewater treatment facilities; approximately one mile southwest of the intersection of FM Road 121 and U.S. Highway 377 and 1,600 feet west of U.S. Highway 377, adjacent to the Texas and Pacific Railroad tracks in Grayson County; 10615-01; renewal

City of Trenton; wastewater treatment facilities; southwest of the City of Trenton at a point approxi-

mately 2,000 feet west of FM Road 815 and 1,800 feet south of FM Road 814 in Fannin County; 10704-01; renewal

Gifford-Hill & Company, Inc., Wardlaw Mine Sand and Gravel Plant, Waco; sand and gravel mining operation; south of and adjacent to State Highway 6, approximately two miles east of Loop 340 and State Highway 6 junction, east of the City of Waco, McLennan County; 02505; renewal

City of Moody; wastewater treatment facilities; approximately 1,500 feet northwest of the intersection of State Highway 317 and FM Road 107 in Moody, McLennan County; 10225-01; renewal

Borden, Inc.—Consumer Products Division, Sulfur Springs; dairy processing plant; at 500 North Jackson Street in the City of Sulfur Springs, Hopkins County; 02872; new permit

Blue Hole Management, Ltd., Wimberly; wastewater treatment facilities; approximately 3,500 feet northeast of the intersection of Ranch-to-Market Road 3237 (Deer Lake Road) and Ranch Road 12 near Wimberly, in Hays County; 13321-01; new permit

Texas Industries, Inc., Tin Top Sand & Gravel Plant, Tin Top; sand and gravel plant; on Tin Top Road on each side of the Brazos River approximately 1.5 miles southwest of the community of Tin Top in Parker County; 02170; amendment

Charles A. Carter, DBA Beacon Bay Marina, Livingston; wastewater treatment facilities; approximately 200 feet south of the western end of FM Road 350 on the east side of Lake Livingston in Polk County; 11197-01; renewal

Mustang Bay Company, Port Aransas; water and wastewater treatment facilities; on the west side of Park Road 53 approximately five miles southwest of the City of Port Aransas and on Mustang Island in Nueces County; 02676; renewal

Galloway's Marina, Inc., Trinity; wastewater treatment facilities; on the south side of FM Road 356 at the west end of FM Road 356 Bridge over the White Rock Creek Arm of Lake Livingston in Trinity County; 11350-01; renewal

Fluorocarbon (PRP Division), Houston; molded thermoplastic and thermosetting rubber manufacturing plant; at 12257 FM Road 529, approximately two miles south of the intersection of FM Road 529 and U.S. Highway 290 and 20 miles north of the City of Houston, Harris County; 02856; new permit

Issued in Austin, Texas, on November 7, 1986

TRD-8610668 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: November 10, 1986
For further information, please call (512) 463-7898.

Enforcement Orders

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Richmond Tank Car Company on November 5, 1986, assessing \$24,000 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Ann Bjork, Staff Attorney, Texas Water Commission, P. O. Box 13087, Austin, Texas, 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on November 10, 1986.

TRD-8610669 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: November 10, 1986
For further information, please call (512) 463-7898.

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Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Western Company of North America on November 5, 1986, assessing \$34,559 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Mike Woodward, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas, 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on November 10, 1986.

TRD-8610670 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: November 10, 1986
For further information, please call (512) 463-7898.

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