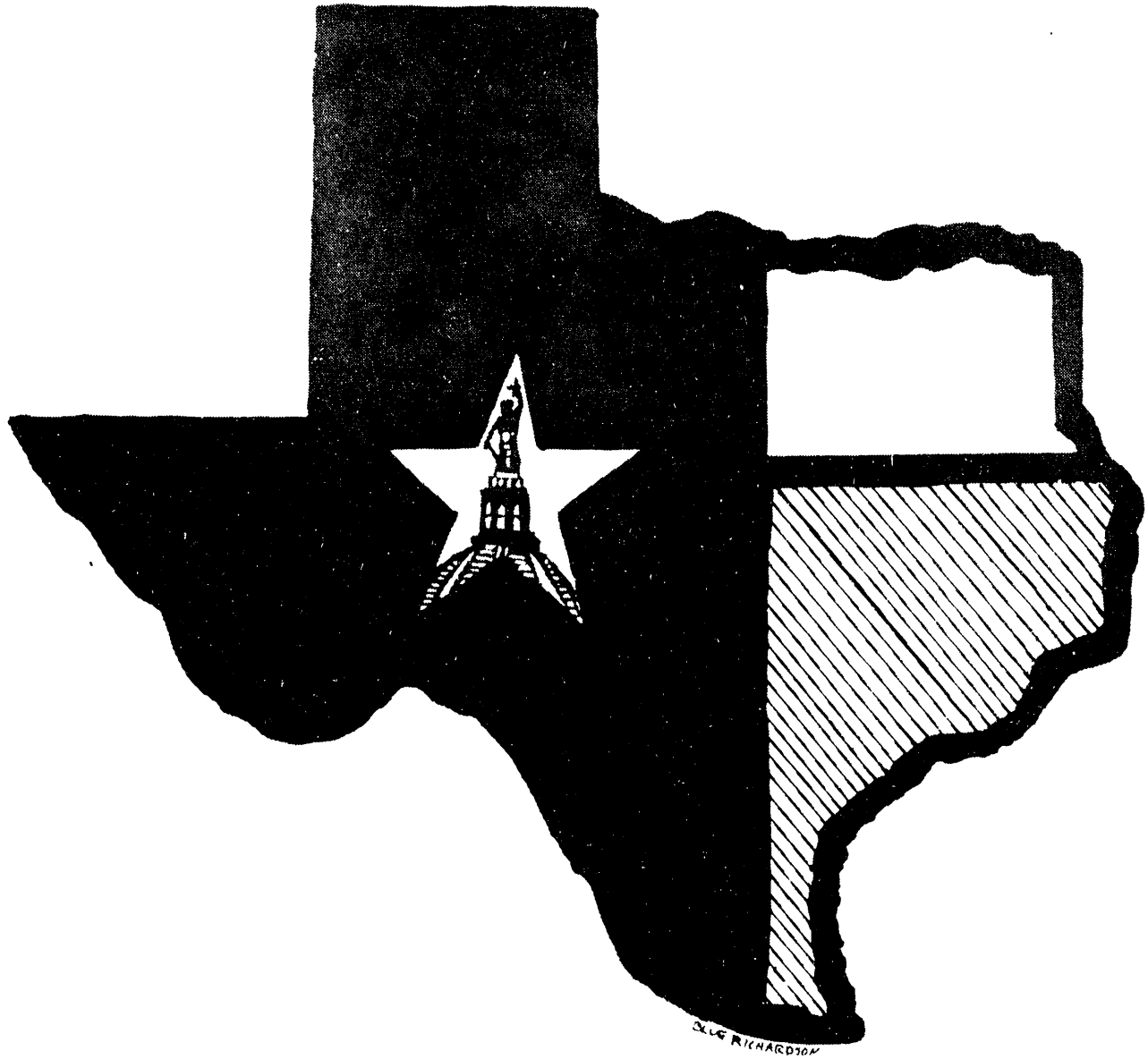


Texas Register

Volume 12, Number 58, July 31, 1987

Pages 2489-2523



Highlights

The **Office of the Secretary of State** adopts on an emergency basis new rules and an amendment concerning the applicability of the corporate name availability rules to limited partnerships. Effective date - September 1 **page 2497**

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

educational programs, time periods, and type of license in real estate. Proposed date of adoption - August 31, 1987 **page 2501**

The **State Securities Board** adopt amendments clarifying requirements for those seeking to comply with examinations and record keeping. Effective date - September 1 **page 2511**

**Office of
the Secretary
of State**

Texas Register

The *Texas Register* (ISN 0362-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1987 with the exception of January 6, September 1, December 1, and December 29 by the Office of the Secretary of State.

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- Secretary of State—summaries of opinions based on election laws
- State Ethics Advisory Commission—summaries of requests for opinions and opinions
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
- Open Meetings—notices of open meetings
- In Addition—miscellaneous information required to be published by statute or provided as a public service

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In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written: "12 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 12 TexReg 3."

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Table of Contents

Attorney General

Opinions

- 2495— JM-749 (RQ-696)
- 2495— JM-750 (RQ-942)
- 2495— JM-751 (RQ-954)
- 2495— JM-752 (RQ-1080)
- 2495— JM-753 (RQ-1113)
- 2495— JM-754 (RQ-1111)
- 2495— JM-755 (RQ-1143)
- 2495— JM-756 (RQ-1131)

Open Records Decision

- 2496— ORD-471 (RQ-1152)
- 2496— ORD-472 (RQ-1051)

Emergency Rules

Office of the Secretary of State

- 2497— Corporations

Proposed Rules

Office of the Secretary of State

- 2498— Corporations

State Securities Board

- 2498— Transactions Exempt from Registration
- 2499— Dealers and Salesmen
- 2499— Forms

Texas Real Estate Commission

- 2501— Provisions of the Real Estate License Act

General Land Office

- 2502— Energy Resources
- 2503— Legal Division

School Land Board

- 2505— Exploration and Development

Boards for Lease of State-Owned Lands

- 2508— General Rules (Parks and Wildlife)

Texas Department of Human Services

- 2508— Income Assistance Services
- 2509— Legal Services

Withdrawn Rules

Texas Cosmetology Commission

- 2510— General Provisions

Adopted Rules

State Securities Board

- 2511— Dealers and Salesmen

Interagency Council on Early Childhood

Intervention

- 2512— Early Childhood Intervention Program

Texas Department of Human Services

- 2513— Community Care for Aged and Disabled

Open Meetings

- 2514— Texas Adult Probation Commission
- 2514— Texas Department on Aging
- 2514— Texas Department of Agriculture
- 2515— State Banking Board
- 2515— Texas Cancer Council
- 2515— Texas Commission for the Deaf
- 2515— Consumer Credit Section of the Finance Commission
- 2515— Interagency Council on Early Childhood Intervention
- 2515— Texas Education Agency
- 2515— Texas Employment Commission
- 2515— Office of Governor, Criminal Justice Division
- 2516— Texas Department of Health
- 2517— State Department of Highways and Public Transportation
- 2517— Texas Department of Human Services
- 2517— State Board of Insurance
- 2517— Texas Department of Labor and Standards
- 2518— Texas Board of Land Surveying
- 2518— Legislative Audit Committee
- 2518— Texas Legislative Council
- 2518— Legislative Reference Library
- 2518— Texas Medical Disclosure Panel
- 2518— Texas Motor Vehicle Commission
- 2518— Board of Pardons and Paroles
- 2518— State Preservation Board
- 2518— Public Utility Commission of Texas
- 2519— Railroad Commission of Texas
- 2520— Texas Savings and Loan Department
- 2520— School Land Board
- 2520— Texas A&M University System
- 2520— University of Texas at Austin
- 2520— Texas Water Commission
- 2520— Texas Wheat Producers Board
- 2521— Regional Agencies

In Addition

- Texas Alcoholic Beverage Commission
 - 2522— Notice of Public Hearing
- Texas Commission on Alcohol and Drug Abuse
 - 2522— Notice of Statewide Advisory Council Meeting
- Railroad Commission of Texas
 - 2522— Notice of Hearing
- Office of Secretary of State
 - 2522— Texas Register Publication Schedule
- Texas Water Commission
 - 2523— Correction of Error

TAC Titles Affected

TAC Titles Affected—July

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

TITLE 1. ADMINISTRATION

Part I. Office of the Governor	
1 TAC §§3.601, 3.606, 3.608, 3.609, 3.617	2211
1 TAC §§3.603, 3.606, 3.608, 3.609, 3.617	2367
Part IV. Office of the Secretary of State	
1 TAC §§79.30, 79.48, 79.51	2497, 2498
1 TAC §95.51	2226
Part V. State Purchasing and General Services Commission	
1 TAC §113.1	2408
1 TAC §113.10	2403
1 TAC §113.73	2403, 2408

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture	
4 TAC §5.85	2336
4 TAC §5.301	2327
4 TAC §§7.8, 7.11, 7.24, 7.40, 7.41	2376
4 TAC §7.41	2368
4 TAC §11.1	2178
Part II. Texas Animal Health Commission	
4 TAC §§5.6, §5.7	2132

TITLE 7. BANKING AND SECURITIES

Part I. Finance Commission of Texas	
7 TAC §3.25	2327
Part II. Banking Department of Texas	
7 TAC §12.6	1336
7 TAC §12.7	2335, 2337
Part VII. State Securities Board	
7 TAC §109.13	2498
7 TAC §§115.1, 115.3, 115.5	2511
7 TAC §115.4	2499
7 TAC §133.15	2499
7 TAC §133.20	2500
7 TAC §133.24	2500
7 TAC §133.25	2500
7 TAC §133.29	2500

TITLE 10. COMMUNITY DEVELOPMENT

Part I. Texas Department of Community Affairs	
10 TAC §9.3	2214
10 TAC §9.8	2281
Part IV. Texas Housing Agency	
10 TAC §§149.1-149.11	2379

TITLE 13. CULTURAL RESOURCES

Part I. Texas State Library and Archives Commission	
13 TAC §1.68	2178
13 TAC §1.71, §1.74	2178
13 TAC §1.91, §1.96	2179
13 TAC §1.119	2179
13 TAC §§1.130-1.134	2145
Part VII. State Preservation Board	
13 TAC §111.13	2328

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas	
16 TAC §§5.501-5.506	2764
16 TAC §7.15	2335
Part II. Public Utility Commission of Texas	
16 TAC §21.81	2409
16 TAC §23.3	2133
16 TAC §23.26	2133
16 TAC §23.27	2135

16 TAC §23.49	2137
Part IV. Texas Department of Labor and Standards	
16 TAC §§69.26, 69.28, 69.29, 69.38	2212, 2329
16 TAC §§69.39, 69.40, 69.41	2213, 2330
16 TAC §69.202	2326

TITLE 19. EDUCATION

Part II. Texas Education Agency	
19 TAC §61.231	2417
19 TAC §61.251-61.254	2418
19 TAC §75.152	2404, 2409, 2419
19 TAC §77.476	2363, 2369
19 TAC §81.62	2363, 2370
19 TAC §§81.110, 81.119, 81.120, 81.126	2363, 2370
19 TAC §81.176	2364, 2370
19 TAC §89.211	2371
19 TAC §137.41	2419
19 TAC §§137.501-137.511	2420
19 TAC §137.512	2420
19 TAC §§137.531-137.541	2420
19 TAC §137.542	2420
19 TAC §§137.551-137.559	2420
19 TAC §141.2	2364, 2371
19 TAC §§141.181, 141.182, 141.184-141.186	2364, 2371
19 TAC §141.294	2365, 2372
19 TAC §141.294, §141.295	2404
19 TAC §§141.453-141.455	2405

TITLE 22. EXAMINING BOARDS

Part IV. Texas Cosmetology Commission	
22 TAC §89.33	2510
Part VI. Texas State Board of Registration for Professional Engineers	
22 TAC §131.101	2479
22 TAC §131.138	2479
22 TAC §131.152	2480
22 TAC §131.71, §131.72	2480
Part X. State Board of Morticians	
22 TAC §201.4	2216
22 TAC §201.5	2216
22 TAC §201.7	2217
22 TAC §201.8	2217
22 TAC §201.9	2218
22 TAC §201.10	2218
22 TAC §201.11	2219
22 TAC §203.2	2219
22 TAC §203.5	2281
22 TAC §203.6, §203.12	2220
22 TAC §203.7	2220
22 TAC §203.14, §203.16	2221
22 TAC §203.15	2222
22 TAC §203.17, §203.18	2222
22 TAC §203.19, §203.20	2222
22 TAC §203.21	2223
Part XIII. Texas Board of Licensure for Nursing Home Administrators	
22 TAC §249.3	2480
Part XV. Texas State Board of Pharmacy	
22 TAC §281.48	2331
22 TAC §§291.1, 291.2, 291.4, 291.5	2337
22 TAC §291.6	2337
22 TAC §291.33	2338
22 TAC §291.53	2338
22 TAC §291.74, §291.76	2338
22 TAC §291.93	2339
Part XXII. Texas State Board of Public Accountancy	
22 TAC §523.63	2223

Part XXIII. Texas Real Estate Commission	231.49, 231.51, 231.53	2381
22 TAC §535.61	31 TAC §§231.73, 231.75, 231.77	2381
22 TAC §535.162	31 TAC §§231.95, 231.97, 231.111	2381
22 TAC §§535.61, 535.63, 535.64, 535.66	31 TAC §231.131, §231.137	2382
22 TAC §§537.11, 537.21, 537.22, 537.30-537.33	Part IX. Texas Water Commission	
22 TAC §741.2	31 TAC §§279.1-279.13	2187
22 TAC §741.15, §741.25	31 TAC §§294.1-294.4	2298
22 TAC §741.41	TITLE 34. PUBLIC FINANCE	
22 TAC §§741.61, 741.63, 741.64	Part I. Comptroller of Public Accounts	
22 TAC §741.62	34 TAC §3.293	2139
22 TAC §§741.81, 741.83, 741.84	34 TAC §3.298	2339
22 TAC §741.82	34 TAC §3.319	2431
22 TAC §§741.143-741.145	34 TAC §3.328	2140
22 TAC §741.144	34 TAC §3.544	2463
22 TAC §741.162, §741.163	34 TAC §3.560	2131
22 TAC §741.164, §741.165	34 TAC §5.114	2432
22 TAC §741.181	Part VII. State Property Tax Board	
22 TAC §§741.192, 741.195, 741.197	34 TAC §155.37	2366, 2372
TITLE 25. HEALTH SERVICES	34 TAC §165.141	2373
Part I. Texas Department of Health	TITLE 37. PUBLIC SAFETY AND CORRECTIONS	
25 TAC §§31.1-31.3	Part I. Texas Department of Public Safety	
25 TAC §§37.82-37.87, 37.89-37.91, 37.93	37 TAC §1.129	2149
25 TAC §157.22, §157.24	Part V. Board of Pardons and Paroles	
25 TAC §157.23, §157.25	37 TAC §141.5	2149
25 TAC §157.23	Part VII. Texas Commission on Law Enforcement Officer Standards and Education	
25 TAC §§157.63, 157.64, 157.66-157.71, 157.74, 157.76-157.78	37 TAC §211.100	2416
25 TAC §§229.141-229.149	Part IX. Texas Commission on Jail Standards	
25 TAC §229.261	37 TAC §263.53	2257
25 TAC §§229.271-229.273	TITLE 40. SOCIAL SERVICES AND ASSISTANCE	
25 TAC §§229.281-229.289	Part I. Texas Department of Human Services	
25 TAC §§229.301-229.312	40 TAC §3.902	2508
25 TAC §§229.321-229.324	40 TAC §3.3702	2305
25 TAC §§229.331-229.334	40 TAC §§10.3201-10.3205, 10.3207-10.3210	2282
25 TAC §295.2, §295.9	40 TAC §§12.22, 12.23, 12.26	2331
25 TAC §§301.11-301.13	40 TAC §§12.201-12.214	2141
25 TAC §§301.11-301.17	40 TAC §§12.301-12.315	2142
Part VIII. Interagency Council on Early Childhood Intervention	40 TAC §§12.401-12.415	2142
25 TAC §621.26	40 TAC §15.2001	2150
25 TAC §621.34	40 TAC §15.2203	2332
TITLE 28. INSURANCE	40 TAC §15.3001	2150
Part I. State Board of Insurance	40 TAC §15.3301	2143
28 TAC §§19.901-19.906	40 TAC §15.3323	2150
28 TAC §25.703, §25.711	40 TAC §15.3403, §15.3408	2150
TITLE 31. NATURAL RESOURCES AND CONSERVATION	40 TAC §15.3412	2144
Part I. General Land Office	40 TAC §15.5506	2413
31 TAC §3.7	40 TAC §§16.1701-16.7103	2283
31 TAC §3.21	40 TAC §16.9801	2285
31 TAC §11.11	40 TAC §27.108	2333
31 TAC §11.12	40 TAC §27.1804	2333
31 TAC §11.13	40 TAC §§29.201-29.206	2286
31 TAC §11.15	40 TAC §29.606	2173
31 TAC §11.17	40 TAC §§35.1-35.6	2467
31 TAC §11.18	40 TAC §§35.101, 35.102	2467
31 TAC §13.11	40 TAC §§35.101-35.110	2467
Part II. Texas Park and Wildlife Department	40 TAC §§35.201-35.203, 35.205-35.210	2468
31 TAC §53.8, §53.10	40 TAC §§35.201-35.205	2468
31 TAC §65.331, §65.332	40 TAC §35.301, §35.302	2469
Part IV. School Land Board	40 TAC §§35.301-35.303	2469
31 TAC §153.12	40 TAC §35.401-35.404	2469
31 TAC §153.13	40 TAC §§35.401-35.408	2469
31 TAC §153.37	40 TAC §§35.501-35.504	2470
31 TAC §153.38	40 TAC §35.501, §35.502	2470
31 TAC §153.64	40 TAC §§35.601-35.610	2471
31 TAC §153.65	40 TAC §§35.601-35.610	2471
31 TAC §155.10	40 TAC §§35.701-35.710	2472
Part V. Boards for Lease of State-Owned Lands	40 TAC §§35.701-35.709	2473
31 TAC §201.15, §201.16	40 TAC §§35.801-35.808	2474
Part VII. Texas Water Well Drillers Board	40 TAC §§35.801-35.804	2474
31 TAC §§231.1-231.3, 231.15	40 TAC §§35.901-35.904	2475
31 TAC §§231.31, 231.35, 231.37, 231.39, 231.43,	40 TAC §35.9001	2475
	40 TAC §§35.9801, 35.9803, 35.9804	2477
	40 TAC §41.803	2286

40 TAC §47.2901	2191
40 TAC §§47.2902-47.2904	2192
40 TAC §47.2905, §47.2906	2193
40 TAC §47.2905	2193
40 TAC §47.3901	2193
40 TAC §48.1201	2194
40 TAC §48.2915	2513
40 TAC §48.3903	2413
40 TAC §48.3901	2194
40 TAC §48.9805	2175
40 TAC §49.1903	2432
40 TAC §§49.2101-49.2111	2373
40 TAC §49.512	2415
40 TAC §49.513	2415
40 TAC §§55.601-55.6116	2287

40 TAC §§55.7901-55.7904	2287
40 TAC §§56.101-56.103	2288
40 TAC §§56.201-56.209	2288
40 TAC §§56.301-56.307	2289
40 TAC §§56.401-56.404	2290
40 TAC §§56.501-56.524	2291
40 TAC §§56.601-56.607	2295
40 TAC §§56.701-56.703	2295
40 TAC §56.801	2296
40 TAC §569.4	2297
40 TAC §§69.131-69.145	2297
40 TAC §79.2114	2509
Part V. Veterans Land Board	
40 TAC §§175.7, 175.17, 175.21	2171, 2177

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*.

Opinions

JM-749 (RQ-696). Request from John Vance, District Attorney, Dallas, concerning acceptance of credit cards in payment of fines, fees, and other charges.

Summary of Opinion. Texas Civil Statutes, Article 3910a, which authorize county commissioners court to authorize county officials to accept payment for fees, fines, court costs, and other charges, is a valid and enforceable statute.

TRD-8706044



JM-750 (RQ-942). Request from George Pierce, Chairman, Urban Affairs Committee, Texas House of Representatives, Austin, and Stan Schlueter, Chairman, Ways and Means Committee, Texas House of Representatives, Austin, concerning the validity of incorporation of the City of Montgomery.

Summary of Opinion. Determining the validity of the 1967 incorporation of Montgomery, involves questions of fact which cannot be resolved in an attorney general's opinion. Texas Civil Statutes, Article 974d-15, which purported to validate the incorporation and boundaries of the City of Montgomery, is invalid under the Texas Constitution, Article III, §56, as a local or special law. A validating statute will not cure a defect in the incorporation of a city or town resulting from the denial of a person's right to vote.

TRD-8706043



JM-751 (RQ-954). Request from Gary E. Kersey, Kerr County Attorney, Kerrville, concerning the constitutionality of certain portions of the Code of Criminal Procedure, Article 14.03, regarding warrantless arrests in certain misdemeanor cases involving family violence.

Summary of Opinion. The Texas Code of Criminal Procedure, Article 14.03, subsections (a)(2) and (3) which authorizes warrantless arrests of persons who the peace officer has probable cause to believe have committed certain misdemeanors whether or not in the peace officer's presence, are not

facially unconstitutional. These provisions cannot be used to effect a warrantless entry to an individual's home to arrest him, unless the facts show that consent to the entry has been given or that exigent circumstances exist which justify the entry.

TRD-8706042



JM-752 (RQ-1080). Request from G. Valter Brindley, Jr., M.D., Texas State Board of Medical Examiners, Austin, concerning the legality of a contract between a physician and a referral service.

Summary of Opinion. A physician or surgeon would violate Article 4495b, §3.07(c), by paying or promising to pay a fee to a referral service for each patient generated by the referral service.

TRD-8706041



JM-753 (RQ-1113). Request from Tony Hileman, Marion County Attorney, Jefferson, concerning whether a county may furnish rent-free office space in the county courthouse annex to a chamber of commerce.

Summary of Opinion. Marion County may not donate office space in the county courthouse annex to the Marion County Chamber of Commerce. The commissioners court may lease space in a county building other than the courthouse to the chamber of commerce.

TRD-8706040



JM-754 (RQ-1111). Request from Carl A. Parker, Chairman, Education Committee, Texas State Senate, Austin, concerning whether the governor has the authority to sign certificates of need required by a federal agency.

Summary of Opinion. Even if the governor of Texas had authority under state law to make the certifications required under 12 United States Code, §1715w(d)(4)(A), he could not satisfy the requirements of the federal statute unless he was also authorized under federal law to make those certifica-

tions.

TRD-8706039



JM-755 (RQ-1143). Request from Rex N. Leach, District Attorney, Limestone County Courthouse, Groesbeck, concerning authority of a county to provide legal counsel for a sheriff in certain legal proceedings.

Summary of Opinion. A county may expend public funds for the employment of private attorneys to represent county officials and employees who have been sued in their official and individual capacities if the suit involves an action of the official or employee within the scope of the official's or employee's authority in the performance of public duties, and if the county commissioners believe in good faith that the public interest is at stake. Whether or not expending public funds to defend the county official or employee is proper is always a matter of fact. Texas Civil Statutes, Article 332c, which is merely declaratory of a part of the common law, and which provide that in suits initiated by non-political entities county officials and employees are due legal representation at public expense does not apply to any of the incidents of a legal proceeding instituted by a political entity, including a district court judge conducting a court of inquiry pursuant to the Court of Criminal Procedure, Article 52.01.

TRD-8706038



JM-756 (RQ-1131). Request from Bob Bullock, Comptroller of Public Accounts, Austin, concerning whether gas and electricity used by a restaurant to prepare food for retail consumption is exempt from the sales and use tax, and related questions.

Summary of Opinion. The limited sales, exercise, and use tax, the Texas Tax Code, Chapter 151 exempts from taxation sales of gas and electricity purchased processing tangible personal property for sale as tangible personal property. (Tax code, Article 141.317.) So long as the preparation of food by restaurants for sale to customers is generally understood as processing, the exemption in Article 151.317 for gas and elec-

tricity sales applies. The comptroller of public accounts may require information from taxpayers without which taxes would be difficult, if not impossible, to collect. So-called utility usage studies submitted by a taxpayer in support of a claim for exemption from taxation may require preparation or review by a professional engineer licensed according to the Engineering Practices Act, Texas Civil Statutes, Article 3271a.

TRD-8706037



Open Records Decision

ORD-471 (RQ-1152). Request from Bruce Hineman, Executive Secretary, Teacher Retirement System of Texas, Austin, concerning whether information in files of members of the Teacher Retirement System is protected from required disclosure under the Open Records Act, Texas Civil Statutes, Article 6252-17a.

Summary of Decision. Information in the files of members of the Teachers Retirement System is protected from required disclosure only if its release would cause a clearly unwarranted invasion of personal privacy within the Open Records Act, Texas Civil Statutes, Article 6252-17a, §3(a)(2). No such invasion would be caused by the release of the information at issue here.

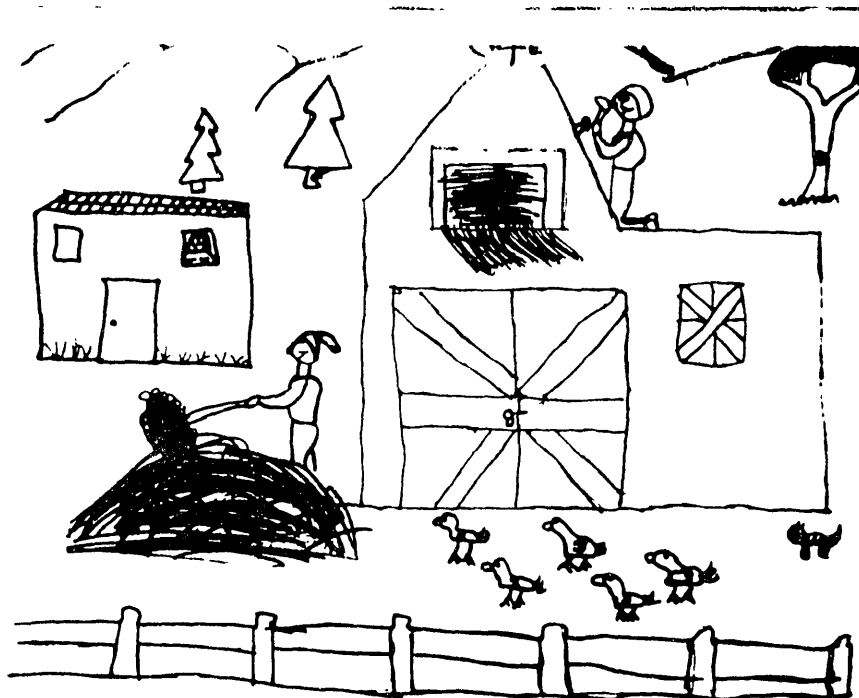
TRD-8706036



ORD-472 (RQ-1051). Request from Robert Bernstein, M.D., Commissioner of Health, Texas Department of Health, Austin, concerning whether the Open Records Act, Texas Civil Statutes, Article 6252-17a, requires the Texas Department of Health to disclose investigation of complaint made pursuant to Texas Civil Statutes, Article 4590f, §12C(c).

Summary of Decision. The information at issue here is within the trade secrets protection of Texas Civil Statutes, Article 4590f, §7(b). Accordingly, whether or not it is part of an investigative report as that term is used in Texas Civil Statute, Article 4590f, §12C(c), this information is not subject to required disclosure.

TRD-8706035



Name: Hollie Webb
Grade: 4
School: Burton Hill Elementary, Ft. Worth

Emergency

Rules

An agency may adopt a new or amended rule, or repeal an existing rule on an emergency basis, if it determines that such action is necessary for the public health, safety, or welfare of this state. The rule may become effective immediately upon filing with the *Texas Register*, or on a stated date less than 20 days after filing, for no more than 120 days. The emergency action is renewable once for no more than 60 days.

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

TITLE 1.

ADMINISTRATION

Part IV. Office of the

Secretary of State

Chapter 79. Corporations

Corporate and Limited

Partnership Name Availability

★ 1 TAC §§79.30, 79.48, 79.51

The Office of the Secretary of State adopts on an emergency basis new §79.30, an amendment to §79.48, and new §79.51, concerning the applicability of the corporate name availability rules to limited partnerships. The Texas Revised Limited Partnership Act, effective September 1, 1987, provides that the name of a limited partnerships as stated in its certificate of limited partnership, a reserved or registered name, or the name under which a foreign limited partnership is permitted to register to do business in Texas as contained in its application for registration as a foreign limited partnership not be the same as, or deceptively similar to, the name of a Texas or foreign corporation or limited partnership or a name reserved or registered for a corporation, limited partnership, or foreign limited partnership. The amended and new sections will modify the existing corporate name availability rules by making its provisions applicable to both corporations and limited partnerships. It is necessary to adopt these sections on an emergency basis to protect the welfare of those members of the public who may be filing limited partnership documents under the new Act immediately upon its effective

date, but prior to the effective date of the proposed rules necessary to properly administer the new Act. The name of the undesignated head for these sections will also change from Corporate Name Availability to Corporate and Limited Partnership Name Availability.

The amendment and new sections are adopted on an emergency basis under Texas Civil Statutes, Article 6252-13a, §4; and the Texas Revised Limited Partnership Act, §1.03., Acts of the 70th Legislature, 1987, Chapter 49, effective September 1, 1987, which provides the Office of the Secretary of State with the authority to adopt rules of practice reasonably necessary to carry out its ministerial duties under the Act.

§79.30. Applicability. Section 1.03 of the Texas Revised Limited Partnership Act provides that the name of a limited partnership may not be the same as, or deceptively similar to, the name of a Texas or qualified foreign corporation or limited partnership, or a name that has been reserved or registered for a corporation, limited partnership, or foreign limited partnership, except that a consent may be obtained as appropriate. In accordance therewith, these rules shall apply to all name availability determinations made for either a corporation or limited partnership name. Wherever the terms "proposed corporate name", "corporate name", or "corporation", or the plural of such terms are used in the sections under this undesignated head, such terms shall be used interchangeably with the terms "limited partnership," "foreign limited partnership," or the plural of such terms.

§79.48. Matters Not Considered. Only the proposed corporate or limited partnership name [and], the names of active (not dead, dissolved, or forfeited) corporations, limited partnerships, name reservations, and name registrations for a corporation or a limited partnerships on file are considered in determining name availability. Among matters not considered are the following:

(1)-(9) (No change.)

(10) Whether the applicant has a superior right to the use of a name apart from what might be shown inspection of the names of active corporations on file in the corporate records of the secretary of state; or

(11) (No change.)

§79.51. Limited Partnerships. The name of a limited partnership as stated in its certificate of limited partnership, a reserved or registered name, or the name under which a foreign limited partnership is permitted to register to do business in Texas as contained in its application for registration as a foreign limited partnership is governed by the sections under this undesignated head.

Issued in Austin, Texas, on July 23, 1987

TRD-8706125 Lorna Wassdorf
Special Assistant
Statutory Filings
Division
Office of the Secretary
of State

Effective date: September 1, 1987
Expiration date: December 30, 1987
For further information, please call
(512) 463-5586.



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 1. ADMINISTRATION Part IV. Office of the Secretary of State Chapter 79. Corporations Corporate and Limited Partnership Name Availability ★ 1 TAC §§79.30, 79.48, 79.51

(Editor's note: The Office of the Secretary of State 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 Office of the Secretary of State proposes new §79.30, an amendment to §79.48, and new §79.51, concerning the applicability of the corporate name availability rules to limited partnerships. The Texas Revised Limited Partnership Act, effective September 1, 1987, provides that the name of a limited partnership as stated in its certificate of limited partnership, a reserved or registered name, or the name under which a foreign limited partnership is permitted to register to do business in Texas as contained in its application for registration as a foreign limited partnership not be the same as, or deceptively similar to, the name of a Texas or foreign corporation or limited partnership or a name reserved or registered for a corporation, limited partnership, or foreign limited partnership. The amended and new sections will modify the existing corporate name availability rules by making its provisions applicable to both corporations and limited partnerships. The amendment and new sections are being simultaneously adopted on an emergency basis, and are published elsewhere in this issue of the *Texas Register*. The name of the undesignated head for these sections will also change from Corporate Name Availability to Corporate and Limited Partnership Name Availability.

Lorna Wassdorf, special assistant, Statutory Filings Division, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Ms. Wassdorf also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to provide both the public and the Office of the Secretary of State with specific guidelines by which name availability determinations for filings under both the corporate and limited partnership laws can be made. Modification of the existing corporate name availability rules to include limited partnerships also provides for uniformity under both laws. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Lorna S. Wassdorf, Special Assistant, Statutory Filings Division, P.O. Box 13697, Austin, Texas 78711-3697.

The amendment and new sections are proposed under Texas Civil Statutes, Article 6252-13a, §4; the Texas Revised Limited Partnership Act, §1.03., and Acts of the 70th Legislature, 1987, Chapter 49, effective September 1, 1987, which provides the Office of the Secretary of State with the authority to adopt rules of practice reasonably necessary to carry out its ministerial duties under the Act.

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 July 23, 1987.

TRD-8706126 Lorna Wassdorf
Special Assistant
Statutory Filings
Division
Office of the Secretary
of State

Earliest possible date of adoption:
August 31, 1987
For further information, please call
(512) 463-5586.



TITLE 7. BANKING AND SECURITIES Part VII. State Securities Board Chapter 109. Transactions Exempt from Registration ★ 7 TAC §109.13

The State Securities Board proposes an amendment to §109.13, concerning limited offering exemptions. The amendment reflects the fees for filing forms that are sometimes required to be filed in order to claim the exemptions. The fees are set forth in House Bill 875, 70th Legislature.

Richard D. Latham, securities commissioner, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Latham also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be inclusion within the section itself of the requirement to file the fees along with the notices. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Denise Voigt Crawford, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167

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

§109.13. Limited Offering Exemptions.

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

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

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

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

(7) The issuer shall file with the securities commissioner a notice on Form D as made effective in United States Securities and Exchange Commission release 33-6663, (17 Code of Federal Regulations 239.500).

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

(C) Every issuer filing the initial notice on Form D shall pay a filing fee of 1/10 of 1.0 per cent of the aggregate amount of securities described as being offered for sale, but in no case more than \$500.

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

(l) Intrastate limited offering exemption. In addition to sales made under the Securities Act, §5.1, the State Securities Board, pursuant to the Securities Act, §5.T, exempts from the registration requirements of the Securities Act, §7, any offer or sale of any securities by the issuer itself, or by a registered dealer acting as agent for the issuer provided all offers and sales are made pursuant to an offering made and completed solely within this state and all the conditions in paragraphs (1)-(11) of this subsection are satisfied.

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

(9) Notice filing requirements.

(A) For sales under subparagraph (1)(B) of this subsection, in whole or in part to accredited investors listed in paragraph (11)(E)-(H) of this subsection of such definition of "accredited investor" issuers who are not registered securities by or through registered securities dealers shall file a sworn notice on Form 133.29 or a reproduction thereof not less than 10 business days before any sale claimed to be exempt under this subsection may be consummated. However, no notice is required for sales made under paragraph (1)(A) of this subsection or under paragraph (1)(B) of this subsection where the sales are made exclusively to accredited investors as defined in paragraph (11)(A)-(D) of this subsection or to entities in which all of the equity owners are accredited investors listed in paragraph (11)(A)-(D) of this subsection of such definition. The issuer may be required by the securities commissioner to give details concerning any information requested in Form 133.29 and may be required to furnish any additional information deemed necessary by the securities commissioner to determine the issuer's business repute and qualifications.

(B) Every issuer filing a notice on Form 133.29 shall pay a filing fee of 1/10 of 1.0 per cent of the aggregate amount of securities described as being offered for sale, but in no case more than \$500.

(10)-(11) (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 July 24, 1987.

TRD-8706113

Richard D. Latham
Securities Commissioner
State Securities Board

Earliest possible date of adoption:

August 31, 1987

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



Chapter 115. Dealers and Salesmen

★ 7 TAC §115.4

The State Securities Board proposes an amendment to §115.4, concerning evidences of registration. The amendment reflects fee changes set forth in House Bill 875, 70th Legislature, and House Bill 61, 70th Legislature, Second Called Session.

Richard D. Latham, securities commissioner, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Latham also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the accurate reflection of several dealer-related fee increases made by the 70th Legislature. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Denise Voigt Crawford, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

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

§115.4. Evidences of Registration.

(a) (No change.)

(b) Amendments. Any change in any of the information reflected on the evidence of registration must be submitted to the commissioner in order that amendments may be made. Upon receipt of the amended evidence of registration the dealer or investment adviser must surrender the original to the commissioner. The fee for filing to amend the evidence of registration is \$25 [\$10].

(c) Transfer. An individual who is registered in Texas may transfer his registration

to another registered dealer. The transfer application, along with a \$25 [\$10] fee, must be filed in duplicate. The application must be signed by the new employer, by the individual, and it must be properly notarized. Any individual registered via the central registration depository system may elect transfer through that system.

(d)-(e) (No change.)

(f) Classification. Registrations are classified as follows:

(1) securities dealer—fee, \$180 [\$70] for original or \$145 [\$35] for renewal;

(2) investment adviser—fee, \$180 [\$70] for original or \$145 [\$35] for renewal of dealer/investment adviser and \$140 [\$30] for original or \$125 [\$15] for renewal of an [a] agent, officer, partner, or salesman/investment adviser;

(3) agent, officer, partner, or salesman—fee, \$140 [\$30] for original or \$125 [\$15] for renewal;

(4) officer or partner—fee, \$15 for original or \$15 for renewal].

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 July 24, 1987

TRD-8706114

Richard D. Latham
Securities Commissioner
State Securities Board

Earliest possible date of adoption:

August 31, 1987

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



Chapter 133. Forms

★ 7 TAC §133.15

The State Securities Board proposes an amendment to §133.15, concerning application for registration as an individual securities dealer or investment adviser. The amendment reflects the fee for filing a request to take the Texas securities law examination that is set forth in House Bill 875, 70th Legislature, and the increased registration fee that is set forth in House Bill 61, 70th Legislature, Second Called Session.

Richard D. Latham, securities commissioner, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Latham also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be inclusion within the form itself of the new and increased fees enacted by the 70th Legislature. There is no anticipated economic cost to individuals who

are required to comply with the proposed section.

Comments on the proposal may be submitted to Denise Voigt Crawford, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

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

§133.15. *Application for Registration as an Individual Securities Dealer or Investment Adviser.* The State Securities Board adopts by reference the Application for Registration as an Individual Securities Dealer or Investment Adviser as amended in September, 1987 [January, 1986]. This form is available from the State Securities Board, P.O. Box 13167, Austin, Texas 78711.

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

Issued in Austin, Texas, on July 24, 1987.

TRD-8706115 Richard D. Latham
Securities Commissioner
State Securities Board

Earliest possible date of adoption:

August 31, 1987

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



★ 7 TAC §133.20

The State Securities Board proposes an amendment to §133.20, concerning application for registration of an officer or partner. The amendment reflects the new fee for filing a request to take the Texas securities law examination and the increased fee for filing an application for registration as an officer or partner. These fees are set forth in House Bill 875, 70th Legislature, and House Bill 61, 70th Legislature, Second Called Session.

Richard D. Latham, securities commissioner, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Latham also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be inclusion within the form itself of the new and increased fees enacted by the 70th Legislature. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Denise Voigt Crawford, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

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

§133.20. *Application for Registration of an Officer or Partner.* The State Securities Board adopts by reference the Application for Registration of an Officer or Partner as amended in September, 1987 [January, 1986]. This form is available from the State Securities Board, P.O. Box 13167, Austin, Texas 78711

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

Issued in Austin, Texas, on July 24, 1987.

TRD-8706116 Richard D. Latham
Securities Commissioner
State Securities Board

Earliest possible date of adoption:

August 31, 1987

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



★ 7 TAC §133.24

The State Securities Board proposes an amendment to §133.24, concerning application for registration as a securities salesman. The amendment reflects the fee for filing a request to take the Texas securities law examination that is set forth in House Bill 875, 70th Legislature, and the increased registration fee that is set forth in House Bill 61, 70th Legislature, Second Called Session.

Richard D. Latham, securities commissioner, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Latham also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be inclusion within the form itself of the new and increased fees enacted by the 70th Legislature. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Denise Voigt Crawford, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

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

§133.24. *Application for Registration as a Securities Salesman.* The State Securities Board adopts by reference the Application for Registration as a Securities Salesman as amended in September, 1987 [January, 1986]. This form is available from the State Securities Board, P.O. Box 13167, Austin, Texas 78711.

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

Issued in Austin, Texas, on July 24, 1987.

TRD-8706117 Richard D. Latham
Securities Commissioner
State Securities Board

Earliest possible date of adoption:

August 31, 1987

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



★ 7 TAC §133.25

The State Securities Board proposes an amendment to §133.25, concerning application for transfer of securities salesman's registration. The amendment reflects the increased fee for transferring a salesman's registration, which fee is set forth in House Bill 875, 70th Legislature.

Richard D. Latham, securities commissioner, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Latham also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be inclusion within the form itself of the increased transfer fee. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Denise Voigt Crawford, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

The amendments are proposed under Texas Civil Statutes, Article 581, §28-1, which provides the board with the authority to adopt rules and regulations governing registration statements and applications, classify securities, persons, and matters within its jurisdiction, and pre-

scribe different requirements for different classes.

§133.25. *Application for Transfer of Securities Salesman's Registration.* The State Securities Board adopts by reference the application for transfer of securities salesman's registration, as amended in **September, 1987** [February, 1986]. This form is available from the State Securities Board, P.O. Box 13167, Austin, Texas 78711.

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

Issued in Austin, Texas, on July 24, 1987.

TRD-8706118 Richard D. Latham
Securities Commissioner
State Securities Board

Earliest possible date of adoption:

August 31, 1987

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

★ 7 TAC §133.29

The State Securities Board proposes an amendment to §133.29, concerning intrastate exemption notice for sales under Regulation 109.13(1). The amendment reflects the new fee set forth in House Bill 875, 70th Legislature, and clarifies several items on the form.

Richard D. Latham, securities commissioner, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Latham also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be inclusion within the form itself of the new fee required to be submitted when the form is filed, and the clarification of several items on the form. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Denise Voigt Crawford, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

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

§133.29. *Intrastate Exemption Notice for Sales Under Regulation 109.13(1).* The State Securities Board adopts by reference

the notice for intrastate exemption notice for sales under Regulation 109.13(1), as amended in **September**, [May,] 1987. This form is available from the State Securities Board, P.O. Box 13167, Austin, Texas 78711.

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

Issued in Austin, Texas, on July 24, 1987.

TRD-8706119 Richard D. Latham
Securities Commissioner
State Securities Board

Earliest possible date of adoption:

August 31, 1987

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

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. The amendment conditions acceptance of real estate courses offered to satisfy educational requirements for real estate licensure to a maximum of eight classroom hours per calendar day, and limits the acceptance of correspondence courses in real estate to accredited colleges and universities offering correspondence programs in other disciplines, whether offered on a credit or non-credit basis. With regard to examinations conducted in connection with correspondence courses in real estate, the amendment permits the college or university to select the official designated to conduct the examination, rather than requiring approval by the agency.

Don 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 the enhancement of the educational process for prospective real estate licensees. There is no anticipated eco-

nomical cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Don Roose, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711.

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

§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 section by schools accredited by the commission or by accredited colleges and universities, as defined by these sections, 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, **and that the course presentation did not exceed eight classroom hours per calendar day**, provided, however, that a course which predominately deals with techniques or procedures utilized by particular brokerages or organizations shall not be considered a real estate course for the purposes of the Act;

(2)-(4) (No change.)

(5) if the program or course was conducted by correspondence **it was conducted by an accredited college or university which offers correspondence programs, whether credit or noncredit, in other disciplines**, it complies with the requirements of this section with the exception of paragraphs (2)-(4) of this subsection, and the applicant has passed a written examination which was administered on the campus of a [school,] college or university by an official of the [school,] college or university under controlled conditions to positively identified students, or at a location **and by an official approved by the college or university** [commission and administered by an official approved by the commission].

(q)-(ff) (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 July 22, 1987.

TRD-8706063 Mark A. Moseley
Legal Counsel
Texas Real Estate
Commission

Earliest possible date of adoption:
August 31, 1987
For further information, please call
(512) 465-3960.



★22 TAC §535.162

The Texas Real Estate Commission proposes new §535.162, concerning disclosure of agency by Texas real estate licensees. The new section adopts by reference an approved agency disclosure form and requires Texas real estate licensees to provide a prospective buyer or tenant either with a copy of the approved form or with a written instrument containing verbatim the statements in the approved form. The purpose of requiring this disclosure is to make a prospective buyer or tenant aware that the licensees with whom he may be dealing are generally agents of the property owner, and that the prospective buyer or tenant has the right to obtain separate representation by a real estate licensee, or to hire an attorney for legal advice, or both.

The new section requires disclosure of agency to be provided to the prospective buyer or tenant at the time of the first significant contact between the Texas licensee and the prospective buyer and tenant. The term "significant contact" is also defined by the new section. If the licensee uses a form other than the form approved for use, additional information which does not contradict the verbatim statements from the approved form may be added.

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 the elimination of confusion as to which party a real estate licensee represents in a real estate transaction. The anticipated economic cost to individuals who are required to comply with the section as proposed will be the cost of copies of the disclosure forms, estimated at \$5.00 per pad of 50 copies.

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

The new section is proposed under Texas Civil Statutes, Article 6537a, §5(e), which provide the Texas Real Estate Commission with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§535.162. *Disclosure of Agency.*

(a) The Texas Real Estate Commis-

sion adopts by reference Agency Disclosure Form 1, approved by the Texas Real Estate Commission in 1987. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711.

(b) Real estate licensees shall provide a prospective buyer or tenant either with a signed copy of Agency Disclosure Form 1 or with a written instrument containing verbatim the statements contained in Agency Disclosure Form 1 at the time the first significant contact is established with the prospective buyer or tenant. Licensees may provide additional information in a written instrument so long as the additional information does not conflict with or contradict statements contained in Agency Disclosure Form 1, and the verbatim statements from Agency Disclosure Form 1 appear in a block separated from other information by lined borders.

(c) For the purposes of this section, the term "significant contact" means:

(1) the beginning of a discussion between the licensee and the prospective buyer or tenant of the specific real estate needs, whether locational, financial, spatial, or otherwise, of the prospective buyer or tenant; or

(2) the beginning of a discussion between the licensee and the prospective buyer or tenant concerning the financial ability of the prospective buyer or tenant to purchase, rent, or lease real estate; or

(3) the beginning, other than at an open house, of the showing of real property to the prospective buyer or tenant; or

(4) the beginning of the preparation of an offer to purchase, rent, or lease real property.

(d) For the purpose of this section, the term "significant contact" does not include informal or casual conversations about real estate such as may occur at open houses or social functions until the conversation reaches a point that the prospective purchaser or tenant's specific real estate needs are being discussed.

(e) Notwithstanding any provision of this section, a real estate licensee is not required to provide a prospective buyer or tenant with any written instrument pertaining to disclosure of agency if the licensee has previously entered into a written agreement with the prospective buyer or tenant to represent the prospective buyer or tenant and the agreement is in effect at the time of a significant contact.

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 July 22, 1987.

TRD-8706052

Mark A. Moseley
Legal Counsel
Texas Real Estate
Commission

Earliest possible date of adoption:
August 31, 1987
For further information, please call
(512) 465-3960.



TITLE 31. NATURAL
RESOURCES AND
CONSERVATION
Part I. General Land Office
Chapter 3. Energy Resources

★31 TAC §3.7

The General Land Office proposes an amendment to §3.7, concerning shut-in royalty payments made to keep a lease in effect. This amendment includes shut-in payments for oil wells, and clarifies the date for payment. The amendment achieves uniformity between the administrative rules and recent amendments to Natural Resources Code, §52.024, House Bill 2056, 70th Legislature.

Dan Miller, deputy commissioner for legal 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.

Mr. Miller 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 requirements for payment of shut-in royalties and increased governmental efficiency due to bringing the rules into conformity with the statutes. 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 Dan Miller, Deputy Commissioner for Legal Services, General Land Office, Stephen F. Austin Building, Room 630, 1700 North Congress Avenue, Austin, Texas 78701.

The amendment is proposed under the Natural Resources Code, §31.051, which provides the commissioner with the authority to make and enforce rules consistent with the law.

§3.7. *Shut-in Oil or Gas Royalties.*

(a) To maintain a lease in effect by payment of shut-in oil or gas royalties, such [shut-in] royalties must be received in the General Land Office on or before [the last day of the primary term if the well is shut-in during the primary term and if the well is shut-in after the primary term, payment must be received within] 60 days after the latest of the following dates:

- (1) the date the well is shut-in; [or]
- (2) the date the well ceases to pro-

duce oil or gas [therefrom,]; or

(3) the date lessee completes drilling and reworking operations in accordance with the provisions of the lease.

(b) No shut-in payment shall be required under this section if the lease is being held in effect by delay rentals which have been properly paid.

(c) In establishing the due date for a shut-in royalty payment, consideration shall be made for [allowing for] Sundays and legal state and federal holidays, as provided in §3.9 of this title (relating to Sundays and Legal Holidays).

(d) Upon receipt by the General Land Office of a shut-in oil or gas royalty payment [by], the General Land Office will send a shut-in oil or gas affidavit [will be sent] to the lease operator for completion and [to be returned] its return to the General Land Office.

(e) Shut-in royalties shall [should] be calculated in accordance with the terms of the lease and §3.10 of this title (relating to Basis for Computing Royalties.) [agreement under which the well or wells were shut-in.

(f) At the end of the maximum shut-in period, the operator shall [must] begin making sales of such oil or gas previously shut-in, or the lease will terminate for cessation of production.

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

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TRD-8706085 Garry Mauro
Commissioner
General Land Office

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(512) 463-5009.



Records to be Filed; Commingling of Production Requests

★ 31 TAC §3.21

The General Land Office proposes an amendment to §3.21, concerning assignments and releases of state oil and gas leases. The section governs the filing of such assignments and releases in the General Land Office. The amendment achieves uniformity between the administrative rules and recent amendments to Natural Resources Code, §52.026, House Bill 2056, 70th Legislature.

Dan Miller, deputy commissioner for legal 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.

Mr. Miller also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be increased governmental efficiency due to bringing the administrative rules into conformity with the statutes. 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 Dan Miller, Deputy Commissioner for Legal Services, General Land Office, 1700 North Congress Avenue, Room 630, Austin, Texas 78701.

The amendment is proposed under the Natural Resource Code, §31.051, which provides the commissioner of the General Land Office with the authority to make and enforce rules consistent with the law.

§3.21. *Assignments and Releases.* Certified copies of assignments and releases must be filed with the commissioner of the General Land Office as required by the appropriate statute, [or] lease, or administrative rule, accompanied by the required [transfer and] filing fees. **Applicable procedures, requirements, obligations, and liabilities are specified in §11.12 and §11.13 of this title (relating to Assignments; and Releases of Oil and Gas Leases).** [Failure to file assignments within the time period provided by law may render the assignment ineffective, or constitute grounds for forfeiture under Texas law applying to university lands and school lands, respectively. Assignors not filing assignments as required by law or lease may be held liable for all obligations arising from both prior and subsequent operations conducted on the lease. The covenants, conditions, and agreements of each lease and all liabilities to the state which may result therefrom shall extend to and be binding upon the successors and assignees of lessee.]

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

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Commissioner
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(512) 463-5009.



Chapter 11. Legal Division

★ 31 TAC §11.12

The General Land Office proposes an amendment to §11.12, concerning assignments. This section governs the filing of assignments in the General Land Office and informs assignors of state leases of

their obligations and liabilities. The amendment clarifies filing procedures and informs assignors and assignees of their responsibilities.

Dan Miller, deputy commissioner for legal 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.

Mr. Miller 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 General Land Office policies regarding lease assignments and increased governmental efficiency in administering state owned lands and the oil and gas leases thereupon. 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 Dan Miller, Deputy Commissioner for Legal Services, General Land Office, 1700 North Congress Avenue, Room 630, Austin, Texas 78701.

The amendment is proposed under the Natural Resources Code, §31.051, which provides the commissioner of the General Land Office with the authority to make and enforce rules consistent with the law.

§11.12. *Assignments.*

(a) Relinquishment Act leases, oil and gas leases administered by the School Land Board, and oil and gas leases issued by boards for lease for the Texas Parks and Wildlife Department and the Texas Department of Corrections.

(1) Oil and gas leases may be assigned at any time. Assignments of Relinquishment Act leases are subject to the provisions of §11.11 of this title (relating to Leasing of Mineral Classified Lands). All assignments must be recorded in each country in which all or part of the lease is located. The original recorded assignment or a certified copy thereof shall be filed in the General Land Office within 90 days after its execution, along with the filing fee prescribed by §1.91 of this title (relating to Fees). **Each assignment instrument (including counterparts and certified copies from different counties) must be accompanied by the filing fee prescribed by §1.91 of this title (relating to Fees). If an assignment instrument covers more than one lease the filing fee shall be due for each lease the assignment covers. However, an assignment instrument covering undivided interest leases with the same mineral file number shall be treated as one lease.**

(2) **If an assignment is not filed within 90 days after its execution, the filing fee due [a late filing fee shall be paid when it is filed. This late fee] shall be double the amount due under paragraph (1) of this subsection [of the prescribed filing fee].** If

an assignment has not been timely filed, the commissioner of the General Land Office, at his discretion, may subject the rights acquired under the lease to forfeiture.

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

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

(d) **Obligations and liabilities of assignors and assignees.**

(1) **An assignment shall not relieve the assignor of any obligations or liabilities incurred prior to the assignment.**

(2) **If an assignment is not properly filed with the General Land Office, the assignor shall remain liable to the state for all obligations under the lease until the assignment is properly filed.**

(3) **Every assignee shall succeed to all rights and be subject to all obligations and liabilities owed to the state by the original lessee or any prior assignee of the lease.**

(4) **The current holder of a lease or of any interest therein shall be responsible for proper filing with the General Land Office of any assignments not previously filed by any predecessor in interest.**

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

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Commissioner
General Land Office

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



Oil and Gas Leases, Mineral Classified Lands

★31 TAC §11.13

The General Land Office proposes an amendment to §11.13, concerning releases of oil and gas leases. This section outlines the procedure for filing releases in the General Land Office. The amendment clarifies the agency's filing procedures and requirements.

Dan Miller, deputy commissioner for legal 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.

Mr. Miller also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be increased governmental and administrative efficiency due to clarification of General Land Office filing procedures and requirements. There is no anticipated economic cost to individuals who are re-

quired to comply with the proposed section.

Comments on the proposal may be submitted to Dan Miller, Deputy Commissioner for Legal Services, General Land Office, 1700 North Congress Avenue, Room 630, Austin, Texas 78701.

The amendment is proposed under the Natural Resources Code, §31.051, which provides the commissioner of the General Land Office with the authority to make and enforce rules consistent with the law.

§11.13. *Releases of Oil and Gas Leases.*

(a) Relinquishment Act oil and gas leases, oil and gas leases administered by the School Land Board, [and] oil and gas leases issued by Boards for Lease for the Texas Parks and Wildlife Department and the Texas Department of Corrections, and oil and gas leases of lands of Texas A&M University, Texas A&I University, and Texas Tech University. A lease may be released to the state at any time. The release shall be recorded in each county in which all or part of the lease is located. **The original recorded release or a certified copy thereof shall be filed in the General Land Office within 90 days of its execution. Each individual release instrument (including counterparts and certified copies from different counties) must be accompanied by the filing fee prescribed by §1.91 of this title (relating to Fees). If a release instrument covers more than one state lease, the prescribed filing fee shall be due for each state lease the release covers. For the purpose of this subsection, undivided interest leases with the same mineral file number shall be treated as one lease. Upon proper filing with the General Land Office, the owner of the lease will then be relieved of any future obligations to the state arising from the lease. The release will not relieve the owner of any obligations or liabilities in existence at the time of its execution.** [Within 90 days of its execution, the original or a certified copy of the release shall be filed with the General Land Office along with the filing fee prescribed by §1.91 of this title (relating to Fees). The owner of the lease will then be relieved of any further obligations to the state arising from the lease. The release will not relieve the owner of any obligations or liabilities in existence at the time of its execution.]

(b) [Oil and gas leases of lands of Texas A&M University, Texas A&I University, and Texas Tech University. A lease may be released in whole or in part at any time. The release instrument shall be filed in each county in which all or part of the lease is located. The release instrument shall then be filed with the General Land Office along with \$1.00 for each area released. The owner of the lease will then be relieved of any further obligations to the state arising from the lease. The release will not relieve the owner of any obligations or liabilities in existence at the time of its execution.

[(c)] Lease which has expired by its

terms. **A release of a lease which has expired should** [It is not required that a release] be filed in the General Land Office. If it is submitted for filing, a copy of a certified copy is acceptable. The release should be accompanied by the applicable [statutory] filing fee as provided by §1.91 of this title (relating to Fees) [and relinquishment fee, if any].

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

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Commissioner
General Land Office

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(512) 463-5009.



★31 TAC §11.15

The General Land Office proposes an amendment to §11.15, concerning the suspension of oil and gas leases during litigation. The amendment clarifies the liability of lessee for delay rentals and royalties accruing during litigation. The amendment achieves uniformity between the administrative rules and recent amendments to Natural Resources Code, §52.028 and §52.031, House Bill 2056, 70th Legislature.

Dan Miller, deputy commissioner for legal 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.

Mr. Miller 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 duties and liabilities of the lessee during a period of litigation, and conformation of the section with statute. 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 Dan Miller, Deputy Commissioner for Legal Services, General Land Office, 1700 North Congress Avenue, Room 630, Austin, Texas 78701.

The amendment is proposed under the Natural Resources Code, §31.051, which provides the commissioner with the authority to make and enforce rules consistent with the law.

§11.15. *Suspension of Oil and Gas Leases (Except Leases Under the Natural Resources Code, Chapter 52, Subchapter F).*

(a) (No change.)

(b) Litigation. If litigation relating to the validity of a lease issued by the commissioner of the General Land Office or his authority to issue such a lease has been filed before the expiration of the primary term of the lease, the lease will be suspended under the following terms.

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

(3) The lessee shall continue to be liable for and shall [must] pay all delay rentals and royalties accruing during the period of litigation. If the lease is held invalid by the court, rentals may [will] be refunded to the lessee.

(c)-(e) (No change.)

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

Issued in Austin, Texas, on July 23, 1987.

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Commissioner
General Land Office

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

★31 TAC §11.17

The General Land Office proposes new §11.17, concerning the leasing of oil and gas after forfeiture. The section specifies: how oil and gas will be leased after a Relinquishment Act lease and/or a surface owner's rights under the Relinquishment Act have been forfeited; the surface owner's share of the revenue generated by a lease executed under this section; and the conditions under which the surface owner's rights will be reinstated. This section achieves uniformity between the administrative rules and the amendments to the Natural Resources Code, §52.175, House Bill 2143, 70th Legislature.

Dan Miller, deputy commissioner for legal services, has determined that there will be fiscal implications as a result of enforcing or administering the section. However, because the General Land Office cannot determine the number of forfeitures it will need to institute in the future, it is impossible at this time to determine how many, if any, leases will be executed under the Natural Resources Code, §52.175. Therefore, it is impossible to determine the fiscal implications of enforcing this section.

Mr. Miller 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 uniformity between the administrative rules and applicable statutes which will result in increased governmental and administrative efficiency. There is no anticipated economic cost to individuals who are required to comply with the proposed

section, unless such individuals are surface owners of mineral classified land who have failed to meet an obligation or duty owed to the state and whose agency rights under the Relinquishment Act have been forfeited. In that instance, the cost to those individuals would depend upon the terms of the newly executed lease, if any.

Comments on the proposal may be submitted to Dan Miller, Deputy Commissioner for Legal Services, General Land Office, Stephen F. Austin Building, Room 630, 1700 North Congress Avenue, Austin, Texas 78701.

The new section is proposed under the Natural Resources Code, §31.051, which provides the commissioner of the General Land Office with the authority to make and enforce rules consistent with the law.

§11.17. *Leasing of Oil and Gas After Forfeiture.*

(a) Leasing procedure. When the commissioner forfeits a lease executed under the provisions of the Natural Resources Code, Chapter 52, Subchapter F, or the agency rights of any surface owner of land governed by that subchapter, the land shall be subject to lease for oil and gas according to the following procedures.

(1) If only the lease was forfeited under the provisions of the Natural Resources Code, §52.176 or §52.174, then the land shall be subject to lease for oil and gas by the surface owner.

(2) If the surface owner's agency rights were forfeited under the provisions of the Natural Resources Code, §52.188 or §52.174, then the land shall be subject to lease for oil and gas according to the procedure for leasing unsold surveyed public school land as set out in the Natural Resources Code, Chapter 52, Subchapter B.

(b) Surface owner's share. When a new lease is executed under subsection (a)(2) of this section, the surface owner shall not be entitled to any share of the revenue generated by such lease.

(c) Reinstatement.

(1) Upon the termination or expiration of a lease executed by the commissioner under subsection (a)(2) of this section, the agency rights of the surface owner shall be ipso facto reinstated.

(2) If a surface owner's agency rights have been forfeited under the provisions of the Natural Resources Code, §52.188 or §52.174, and the commissioner has not executed a lease of the land within one year of the forfeiture, then the commissioner may, at his discretion, reinstate the surface owner's agency rights.

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

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TRD-8706080

Garry Mauro
Commissioner
General Land Office

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(512) 463-5009.

Part IV. School Land Board Chapter 153. Exploration and Development

Unitization of State Lands

★31 TAC §153.12

The School Land Board proposes an amendment to §153.12, concerning the authorization by the commissioner of the General Land Office to operate areas as units. This amendment will enable the commissioner to include the unleased free royalty interests of the state in such units. The agency proposes this amendment in order to achieve uniformity between the administrative rules and recent amendments to the Natural Resources Code, §52.151 and §101.051, as enacted by the 70th Legislature, House Bill 2056.

Dan Miller, deputy commissioner for legal 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.

Mr. Miller also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be increased governmental flexibility and administrative efficiency due to expanded authority granted the commissioner and the School Land Board. 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 Dan Miller, Deputy Commissioner for Legal Services, General Land Office, 1700 North Congress Avenue, Room 630, Austin, Texas 78701.

The amendment is proposed under the Natural Resources Code, §32.062, which provides the School Land Board with the authority to make and enforce rules consistent with the law.

§153.12. *Authorization to Operate Areas as Units.*

(a) The commissioner of the General Land Office may execute pooling or unitization agreements, or ratifications of such agreements, for the production of oil or gas or both covering:

(1) the royalty interests reserved to the state by law, contract of sale, or under any oil and gas lease legally executed by an

official, board, agent, agency, or authority of the state[.]; or

(2) the free royalty interests, whether leased or unleased, reserved to the state.

(b) The commissioner must find that the agreement is in the best interest of the state.

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

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TRD-8706079 Garry Mauro
Commissioner
General Land Office

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



★31 TAC §153.13

The School Land Board proposes an amendment to §153.13, concerning approval of unit agreements by the School Land Board and empowering the School Land Board to approve the inclusion of the state's unleased free royalty interests in unit agreements. The agency proposes this amendment to achieve uniformity between the administrative rules and recent amendments to the Natural Resources Code, §52.152 and §101.052, as enacted by the 70th Legislature in House Bill 2056.

Dan Miller, deputy commissioner for legal 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.

Mr. Miller also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be increased governmental flexibility and administrative efficiency due to expanded authority granted to the commissioner and the School Land Board. 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 Dan Miller, Deputy Commissioner for Legal Services, General Land Office, 1700 North Congress Avenue, Room 630, Austin, Texas 78701.

The amendment is proposed under the Natural Resources Code, §32.062, which provides the School Land Board with the authority to make and enforce rules consistent with the law.

§153.13. *Approval of Unit Agreements.*

(a) [If] An [the] agreement must be

approved by the School Land Board if it commits [covers]:

(1) the royalty interest in land belonging to the permanent school fund or the asylum funds in riverbeds, inland lakes, and channels, or in an area within tidewater limits; or

(2) the free royalty interests, whether leased or unleased, reserved to the state pursuant to §51.201 or §51.054 [it must be approved by the School Land Board].

(b)-(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.

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TRD-8706078 Garry Mauro
Commissioner
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(512) 463-5009.



Operations on Permanent School Fund Lands

★31 TAC §153.37

The School Land Board proposes an amendment to §153.37, concerning the suspension of oil and gas leases during litigation. This amendment will clarify the liability of a lessee for delay rentals and royalties accruing during suspension of the lease terms due to litigation. The agency proposes this amendment to achieve uniformity between the administrative rules and recent amendments to the Natural Resources Code, §52.028 and §52.0301, as enacted by the 70th Legislature, House Bill 2056.

Dan Miller, deputy commissioner for legal 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.

Mr. Miller 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 clarify the duties and liabilities of the lessee during a period of litigation and to bring the rules into conformity with statute. 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 Dan Miller, Deputy Commissioner for Legal Services, General Land Office, 1700 North Congress Avenue, Room 630, Austin, Texas 78701.

The amendment is proposed under the Natural Resources Code, §32.062, which

provides the School Land Board with the authority to make and enforce rules consistent with the law.

§153.37. *Suspension of Oil and Gas Leases (Except Leases under the Natural Resources Code, Chapter 52, Subchapter F).*

(a) (No change.)

(b) Litigation. If litigation relating to the validity of a lease issued by the commissioner of the General Land Office or his authority to issue such a lease has been filed before the expiration of the primary term of the lease, the lease will be suspended under the following terms.

(1) (No change.)

(2) After final judgment is rendered, the primary term commences again for the remainder of the term. However, if the suit was filed during the last six months of the primary term, and the lease is not being held by production or otherwise, the lease will be terminated on the date the judgment is rendered or the last day of the primary term, whichever is later.

(3) The lessee shall continue to be liable for and shall [must] pay all delay rentals and royalties accruing during the period of litigation. If the lease is held invalid by the court, rentals may [will] be refunded to the lessee.

(c)-(e) (No change.)

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

Issued in Austin, Texas, on July 23, 1987.

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Commissioner
General Land Office

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★31 TAC §153.38

The School Land Board proposes new §153.38, concerning the requirement to drill wells offsetting commercially producing wells within 1,000 feet of or draining public school and gulf lands. The agency proposes this new section to achieve uniformity between the administrative rules and recent amendments to the Natural Resources Code, §52.034, as enacted by the 70th Legislature, House Bill 2056.

Dan Miller, deputy commissioner for legal services, has determined that for the first five-year period the proposed section will be in effect there will be fiscal implications for state or local government or small businesses as a result of enforcing or administering the section. However, since it is impossible to estimate the number of wells which will be drilled that will drain public schools and gulf lands

or the number of wells within 1,000 feet of public schools or gulf lands, it is impossible to determine the extent of the fiscal implications of this section at this time.

Mr. Miller 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 obligations of a lessee of state owned lands and rules that conform with the statute. There may be a cost to individuals who are required to comply with the proposed section, but the costs will probably be less than the costs incurred by lessee prior to legislative amendment.

Comments on the proposal may be submitted to Dan Miller, Deputy Commissioner for Legal Services, General Land Office, Stephen F. Austin Building, Room 630, 1700 North Congress Avenue, Austin, Texas 78701.

The new section is proposed under the Natural Resources Code, §32.062, which provides the School Land Board with the authority to make and enforce rules consistent with the law.

§153.38. Offset Wells or Compensatory Royalty.

(a) An offset well shall be drilled by a lessee of public school lands or gulf lands, as described in the Natural Resources Code, §52.011, when oil or gas is produced in commercial quantities from a well located on land which is privately owned or which is on state owned land leased at a lesser royalty, and such well is located within 1,000 feet of the public school or gulf lands, or when such public school lands or gulf land is being drained. A lessee required to drill an offset well under this section shall begin in good faith and commence diligently the drilling of an offset well or wells on lands leased from the state within 60 days from the date of first production from the draining well or from the well located within 1,000 feet of the leased state land.

(b) Any offset well required under this section shall be drilled to a depth and in such a manner as to prevent undue drainage of oil or gas from beneath the state land.

(c) Within 30 days after an offset well has been completed or abandoned, a log of each well shall be filed in the land office.

(d) Upon written approval of the commissioner, the payment of a compensatory royalty shall satisfy the obligation to drill an offset well or wells required by this section. Compensatory royalties paid shall be at the royalty rate provided by the lease and shall be paid at the market value at the well of production from the well that is located within 1,000 feet of the leased state lands, or that is draining the leased state land.

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

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Garry Mauro
Commissioner
General Land Office

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



Highway Right-of-Way Leases

★31 TAC §153.64

The School Land Board proposes an amendment to §153.64, concerning the preferential right to lease highway rights-of-way and giving an adjacent mineral owner the option to waive his preferential right to lease. The agency proposes this amendment in order to achieve uniformity between the administrative rules and recent amendments to the Natural Resources Code, §34.0511, as enacted by the 70th Legislature in House Bill 2056.

Dan Miller, deputy commissioner for legal 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.

Mr. Miller also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be increased governmental and administrative efficiency as a result of making the rules more consistent with the requirements of the statutes. 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 Dan Miller, Deputy Commissioner for Legal Services, General Land Office, 1700 North Congress Avenue, Room 630, Austin, Texas 78701.

The amendment is proposed under the Natural Resources Code, §32.062, which provides the School Land Board with the authority to make and enforce rules consistent with the law.

§153.64. Preferentially Leasing to Adjacent Mineral Owners.

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

(g) Any mineral owner may waive his preferential right to lease the adjacent right-of-way tract by providing the General Land Office with a written waiver executed and acknowledged by the mineral owner or his duly authorized agent. The filing of such written waiver with the General Land Office shall result in the forfeiture of the preferential right to lease the land.

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 July 23, 1987.

TRD-8706075

Garry Mauro
Commissioner
General Land Office

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



★31 TAC §153.65

The School Land Board proposes an amendment to §153.65, concerning the authority of the School Land Board to lease the oil and gas beneath a highway right-of-way tract directly to an applicant or by sealed bid after the preferential right of an adjacent mineral owner to lease is forfeited. The agency proposes this amendment to achieve uniformity between the administrative rules and recent amendments to the Natural Resources Code, §34.0511, as enacted by the 70th Legislature, House Bill 2056.

Dan Miller, deputy commissioner for legal 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.

Mr. Miller also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be increased governmental and administrative efficiency due to making the rule consistent with underlying law. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Dan Miller, Deputy Commissioner for Legal Services, General Land Office, 1700 North Congress Avenue, Room 630, Austin, Texas 78701.

The amendment is proposed under the Natural Resources Code, §32.062, which provides the School Land Board with the authority to make and enforce rules consistent with the law.

§153.65. Leasing Directly to Applicant or by Sealed Bid.

(a) If an adjacent mineral owner's preferential right to lease is forfeited either [owner does not exercise his or her preference] by failing to tender [tendering] the appropriate bonus and statutory sales fee within 120 days of receipt of notice, or by waiver as provided under §153.64 of this title (relating to Preferentially Leasing to Adjacent Mineral Owners), then the School Land Board may lease the right-of way tract directly to an applicant or by sealed bid at

any time within 18 months after the preferential right to lease expires or is forfeited.

(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 July 23, 1987.

TRD-8706074 Garry Mauro
Commissioner
General Land Office

Earliest possible date of adoption:

August 31, 1987

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



Part V. Boards for Lease of State-Owned Lands

Chapter 201. General Rules (Parks and Wildlife)

★31 TAC §201.15, §201.16

The Boards for Lease of State-Owned Lands, the Texas Department of Corrections, and the Texas Parks and Wildlife Department propose new §201.15 and §201.16, concerning the protection of state-owned lands under their supervision from pollution. The boards propose these new sections to specify lessee responsibility and to provide a means of enforcing cleaner seismic operations.

Dan Miller, deputy commissioner of legal services, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Mr. Miller also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a clearer definition of lessee responsibility and a provision of means of enforcing cleaner seismic operations. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Dan Miller, Deputy Commissioner for Legal Services, General Land Office, 1700 North Congress Avenue, Room 630, Austin, Texas 78701.

The new sections are proposed under the Natural Resources Code, §34.01 as amended by the 69th Legislature, Chapter 624, §26, effective September 1, 1985, which provides for the continuation of each of these boards for lease; the Natural Resources Code, §34.057, which provides that lease provisions of the boards for lease shall contain the same terms and conditions as leases issued by

the School Land Board under Chapter 32 of the Natural Resources Code; and the Natural Resources Code, §34.065, which provides the board for lease with the authority to adopt rules for implementation of Chapter 34.

§201.15. Lessee Responsibility.

(a) All wells shall be drilled, reworked, cleaned, tested, and produced in a manner to prevent pollution; and, in the event of pollution, lessee shall use all reasonable means to recapture all hydrocarbons or other pollutants which have escaped and shall be responsible for all damage to public and private property.

(b) All operations shall be conducted using the highest degree of care. No discharge of solid waste or garbage shall be allowed from any drilling platform, or other equipment located on the leased area. Solid waste shall include, but shall not be limited to, containers, equipment, rubbish, plastic, glass, and any other manmade non-biodegradable items.

(c) Failure to comply with the requirements of this section may result in the maximum penalty allowed by law, including forfeiture of the lease. Lessee shall be liable for the damages caused by such failure and any costs and expenses incurred in cleaning areas affected by the discharged waste.

§201.16. Pollution and Restoration.

(a) Any hole or holes drilled by any exploration party under the terms of a lease issued by the state under this chapter shall be drilled in such manner as will, so far as practicable, prevent pollution in such a manner as to interfere as little as possible with the current use of the surface. Upon the abandonment of such hole, all of the rigging and material shall be removed, and the surface where said hole was drilled shall be restored to its former condition as nearly as possible.

(b) All operations shall be conducted using the highest degree of care. No discharge of solid waste or garbage shall be allowed. Solid waste shall include, but shall not be limited to, containers, equipment, rubbish, plastic, glass, and any other manmade nonbiodegradable items.

(c) Failure to comply with the requirements of this section may result in revocation of the permit and liability for the damages caused by such failure and any costs and expenses incurred in cleaning up areas affected by the pollution or waste.

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 July 24, 1987.

TRD-8706106 Garry Mauro
Commissioner
General Land Office

Earliest possible date of adoption:
August 31, 1987

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



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 3. Income Assistance Services

Subchapter I. Income

★40 TAC §3.902

The Texas Department of Human Services (DHS) proposes an amendment to §3.902, concerning budgeting in-kind income in the AFDC Program. The amendment specifies that DHS always counts wages, salaries, and commissions received in cash or in-kind. DHS exempts unearned in-kind assistance if the applicant does not have the option of receiving the assistance in cash. The other amendments involve renumbering and minor editorial changes.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the proposed section will be in effect there will be fiscal implications as a result of enforcing or administering the section. The effect on state government for the first five-year period the section will be in effect is an estimated reduction in cost of \$109,622 in fiscal year 1988; \$129,143 in fiscal year 1989; \$131,075 in fiscal year 1990; \$131,049 in fiscal year 1991; and \$137,262 in fiscal year 1992. There will be no fiscal implications for local government or small businesses.

Mr. Packard also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be conservation of limited state funds for individuals most in need of assistance. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-340, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

The amendment is proposed under the Human Resources Code, Title 2, Chapter 31, which provides the department with the authority to administer public assistance programs.

§3.902. Types.

(a) Aid to families with dependent children. The DHS counts the following as income:

(1)-(28) (No change.)

(29) wages, salaries, and commissions **received in cash or in-kind**. [DHR considers as earnings the cash value of an in-kind item received from an employer if the applicant has the option of receiving his earnings in cash or in-kind.]

(30) (No change.)

(b) Aid to families with dependent children. Exclusions from income for AFDC are:

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

(7) **in-kind income. DHS exempts the value of unearned in-kind assistance if the applicant does not have the option of receiving the assistance in cash;**

(8)(7) job training allowances. DHS exempts payments from other agencies that do not duplicate assistance provided under the AFDC needs standard as stipulated in 45 Code of Federal Regulations §233.20(a)(3)(vii)(a)-(b). DHS also exempts unearned income payments from the Job Training Partnership Act of 1982 for AFDC children.

(9)(8) native and Indian claims. DHS exempts tax-exempt portions of payments made under the Alaska Native Claims Settlement Act and funds distributed or held in trust by the Indian Claims Commission for members of Indian tribes under Public Law 92-254 or Public Law 93-135;

(10)(9) nutrition program assistance. DHS exempts the value of supplemental food assistance under the Child Nutrition Act of 1966 and special food **services programs** [service program] for children under the National School Lunch Act. DHS exempts benefits received under the Older Americans Act of 1965, Title VIII, Nutrition Program for the Elderly;

(11)(10) relocation assistance benefits. DHS exempts benefits received under of the Uniform Relocation Assistance and Real Property Acquisition Act, Title II.

(12)(11) SSI;

(13)(12) third-party funds. DHS exempts money received and used for care and maintenance of a third-party beneficiary who is not a household member;

(14)(13) vendor payments. DHS does not count payments made [by a person or organization outside the household] directly to the applicant's creditor or person providing the service **if the person or organization making the payments is outside the household.**

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

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

Issued in Austin, Texas, on July 24, 1987.

TRD-8706104

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Proposed date of adoption:
October 1, 1987
For further information, please call
(512) 450-3766.



Chapter 79. Legal Services Subchapter V. Fraud or Abuse Involving Medical Providers

★40 TAC §79.2114

The Texas Department of Human Services (DHS) proposes an amendment to §79.2114, concerning sanctions on medical providers, in its Legal Services rule chapter. The amendment allows the deputy commissioner or designee of the program area affected by a violation to decide the sanctions to be imposed, including provider exclusion and fraud referral.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local governments or small businesses as a result of enforcing or administering the section.

Mr. Packard also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a clearer understanding of the department's authority. There is no anticipated economic cost to individuals who are required to comply with the section.

Comments may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-290, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

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

§79.2114. *Imposing a Sanction.*

(a) The decision to impose a sanction [other than provider exclusion or fraud referral] is at the discretion of the deputy commissioner or designee responsible for the program area affected by the violation. In determining the sanction to be imposed, consideration may be given to the seriousness of the program violation, the extent of the violation, prior imposition of sanctions, willingness to comply with the program rules, recommendations of peer review groups, or any other pertinent information.

(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 July 24, 1987.

TRD-8706102

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Proposed date of adoption:
November 2, 1987
For further information, please call
(512) 450-3766



Withdrawn

Rules An agency may withdraw proposed action or the remaining effectiveness of emergency action on a rule by filing a notice of withdrawal with the *Texas Register*. The notice is effective immediately upon filing or 20 days after filing. If a proposal is not adopted or withdrawn within six months after the date of publication in the *Register*, it will automatically be withdrawn by the *Texas Register* office and a notice of the withdrawal will appear in the *Register*.

**TITLE 22. EXAMINING
BOARDS**
Part IV. Texas Cosmetology
Commission
Chapter 89. General Provisions

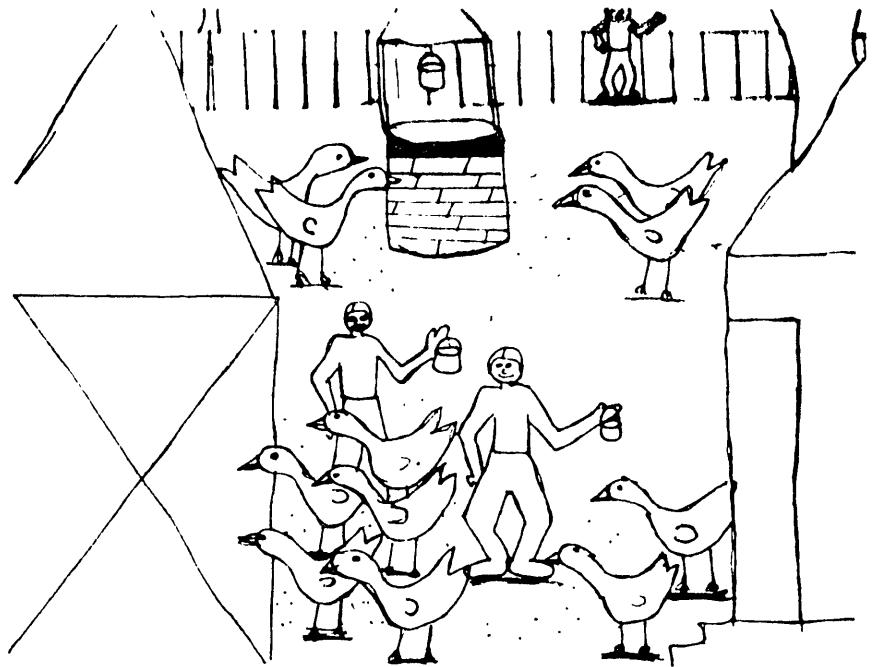
★ 22 TAC §89.33

The Texas Cosmetology Commission has withdrawn the emergency effectiveness of new §89.33, concerning general provisions. The text of the emergency new section appeared in the June 19, 1987, issue of the *Texas Register* (12 TexReg 1967). The effective date of this withdrawal is September 1, 1987.

Issued in Austin, Texas, on July 22, 1987.

TRD-8706056 Jo Ann Reeves
Executive Director
Texas Cosmetology
Commission

Filed: July 22, 1987
For further information, please call
(512) 463-5542.



Name: Lori Norton
Grade: 5
School: Burton Hill Elementary, Ft. Worth

Adopted Rules

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

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

TITLE 7. BANKING AND SECURITIES

Part VII. State Securities Board

Chapter 115. Dealers and Salesmen

★7 TAC §§115.1, 115.3, 115.5

The State Securities Board adopts amendments to §§115.1, 115.3, and 115.5. The amendments to §115.3 and §115.5 are adopted with changes to the proposed text as published in the June 2, 1987, issue of the *Texas Register* (12 TexReg 1768). The amendment to §115.1 is adopted without changes and will not be republished. The changes are necessary because, subsequent to the proposal, House Bill 875, 70th Legislature, was enacted. The bill amended the Securities Act, Texas Civil Statutes, Article 581-1 et seq., by adding a fee to take the Texas securities law examination. Accordingly, the board has added a reference to the fee. The board also has corrected a typographical error in §115.5(a)(2)(D).

The amendments clarify several requirements applicable to those seeking to obtain either restricted or multiple licenses and those seeking to comply with examination and record keeping requirements.

The amendments relate to the registration requirements for persons seeking either restricted licenses or multiple licenses and examination and record keeping requirements.

The agency received one generally favorable comment from La Quinta Motor Inns, Incorporated, that contained the suggestion that salesmen be required to make the same disclosure as dealers in §115.1(e)(2)(C). No comments were received against adoption of the amendments.

The agency disagrees with the recommendation that salesmen be required to make the required disclosure because of additional, and it is felt, unjustified administrative expense in cross-checking to see that all agents of such dealers have filed such a commitment. Requiring the

commitment of the registrant seems to be sufficient.

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

§115.3. Examination.

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

(c) Exemptions.

(1) (No change.)

(2) A full waiver of the examination requirements of the Act, §13.D, is granted by the board for the following classes of persons:

(A)-(D) (No change.)

(E) officers and employees of financial institutions where the securities-related activity consists solely of acting as a correspondent in a discount brokerage service network coordinated with a separate general dealer.

(i) For purposes of this subsection, financial institutions shall include state or national banks, state or federal savings and loan associations, and credit unions.

(ii) For purposes of this subsection, acting as a correspondent means the activities of the officers and employees are limited to advertising the discount brokerage service, assisting customers in completing application forms and referring customers to a representative of the separate general dealer.

(iii) For purposes of this subsection, separate general dealer means an entity which holds a license as a general securities dealer; it does not infer a requirement that the general dealer be unaffiliated with the financial institution.

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

(d) (No change.)

(e) Time, location, and fee. The fee for each filing of a request to take the Texas securities law examination is \$35. The examination is given at 9 a.m. on the second and fourth Tuesday of each month in the office of the State Securities Board in Austin. The examination may be taken at other loca-

tions near principal population centers over the state. Testing centers may charge an additional (monitor) fee for administering the examination. A schedule of these examination centers with additional details may be obtained from the securities board.

(f) (No change.)

§115.5. Minimum Records.

(a) Dealer records (compliance with the recordkeeping requirements of the United States Securities and Exchange Commission (Code of Federal Regulations 240.17a-3 and 240.17a-4) will satisfy the following requirements).

(1) Records to be made by certain dealers. A person or company registered in Texas as a general securities dealer or a dealer in municipal securities shall make and keep current the following minimum records or the equivalent thereof:

(A)-(K) (No change.)

(2) Exemptions from the requirements of paragraph (1) of this subsection.

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

(D) For purposes of transactions in municipal securities by municipal securities dealers, compliance with Rule G-8 of the Municipal Securities Rulemaking Board will be deemed to be in compliance with paragraph (1) of this subsection.

(3) Restricted dealers. Dealers registered in specialized categories, other than municipal securities dealers such as oil and gas dealers and real estate dealers, etc., shall keep and maintain records adequate to accurately reflect customer transactions, and dealer's financial condition.

(4) (No change.)

(b) (No change.)

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 July 24, 1987.

TRD-8706112 Richard D. Latham
Securities Commissioner
State Securities Board

Effective date: September 1, 1987
Proposal publication date: June 2, 1987
For further information, please call:
(512) 474-2233.

TITLE 25. HEALTH SERVICES
Part VIII. Interagency Council on Early Childhood Intervention
Chapter 621. Early Childhood Intervention Program
Funding of the Early Childhood Intervention Program

★ 25 TAC §621.26

The Interagency Council on Early Childhood Intervention adopts an amendment to §621.26 without changes to the proposed text published in the March 20, 1987, issue of the *Texas Register* (12 TexReg 939).

The amendment updates and clarifies the grant application submission and review process. The amendment divides the ECI review team into two teams: one that handles new and expansion requests; and one that handles continuation requests.

No public comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, §73.003, which provides the Interagency Council on Early Childhood Intervention with the authority to establish procedures, guidelines, and recommendations to implement the Early Childhood Intervention Program.

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

Issued in Austin, Texas, on July 24, 1987.

TRD-8706122 Jill Gray
 Chairperson
 Interagency Council on
 Early Childhood
 Intervention

Effective date: August 14, 1987
 Proposal publication date: March 20, 1987
 For further information, please call
 (512) 465-2671.



★ 25 TAC §621.31

The Interagency Council on Early Childhood Intervention adopts an amendment to §621.31 with changes to the proposed text published in the March 27, 1987, issue of the *Texas Register* (12 TexReg 1023).

The amendment updates and clarifies the council's formal hearings procedures, and modifies the formal hearing procedures concerning the appointment of the hearing officer and the attorney representing the council at the hearings.

One individual commenter recommended that the phrase "an attorney to represent the council" be substituted in the place of "trial attorney" in §621.31(h)(1) and §621.31(i)(2). The council approved of the recommendation and has modified the language accordingly. No group or organization was against the adoption of the amendment.

The amendment is adopted under the Human Resources Code, §73.003, which provides the Interagency Council on Early Childhood Intervention with the authority to establish procedures, guidelines, and recommendations to implement the Early Childhood Intervention Program.

§621.31. Formal Hearing Procedures.

(a) (No change.)

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

(1) (No change.)

(2) Hearing examiner—Any person designated or appointed by the chairperson of the ECI Council as the agent or representative of the council to conduct hearings provided for by rules of the interagency council.

(3)-(10) (No change.)

(c)-(g) (No change.)

(h) Docketing and numbering of causes; hearing date.

(1) Upon receipt of the request for hearing, which complies with the rule as to form and content, the ECI administrator shall docket the same as a pending proceeding, notify TDH, notify the chairperson of the ECI council, and appoint an attorney to represent the council for the hearing.

(2) Upon receipt of the notification that a request for hearing has been docketed by the ECI administrator, the chairperson of the ECI council shall appoint the hearing examiner.

(3) The Hearing Examiner shall set a date on which the hearing on the proceedings will be held. Said date will be no sooner than 10 days nor later than 20 days from the date he receives written notification of his appointment as the hearing examiner. The hearing examiner may subsequently postpone or continue the hearing date until a later date if, in his sound judgment and discretion, good cause requires a later date. Good cause includes, but is not limited to, the consideration that a later date will result in a fairer and more just determination of the issues and that the welfare of any client will not be substantially endangered by reason of the postponement. The hearing examiner is not precluded by this section or any other section from ordering a postponement or continuance of the hearing upon the showing of good cause.

(i) Appointment of the hearing examiner.

(1) Hearings will be conducted by a hearing examiner appointed by the chairperson of the ECI council within five days of receipt of a request for hearing.

(2) At the time a hearing is requested, the commissioner, or his designee, of TDH, TDMHMR, TEA, and TDHS shall designate one attorney employed by each agency to make up a pool of hearing examiners from which the chairperson of the ECI council shall appoint a hearing examiner and the ECI administrator shall appoint an attorney to represent the council for each hearing. The chairperson and the ECI administrator will consider the extent of involvement of each agency in the matters being contested, and insofar as is practicable, the hearing examiner will be selected from the agency with least involvement and the attorney representing the council will be selected from the agency with greatest involvement.

(3) (No change.)

(4) If the hearing examiner dies, becomes disabled, or withdraws, or is removed from employment or the case at any time before the final decision thereof, the chairperson of the ECI council may appoint another hearing examiner who may perform any function remaining to be performed without the necessity of repeating the previous proceedings in the case.

(5) (No change.)

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 July 24, 1987.

TRD-8706123 Jill Gray
 Chairperson
 Interagency Council on
 Early Childhood
 Intervention

Effective date: August 14, 1987
 Proposal publication date: March 27, 1987
 For further information, please call
 (512) 465-2671.



★ 25 TAC §621.34

The Interagency Council on Early Childhood Intervention adopts new §621.34 without changes to the proposed text published in the March 27, 1987, issue of the *Texas Register* (12 TexReg 1024).

New §621.34 requires that programs which receive ECI funds shall have written health program standards. New §621.34 describes the various areas which the health program standards shall cover and the criteria for which standards shall meet.

One individual commenter had questions concerning §621.34. The council responded to the questions without having to change the proposed section; therefore, the council has adopted §621.34 as proposed.

No group or organization was against the adoption of the new section.

The new section is adopted under the Human Resources Code, §73.003, which provides the Interagency Council on Early Childhood Intervention with the authority to establish procedures, guidelines, and recommendations to implement the Early Childhood Intervention Program.

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

Issued in Austin, Texas, on July 24, 1987.

TRD-8706124

Jill Gray
Chairperson
Interagency Council on
Early Childhood
Intervention

Effective date: August 14, 1987
Proposal publication date: March 27, 1987
For further information, please call
(512) 465-2671

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services Chapter 48. Community Care for Aged and Disabled

Eligibility

★40 TAC §48.2915

The Texas Department of Human Services adopts an amendment to §48.2915, without changes to the proposed text published in the June 9, 1987, issue of the *Texas Register* (12 TexReg 1864).

The section is justified to clarify that adults must be elderly or disabled to be eligible for adult protective services (APS) and that APS clients do not have to meet financial or functional eligibility requirements.

The section will function by giving the public a clearer knowledge of APS eligi-

bility requirements and ensuring more uniform service delivery.

No comments were received regarding adoption of the amendment.

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

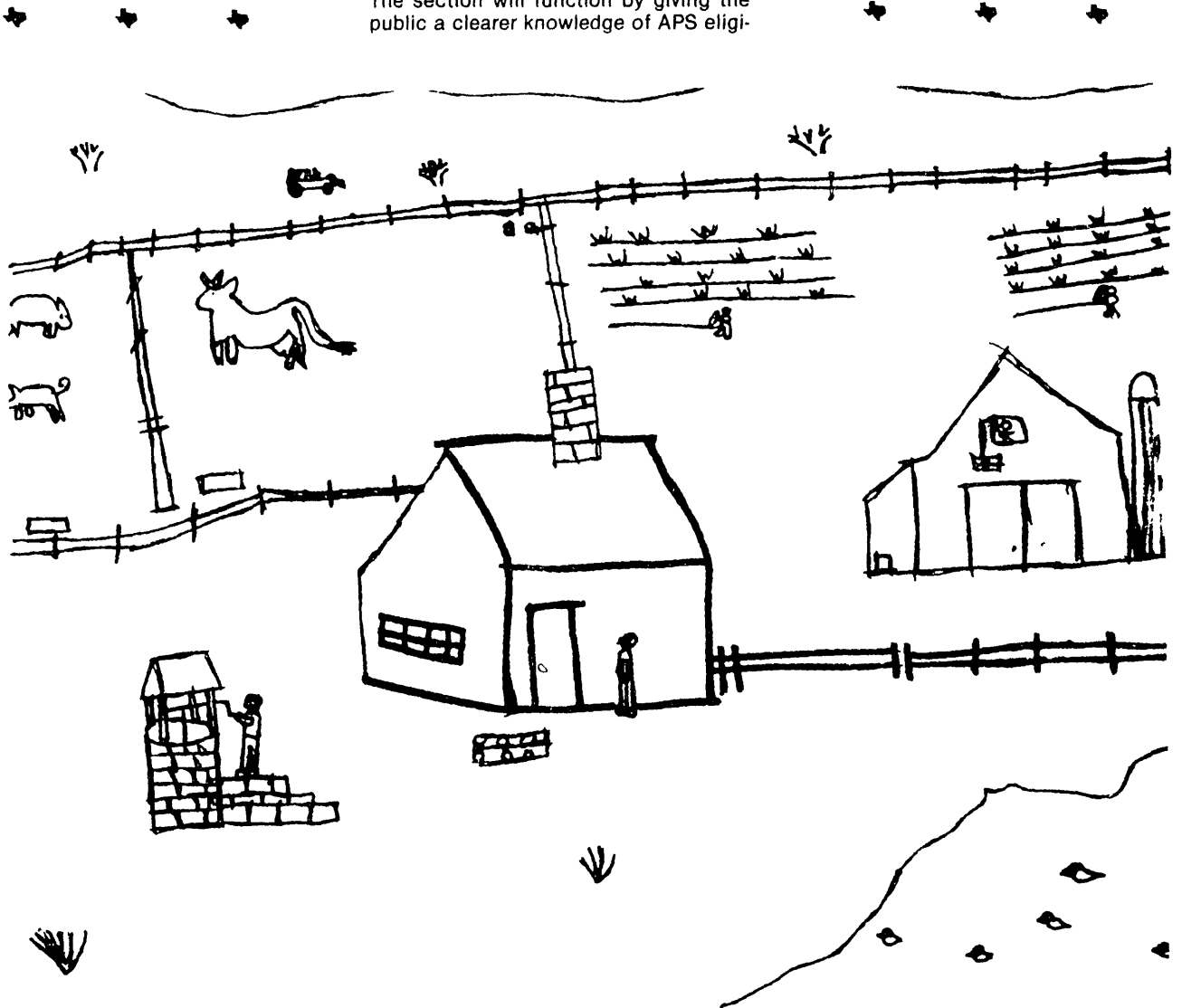
This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on July 24, 1987.

TRD-8706103

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: September 1, 1987
Proposal publication date: June 9, 1987
For further information, please call
(512) 450-3766.



Name: Mikey Pupalaikis
Grade: 5
School: Burton Hill Elementary, Ft. Worth

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 Adult Probation Commission

The Texas Adult Probation Commission will meet in Suite 600, Building B, 8100 Cameron Road, Austin. Dates, times, and agendas follow.

Thursday, August 6, 1987, 10 a.m. The Program Committee will consider special program and RC funding summary; specialized caseloads including fiscal year 1987 interim report, specialized caseload applications, and various counties; RC's regarding program information and applications of various counties; surveillance probation, including program overview, proposed standards, applications, and various counties; court residential treatment centers (CRTC's), including program information, CRTC applications, various counties, contract residential services (CRS) applications, and various counties; fiscal year 1987 grant applications including RC's, various counties, and CRTC-Harris County; Senate Bill 215 diversion programs (information only), RC-Tom Green County, specialized caseloads; various counties; supplemental funding applications—fiscal year 1988 and various counties; and waivers.

Contact: Virginia Grote, 8100 Cameron Road, Suite 600, Austin, Texas 78753, (512) 834-8188.

Filed: July 27, 1987, 1:53 p.m.
TRD-8706169

Thursday, August 6, 1987, 1:30 p.m. The Audit Review Committee will consider fiscal audit reports concerning final review of Bastrop County, Bowie County, Brazoria County, Cherokee County, Floyd County, Galveston County, Grayson County, Guadalupe County, Hall County, Hidalgo County, Taylor County, Tyler County, Victoria County, Williamson County, and Wood County; and initial reviews of Bexar County, Cameron County, Ellis County, and San Patricio County.

Contact: Virginia Grote, 8100 Cameron Road, Suite 600, Austin, Texas 78753, (512) 834-8188.

Filed: July 27, 1987, 1:57 p.m.
TRD-8706170

Friday, August 7, 1987, 9 a.m. The commission will approve minutes of the previous meeting; hear financial report; program services report concerning special program and RC funding summary, specialized caseloads concerning fiscal year 1987 interim report and various counties, RC's concerning program information, applications of various counties, surveillance probation, program overview, proposed standards, applications of various counties, CRTC's program information, CRTC's applications of various counties, CRS applications of various counties, fiscal year 1987 grant applications, RC's of various counties, CRTC-Harris County, Senate Bill 215 diversion programs (information only), RC-Tom Green County, SC for various counties, supplemental funding applications fiscal year 1988 for various counties, waivers, and certificates of commendation; hear data services report and statistical reports; fiscal services reports and Audit Review Committee Report; and Executive Division report concerning legislation update, attorney general's opinions, DWI education rules, and administrative business.

Contact: Virginia Grote, 8100 Cameron Road, Suite 600, Austin, Texas 78753, (512) 834-8188

Filed: July 27, 1987, 1:57 p.m.
TRD-8706171

Texas Department on Aging

Thursday, August 13, 1987, 10 a.m. The State Citizens Advisory Council of the Texas Department on Aging will meet in the Third Floor Conference Room, 1949 South IH-35, Austin. According to the agenda, the council will approve minutes of the May 14, 1987, meeting; hear fiscal reports, program reports, Area Agency on Aging (AAA) reports, and general announcements.

Contact: Linda Heath, P.O. Box 12786, Austin, Texas 78711, (512) 444-2727.

Filed: July 27, 1987, 1:30 p.m.
TRD-8706166

Texas Department of Agriculture

The Texas Department of Agriculture will meet in the District Office, Expressway 83, two blocks west of Morningside Road, San Juan. Dates, times, and agendas follow.

Friday, August 7, 1987, 10:30 a.m. The department will hold an administrative hearing to review alleged violation of Texas Agriculture Code, §103.001 by McAllen Produce Company, Pedro Ayala, and Tomas Cannales as petitioned by Don Pepe Farms, Inc.

Contact: Margo P. Wilton, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: July 27, 1987, 11:15 a.m.
TRD-8706160

Friday, August 7, 1987, 11 a.m. The department will hold an administrative hearing to review alleged violation of Texas Agriculture Code, §103.001 by McAllen Produce Company, Pedro Ayala, and Tomas Cannales as petitioned by DeBruyn Produce Company.

Contact: Margo P. Wilton, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: July 27, 1987, 11:14 a.m.
TRD-8706159

Friday, August 27, 1987, 1 p.m. The department will hold an administrative hearing to review alleged violation of Texas Agriculture Code, §103.001 by McAllen Produce Company, Pedro Ayala, and Tomas Cannales as petitioned by A&W Produce, Inc.

Contact: Margo P. Wilton, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: July 27, 1987, 11:14 a.m.
TRD-8706158

State Banking Board

Friday, July 31, 1987, 9:30 a.m. The State Banking Board will meet at 2601 North Lamar Boulevard, Austin. According to the agenda summary, the board will consider conversion applications; change of domicile applications; review applications approved, but not yet open and other pending applications; consider proposed rules relating to chartering of trust companies; application fees for charter, interim charter, conversion, merger, and change of domicile applications; and review of consumer complaints.

Contact: William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Filed: July 23, 1987, 1:34 p.m.
TRD-8706070

Texas Cancer Council

Tuesday, August 4, 1987, 9:30 a.m. The Texas Cancer Council will meet in Room 101, John H. Reagan Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the council will approve minutes of the May 7, 1987, meeting; discuss information on fiscal year 1988-1989 legislative appropriations of the 70th Legislature, Second Called Session, and other legislation related to Texas Cancer Plan; hear fiscal status report and related information items; hear report on search for new executive director; consider planning of annual meeting; appointment of Advisory Committee/Texas Cancer Plan; requested modification to fiscal year 1987 budget items with related progress reports; and requested fiscal year 1988 contracts with related progress reports.

Contact: Owen McCrory, M.D. Anderson Hospital, Houston, Texas 77030, (713) 792-2203.

Filed: July 27, 1987, 4:13 p.m.
TRD-8706194

Texas Commission for the Deaf

Friday, August 7, 1987, 1:30 p.m. The Rules Review Committee of the Texas Commission for the Deaf will meet in the Conference Room, 510 South Congress Avenue, Austin. According to the agenda, the committee will consider introduction of rules, structuring of public hearing, TCD publications regarding rate structure, alternatives to current interpreter fee scale, sliding fee scale for interpreter services, new business, and hear public comment.

Contact: Larry D. Evans, P.O. Box 12904, Austin, Texas 78711, (512) 469-9891.

Filed: July 27, 1987, 11:14 a.m.
TRD-8706157

Consumer Credit Section of the Finance Commission

Thursday, August 6, 1987, 9:30 a.m. The Consumer Credit Section of the Finance Commission will meet at 2601 North Lamar Boulevard, Austin. According to the agenda, the section will discuss legislation enacted by the 70th Legislature, agency operation, and personnel.

Contact: Al Endsley, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Filed: July 27, 1987, 4:02 p.m.
TRD-8706188

Interagency Council on Early Childhood Intervention

Tuesday, August 4, 1987, 8:30 a.m. The Interagency Council on Early Childhood Intervention will meet in the Second Floor Conference Room, 1101 East Anderson Lane, Austin. According to the agenda, the council will approve minutes of the previous meeting; consider fiscal year 1988 Continuation Grant Awards for Beaumont State Center and Region XIX Education Service Center; new grant awards for infant programs serving Cherokee and Anderson Counties for fiscal year 1988; reappoint Early Childhood Intervention Advisory Committee members for fiscal year 1988; appoint chairperson and vice-chairperson of the Early Childhood Intervention Council for fiscal year 1988; and review and approve fee policy recommendation.

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

Filed: July 23, 1987, 4:15 p.m.
TRD-8706087

Texas Education Agency

The Texas Education Agency will meet in the William B. Travis Building, 1701 North Congress Avenue, Austin. Dates, times, rooms, and agendas follow.

Wednesday, July 29, 1987, 10 a.m. The Price Differential Index Advisory Committee of the Texas Education Agency met in emergency session in Room 1-109, to consider explanation of TEA travel procedures, reviewed prior committee efforts, discussed State Board of Education charges, format for public hearing, selected chair, and set dates for future meetings. The emergency status was necessary to ensure that the committee can begin its work in order to meet timeliness.

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

Filed: July 27, 1987, 11:07 a.m.
TRD-8706152

Tuesday, August 11, 1987, 10 a.m. The Accountable Costs Advisory Committee will meet in Room 1-109 to consider explanation of TEA travel procedures, review of prior committee efforts, discuss State Board of Education charges, selection of chair, and set dates for future meetings.

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

Filed: July 27, 1987, 11:07 a.m.
TRD-8706153

Thursday, August 20, 1987, 8 a.m. The Price Differential Index Committee will hold a public hearing in Room 1-101, to receive testimony on concerns about developing a new price differential index to be used for school years 1989-1990 and 1990-1991. The committee has been charged by the State Board of Education to use the input from the hearing in the development of its research agenda for the next year. Among the items of interest to the committee will be appropriate data elements and their collection, definition of service markets and competitive areas, and the methodology for index calculations. Persons wishing to testify must register with Mary Ann Santos at (512) 463-9704, before 5 p.m. on Tuesday, August 18, 1987. Speakers should bring 20 copies of their testimony to the hearing.

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

Filed: July 27, 1987, 11:07 a.m.
TRD-8706154

Texas Employment Commission

Tuesday, August 4, 1987, 8:30 a.m. The Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will approve minutes of the previous meeting, hear public comments, consider transfer of property—Paris office, trust fund, Immigration Reform and Control Act, comprehensive language services program, implementation and/or discussion of legislation affecting the commission, and date of and agenda items for next meeting.

Contact: C. Ed Davis, 101 East 15th Street, Austin, Texas 78778, (512) 463-2291.

Filed: July 27, 1987, 3:45 p.m.
TRD-8706187

Office of Governor, Criminal Justice Division

Tuesday, July 28, 1987, 10 a.m. The Juvenile Justice Advisory Board of the Office of the Governor, Criminal Justice Division met in emergency session in Room 304T, Trinity Building, 12th and Trinity Streets, Austin.

According to the agenda, the board made recommendations regarding applications for federal funds awarded to Texas under the terms of the Juvenile Justice and Delinquency Prevention Act (Public Law 98-473); and heard a status report on reauthorization of the Juvenile Justice and Delinquency Prevention Act. The emergency status was necessary because board members cannot adjust their schedules to meet at any other reasonable time.

Contact: Jim Kester, P.O. Box 13332, Austin, Texas 78711, (512) 463-1919.

Filed: July 24, 1987, 9:46 a.m.
TRD-8706105



Tuesday, August 25, 1987, 7:30 p.m. The Texas Crime Stoppers Advisory Council of the Criminal Justice Division will meet in the Holiday Inn, 4300 West Highway 80, Midland. According to the agenda, the council will approve minutes of the June 9, 1987, meeting; approve responsibilities of the executive director; hear a report on legislation effecting crime stoppers; amend the rules governing the council; consider new business; and hear a report of the staff.

Contact: Anne Jones, P.O. Box 12428, Austin, Texas 78701, (512) 463-1784.

Filed: July 27, 1987, 3:31 p.m.
TRD-8706183



Texas Department of Health

Friday, July 31, 1987, 1:30 p.m. The Nursing Homes Committee of the Texas Board of Health for the Texas Department of Health, will meet in Room G-107, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the committee will meet in executive session to discuss final adoption of the rules concerning minimum licensing standards for nursing homes; emergency and proposed rules concerning the investigation of prospective employees of nursing homes and custodial care homes; emergency and proposed amendments to minimum licensing standards for maternity homes; minimum licensing standards for personal care homes; minimum licensing standards for custodial care homes; architectural manual for facilities serving the mentally retarded; and minimum licensing standards for facilities serving the mentally retarded.

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

Filed: July 23, 1987, 4:08 p.m.
TRD-8706086

Saturday, August 1, 1987, 7:30 a.m. The Public Health Promotion Committee of the Texas Board of Health for the Texas Department of Health, will meet in Room T-709, 1100 West 49th Street, Austin. According to the agenda summary, the committee will meet to hear the update of the public health promotion activities; and review the year one and year two public health promotion work plans.

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

Filed: July 23, 1987, 4:12 p.m.
TRD-8706096

Saturday, August 1, 1987, 8 a.m. The Personnel Committee of the Texas Board of Health for the Texas Department of Health, will meet in Room T-803, 1100 West 49th Street, Austin. According to the agenda summary, the committee will meet to discuss the initial appointments to the Medical Radiologic Technologist Advisory Board; appointment to unexpired term on the Texas Emergency Medical Services Advisory Council; appointments to the Children's Vision Screening Advisory Committee; the Children's Speech, Hearing, and Language Screening Advisory Committee; the Municipal Solid Waste Management and Resource Recovery Advisory Council; and the Hospital Data Advisory Committee.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7236.

Filed: July 23, 1987, 4:12 p.m.
TRD-8706095

Saturday, August 1, 1987, 8:30 a.m. The Executive Committee of the Texas Board of Health for the Texas Department of Health, will meet in Room G-103, 1100 West 49th Street, Austin. According to the agenda, the committee will meet to discuss the items of procedure for the upcoming Board of Health meeting.

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

Filed: July 23, 1987, 4:13 p.m.
TRD-8706094

Saturday, August 1, 1987, 9 a.m. The Crippled Children's Services and Maternal and Child Health Committee of the Texas Board of Health for the Texas Department of Health, will meet in Room T-507, 1100 West 49th Street, Austin. According to the agenda, the committee will meet to discuss the Tarsal Tunnel Syndrome in children.

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

Filed: July 23, 1987, 4:13 p.m.
TRD-8706093

Saturday, August 1, 1987, 9 a.m. The Environmental Health Committee of the Texas Board of Health for the Texas Department of Health, will meet in Room T-604, 1100 West 49th Street, Austin. According to the agenda summary, the committee will meet

to discuss the proposed rules concerning a memorandum of understanding among the Texas Department of Health, the Texas Water Commission, and the Railroad Commission of Texas covering oil and gas waste; public notice of Uranium Recovery Licensing Action; and standards for industrial radiography equipment; emergency and proposed rules concerning notification of hearings for landfills and solid waste facilities; closed vehicles delivering waste to Type IV solid waste landfills; milk and dairy fees; and frozen dessert fees; final rules concerning memorandum of understanding between the Department of Health and the Texas Water Commission covering radioactive mixed waste; animal shelters; and disposal of waste from watercraft.

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

Filed: July 23, 1987, 4:15 p.m.
TRD-8706089

Saturday, August 1, 1987, 9:30 a.m. The Alternate Care Committee of the Texas Board of Health for the Texas Department of Health, will meet in Room G-107, 1100 West 49th Street, Austin. According to the agenda summary, the committee will meet to discuss the final adoption of the rules concerning the licensure of abortion facilities providing general anesthesia; emergency and proposed amendments to the rules concerning respiratory care practitioner certification; emergency adoption of rules concerning the registration and regulation of massage therapists; proposed rules concerning the registration and regulation of massage therapists; and proposed amendments to the Kidney Health Program rules.

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

Filed: July 23, 1987, 4:13 p.m.
TRD-8706092

Saturday, August 1, 1987, 10 a.m. The Emergency and Disaster Committee of the Texas Board of Health for the Texas Department of Health, will meet in Room G-108 (Law Library), 1100 West 49th Street, Austin. According to the agenda, the committee will meet to discuss the emergency and proposed rules concerning specialized training of emergency medical services personnel in defibrillation.

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

Filed: July 23, 1987, 4:14 p.m.
TRD-8706091

Saturday, August 1, 1987, 11:30 a.m. The Legislative Committee of the Texas Board of Health for the Texas Department of Health, will meet in Room G-107, 1100 West 49th Street, Austin. According to the agenda, the committee will meet to discuss the summary of the legislative activities, 70th Legislative Session.

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

Filed: July 23, 1987, 4:14 p.m.
TRD-8706090

Saturday, August 1, 1987, 12:30 p.m. The Texas Board of Health for the Texas Department of Health, will meet in Room T-610, 1100 West 49th Street, Austin. According to the agenda summary, the board will meet to discuss minutes; hear the commissioner's report; final rules on public health regions, abortion facilities, nursing homes, radiation, animal shelters, and watercraft waste; proposed rules on the Kidney Program, hospital licensing, solid waste, radiation, and collection of data from health care facilities; the emergency and proposed rules on communicable diseases, respiratory care, massage therapists, nursing homes, custodial care homes, personal care homes, maternity homes, homes for the mentally retarded, solid waste, milk and dairy, and frozen desserts; committee reports from budget, alternate care, hospitals, nursing homes, environmental health, personnel, crippled children's services and maternal and child health, and public health promotion; and announcements and comments (no Board of Health action required).

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

Filed: July 23, 1987, 4:15 p.m.
TRD-8706088



Tuesday, August 4, 1987, 10 a.m. The Primary Health Care Program Advisory Committee of the Texas Department of Health will meet in Room G-107, 1100 West 49th Street, Austin. According to the agenda summary, the committee will approve minutes of the previous meetings, hear report on program appropriation for fiscal year 1988 and 1989, review continuous grant applications, consider overview of training program for primary care providers, hear program evaluation status report by U.T. School of Public Health, needs assessment progress report, and consider next meeting date of September 18, 1987.

Contact: John Dombroski, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7770.

Filed: July 27, 1987, 4:13 p.m.
TRD-8706193



State Department of Highways and Public Transportation

Wednesday-Thursday, July 29-30, 10 a.m. and 9 a.m., respectively. The State Highway and Public Transportation Commission of the State Department of Highways and Public Transportation met with an emergency revised agenda in the Auditorium, Room

101, First Floor, and Room 101-A, First Floor, Dewitt C. Greer State Highway Building, 11th and Brazos Streets, Austin. According to the agenda summary, the commission considered a supplement to the revised agenda concerning the 55 and 65 mph speed limit. The emergency revised agenda was necessary because the commission action is necessary this month.

Contact: Office of the Engineer-Director, Dewitt C. Greer State Highway Building, Room 203, 11th and Brazos Streets, Austin, Texas 78701, (512) 463-8616.

Filed: July 23, 1987, 12:30 p.m.
TRD-8706068



Texas Department of Human Services

Thursday, August 6, 1987, 1 p.m. The Texas Board of Human Services of the Texas Department of Human Services will meet in the Public Hearing Room, First Floor, 701 West 51st Street, Austin. According to the agenda, the board will approve minutes of the July 16, 1987, meeting; hear the commissioner's report; consider operating plan for fiscal year 1988; 1987 budget adjustments; hear a report on state legislation affecting the department; hear a report on welfare reform and other federal legislation; consider refinements to the inpatient hospital reimbursement system establishment of minimum standard dollar amount; proposed rules for home energy assistance program for winter 1988; early and periodic screening, diagnosis, and treatment-medical screening and dental services; and appointment of Advisory Committee.

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

Filed: July 28, 1987, 8:13 a.m.
TRD-8706197



State Board of Insurance

The State Board of Insurance will meet at 1110 San Jacinto Street, Austin. Dates, times, rooms, and agendas follow.

Tuesday, July 28, 1987, 10 a.m. The State Board of Insurance met for an emergency revised agenda in Room 414. According to the agenda, the board considered filings by Insurance Services Office of Simplification of Farm Inland Rules and Forms. The revised agenda was necessary to provide insurers and other entities with rules and forms in sufficient time for utilization as a part of a simplification program of rules and forms which goes into effect September 1, 1987.

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

Filed: July 23, 1987, 2:08 p.m.
TRD-8706073

Tuesday, August 4, 1987, 9 a.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 9520—Application of United General Life Insurance Company, St. Petersburg, Florida, for approval of revaluation of home office property.

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

Filed: July 27, 1987, 1:07 p.m.
TRD-8706162

Tuesday, August 4, 1987, 9 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9638—Reinsurance agreement whereby Hopkins County Mutual Association, Sulphur Springs, will be reinsured by American Underwriters Life Insurance Company, Waco.

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

Filed: July 27, 1987, 1:07 p.m.
TRD-8706163

Tuesday, August 4, 1978, 10:30 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9639—Reinsurance agreement whereby Hopkins County Burial Association, Sulphur Springs, will be reinsured by American Underwriters Life Insurance Company, Waco.

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

Filed: July 27, 1987, 1:08 p.m.
TRD-8706164

Monday, August 10, 1987, 9 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9611—Whether Petra Foundation, Inc., San Augustine, has complied with Commissioner's Order 87-0688, dated June 10, 1987.

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

Filed: July 27, 1987, 1:08 p.m.
TRD-8706165



Texas Department of Labor and Standards

Tuesday, August 18, 1987, 9:30 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet in Room 105, E.O. Thompson Building, 920 Colorado Street, Austin. According to the agenda, the division will consider suspension or revocation of the manufactured housing registration of Coastal Mobile Homes, Inc. for alleged violation of the department's manufactured housing rules and regulations.

Contact: Craig F. Sandling, P.O. Box 12157, Austin, Texas 78711, (512) 463-3127.

Filed: July 27, 1987, 4:06 p.m.
TRD-8706189



Texas Board of Land Surveying

Monday-Wednesday, August 17-19, 1987, 8 a.m. daily. The Fourth Regular Meeting of 1987 for the Texas Board of Land Surveying will meet at the Marriott Hotel, 701 East 11th Street, Austin, on Monday and Tuesday, and in Suite 304, 7703 North Lamar Boulevard, Austin, on Wednesday. According to the agenda, the board will conduct the August, 1987 examination; approve minutes of the previous meetings; conduct interviews; discuss correspondence; conduct a formal hearing on Complaint 87-1 against H. T. Weber of Houston; and discuss any other business to come before the board.

Contact: Betty J. Pope, 7703 North Lamar Boulevard, Suite 304, Austin, Texas 78752, (512) 452-9427.

Filed: July 24, 1987, 11:00 a.m.
TRD-8706128



Legislative Audit Committee

Tuesday, August 4, 1987, 9 a.m. The Legislative Audit Committee will meet in the Old Supreme Court Room, State Capitol, Austin. According to the agenda summary, the committee will consider status of 1986 fiscal year audits, briefing on recent legislation, 1987-1988 fiscal year audit plan, 1987-1988 fiscal year budget presentation, and other issues.

Contact: Lawrence F. Alwin, P.O. Box 12067, Austin, Texas 78711, (512) 463-5858.

Filed: July 27, 1987, 11:38 a.m.
TRD-8706161



Texas Legislative Council

Tuesday, August 4, 1987, 9 a.m. The Texas Legislative Council will meet in Room 310, the Old Supreme Court Room, State Capitol Building, Austin. According to the agenda, the council will meet to hear the executive director's report; consider the proposed council's operating budget for fiscal year 1988; and discuss other business.

Contact: Dorothy Wells, P.O. Box 12128, Austin, Texas 78711, (512) 463-1151.

Filed: July 27, 1987, 8:51 a.m.
TRD-8706147



Legislative Reference Library

Tuesday, August 4, 1987, 9 a.m. The Legislative Library Board of the Legislative Reference Library will meet in Room 310, Old Supreme Court Room, State Capitol Building, Austin. According to the agenda, the board will consider the appointment of the director and approve the operating budget, 1987-1988.

Contact: Sally Reynolds, P.O. Box 12488, Capitol Station, Austin, Texas 78711, (512) 475-4626.

Filed: July 23, 1987, 2:08 p.m.
TRD-8706072



Texas Medical Disclosure Panel

Saturday, August 1, 1987, 9:30 a.m. The Texas Medical Disclosure Panel will meet in Room T-407, 1100 West 49th Street, Austin. According to the agenda summary, the panel will swear in members; elect officers of the panel; review minutes of July 21, 1984, meeting; discuss administration of blood and blood products; obstetrics and gynecology procedures; and hear announcements and comments.

Contact: Carroll W. Gregory, M.P.H., 1100 West 49th Street, Austin, Texas 78756, (512) 458-7245.

Filed: July 23, 1987, 4:12 p.m.
TRD-8706097



Texas Motor Vehicle Commission

Wednesday, August 5, 1987, 2 p.m. The Texas Motor Vehicle Commission will meet in Suite 302, 815 Brazos, Austin. According to the agenda, the commission will adopt minutes of commission meetings of April 21-22, 1987, and hear reports and order in Lem-on Law cases.

Contact: Russell Harding, 815 Brazos, Suite 301, Austin, Texas 78711, (512) 476-3587.

Filed: July 24, 1987, 8:20 a.m.
TRD-8706099

Thursday, August 6, 1987, 9 a.m. The Texas Motor Vehicle Commission will meet in Suite 302, 815 Brazos, Austin. According to the agenda, the commission will hear reports and licensing matters concerning Docket 424, Numbers 86-092, 87-150, and 87-031, and argument on motion to compel on the application of Memmel Motor Company; discuss agreed orders for approval and entry by commission; orders of dismissal; and discuss commission budget and financial status.

Contact: Russell Harding, 815 Brazos, Suite 301, Austin, Texas 78711, (512) 476-3587.

Filed: July 24, 1987, 8:20 a.m.
TRD-8706100



Board of Pardons and Paroles

Monday-Friday, August 3-7, 1987, 1:30 p.m. daily, except 11 a.m. on Friday. A (three-member) Board Panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will receive, review, and consider information and reports concerning prisoners/inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2713.

Filed: July 24, 1987, 10:49 a.m.
TRD-8706107

Tuesday, August 4, 1987, 1:30 p.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions (other than out of country conditional pardons), including full pardons/restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; and other reprieves, remissions, and executive clemency actions.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2749.

Filed: July 24, 1987, 10:49 a.m.
TRD-8706108



State Preservation Board

Tuesday, August 4, 1987, 3 p.m. The State Preservation Board will meet in the Lt. Governor's Committee Room 220, State Capitol, Austin. According to the agenda, the board will approve minutes from the December 18, 1985, meeting; discuss memorandum of understanding with the Texas Public Building Authority and request for financing proposal; adopt plaque policy for Capitol; hear report on the Pearl Harbor Monument; Capitol grounds maintenance presentation; hear report on Capitol historic furnishings inventory; hear Capitol Centennial Committee activities report; hear report on Capitol Committee fundraising activities; hear Capitol Restorations Projects report; and discuss other business.

Contact: Michael Schneider, 1201 Brazos, Room 313, Austin, Texas 78711, (512) 463-5495.

Filed: July 24, 1987, 2:57 p.m.
TRD-8706121



Public Utility Commission of Texas

The Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boule-

vard, Austin. Dates, times, and agendas follow.

Monday, July 27, 1987, 4:30 p.m. According to the agenda, the commission met in emergency session to consider pending litigation Cause 409,474—AT&T Communications of the Southwest, Inc., et al. v. Public Utility Commission of Texas et al. (appeal of Docket 6095). The commission may recess into executive session. The emergency status was necessary because the commission discussion and decision regarding settlement negotiations in that cause must be accomplished promptly.

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

Filed: July 24, 1987, 2:54 p.m.
TRD-8706120

Thursday, July 30, 1987, 9 a.m. The Hearings Division made an emergency addition to the agenda to consider extending the time for ruling on the appeal of examiner's Order 16 in Docket 6668/6753—Inquiry of the Public Utility Commission of Texas into the prudence and efficiency of the planning and management of the construction of the South Texas Nuclear Project and Inquiry of the Public Utility Commission into the treatment of the proceeds from the South Texas Project settlement.

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

Filed: July 27, 1987, 3:25 p.m.
TRD-8706184

Thursday, August 20, 1987, 10 a.m. The Hearings Division will consider Docket 7568—Appeal of Bluebonnet Electric Cooperative, Inc. for rates set by the City of Manor.

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

Filed: July 27, 1987, 3:24 p.m.
TRD-8706186

Friday, October 16, 1987, 10 a.m. The Hearings Division will consider Docket 7579—Complaint of Cathy Acevedo against Denton County Electric Cooperative, Inc. regarding a billing dispute.

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

Filed: July 27, 1987, 3:24 p.m.
TRD-8706185



Railroad Commission of Texas

Monday, July 27, 1987, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas met in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. The divi-

sion met for an emergency revised agenda and considered the application of Ginnings Company, to inject fluid into a reservoir productive of oil and gas on the GWD unit, Well 1, Peden (Miss) field, Clay County, Docket 9-88,711. The emergency status was necessary because this item must be taken on less than seven days notice as a matter of public necessity, and this item was properly noticed for the meeting of July 20, 1987, and was passed.

Contact: Walter Davis, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6921.

Filed: July 24, 1987, 11:03 a.m.
TRD-8706130

Monday, August 3, 1987, 9 a.m. The Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. The commission will consider and act on division agendas as follows.

The Administrative Services Division director's report on division administration, budget, procedures, and personnel matters, including but not limited to discussion, consideration, and/or action on the following: management study, oil and gas general counsel, and oilfield investigator personnel and their operations.

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

Filed: July 24, 1987, 11:10 a.m.
TRD-8706136

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

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

Filed: July 24, 1987, 11:10 a.m.
TRD-8706141

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

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

Filed: July 24, 1987, 11:11 a.m.
TRD-8706134

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

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

Filed: July 24, 1987, 11:11 a.m.
TRD-8706145

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

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

Filed: July 24, 1987, 11:10 a.m.
TRD-8706135

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

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

Filed: July 24, 1987, 11:11 a.m.
TRD-8706132

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

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

Filed: July 24, 1987, 11:12 a.m.
TRD-8706140

Additions to the previous agenda:

Consideration of whether to initiate rule-making proceedings to amend statewide Rule 1 (16 TAC §3.1) for the State of Texas, Docket 20-90,672.

Contact: Bob Biard, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6920.

Filed: July 24, 1987, 2:41 p.m.
TRD-8706144

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

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

Filed: July 24, 1987, 11:10 a.m.
TRD-8706138

Investigation of cementing practices of Western Company of North America.

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

Filed: July 24, 1987, 11:04 a.m.
TRD-8706129

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

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

Filed: July 24, 1987, 11:10 a.m.
TRD-8706127

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

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

Filed: July 24, 1987, 11:12 a.m.
TRD-8706133

The Office of the Special Counsel director's report relating to pending litigation, including but not limited to discussion and/or decision in Gas Utilities Docket 500 amend-

ment; state and federal legislation; other budget, administrative, and personnel matters; discuss *Hufo Oils, et al v. Railroad Commission, C-5937* in the Supreme Court of Texas; *Walker Operating Corporation, et al v. Federal Energy Regulatory Commission, U.S. Court of Appeals for the 10th Circuit, 85-2583 and 86-2698, et al*; and *Lone Star Gas Company, et al v. Railroad Commission of Texas and Jim Mattox*, in his official capacity as attorney general of the State of Texas, 414,537, 299th District Court.

Contact: Walter Earl Lilie, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7149.

Filed: July 24, 1987, 11:11 a.m.
TRD-8706137

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

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

Filed: July 24, 1987, 11:10 a.m.
TRD-8706131

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

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

Filed: July 24, 1987, 11:12 a.m.
TRD-8706139



Texas Savings and Loan Department

Tuesday, August 4, 1987, 9 a.m. The Texas Savings and Loan Department will meet in Suite 201, 2601 North Lamar Boulevard, Austin. According to the agenda, the department will conduct a hearing to accumulate a record of evidence in regard to the application of Capitol City Savings Association, Austin, Travis County, to establish a loan office at 3405 East Central Texas Expressway, Suite B, Killeen, Bell County, from which record the commissioner will determine whether to grant or deny the application.

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

Filed: July 24, 1987, 1:35 p.m.
TRD-8706111

Thursday, August 6, 1987, 9 a.m. The Texas Savings and Loan Department will meet in Suite 201, 2601 North Lamar Boulevard, Austin. According to the agenda, the department will conduct a hearing to accumulate a record of evidence in regard to the application of Home Banc Savings Association,

Midland, Midland County, to change the name to Banc Home Savings Association, from which record the commissioner will determine whether to grant or deny the application.

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

Filed: July 24, 1987, 1:35 p.m.
TRD-8706110



School Land Board

Tuesday, August 4, 1987, 10 a.m. The School Land Board will meet in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda include approval of minutes of the previous meeting; consideration of bids received for the August 4, 1987, sealed bid land sale; pooling applications; coastal public lands, and easement applications; discussion of litigation and legislation; and proposed rule changes regarding submerged coastal public land fees.

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

Filed: July 27, 1987, 4:07 p.m.
TRD-8706190



Texas A&M University System

Monday, August 3, 1987, 3 p.m. The Committee for Service Units, Board of Regents, for the Texas A&M University System, will meet in the Conference Room, Texas Agricultural Research and Extension Center, Beaumont. According to the agenda, the committee will inspect the Texas Agricultural Research and Extension Center at Beaumont, reconvene the next day, and inspect the Texas A&M University Agricultural Research and Extension Center at Corpus Christi.

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

Filed: July 24, 1987, 9:04 a.m.
TRD-8706101



University of Texas at Austin

Wednesday, August 5, 1987, 1:45 p.m. The Intercollegiate Athletics Council for Men of the University of Texas at Austin, will meet at the Radisson Hotel, 700 San Jacinto Street, Austin. According to the agenda, the council will approve minutes of the June 10, 1987, meeting; consider items from executive session; approve schedules and schedule changes; letter awards; academics; ticket and ticket policies; budget and budget changes;

and discuss new and old business, construction, and development. The council also will meet in executive session.

Contact: Haila Kauffman, P.O. Box 7399, Austin, Texas 78713, (512) 471-4439.

Filed: July 24, 1987, 11:26 a.m.
TRD-8706142



Texas Water Commission

The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Dates, times, rooms, and agendas follow.

Wednesday, September 9, 1987, 10 a.m. The commission will meet in Room 118, to consider petition for creation of Williamson County Municipal Utility District 9, containing 316.018 acres of land.

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

Filed: July 23, 1987, 11:25 a.m.
TRD-8706067

Tuesday, August 4, 1987, 10 a.m. The commission will meet in Room 118, to consider water district bond issues, release from escrow, use of surplus funds, change in plans, rate increase matters, certificates of convenience and necessity, dismissal of certificate of convenience and necessity, proposed water quality permits, amendments and renewals, resolution regarding private sewage facilities within Comal County, water use applications and levee projects, amendments to certificates of adjudication, dismissal of application, applications for extension of time, certification of water rights, setting temporary docket hearing dates, and consideration of setting hearing date pertaining to Wallisville Reservoir.

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

Filed: July 24, 1987, 4:04 p.m.
TRD-8706143



Texas Wheat Producers Board

Tuesday-Wednesday, August 4-5, 1987, 1:30 p.m. and 8 a.m., respectively. The Texas Wheat Producers Board of the Texas Department of Agriculture will meet in the Hilton Inn, I-40 at Lakeside, Amarillo. According to the agenda, the board will accept an extension service publication, "Aphids in Texas"; accept the fiscal year 1987 audit; first quarter fiscal year 1988 financial report; seat new board member; and discuss new business.

Contact: Bill Nelson, Suite 600, Texas Commerce Bank, 2201 Civic Circle, Amarillo, Texas 79109, (806) 352-2191.

Filed: July 23, 1987, 2:07 p.m.
TRD-8706071

Regional Agencies

Meetings Filed July 23

The Brown County Appraisal District, Board of Directors, will meet at 403 Fisk Avenue, Brownwood, on August 3, 1987, at 7 p.m. Information may be obtained from Alvis Sewalt, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 463-5676.

The Heart of Texas Council of Governments, Board of Directors, met at Mexia Civic Center, 101 South McKinney, Mexia, on July 30, 1987, at 6:30 p.m. Information may be obtained from Mary McDow, 320 Franklin Avenue, Waco, Texas 76701-2297, (817) 756-6631.

The Leon County Central Appraisal District, Board of Directors, met in the District Office, Gresham Building Centerville, on July 27, 1987, at 7:30 p.m., and the Appraisal Review Board, will meet on Monday-Wednesday, August 3-5, 1987, 8 a.m. Information may be obtained from Tom G. Holmes, P.O. Box 536, Centerville, Texas 75833, (214) 536-2252.

TRD-8706066



Meetings Filed July 24

The Central Tax Authority of Taylor County, Board of Directors, will meet at 340 Hickory Street, Abilene, on August 12, 1987, at 10 a.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381.

The Comal Appraisal District, Board of Directors, met in the District Office, 644 North Loop 337, New Braunfels, on July 27, 1987, at 5:30 p.m. Information may be obtained from R. Richard Rhodes, Jr., P.O. Box 311222, New Braunfels, Texas 78131-1222.

The Dallas Area Rapid Transit, Board, met at 601 Pacific Avenue, Dallas, on July 28, 1987, at 2 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Mental Health Mental Retardation Center of East Texas, Board of Trustees, met in the boardroom, 2323 West Front Street, Tyler, on July 30, 1987, at 4 p.m. Information may be obtained from Richard J. De Santo, P.O. Box 4730, Tyler, Texas 75712, (214) 597-1351.

The Education Service Center, Region II, Combined Board of Directors and Joint Committee, will meet at Joe Cotten's Bar-B-Q, Highway 77, Robstown, on August 19, 1987, at 6:30 p.m. Information may be obtained from Gerald V. Cook, 209 North Water, Corpus Christi, Texas 78401, (512) 883-9288.

The Gillespie County Appraisal District, Board of Directors, will meet in the Assembly Room, City Hall, Fredericksburg, on August 5, 1987, at 9 a.m. Information may be obtained from Mary Lou Smith, P.O. Box 429, Fredericksburg, Texas 78624, (512) 997-9809.

The Grayson Appraisal District, Appraisal Review Board, met at 205 North Travis, Sherman, on July 27-28, 1987, at 9 a.m. Information may be obtained from Deborah Reneau, 205 North Travis, Sherman, Texas 75090, (214) 893-9673.

The Jack County Appraisal District, Board of Directors, met at the Los Creek Office Building, 216-D South Main, Jacksboro, on July 27, 1987, at 7 p.m. Information may be obtained from Doris G. Ray or Linda Williams, 216-D South Main, Jacksboro, Texas 76056, (817) 567-6301.

The Lamar County Appraisal District, Special Board Meeting, will meet at 1523 Lamar Avenue, Paris, on August 3, 1987, at 4 p.m. Information may be obtained from Rodney Anderson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822.

The Parmer County Appraisal District, Board of Directors, will meet at 305 Third Street, Bovina, on August 13, 1987, at 8 p.m. Information may be obtained from Ron Proctor, P.O. Box 56, Bovina, Texas 79009, (806) 238-1405.

The Sabine River Authority of Texas, Board of Directors, will meet in the Del Lago Conference Center, 600 Del Lago Boulevard, Montgomery, on July 31, 1987, at 9 15 a.m. Information may be obtained from Sam F. Collins, P.O. Box 579, Orange, Texas 77630, (409) 746-2192.

The West Central Texas Council of Governments, Private Industry Council, will meet at the Stagecoach Inn, IH 35, Salado, on July 31, 1987, at 9 a.m. Information may be obtained from Tom K. Smith, (915) 672-8544.

The Wheeler County Appraisal District, Board of Directors, will meet in the District Office, Courthouse Square, Wheeler, on August 3, 1987, at 2 p.m. Information may be obtained from Marilyn Copeland, P.O. Box 349, Wheeler, Texas 79096, (806) 826-5900.
TRD-8706098



Meetings Filed July 27

The Bexar Appraisal District, Appraisal Review Board, will meet at 535 South Main, San Antonio, on July 31, 1987, at 9 a.m. and on August 3-7, 10-13, 17-21, 24-27, and 31, 1987. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Bexar-Medina-Atascosa Counties Water Control and Improvement District #1, Board of Directors, will meet in the District Office, Highway 81, Natalia, on August 3, 1987, at 10 a.m. Information may be obtained from C. A. Mueller, P.O. Box 170, Natalia, Texas 78059, (512) 663-2132.

The Education Service Center, Region IV, Board of Directors, will meet in the Boardroom, 7145 West Tidwell, Houston, on August 11, 1987, at 6 p.m. Information may be obtained from Tom Pate, Jr., P.O. Box 863, Houston, Texas 77001, (713) 462-7708.

The Education Service Center, Region IX, Regional Advisory Committee and Board of Directors, will meet at 301 Loop 11, Wichita Falls, on August 6, 1987, at 10 a.m. and 1:30 p.m., respectively. Information may be obtained from Jim O. Rogers, 301 Loop 11, Wichita Falls, Texas 76305, (817) 322-6928.

The Gonzales County Appraisal District, Appraisal Review Board, met at 928 St. Paul Street, Gonzales, on July 30, 1987, at 5 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Hays County Central Appraisal District, Appraisal Review Board, will meet in the County Courthouse Annex, First Floor, San Marcos, on July 31, 1987, at 9 a.m. Information may be obtained from Lynnell Sedlar, 102 LBJ Courthouse Annex, San Marcos, Texas 78666, (512) 396-4777.

The Tyler County Appraisal District, Board of Directors, will meet at 103 Pecan, Woodville, on August 4, 1987, at 4 p.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

The Wise County Appraisal District, Appraisal Review Board, will meet at 206 South State Street, Decatur, on July 31, 1987, at 9:30 a.m. Information may be obtained from Ms. Freddie Dempsey, 206 South State Street, Decatur, Texas 76234, (817) 627-3081.

TRD-8706148



Meetings Filed July 28

The Lavaca County Central Appraisal District, Board of Directors and Appraisal Review Board, will meet at 113 North Main, Hallettsville, on August 10, 1987, at 4 p.m. and August 13, 1987, at 9 a.m., respectively. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396.

TRD-8706198



FOR ISSUE
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OPEN MEETINGS BY 10 A.M.

Friday, August 4
Friday, August 7
Tuesday, August 11
Friday, August 14
Tuesday, August 18
Friday, August 21
Tuesday, August 25
Friday, August 28

Monday, August 3
Wednesday, August 5
Monday, August 10
Wednesday, August 12
Monday, August 17
Wednesday, August 19
Monday, August 24

2ND QUARTERLY INDEX

Tuesday, August 4
Thursday, August 6
Tuesday, August 11
Thursday, August 13
Tuesday, August 18
Thursday, August 20
Tuesday, August 25

Tuesday, September 1
Friday, September 4
Tuesday, September 8
Friday, September 11
Tuesday, September 15
Friday, September 18
Tuesday, September 22
Friday, September 25
Tuesday, September 29

Monday, August 31
Wednesday, September 2
Monday, September 7
Wednesday, September 9
Monday, September 14
Wednesday, September 16
Monday, September 21
Wednesday, September 23

NO ISSUE PUBLISHED

Tuesday, September 1
Thursday, September 3
Tuesday, September 8
Thursday, September 10
Tuesday, September 15
Thursday, September 17
Tuesday, September 22
Tuesday, September 24

Friday, October 2
Tuesday, October 6
Friday, October 9
Tuesday, October 13
Friday, October 16
Tuesday, October 20
Friday, October 23
Tuesday, October 27
Friday, October 30

Monday, September 28
Wednesday, September 30
Monday, October 5
Wednesday, October 7
Monday, October 12
Wednesday, October 14
Monday, October 19
Wednesday, October 21
Monday, October 26

Tuesday, September 29
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Thursday, October 8
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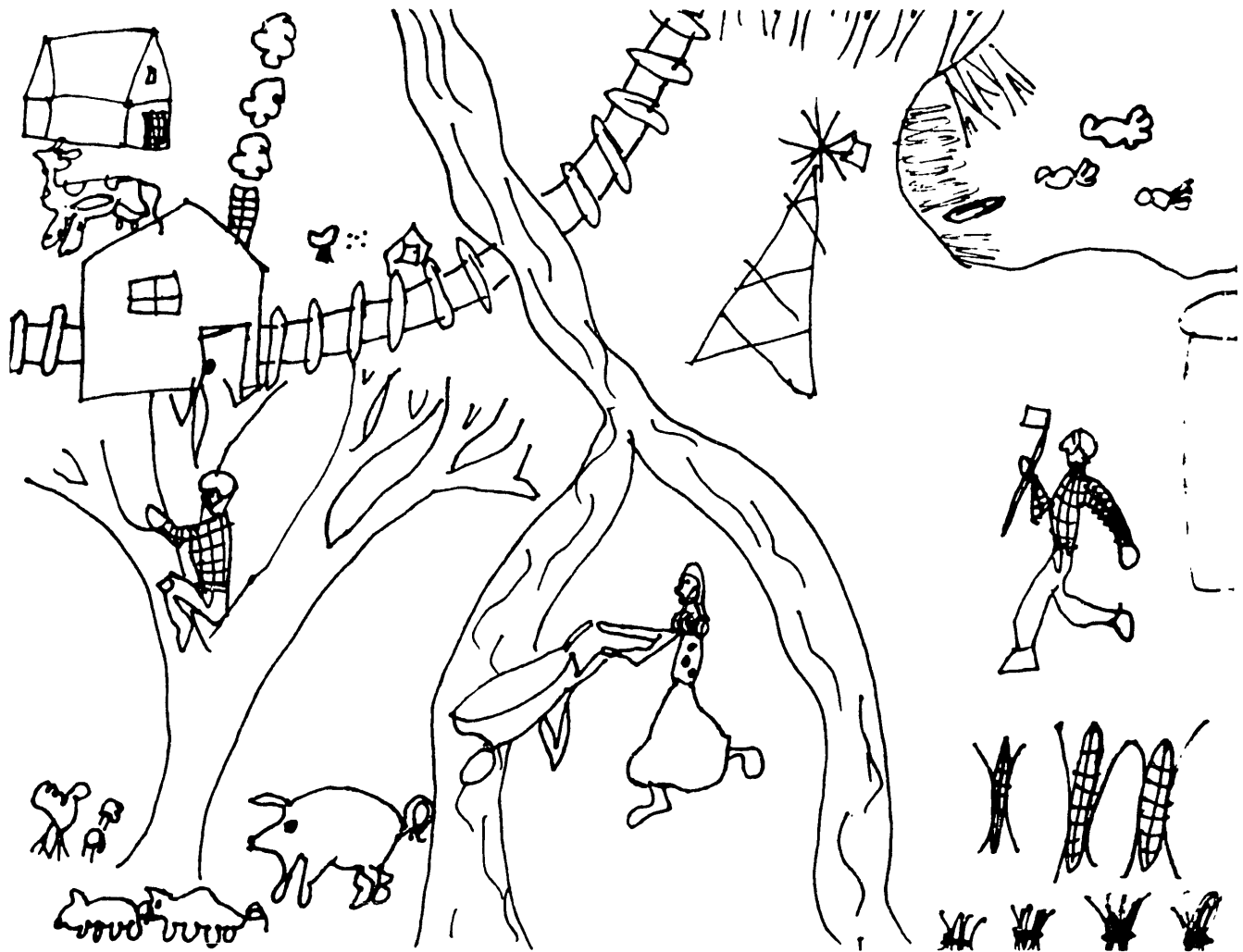
Texas Water Commission
Correction of Error

An adopted new chapter submitted by the Texas Water Commission contained an error as submitted in the July 7, 1987, issue of the *Texas Register* (12 TexReg 2187).

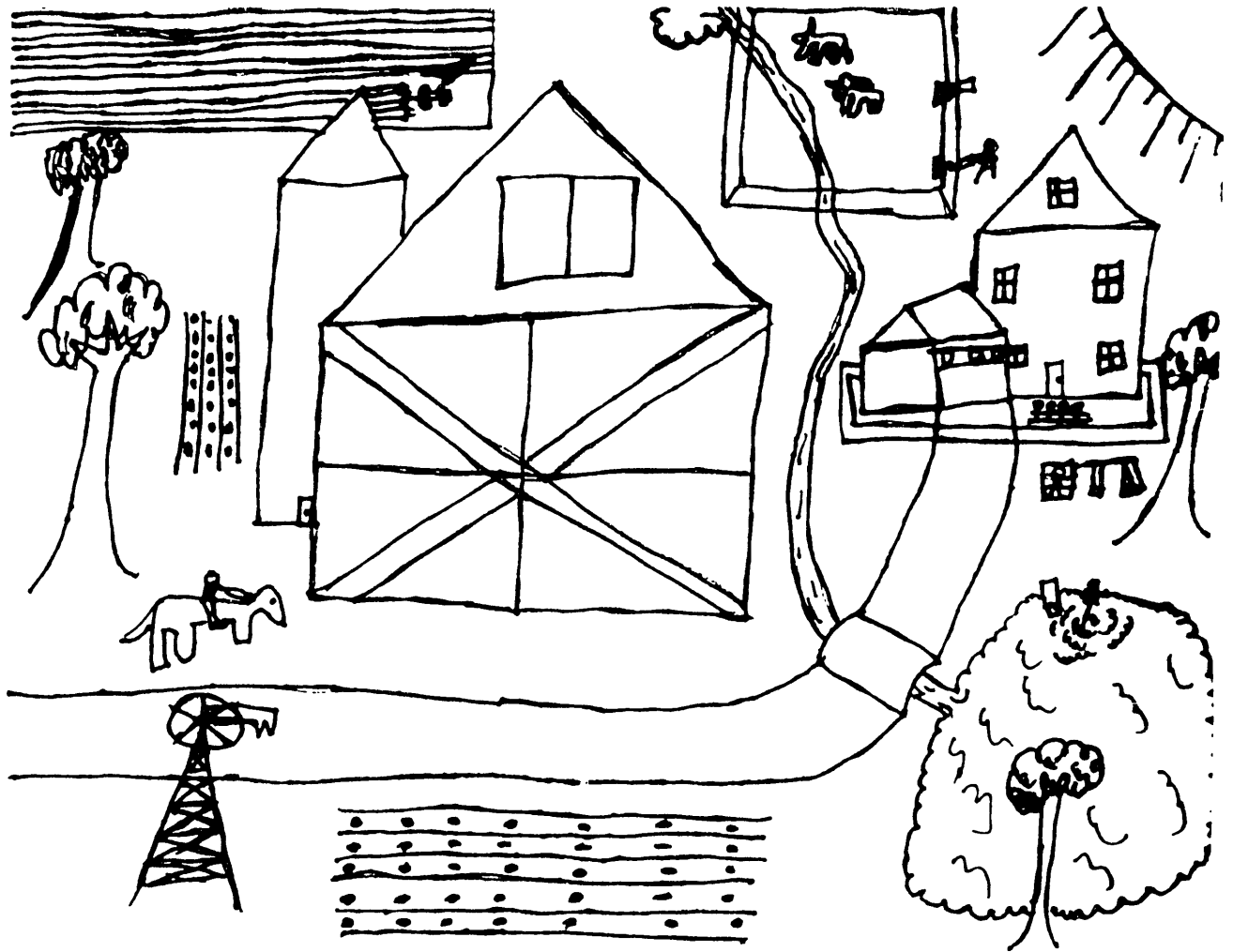
Chapter 279 should be titled: Water Quality Certification.



Name: Tawnie Harrison
Grade: 5
School: Burton Hill Elementary, Ft. Worth



Name: Amanda McGee
Grade: 5
School: Burton Hill Elementary, Ft. Worth



Name: Toby Maier
Grade: 4
School: Burton Hill Elementary, Ft. Worth

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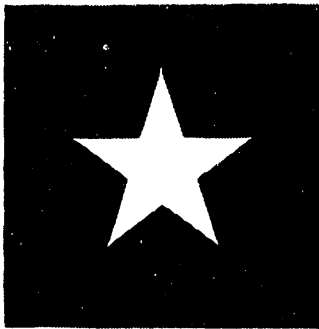


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