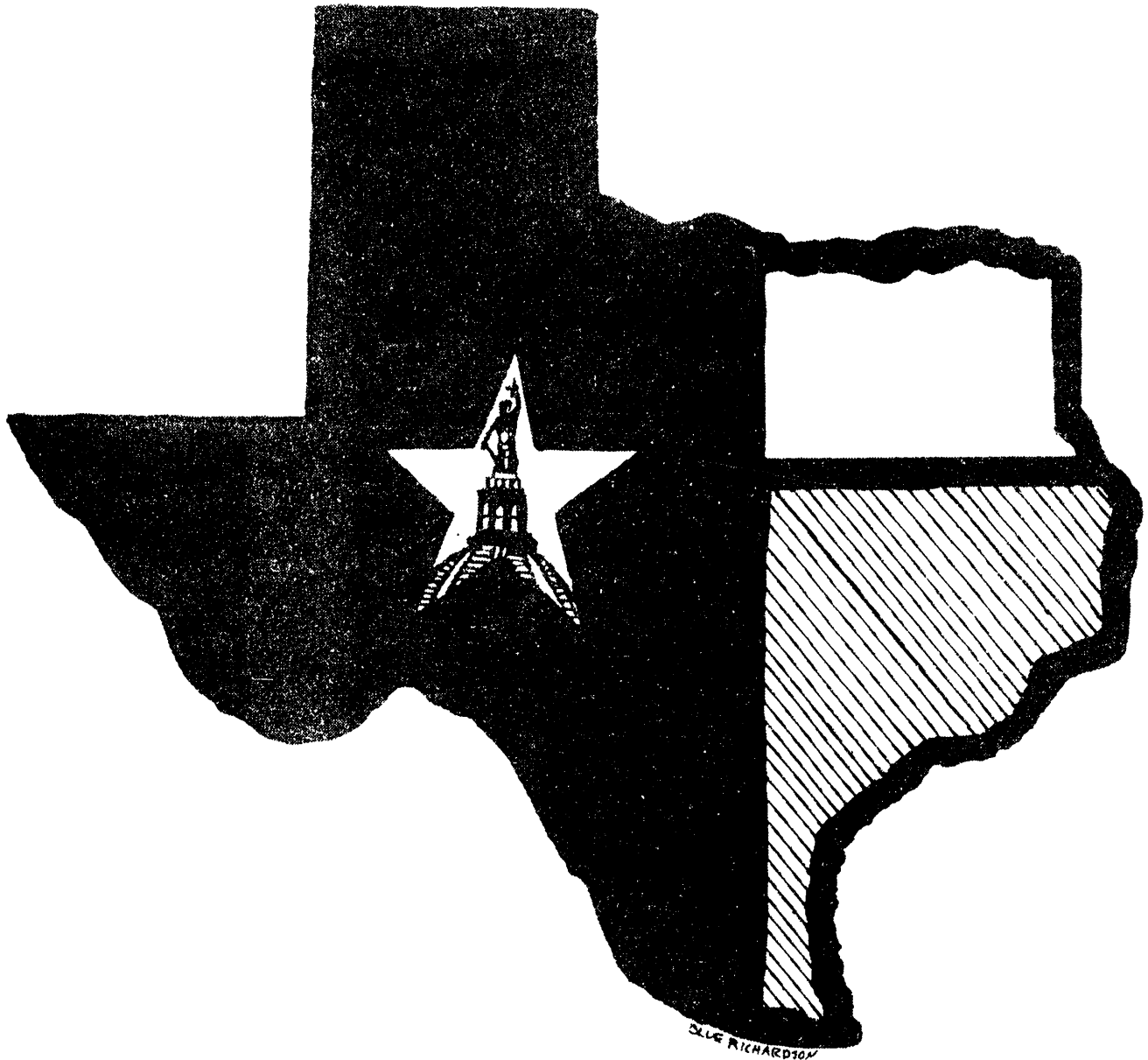


Texas Register

Volume 12, Number 70, September 18, 1987

Pages 3237-3293



Highlights

The **State Board of Insurance** adopts on an emergency basis an amendment concerning fees, charges, and costs of copies and access to public records and specified publications. Effective date - September 14, 1987 **page 3247**

The **Texas Air Control Board** adopts an amendment revising lead emission limits because stack

tests indicate that emissions can be maintained at a lower level than what is currently required. Effective date - October 1, 1987. **page 3269**

The **Railroad Commission of Texas** adopts repeals of sections under the Liquefied Petroleum Gas Division. Effective date - January 1, 1988 **page 3265**

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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Information Available: The 10 sections of the *Register* represent various facets of state government. Documents contained within them include

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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

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

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

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

Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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



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The

Governor

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

Proclamation 41 2193

BE IT KNOWN, THAT WILLIAM P. CLEMENTS, JR., GOVERNOR OF THE STATE OF TEXAS, DO HEREBY ORDER a SPECIAL ELECTION to be held throughout the State of Texas on TUESDAY NEXT AFTER THE FIRST MONDAY IN NOVEMBER, A.D. 1987, same being the third day of NOVEMBER, A.D. 1987, and,

(SEPAUSE QUE YO WILLIAM P. CLEMENTS, JR., GOBERNADOR DEL ESTADO DE TEXAS, POR LA PRESENTE ORDENO una ELECCION ESPECIAL que se llevara a cabo por todo el Estado de Texas el MARTES QUE SIGA EL PRIMER LUNES EN NOVEMBRE, A.D. 1987, el mismo siendo el tres dia de NOVEMBRE, A.D. 1987, y,

NOTICE THEREOF IS HEREBY GIVEN to the COUNTY JUDGE of each county who is directed to cause said election to be held at each precinct in the county on such date for the purpose of adopting or rejecting the proposed Constitutional Amendments and proposed referendum propositions as submitted by the 69th Legislature, 3rd Called Session, and the 70th Legislature - Regular and 2nd Called Session, of the State of Texas.

(POR LA PRESENTE SE DA AVISO DE ESTO al JUEZ DEL CONDADO de cada condado quien esta dirigido a hacer que se lleve a cabo dicha eleccion en cada precinto del Condado en tal fecha con motivo de adoptar o rechazar las Enmiendas Propuestas a la Constitucion y las proposiciones de referendum asi como fueron sometidas por la 69a Legislatura en la tercera sesion que fue llamada y la 70a Legislatura en la sesion regular y en la segunda sesion que fue llamada, del Estado de Texas.

IN TESTIMONY WHEREOF, I have hereunto signed my name and caused the Seal of State to be affixed at my Office in the City of Austin, Texas, this the 8th day of September, A.D. 1987.

(EN TESTIMONIO DE LO CUAL, yo he firmado mi nombre oficialmente sobre la presente y he asegurado que este puede sobre esto el Sello del Estado en mi oficina en la Ciudad de Austin este dia 8th de Septiembre, A.D. 1987.

Issued in Austin, Texas, on September 8, 1987.

TRD 8767790

William P. Clements, Jr.
Governor of Texas

Emergency

Rules

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

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

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 325. Solid Waste Management

Subchapter H. Surveillance and Enforcement

★ 25 TAC §325.223

August 21, 1987, issue of the Texas Register (12 TexReg 2752). Due to errors in the original publication the amendment is being re-published.)

§325.223. Administrative Penalty Determination.

- (a) (No change.)
- (b) The procedure for determining a base penalty (BP) amount will be as follows.
 - (1) For solid waste disposal sites or

facilities (either authorized or unauthorized) the BP will be based on the extent of individual violations for each day of violation.

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

(C) Example ratios are listed in this subparagraph with specific violations noted. The referenced violations may typically be given the noted rating; however, changes from the given number may frequently be varied as much as +/-3 or more based on the extent of violation or other circumstances.

(Editor's note: The following emergency amendment was originally published in the

Rating	Relative Violations
2	<p>Failure to provide and/or maintain a sign at the entrance meeting Texas Department of Health (TDH) requirements.</p> <p>Failure to properly handle large or bulky items.</p> <p>Failure to implement and/or maintain the required grid system.</p>
3	<p>Failure to provide or maintain the required markers denoting areas which have had proper soils evaluations accomplished.</p> <p>Failure to properly control windblown materials and/or provide for litter collection.</p> <p>Failure to provide or maintain proper screening.</p>
4	<p>Failure to provide or maintain adequate fire protection.</p> <p>Failure to protect boundary buffer zones or provide or maintain the required markers.</p> <p>Failure to provide or maintain access roads that are all weather.</p> <p>Failure to meet record requirements for sludge disposal or to maintain these records as required.</p>
5	<p>Failure to adequately confine the unloading to as small an area as practical.</p> <p>Failure to operate a site or facility in accordance with an approved site development plan.</p> <p>Failure to provide or maintain access control to prevent the disposal of unauthorized waste.</p>

[Acceptance of enclosed containers at a Type IV landfill without an approved waste stream quality control plan (WSQCP) or accepting such containers in other than the approved manner.]

Failure to properly control salvaging.

6 Disposal of waste in contact with unconfined waters.

Failure to provide or maintain required drainage controls.

Failure to control or clean up material lost from vehicles on access routes.

Failure to provide the required washdown.

Failure to meet safety requirements.

7 [Acceptance of waste at a site not authorized to accept that waste.]

Failure to control overloading.

Failure to meet requirements for water under pressure, the provision of fire-fighting equipment, or a fire plan.

Failure to control sludge application rates.

Failure to meet sludge storage impoundment requirements at land application for beneficial use sites.

8 Failure to meet groundwater protection requirements such as soil and liner evaluation.

[Acceptance of Class I industrial wastes or special wastes without proper approval or in other than the approved manner.]

Failure to provide the required compaction, intermediate cover, final cover, or final cover grades.

Failure to control odors from ponded water.

Failure to adequately control vectors.

9 Failure to operate a site or facility in accordance with permit special provisions.

10 Suffering or allowing disposal of solid waste without a permit or registration as required.

Failure to prevent scavenging.

Failure to render pesticide containers unusable upon receipt.

Failure to adequately cover dead animals upon receipt.

(2) For violations of requirements involving solid waste activities other than described in paragraph (1) of this subsection, a base penalty amount will be established

that considers the seriousness of the violation. Examples of possible violations and a possible base penalty for each violation and each day of violation are as follows. The

violations are not limited to this list and the base penalty may vary depending upon the circumstances.

Violation Description	Penalty
Discharging sludge in or on a site not approved to accept the waste.	\$5,000
Acceptance of waste at a site not authorized to accept that waste.	\$5,000
Acceptance of waste at a Type IV landfill from enclosed containers in any manner not in compliance with the department's applicable rules, permits, or other departmental orders.	\$4,000
Failure of a transporter delivering rubbish and/or waste in enclosed containers or enclosed vehicles to have the required permit.	\$3,000
Failure to properly operate a stationary compactor in accordance with applicable rules, permits, or other departmental orders.	\$3,000
Discharging solid waste other than sludge in or on a site not approved to accept the waste.	\$3,000
Hauling sludges without the proper registration from TDH.	\$2,000
Failure of a sludge waste generator to utilize a TDH registered hauler.	\$2,000
Failure of a sludge waste generator to ensure that a waste control record is used.	\$2,000
Failure of a sludge waste generator to retain copies of waste control records for 12 months.	\$2,000
Failure of a municipal wastewater treatment plant operator to properly notify TDH of their sludge disposal activities.	\$2,000
Failure of a sludge transporter to properly mark and identify all collection and transportation equipment.	\$2,000
Failure of a sludge transporter to initiate or maintain a record of each individual collection and deposit.	\$2,500
Failure of a sludge transporter to retain copies of all control records (collection and deposit) for 12 months.	\$2,000
Failure to timely submit a required annual report or fee.	\$2,000
Failure to make timely payment of fees required to fund the administration and inspection of Type IV landfills in accordance with the enclosed container requirements.	\$1,000
Failure of a site operator to provide the department required operation records upon request or as specified in these rules or permits or other orders of the department.	\$1,000

(3) (No change.)

Issued in Austin, Texas, on August 13, 1987

TRD-8707836 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Effective date: September 1, 1987
Expiration date: December 30, 1987
For further information, please call
(512) 458-7271

TITLE 28. INSURANCE

Part I. State Board of Insurance

Chapter 1. General Administration

Subchapter B. Fees, Charges, and Costs

★ 28 TAC §1.302

The State Board of Insurance adopts on an emergency basis an amendment to §1.302, concerning fees, charges, and costs of copies and access to public records and specified publications. The amendment reflects changes in costs of producing copies of various records and publications of the board, and includes a listing of additional publications. The amendment revises charges for publications, including workers' compensation bulletins, lists, and supplements to lists of insurance companies licensed to do business in Texas. The amendment also lists the amounts which the board charges for Texas title insurance agents statistical reports, for annual statement diskette filing specifications, and for property and casualty insurance premiums, losses, and dividends publications. An imminent peril to the public welfare requires that this amendment be adopted on an emergency basis to provide for the proper functioning of administrative regulation of the business of insurance and related matters in Texas. The amendment enables the board to establish fees and charges equivalent to the expense of production for copies of records and publications. The emergency action enables the board to inform regulated entities and other interested persons of the amount of these charges as rapidly as possible so that efficient dissemination of information and material can proceed.

The amendment is adopted on an emergency basis under the Insurance Code, Article 4.07, which provide the State Board of Insurance with the authority to set and collect a charge for making copies of any record in an amount deemed sufficient to reimburse the state for the actual expense.

§1.302. Charge for Specified Publications. The following are charges for specified board

publications. The cost includes postage, but does not include sales tax.

- (1)-(4) (No change.)
- (5) workers' compensation bulletins—**\$9.00** [\$6.00] per annum;
- (6)-(7) (No change.)
- (8) list of insurance companies licensed to do business in Texas—**\$6.00** [\$4.00] per copy;
- (9) supplements to list of insurance companies licensed to do business in Texas—**\$12** [\$10] per annum;
- (10) **property and casualty insurance premiums, losses, and dividends—\$5.00 per copy;**
- (11) **annual statement diskette filing specifications—\$7.00 per copy;**
- (12) **Texas title insurance agents statistical report—\$5.00 per copy;**
- (13)[(10)] rules of practice and procedure [before the State Board of Insurance and the commissioner of insurance]—**\$2.00** per copy; and
- (14)[(11)] list of cities and towns—**\$3.00** per copy.

Issued in Austin, Texas, on September 14, 1987

TRD 8707838 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date September 14, 1987
Expiration date January 12, 1988
For further information, please call
(512) 463-6327

Chapter 7. Corporate and Financial

Subchapter M. Regulatory Fees

★ 28 TAC §7.1301

The State Board of Insurance adopts on an emergency basis new §7.1301, concerning regulatory fees. The new section is necessary to determine the amount of fees which the Insurance Code and the Texas Health Maintenance Organization Act require the State Board of Insurance to charge for certain filings and actions on and after September 1, 1987. The new section determines amounts which do not exceed maximum amounts under statutory provisions which require the board to charge these fees. The fees apply to authorized insurers writing classes of insurance in this state which are regulated by the Insurance Code, Chapter 3, to stipulated premium insurance companies, to prepaid legal services corporations regulated under the Insurance Code, Chapter 23; to health maintenance organizations, and to group hospital service plan corporations subject to the Insurance Code, Chapter 20. The fees collected will be deposited in the state treasury to

the credit of the State Board of Insurance operating fund, and appropriated to the payment of expenses of examination and licensing of insurance companies and investigations of violations of the insurance laws of this State. An imminent peril to the public welfare requires that this section be adopted on an emergency basis in order to provide for the proper functioning of administrative regulation of the business of insurance and related matters in Texas. The emergency adoption enables the board to effect timely compliance with recent amendments of the provisions of the Insurance Code, Articles 3.42, 4.07, 22.03, and 23.08; and the Texas Health Maintenance Organization Act, §32, which establish fees for specified filings and other regulatory transactions with the State Board of Insurance. The emergency adoption also enables the board to inform regulated entities of the amount of these fees as rapidly as possible.

The new section is adopted on an emergency basis under the Insurance Code, Articles 1.04, 3.42, 4.07, 22.03, and 23.08; the Texas Health Maintenance Organization Act, §22 and §32; and Texas Civil Statutes, Article 6252-13a, §5. The Insurance Code, Article 1.04, provides the State Board of Insurance with the authority to determine policy and rules. The Texas Health Maintenance Organization Act, §22, provides the State Board of Insurance with authority to promulgate reasonable rules and regulations as are necessary and proper to carry out the provisions of the Act. The Insurance Code, Articles 3.42, 4.07, 22.03 and 23.08, and the Texas Health Maintenance Organization Act, §32, establish various fees for filings and other regulatory actions concerning entities regulated by the board. Texas Civil Statutes, Article 6252-13a, §5, prescribe the procedure for adoption of rules by any state administrative agency.

§7.1301 Regulatory Fees

(a) Regulated entities subject to fees. The regulated entities subject to the fees imposed by this section shall include all authorized insurers writing classes of insurance in this state which are regulated by the Insurance Code, Chapter 3, all stipulated premium insurance companies, all prepaid legal services corporations regulated by the Insurance Code, Chapter 23, all health maintenance organizations, and all group hospital service plans corporations. Affected entities would include any and all stock and mutual insurance companies, local mutual aid associations, statewide mutual assessment companies, stipulated premium insurance companies, prepaid legal services corporations regulated by the Insurance Code, Chapter 23, health maintenance organizations, and group hospital service plan corporations. For filings and other actions on and after September 1, 1987, the State Board of Insurance shall charge these entities fees in amount in accordance with the provisions of this section.

(b) Fees for insurers with annual gross premium receipts less than \$450,000. As provided in the Insurance Code, Article 4.07, any insurer to which the article applies and whose gross premium receipts are less than \$450,000 according to its annual statement for the preceding year ending December 31, shall be required to pay only one-half the amount of the fees required to be paid under subsection (d) or subsection (e) of this section.

(c) Fees for specified filings pursuant to the Insurance Code, Article 3.42. For the following filings, the fees shall be as follows.

(1) For filing policy forms, amendments, endorsements, and riders for review, the fee shall be \$100.

(2) For filing policy forms, amendments, endorsements, and riders exempt from review, the fee shall be \$50.

(d) Fees for authorized insurers writing classes of insurance in this state which are regulated by the Insurance Code, Chapter 3. For the following filings and actions, the fees shall be as follows.

(1) For filing annual statements, the fee shall be \$250.

(2) For filing amendments to certificate of authority if charter is not amended, the fee shall be \$50.

(3) For affixing the official seal and certifying to the seal, the fee shall be \$10.

(4) For reservation of name, the fee shall be \$100.

(5) For renewal of reservation of name, the fee shall be \$25.

(6) For filing application for admission of a foreign or alien insurance company, the fee shall be \$2,000.

(7) For filing original charter, including issuance of certificate of authority, the fee shall be \$1,500.

(8) For filing amendment to charter if a hearing is held, the fee shall be \$250.

(9) For filing amendment to charter if a hearing is not held, the fee shall be \$125.

(10) For filing designation of attorney for service of process or amendment thereto, the fee shall be \$25.

(11) For filing a total reinsurance agreement, the fee shall be \$750.

(12) For filing a partial reinsurance agreement, the fee shall be \$150.

(13) For filing a direct reinsurance agreement pursuant to the Insurance Code, Article 22.19, the fee shall be \$150.

(14) For filing for approval of reinsurance agreement pursuant to the Insurance

Code, Article 21.26, the fee shall be \$750.

(15) For filing for approval of merger pursuant to the Insurance Code, Article 21.25, the fee shall be \$750.

(16) For accepting a security deposit, the fee shall be \$100.

(17) For substitution/amendment of a security deposit, the fee shall be \$50.

(18) For certification of statutory deposit, the fee shall be \$10.

(19) For filing notice of intent to relocate the books/records pursuant to the Insurance Code, Article 1.28, the fee shall be \$150.

(20) For filing restated articles of incorporation for domestic/foreign companies, the fee shall be \$250.

(21) For filing a statement pursuant to the Insurance Code, Article 21.49-1, §5, for the first \$9,900,000 of the purchase price or consideration, the fee shall be \$500.

(22) For filing a statement pursuant to the Insurance Code, Article 21.49-1, §5, if the purchase price or consideration exceeds \$9,900,000, additional \$250 for each \$10,000,000 exceeding \$9,900,000 but not more than \$5,000 total fee.

(23) For filing registration statement pursuant to the Insurance Code, Article 21.49-1, §3, the fee shall be \$150.

(24) For filing for review pursuant to the Insurance Code, Article 21.49-1, §4, or Article 22.15, the fee shall be \$250.

(e) Other fees established by the Insurance Code, Article 4.07. For the following filings, the fee shall be as follows.

(1) For filing joint control agreement, the fee shall be \$50.

(2) For filing substitution/amendment to the joint control agreement, the fee shall be \$20.

(3) For filing a change in attorney in fact, the fee shall be \$500.

(f) Administrative procedures.

(1) When a reinsurance agreement or merger agreement is filed with this agency, as enumerated in subsection (d)(11)-(15) of this section, the ceding or merged company will be the company upon which the determination of the appropriate fees to be assessed will be based.

(2) The fee relating to reinsurance transactions entered into pursuant to the Insurance Code, Article 21.49-1, 4, and subsection (d)(24) of this section be determined using the ceding company as a basis for such fee.

(3) When an amendment to a reinsurance agreement between affiliated insurers is filed with this board, as mentioned in paragraph (2) of this subsection, the ceding company will be the insurer upon which the determination of the appropriate fee to be charged will be based.

(4) An amendment to the charter would constitute any change in the original charger, including, but not limited to, name change, home office change, increase in capital, conversion, and increase in lines.

(g) Fees pursuant to the Texas Health Maintenance Organization Act, §32. For the following filings and actions, the fees shall be as follows.

(1) For filing original application for certificate of authority, the fee shall be \$7,500.

(2) For filing annual report, the fee shall be \$250.

(3) For all examinations made on behalf of the State of Texas by the board or under its authority, in such amounts as the commissioner shall certify to be just and reasonable.

(4) For filing evidence of coverage which requires approval, the fee shall be \$100.

(5) For filings required by rule but which do not require approval, the fee shall be \$50.

(h) Fees under the Insurance Code, Article 23.08. For the following filings and actions, the fees shall be as follows.

(1) For filing annual statement, the fee shall be \$200.

(2) For application for certificate of authority, the fee shall be \$1,500.

(3) For issuance of additional certificate of authority and amendment to same, the fee shall be \$50.

Issued in Austin, Texas, on September 10, 1987

TRD-8707754

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date September 10, 1987

Expiration date January 8, 1988

For further information, please call

(512) 463 6327

Proposed Rules

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

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

TITLE 7. BANKING AND SECURITIES

Part VII. State Securities Board

Chapter 141. Administrative Guidelines for Registration of Equipment Programs

★7 TAC §§141.1-141.8

The State Securities Board proposes amendments to §§141.1-141.5, and new §§141.6-141.8, concerning administrative guidelines for registration of equipment programs. Existing §§141.6-141.9 are simultaneously proposed for repeal. The amendments reflect provisions that were included in the most recent amendments to the North American Securities Administrators Association's real estate guidelines.

Richard D. Latham, securities commissioner, has determined that for the first five-year period the sections will be in effect, there will not be fiscal implications as a result of enforcing or administering the sections.

Mr. Latham 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 continued uniformly with other states in applying standards for the registration of equipment programs. 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 Denise Voigt Crawford, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

The amendments and new sections are 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.

§141.1 Introduction.

- (a) (No change.)
- (b) Definitions. Where terms used in the prospectus are subject to more than one interpretation, and such terms are material

to program provisions, the prospectus shall contain a glossary of such terms. Any discrepancies between the definitions set forth in these guidelines and the definitions set forth in the glossary shall be indicated in the application filed with the securities commissioner.

- (1)-(5) (No change.)
- (6) Carried interest—An [equity] interest taken in a program by a person, other than the promotional interest provided for in §141.4(c)(3) and (d) of this title (relating to Compensation and Expenses), for which full consideration is not paid or to be paid. **Refer to §141.4(b) and (c)(4) of this title (relating to Compensation and Expenses) for the treatment of carried interests.**

(7)-(18) (No change.)
(19) Nonspecified equipment program—A program where, at the time a securities registration is ordered effective, less than 75% of the net proceeds from the sale of program interests are allocable to the purchase or renovation of identified equipment or an identified type of equipment, or a program which provides for reinvestment unless such reinvestment is to be made in the same type of identified equipment. Reserves shall be included in the nonspecified 25%.]

(19)[(20)] Operating leases—Leases which will return to the lessor less than the purchase price of equipment from rentals payable during the initial term of the lease.

(20)[(21)] Offering expenses—Those expenses, regardless of when incurred or paid, incurred in contemplation of registration and sale of program interests, as well as in actual registration of program interests and offering and distributing them to the public, including sales commissions or other fees paid to broker-dealers in connection with sale and distribution of program interests. The commissioner may deem particular expenses to be offering expenses, even though such expenses are categorized differently by the sponsor.

(21)[(22)] Participant—The holder of a program interest.

(22)[(23)] Person—Any natural person, partnership, corporation, association, or other legal entity.

(23)[(24)] Program—A limited or general partnership, joint venture, unincorporated association, or similar organization other than a corporation formed and operated for the primary purpose of investment in and the operation of or gain from an in-

terest in equipment.

(24)[(25)] Program interest—The limited partnership unit or other indicia of ownership in a program.

(25)[(26)] Prospectus—[Shall have] The meaning given to that term by the Securities Act of 1933, §2(10), including a preliminary prospectus; provided, however, that such term as used herein shall also include an offering circular as described in the Securities Act of 1933, General Rules and Regulations, Rule 256, or, in the case of an intrastate offering, any document by whatever name known, utilized for the purpose of offering and selling securities to the public.

(26)[(27)] Purchase price of equipment—The price paid upon the purchase or sale of a particular item of equipment, including the amount of acquisition fees and all liens and mortgages on the equipment, but excluding points and prepaid interest.

(27) Specified equipment program—A program where, at the time a securities registration is ordered effective, at least 75% of the net proceeds from the sale of program interests are allocable to the purchase or renovation of identified equipment or one specified type of identified equipment. Reserves shall not be included in the 75%.

(28) (No change.)

§141.2 Requirements of Sponsors

- (a) (No change.)
- (b) Requirements of sponsor.
 - (1) (No change.)
 - (2) Financial information required.

The sponsor shall provide as an exhibit to the application the following financial information in support of its net worth.

(A) Corporate sponsors shall submit a balance sheet as of the end of their most recent fiscal year, prepared in accordance with generally accepted accounting principles and examined and reported upon by an independent certified public accountant in accordance with generally accepted auditing standards. A balance sheet for the prior fiscal year which meets the previously mentioned qualifications may be used if the most recent fiscal year has ended not more than ninety days prior to the date of filing. [and] An unaudited balance sheet as of a date not more than 135 days prior to the date of filing **should [is] also be** prepared. Such statements shall be included in the prospectus.

(B) (No change.)

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

(e) Liability and indemnification.

(1) The sponsor or its affiliates shall not pass on to participants the general liability imposed on them by law, except that the program agreement may provide that a sponsor or its affiliates shall have no liability whatsoever to the program or to any participant for any loss suffered by the program which arises out of any action or inaction of the sponsor or its affiliates if the sponsor or its affiliates, in good faith, determined that such course of conduct was in the best interests of the program and such course of conduct did not constitute negligence or misconduct of the sponsor or its affiliates. The sponsor or its affiliates may be indemnified by the program against losses sustained in connection with the program, provided the losses were not the result of negligence or misconduct on the part of the sponsor or its affiliates.

(2) Indemnification of the sponsor or its affiliates will not be allowed for any liability imposed by judgment, and costs associated therewith, including attorney's fees, arising from or out of a violation of state or federal securities laws associated with the offer and sale of partnership units.

(A) Indemnification will be allowed provided either:

(i) in the case of a settlement, the lawsuit has been dismissed with prejudice on the merits or the court approves the settlement and finds that the indemnification of the settlement and related costs should be made; or

(ii) the sponsor or its affiliates are successful in defending such lawsuit.

(B) Every application for registration must contain an undertaking that such parties seeking indemnification will apprise the court of the positions of the securities commissioner and the SEC with respect to indemnification for securities laws violations, before seeking court approval for indemnification.

(3)(2) The program may not incur the cost of that portion of liability insurance which insures the sponsor or its affiliates for any liability as to which the sponsor or its affiliates is prohibited from being indemnified under this section.

§141.3 Suitability of the Participant

(a) (No change.)

(b) Sales to appropriate persons. The sponsor and each person selling program interests on behalf of the sponsor or program shall make every reasonable effort to assure that those persons being offered or sold the program interests are suitable, in light of the standards set forth as required above, and the program interests are appropriate for the customers' investment objectives and financial situations. Reasonable effort shall include receipt of the executed subscription agreement referred to in subsection (d) of this section prior to the sale of program interests to the investor. The sponsor or his

representatives shall have reasonable grounds to believe, and shall believe, prior to the sale of program interests to the investor that the investor can reasonably benefit from the program in view of his overall investment objectives and portfolio structure, and the following shall be evidence thereof.

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

(c) (No change.)

(d) Maintenance of records. The sponsor shall maintain a record of the information obtained to indicate that a participant meets the suitability standards employed in connection with the offer and sale of its interests and a representation of the participant that he is purchasing for his own account or, in lieu of such representation, information indicating that the participants for whose account the purchase is made meet such suitability standards. Such information shall [may] be obtained from the participant through the use of the subscription agreement signed by the participant [a form] which sets forth the prescribed suitability standards in full and in which [includes a statement signed by the participant in which] he represents that he meets such suitability standards and is purchasing for his own account. However, where the offering is underwritten or sold by a broker-dealer, the sponsor shall obtain a commitment from the broker-dealer to maintain the same record of information required of the sponsor.

(e) Minimum investment. For an income production program, the minimum initial cash purchase shall be \$2,500 per participant, except for a tax qualified plan for which no minimum investment is required. [that the minimum initial cash purchase for an IRA/Keogh Plan shall be \$2,000]. For a tax-oriented program, the minimum initial cash purchase shall be \$5,000 per participant. Subsequent transfers of program interests shall be limited to not less than a minimum number of units equivalent to the initial minimum cash purchase, except for transfers by gifts, inheritance, intra-family transfers, family dissolutions, and transfers to affiliates.

§141.4 Compensation and Expenses.

(a)-(c) (No change.)

(d) Promotional interest. An interest in the program will be allowed as a promotional interest provided that the amount or percentage of such interest is reasonable. Such an interest will be considered presumptively reasonable if it is within the limitations expressed in paragraphs (1) and (2) of this subsection:

(1) an interest equal to:

(A) 5.0% of all distributions from cash available for distribution and 1.0% of all distributions from net disposition proceeds until such time as the participants have received a return of their capital contributions plus an amount equal to 8.0% of capital contributions per annum cumulative; thereafter the sponsor's interest in all distributed cash available for distribu-

tion plus [and] distributed net disposition proceeds may increase to 15%. For each 1.0% less taken in the unsubordinated cash available for distribution under this subparagraph, the subordinated interest may increase by 1.0%; or

(B)-(C) (No change.)

(2) (No change.)

(e) Equipment management fee. Should the sponsor or its affiliates perform services as described following, the fees paid to the sponsor or its affiliates shall be the lesser of the maximum fees set forth following in paragraphs (1)-(4) of this subsection, whichever is applicable, or the fees which are competitive for similar services for similar equipment.

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

(4) If the sponsor or its affiliates provide both equipment management and additional services relating to the continued and active operation of program equipment [by program personnel,] such as on-going marketing and releasing of equipment, hiring, or arranging for hiring of crews or operating personnel for program equipment and similar services, it may charge the program a fee not to exceed 7.0% of gross operating revenues from equipment operated by the program.

(f) Resale fee.

(1) In specified [a nonspecified] equipment programs [program], the total compensation paid to the sponsor or its affiliates for the sale of program equipment shall be limited to one-half of a competitive equipment sale commission, [not to exceed 3.0% of the contract sales price and] subordinated as in subsection (d)(1)(B) of this section. If such amount exceeds 3.0% of the contract sales price, the sponsor shall state the current competitive equipment sale commission, the basis upon which such was determined, and the method to be used in establishing the competitive equipment sale commission at the time of sale. The total of all such commissions paid to all persons shall not exceed the competitive equipment sale commission. [, but in no event shall total commissions paid to all persons exceed the competitive equipment sale commission. If the sponsor participates with an independent broker on resale, the subordination requirement shall apply only to the commission earned by the sponsor.]

(2) In all other programs, the total compensation paid to the sponsor or its affiliates for the sale of program equipment shall be limited to one-half of a competitive equipment sale commission, not to exceed 3.0% of the contract sales price and subordinated as in subsection (d)(1)(B) of this section, but in no event shall [If such amount exceeds 3.0%, the sponsor shall state the current competitive equipment sale commission, the basis upon which such was determined, and the method to be used in establishing the competitive equipment sale commission at the time of sale. The] total [of all such] commissions paid to all persons [shall not] ex-

ceed the competitive equipment sale commission. If the sponsor participates with an independent broker on resale, the subordination requirement shall apply only to the commission earned by the sponsor.

§141.5. Conflicts of Interest and Investment Restrictions.

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

(g) Services rendered to the program by the sponsor or its affiliates

(1) Expenses of the program

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

(C) Reports

(i) The annual program report must contain a breakdown of the costs reimbursed to the sponsor or its affiliates. Within the scope [As part] of the annual audit [audits] of the sponsor's and its affiliates' financial statements, the independent certified public accountants must issue a special report on the allocation of such costs to the program in accordance with the program agreement. The special report shall at minimum provide

(1)-(11) (No change.)

(ii) (No change.)

(D) (No change.)

(2)-(3) (No change.)

(h)-(i) (No change.)

(j) Investments in other programs.

(1) (No change.)

(2) Notwithstanding the foregoing, the program shall be permitted to invest in joint venture arrangements with other programs formed by the sponsor or its affiliates, if such action is in the best interest of all programs and if all of the following conditions are met.

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

(C) The sponsor or its affiliates compensation should be substantially identical in each program.

(D)-(E) (No change.)

(F) The joint venture is done either for the purpose of effecting appropriate diversification for such programs or for the purpose of relieving the sponsor or its affiliates from a commitment entered into pursuant to subsection (a)(1) of this section.

(G) (No change.)

(k) Lending practices. On financing made available to the program by the sponsor or its affiliates, the sponsor or its affiliates may not receive interest and other financing charges or fees in excess of the amounts which would be charged by unrelated lending institutions on comparable loans for the same purpose. The sponsor or its affiliates shall be prohibited from providing permanent financing for the program. For purposes of this section, permanent financing shall mean any financing with a term in excess of 12 months.

(l) Minimum capitalization. Before commencing business, all programs other than specified equipment programs shall provide for gross proceeds from the offering of not less than \$1 million after payment of all organizational and offering expenses.

An escrow of funds may be required to guarantee this minimum.

(m) Statement of investment objectives. The prospectus must state specific investment objectives of the program. It should indicate whether the primary objective is to obtain current income, tax benefits, or capital appreciation for its participants. The prospectus shall state the general types of equipment to be acquired and shall indicate whether the equipment will be leased under full payout leases or operating leases, or whether the program will operate the equipment itself. The size, scope, and risk factors of such investment shall be consistent with the objectives of the program.

(n) Multiple programs. Sponsors or its affiliates are prohibited from offering for sale program interests in more than one program simultaneously, unless the programs have different investment objectives or are specified equipment programs. Additionally, new offerings by the same sponsor or its affiliates shall not be permitted if that sponsor or its affiliates has not substantially committed or placed the funds raised from similar programs other than specified equipment programs. The sponsor must disclose the method to be used by it if funds for reinvestment become available in the future to prior and/or future affiliated programs.

(o) Period of offering and expenditure of proceeds. No offering of program interests in a program may extend for more than one year from the date of effectiveness unless extended by permission of the securities commissioner. No proceeds of the offering may be invested in equipment prior to the date of closing if the loss of the investment tax credit to be allocated to the participants admitted into the program subsequent to the acquisition of the equipment creating the investment tax credit is material. While the proceeds of an offering are awaiting investment in equipment, the proceeds may be temporarily placed into short-term, highly liquid investments which afford appropriate safety of principal, such as United States Treasury bonds or bills. Any proceeds of the offering of program interests not committed for investment within 18 months from the date of effectiveness (except for necessary operating capital) shall be distributed pro-rata to the participants as a return of capital.

(p) Assessments, installment payments, warrants, options or other staged or deferred payments. Plans calling for assessments, installment payments, warrants, options, or other staged or deferred payments shall not be allowed in other than specified equipment programs.

§141.6. Rights and Obligations of Participants

(a) Meetings. Meetings of the program may be called by the sponsor or the participants holding more than 10% of the then outstanding program interests, for any matters for which the participants may vote as set forth in the program agreement. A list

of the names and addresses of all participants shall be maintained as part of the books and records of the program, and shall be made available by mail on request to any participant or a designated representative thereof at their cost. Upon receipt of a written request, either in person or by registered mail, stating the purpose(s) of the meeting, the sponsor shall provide all participants within 10 days after receipt of said request, written notice (either in person or by certified mail) of a meeting and the purpose of such meeting to be held on a date not less than 15 nor more than 60 days after distribution of such notice, at the time and place specified in the request, or if none, at a time and place convenient to participants.

(b) Voting rights of participants. The limited partnership agreement must provide that a majority of the then outstanding program interests may, without the necessity for concurrence by the sponsor, vote to amend the limited partnership agreement, dissolve the program, remove the sponsor and elect a new sponsor, and approve or disapprove the sale of all or substantially all of the assets of the program. The agreement should provide for a method of valuation of the sponsor interest, upon removal of the sponsor, that would not be unfair to the participants. The agreement should also provide for a successor sponsor where the only sponsor of the program is an individual.

(c) Reports. The program agreement shall provide that the sponsor shall cause to be prepared and distributed to participants the following reports.

(1) For other than specified equipment programs, a report of equipment acquisitions made during each quarter shall be sent to all participants within 60 days following the end of each quarter, until the proceeds of the offering are fully invested or returned to the participants, as set out in §141.5(o) of this title (relating to Conflicts of Interest and Investment Restrictions). Such reports shall include, by way of illustration and not limitation, a statement of the actual purchase price of equipment, including terms of the purchase, a statement of the total amount of cash expended by the program to acquire such items of equipment (including and itemizing all commissions, fees, expenses, and the name of each payee), and a statement of the amount of proceeds in the program which remain unexpended or uncommitted.

(2) In the case of a program registered under the Securities Exchange Act of 1934, §12(g), within 60 days after the end of each quarter of the program, the sponsor shall cause to be prepared and distributed a report containing the same financial information contained in the program's quarterly report on Form 10-Q filed by the program under the Securities Exchange Act of 1934.

(3) In the case of all other programs, within 60 days of the end of the first six months of each fiscal year, a report shall be prepared on the same accounting basis to

be utilized in the annual reports and contain:

(A) a condensed balance sheet, which may be unaudited;

(B) a condensed statement of income for the period then ended, which may be unaudited;

(C) a cash flow statement for the period then ended, which may be unaudited; and

(D) other pertinent material regarding the program and its activities during the quarter covered by the report.

(4) In the case of all programs, within 75 days after the end of each program's fiscal year, all information necessary for the preparation of the participants' federal income tax returns shall be prepared and distributed to the participants.

(5) Regarding reports, the following shall be prepared and distributed:

(A) in the case of all programs, within 120 days after the end of each program's year, an annual report containing:

(i) a balance sheet as of the end of its fiscal year and statements of income, partners' equity, and changes in financial position and a cash flow statement, for the year then ended, all of which, except the cash flow statement, shall be prepared in accordance with generally accepted accounting principles and accompanied by an auditor's report containing an opinion of an independent certified public accountant;

(ii) where forecasts have been provided to the holders of program interests, a table comparing the forecasts previously provided with the actual results during the period covered by the report; and

(iii) a breakdown of distributions to participants for the period covered thereby separately identifying distributions from:

(I) cash flow from operations during the period;

(II) cash flow from operations during a prior period which had been held as reserves;

(III) proceeds from disposition of equipment and investments; and

(IV) reserves from the gross proceeds of the offering originally obtained from the participants;

(B) for each piece of equipment acquired by the program which individually represents at least 10% of the program's total investment in equipment, the sponsor shall include a status report as part of the annual report, which status report shall indicate:

(i) condition of equipment;

(ii) how equipment is being utilized as of the end of year (leased, operated, held for lease, repair, or sale);

(iii) remaining term of leases;

(iv) projected use of equipment for next year (renew lease, lease, retire, or sell); and

(v) such other information relevant to the value or utilization of the equipment as the sponsor deems appro-

priate. The status report shall describe the method used or basis for valuation.

(6) If assessments have been made during any period covered by any report required by paragraphs (2), (3), and (5) of this subsection, then such report shall contain a detailed statement of such assessments and the application of the proceeds derived from such assessments.

(7) Where any sponsor or its affiliates receives fees for services, then it shall, within 60 days of the end of each quarter wherein such fees were received, send to each participant a detailed statement setting forth the services rendered, or to be rendered, by such sponsor or its affiliates and the amount of the fees received. This requirement may not be circumvented by lump-sum payments to management companies or other entities who then disburse the funds.

(8) The sponsor shall undertake to make any of the reports required by paragraphs (1)-(7) of this subsection available to the securities commissioner upon request.

(d) Access to records. Any participant and a designated representative thereof and their designated representatives shall be permitted access to all records of the program at all reasonable times.

(e) Assessments and defaults.

(1) Assessments. In appropriate cases there may be a provision for voluntary assessability in specified programs, provided however, that the maximum amount for such voluntary assessments shall not exceed 100% of initial capital contributions. The assessments shall be made solely for or relating to equipment already acquired where the sponsor has determined that the additional expenditures are merited and in the best interests of the program. Examples of expenditures which may be merited include expenditures for extraordinary repairs where such expenditures will not exceed the value of benefits to be derived from the equipment after repair or where anticipated cash flow from equipment is not sufficient to pay taxes and/or special assessments imposed by governmental or quasi-governmental units.

(2) Defaults. In the event of a default in the payment of assessments by participants, their interests shall not be subject to forfeiture, but may be subject to a reasonable penalty for failure to meet their commitments. Provided that the arrangements are fair, this may take the form of reducing their proportionate interests in the program, subordinating their interests to that of nondefaulting participants, a forced sale complying with applicable procedures for notice and sale, the lending of the amount necessary to meet their commitment(s) by the other participants or a fixing of the value of their interests by independent appraisal or other suitable formula with provision for a delayed payment to them for their interests not beyond a reasonable period, but a debt security issued for such interest(s) should not have a claim prior to that of the other participants in the event of liquidation.

(f) Admission of participants. Admission of participants to the program shall be subject to the following.

(1) Admission of original participants. Upon the original sale of program interests, the purchasers should be admitted as participants not later than 15 days after the release from impound of the purchaser's funds to the program, and thereafter purchasers should be admitted into the program not later than the last day of the calendar month following the date their subscription was accepted by the program. Subsequent subscriptions shall be accepted or rejected by the program within 30 days of their receipt; if rejected, all subscription monies should be returned to the subscriber forthwith.

(2) Admission of substituted participants and recognition of assignees. The program shall amend the program agreement at least once each calendar quarter to effect the substitution of substituted participants, although the sponsor may elect to do so more frequently. In the case of assignments where the assignee does not become a substituted participant, the program shall recognize the assignment not later than the last day of the calendar month following receipt of notice of assignment and required documentation.

(g) Redemption of program interests. Ordinarily, the program and the sponsor may not be mandatorily obligated to redeem or repurchase any of its program interests, although the program and the sponsor may not be precluded from purchasing such outstanding interests if such purchase does not impair the capital or the operation of the program. Notwithstanding the foregoing, a program may provide for mandatory redemption rights under the following necessitous circumstances:

(1) death or legal incapacity of the owner; or

(2) a substantial reduction in the owner's net worth or income provided that:

(A) the program has sufficient cash to make the purchase;

(B) the purchase will not be in violation of applicable legal requirements;

(C) not more than 15% of the outstanding units are purchased in any year;

(3) a penalty may be assessed on the redemption of the interest if the penalty accrues to the benefit of the program. The sponsor or its affiliates are prohibited from receiving a fee on the redemption of program interests by the program.

(h) Transferability of program interest. Restrictions, except as permitted in §141.3(c) of this title (relating to Suitability of the Participant) on assignment of program interests will not be allowed. Restrictions on the substitution of a participant are generally disfavored and will be allowed only to the extent necessary to preserve the tax status of the program and any restriction must be supported by opinion of counsel. A charge may be imposed by the program to cover its actual, necessary, and reasonable

administrative and filing expenses incurred in connection with a transfer. Such charge shall be disclosed in the prospectus.

§141.7. Disclosure and Marketing Requirements.

(a) Sales promotional efforts.

(1) Sales literature. Sales literature, sales presentations (including prepared presentations to prospective participants at group meetings), and advertising used in the offer or sale of program interests shall conform in all applicable respects to requirements of filing, disclosure, and adequacy currently imposed on sales literature, sales presentations, and advertising used in the sale of securities other than program interests.

(2) Group meetings. All advertisements of and oral or written invitations to seminars or other group meetings at which program interests are to be described, offered, or sold shall clearly indicate that the purpose of such meetings is to offer such program interests for sale, the minimum purchase price thereof, and the name of the sponsor, underwriter, or selling agent. No cash, merchandise, or other item of value shall be offered as an inducement to any prospective participants to attend any such meeting. In connection with the offer or sale of program interests, no general offer shall be made of free or bargain price trips to view equipment in which the program has invested or intends to invest. All written or prepared audiovisual presentations (including scripts prepared in advance for oral presentations) to be made at such meetings must be submitted in advance to the securities commissioner not less than five business days prior to the use thereof. The restrictions in this paragraph shall not apply to meetings consisting only of representatives of securities broker-dealers.

(b) Prospectus and its contents.

(1) Disclosure. A prospectus which is not part of a registration statement declared effective by the Securities and Exchange Commission pursuant to the Securities Act of 1933 shall generally conform to the disclosure requirements which would apply if the offering were so registered. The format and information requirements of Guide 5 promulgated by the Securities and Exchange Commission shall be followed, with appropriate adjustments made for the different business of the program.

(2) Forecasts.

(A) Use of forecasts. The presentation of predicted future results of operations of equipment programs shall be permitted, but not required, for specified equipment programs and shall be prohibited for all other programs. The covers of the prospectus must contain in bold face language one of the following statements.

(i) for specified equipment programs: "Forecasts are contained in this prospectus (offering circular). Any predictions and representations, written or oral, which do not conform to those contained in

the prospectus (offering circular) shall not be permitted;"

(ii) for all other programs: "The use of forecasts in this offering is prohibited. Any representation to the contrary and any prediction, written or oral, as to the amount or certainty of any present or future cash benefit or tax consequence which may flow from an investment in this program is not permitted."

(B) Content of forecasts. Forecasts for specified equipment programs shall be included in the prospectus, offering circular or sales material of the program only if they comply with the following requirements.

(i) General. Forecasts shall be realistic in their predictions and shall clearly identify the assumptions made with respect to all material features of the presentation. Forecasts should be examined by an independent certified public accountant in accordance with the guide for prospective financial statements and statement on standards for accountant's services on prospective financial information as promulgated by the American Institute of Certified Public Accountants. The report of the independent certified public accountant must be included in the prospectus. No forecasts shall be permitted in any sales literature which does not appear in the prospectus or offering circular. If any forecasts are included in the sales literature, all forecasts must be presented.

(ii) Material information. Forecasts shall include all the following information:

(I) annual predicted revenue by source;

(II) annual predicted expenses;

(III) debt obligation—annual payments for principal and interest, points and financing fees, shown as dollars, not percentages;

(IV) the required percentage of equipment on lease in order to meet debt service and all expenses;

(V) predicted annual cash flow, stating forecasted percentage of equipment on lease;

(VI) predicted annual depreciation and amortization with full description of methods to be used;

(VII) predicted annual taxable income or loss and a simplified explanation of the tax treatment of such results; assumed tax brackets may be used; and

(VIII) accounting policies—e.g., with respect to points, financing costs, and depreciation.

(C) Presentation.

(i) Caveat. Forecasts shall prominently display a statement to the effect that they represent a mere prediction of future events based on assumptions which may or may not occur, and may not be relied upon to indicate the actual results which will be obtained.

(ii) Explanatory notes. Explanatory notes describing assumptions made and referring to risk factors should be integrated with tabular and numerical information.

(iii) Sale-leasebacks. When a sale-leaseback is employed, a statement that the seller is assuming the operating risk and consequently may have charged a higher price for the equipment must be included.

(D) Additional disclosures and limitations.

(i) Forecasts shall be for a period at least equivalent to the anticipated holding period for the equipment, or five years, whichever is shorter.

(ii) Adequate disclosure shall be made of the changing economic effects upon the participants resulting principally from federal income tax consequences over the life of the program equipment, e.g., substantial tax losses in early years followed by increasing amounts of taxable income in later years.

(iii) Forecasts shall disclose possible undesirable tax consequences of an early sale of the program equipment (such as depreciation recapture or the failure to sell the equipment at a price which would return sufficient cash to meet resulting tax liabilities of the participants).

(iv) In computing the return to investors, no appreciation, so called equity buildup, or any other benefits from unrealized gains or value shall be shown or included.

(v) Forecasts of a resale occurrence shall be permitted.

§141.8. Miscellaneous Provisions.

(a) Fiduciary duty. The program agreement shall provide that the sponsor shall have fiduciary responsibility for the safekeeping and use of all funds and assets of the program, whether or not in his immediate possession or control, and that he shall not employ, or permit another to employ such funds or assets in any manner except for the exclusive benefit to the program. In addition, the program shall not permit the participant to contract away the fiduciary duty owed to the participant by the sponsor under the common law.

(b) Deferred payments. Arrangements for deferred payments on account of the purchase price of program interests may be allowed when warranted by the investment objectives of the program, but in any event such arrangements shall be subject to the following conditions.

(1) The period of deferred payments shall coincide with the anticipated cash needs of the program.

(2) Selling commissions paid upon deferred payments are collectible when payment is made on the note.

(3) Deferred payments shall be evidenced by a promissory note of the investor. Such notes shall be with recourse and shall not be negotiable and shall be assignable only subject to defenses of the

maker. Such notes shall not contain a provision authorizing a confession of judgment.

(4) The program shall not sell or assign the deferred obligation notes at a discount to meet financing needs of the program.

(5) In the event of a default in the payment of deferred payments by participants, their interests may be subjected to a reasonable penalty, as set forth in §141.6(e)(2) of this title (relating to Rights and Obligations of Participants).

(c) Reserves. Provisions should be made for adequate reserves in the future by retention of a reasonable percentage of proceeds from the offering and regular receipts for normal repairs, replacements, and contingencies. Normally, not less than 1.0% of the offering proceeds will be considered adequate.

(d) Reinvestment of cash available for distribution. Reinvestment of cash available for distribution will be allowed if:

(1) the program's structure requires that cash available for distribution be reinvested for all participants upon the same terms;

(2) the subordination requirement in §141.4(d) of this title (relating to Compensation and Expenses) shall be cumulative compounded daily. This policy should be contained in the prospectus.

(e) Terminating event. Upon the occurrence of a terminating event, the partnership may be required to pay to the terminated sponsor all amounts then accrued and owing to the terminated sponsor. Additionally, the partnership may terminate the sponsor's interest in partnership income, losses, distributions, and capital by payment of an amount equal to the then present fair market value of the terminated sponsor's interest determined by agreement of the terminated sponsor and the partnership, or, if they cannot agree, by arbitration in accordance with the then current rules of the American Arbitration Association. The expense of arbitration shall be borne equally by the terminated sponsor and the partnership. The method of payment to the terminated sponsor must be fair and must protect the solvency and liquidity of the partnership. Where the termination is voluntary, the method of payment will be deemed presumptively fair where it provides for a noninterest bearing unsecured promissory note with principal payable, if at all, from distributions which the terminated sponsor otherwise would have received under the partnership agreement had the sponsor not terminated. Where the termination is involuntary, the method of payment will be deemed presumptively fair where it provides for an interest bearing promissory note coming due in no less than five years.

(f) Provisions of program agreement. The requirements and/or provisions of appropriate portions of the following sections shall be included in the program agreement: §§141.2(d); 141.4(d), (e), and (f); 141.5(a)-

(k), (m), (o), and (p); and 141.6(a)-(g) of this title (relating to Requirements of Sponsors; Compensation and Expenses; and Rights and Obligations of Participants); and subsections (a), (b)(4), and (c)-(e) of this section.

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

Issued in Austin, Texas, on September 9, 1987

TRD-8707717 Richard D. Latham
Securities Commissioner
State Securities Board

Earliest possible date of adoption:
October 19, 1987
For further information, please call
(512) 474-2233.



★ 7 TAC §§141.6-141.9

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the State Securities Board, 1800 San Jacinto Street, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The State Securities Board proposes the repeal of §§141.6-141.9, concerning non-specific equipment requirements, rights and obligations of participants, disclosure and marketing requirements, and miscellaneous provisions. The repeals allow for the adoption of new §§141.6-141.8 which are simultaneously proposed elsewhere in this issue. The new sections reflect provisions that were included in the most recent amendments to the North American Securities Administrators Association's real estate guidelines.

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

Mr. Latham also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be the ability to adopt new sections which will allow for continued uniformity with other states in applying standards for the registration of equipment programs. There is no anticipated economic cost to individuals who are required to comply with the proposed repeal.

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

The repeals are proposed under Texas Civil Statutes, Article 581, §28-1, which provide the board with the authority to repeal rules and regulations governing registra-

tion statements and applications, classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes.

§141.6. *Nonspecified Equipment Programs.*

§141.7. *Rights and Obligations of Participants.*

§141.8. *Disclosure and Marketing Requirements.*

§141.9. *Miscellaneous Provisions.*

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 September 9, 1987.

TRD-8707718 Richard D. Latham
Securities Commissioner
State Securities Board

Earliest possible date of adoption:
October 19, 1987
For further information, please call
(512) 474-2233.



TITLE 10. COMMUNITY DEVELOPMENT

Part I. Texas Department of Community Affairs

Chapter 9. Texas Community Development Program

Subchapter A. Allocation of Program Funds

★ 10 TAC §9.3

The Texas Department of Community Affairs (TDCA) proposes an amendment to §9.3, concerning the allocation of community development block grant (CDBG) non-entitlement area funds under the Texas capital fund. The amendment changes subsection (d)(3)(A)(iv) to utilize quality of total jobs based on proposed salaries as a selection criterion rather than the quality of jobs for low- and moderate-income persons only.

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

Mr. Anderson 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 greater opportunity for financially sound and feasible projects to receive funding and a more equitable allocation of economic development funds. 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 Bruce W. Anderson, General Counsel, P.O. Box 13166, Austin, Texas 78711, within 30 days after the date of this publication.

The amendment is proposed under Texas Civil Statutes, Article 4413(201), §4A, which provide the Texas Department of Community Affairs with the authority to allocate CDBG nonentitlement area funds to eligible counties and municipalities in accordance with rules and regulations adopted by the TDCA.

§9.3. *Texas Capital Fund.*

(a)-(c) (No change.)

(d) Selection criteria. The following is an outline of the selection criteria used by the TDCA, the Texas Capital Advisory Committee, and the State Review Committee for selection of projects under the Texas capital fund. Eight hundred points are available.

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

(3) Project design (total—600 points)—the terms used in this paragraph are defined in the current application package.

(A) Quantitative scores (total—250 points):

(i)-(iii) (No change.)

(iv) quality of jobs [for low- and moderate-income persons] based on proposed salaries—50.

(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 September 11, 1987.

TRD-8707822 Bruce W. Anderson
General Counsel
Texas Department of
Community Affairs

Earliest possible date of adoption:
October 19, 1987

For further information, please call
(512) 834-6060



TITLE 22. EXAMINING BOARDS

Part IV. Texas Cosmetology Commission

Chapter 89. General Provisions

★ 22 TAC §§89.28, 89.30, 89.31

The Texas Cosmetology Commission proposes amendments to §§89.28, 89.30, and 89.31, concerning withdrawals from school, examination application, and examinations. The amendments (which have been adopted on an emergency basis effective September 1, 1987, and were published in the August 7, 1987, issue of the *Texas Register* (12 TexReg 2536)) are proposed to better clarify Texas Civil Statutes, Article 8451a, §4.

Delores L. Alspaugh, interim executive director, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Ms. Alspaugh also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be clarification of Texas Civil Statutes, Article 8451a, §4. 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 Delores L. Alspaugh, Interim Executive Director, Texas Cosmetology Commission, 1111 Rio Grande, Austin, Texas 78701, (512) 463-3182.

The amendments are proposed under Texas Civil Statutes, Article 8451a, §4, which provide the Texas Cosmetology Commission with the authority to promulgate rules.

§89.28. *Withdrawal From School.* Within 10 days of withdrawal or graduation of a student, the school must notify the commission. Effective as of the date of the adoption of this section, a record of **verified** hours completed in a school in this state will be retained by the commission for **a period of five years from the date of withdrawal or completion of the course.** [Prior to the adoption of this section records were destroyed after 36 months.] If a student withdraws from school prior to completion of the required course of instruction, and wishes to reenroll **within the five-year period an official** [at a later date, a certified] transcript of the **verified hours** [from the commission] must be requested from the **commission** and furnished to the re-enrolling school.

§89.30. *Examination Applications.* Application for examination must be filed 10 days prior to the first date set by law for examination and verify the applicant has completed the total hours required in the particular course of instruction at that time. The examination application consists of the front portion of the permit with a photograph, the second portion labeled application, and a health certificate not over one year old which includes a tuberculosis test. A copy of the student permit and photograph must be posted in the school should the student continue to attend and accrue hours between the time of application and date scheduled for exam. The applicant will be required to furnish a valid **Texas driver's license, a Texas Department of Public Safety identification card, a military identification card, a school identification card with a picture, or a resident alien card as proof of identification prior to admittance for examination. No other proof will be accepted.** [proof of identification prior to admittance for examination]

tion. The examination application may not be withheld for the purpose of tuition collection. Students holding dates scheduled for exam who do not appear without a seven-day notice to the commission of cancellation may be denied scheduling for at least 60 days.

§89.31. *Examination.* The examination will be conducted in the English language. Exceptions will be made when English is not the native or first language of the applicant. **The written exam may be taken in their native language if the individual or school notifies the commission at least 120 days in advance, so that the written test would be available. Applicants with learning disabilities, dyslexia, and those who are emotionally disturbed will be extended the service of oral, tape recorded, or reader services exam with valid proof of condition.** The applicant will be responsible for any fee or consideration to be paid to an acceptable interpreter and/or translator whose services are necessary for the examination. If the applicant can make arrangements that are acceptable, the examination will be given at the first time available. The commission staff will make every attempt to minimize delays. The evaluation of an applicant's performance on any examination by the examining staff of the commission shall be final. No request of re-evaluation will be acted upon by the staff or the commission.

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 September 11, 1987.

TRD 8707795 Delores L. Alspaugh
Interim Executive
Director
Texas Cosmetology
Commission

Earliest possible date of adoption:
October 19, 1987
For further information, please call
(512) 463-3182



Part XVI. Texas State Board of Physical Therapy Examiners

Chapter 341. License Renewal

★ 22 TAC §§341.1-341.4

The Texas State Board of Physical Therapy Examiners proposes §§341.1-341.4, concerning license renewal. The new sections require physical therapists to complete continuing education units to be updated with changing technology and methods.

Lois M. Smith, executive director, has determined that for the first five-year period the proposed sections will be in effect there will be fiscal implications as a

result of enforcing or administering the new sections. The effect on state government for the first five-year period the new sections will be in effect is an estimated additional cost of \$33,500 each year in 1988 and 1989, \$36,850 in 1990, \$40,535 in 1991, and \$44,589 in 1992. There will be no effect on local government. The new sections are promulgated under the authority of the Texas Tax Code, Title 2; therefore no analysis of the effect on small businesses is required.

Ms. Smith 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 that physical therapists mandated to complete continuing education units will be updated with changing technology and methods, thereby passing their updated qualifications to the patients receiving physical therapy treatments in Texas. The possible economic cost to individuals who are required to comply with the proposed new sections will be the cost of continuing education units which can cost from \$0.00-\$300 in the two-year requirement (by PTE board rule), per individual. No accurate estimate can be made regarding the current 5,000 individuals licensed as physical therapists in 1987.

Comments may be submitted to Lois M. Smith, 1300 East Anderson Lane, Building C, Suite 260, Austin, Texas 78752.

The new sections are proposed under Texas Civil Statutes, Article 4512e, §3(e), which provide the Texas State Board of Physical Therapy Examiners with the authority to adopt rules consistent with the Texas Physical Therapy Practice Act to carry out its duties in administering the Act.

§341.1. *Physical Therapist.*

(a) The licensed physical therapist must complete, in each biennium, three continuing education units (CEU's). This becomes effective with September 1, 1989, licensure renewals.

(b) CEU requirements must be completed in the biennium preceding the licensee's odd numbered year renewal.

(c) The original program attendance document must be submitted by the course sponsor to the board. This document must be signed and certified by the authorized person as per the course application. It shall include the:

- (1) licensee's name as printed on the permanent license;
- (2) license number of the licensee;
- (3) program date(s); and
- (4) CEU credits awarded.

(d) The board must receive this documentation within 60 days of program completion.

§341.2. *Physical Therapist Assistant.*

(a) The licensed physical therapist assistant must complete, in each biennium, two continuing education units (CEU's).

This becomes effective with September 1, 1989, licensure renewals.

(b) CEU requirements must be completed in the biennium preceding the licensee's odd numbered year renewal.

(c) The original program attendance document must be submitted by the course sponsor to the board. This document must be signed and certified by the authorized person as per the course application. It shall include the:

- (1) licensee's name as printed on the permanent license;
- (2) license number of the licensee;
- (3) program date(s); and
- (4) CEU credits awarded.

(d) The board must receive this documentation within 60 days of program completion.

§341.3. *Qualifying Continuing Education Units.*

(a) One CEU is defined as 10 contact hours of an accredited course or program. Program content must be of clinical application, clinical management, behavioral science, or science.

(b) Program content and CEU's accredited by a board-approved organization or institution must be received by the board 30 days prior to beginning date of program.

(c) A proposed course or program sponsored by other than a board-approved organization or institution may be submitted to the board for consideration on a board-approved form at least 60 days prior to beginning date of program.

(d) College or university courses in the area of clinical application, clinical management, behavioral science, science, or scientific research will be accepted. Courses will be credited at one CEU for each satisfactorily (grade of C or higher) completed credit hour. An official transcript must be submitted to the board office by the registrar within 60 days of completion.

(e) A publication or publications may be submitted to the board for consideration of up to 1/2 of the biennium CEU requirement.

§341.4. *Licensees Failing to Comply.* Licensees failing to comply with the CEU requirement will not receive license renewal. Further licensure will be as per the Texas Physical Therapy Practice Act, §15(c), (d), or (e), whichever is applicable. CEU requirement will continue to accrue.

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 September 10, 1987.

TRD-8707765

Lois M. Smith
Executive Director
Texas State Board of
Physical Therapy
Examiners

Earliest possible date of adoption

October 19, 1987

For further information, please call
(512) 835-1846

Part XIX. Polygraph Examiners Board Chapter 397. Practice and Procedure

★ 22 TAC §397.26

The Polygraph Examiners Board proposes an amendment to §397.26, concerning reporters and transcript. The amendment is proposed as a cost saving measure for the state. The amendment immediately defers costs for transcription of board records concerning proceedings before the board.

Bryan M. Perot, executive director, has determined that 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 which will be based on the number of records transcribed. There will be no effect on local government. The cost of compliance with the section for small businesses will be none, unless they represent the party requesting transcription of records.

Mr. Perot also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the transcription costs will not be a financial burden to the state during these economically difficult times. The anticipated economic cost to individuals who are required to comply with the proposed section will be based upon the costs of record transcriptions.

Comments may be submitted to Bryan M. Perot, P.O. Box 4087, Austin, Texas 78773.

The amendment is proposed under Texas Civil Statutes, Article 4413(29cc), which provide the Polygraph Examiners Board with the authority to regulate persons who purport to be able to detect deception or to verify truth of statements through the use of instrumentation and to issue regulations consistent with the provisions of the Act for the administration and enforcement of the Act.

§397.26. *Reporters and Transcript.*

(a) While the board shall undertake to have the proceedings recorded, the cost of preparing the original transcript shall be assessed to the party appealing the board's decision or to any other party or parties requesting the transcription, upon written request that the record be transcribed. A written request shall be addressed to the secretary stating the full name and address of the appealing party or parties requesting the transcript, which request shall be relayed

to the court reporter. [Proceedings, or any part of them, must be transcribed on written request of any party. The board may pay the cost of the transcript or assess the cost of one or more parties. This section does not limit the board to a stenographic record of proceedings.]

(b) [A stenographic reporter may sell a copy of a transcript upon approval of the board. Upon approval of the request by the board.] The court [stenographic] reporter shall furnish the party [a copy to the] requesting the transcription with the original transcript upon payment of its cost. Upon notice of appeal, the board shall at its own expense obtain a certified copy of the transcript for submission to the reviewing court. [party at not more than \$.30 per page plus the cost of postage, if any. The board may exclude any stenographic reporter for late delivery or poor workmanship in previous hearings. A written request for permission shall be addressed to the secretary combining:

(1) the full name and address of the party requesting the copy;

(2) the number of pages in the transcript; and

(3) the cost of the copy to the party.]

(c) (No change.)

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

Issued in Austin, Texas, on September 10, 1987.

TRD-8707766

Bryan M. Perot
Executive Officer
Polygraph Examiners
Board

Earliest possible date of adoption:
October 19, 1987

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



TITLE 25. HEALTH SERVICES

Part II. Texas Department of Mental Health and Mental Retardation

Chapter 401. System Administration

Subchapter J. Licensure of Private Psychiatric Hospitals

★ 25 TAC §§401.581-401.592

The Texas Department of Mental Health and Mental Retardation proposes new §§401.581-401.592, concerning licensure of private psychiatric hospitals. The new sections are proposed contemporaneously with the proposed repeal of the sections they replace, which comprise

Chapter 403, Subchapter E, concerning practice and procedure denial, suspension, or revocation of a license to operate a private mental hospital, and Chapter 403, Subchapter Q, concerning licensing private mental hospitals.

The new sections are proposed pursuant to Senate Bill 257, 70th Legislature, 1987, which requires the department to assess fees in the licensure of private psychiatric hospitals in keeping with legislated guidelines. Requirements for licensure include compliance with the Joint Commission on Accreditation of Hospitals standards.

Sue Dillard, director, Office of Standards and Quality Assurance, 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 as a result of enforcing or administering the sections. Fiscal implications for small businesses operating private psychiatric hospitals will be \$250 for initial application, \$650 for construction plan review, \$650 for site inspection, and \$250 for annual licensure renewal.

Ms. Dillard also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the use of procedures and criteria for licensure that ensure a nationally recognized minimum standard of care for patients in private facilities. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments may be submitted to Linda Logan, Rules Coordinator, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711.

The new sections are proposed under Texas Civil Statutes, Article 5547-202, §2.11, which provide the Texas Board of Mental Health and Mental Retardation with rulemaking powers.

§401.581. Purpose. The purpose of this subchapter is to ensure proper care and treatment of patients in private psychiatric hospitals.

§401.582. Application. The provisions of this subchapter apply to:

- (1) persons operating private psychiatric hospitals in Texas; and
- (2) applicants for licensure as a private psychiatric hospital in Texas.

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

Applicant—A person who is seeking licensure from the Texas Department of Mental Health and Mental Retardation, and who has complied with all statutory and department rules with respect to the execution and completion of application forms and the furnishing of required information and documents.

Community center—A community mental health center or a community mental health and mental retardation center administered by a board of trustees pursuant to the Texas Mental Health and Mental Retardation Act, Texas Civil Statutes, Article 5547-201 et seq.

Department—The Texas Department of Mental Health and Mental Retardation.

License—The permission granted to a person by the department to operate a private psychiatric hospital which substantially conforms to all of the standards contained in this subchapter.

Licensee—A person who has been granted a license by the Texas Department of Mental Health and Mental Retardation and who has not had such license suspended or revoked.

Person—Any individual, partnership, corporation, association, political subdivision, or public or private organization of any character other than department.

Private psychiatric hospital—An establishment offering inpatient services, including treatment, facilities, and beds for use beyond 24 hours, for the primary purpose of providing psychiatric assessment and diagnostic services and psychiatric inpatient care and treatment for mental illness which is more intensive than room, board, personal services, and general medical and nursing care. Although substance abuse services may be offered, a majority of beds are dedicated to the treatment of mental illness in adults and/or children.

Special treatment procedures—Those procedures which include the use of any of the following: restraint; seclusion; convulsive therapy; psychosurgery; behavior modification; unusual, investigational, and experimental drugs; maintenance drugs that have abuse potential; and research projects that involve inconvenience or risk to the patient.

§401.584. Submission of Plans and Specifications.

(a) Prior to construction, all plans and specifications for new or replacement buildings and facilities to be licensed as private psychiatric hospitals, additions to existing private psychiatric hospitals, or renovation or conversion of existing structures, shall be submitted to the department for review and approval. An exception to this requirement shall be that existing private psychiatric hospitals need not submit for approval plans for minor alterations or remodeling changes which do not:

- (1) involve alterations to load bearing members or partitions;
- (2) change functional operation;
- (3) affect fire safety; or
- (4) add beds or services for which the hospital is licensed.

(b) Plans and specifications shall be submitted in stages as described in the Minimum Requirements for Construction and Equipment for Private Psychiatric Hospitals Licensed by the Texas Department of Mental Health and Mental Retardation,

which is herein adopted by reference as Exhibit A and is available from the Texas Department of Mental Health and Mental Retardation, P. O. Box 12668, Austin, Texas 78711.

(c) The first stage submittal of such plans and specifications shall be accompanied by a fee of \$650 and a letter of intent to apply for license to operate a private psychiatric hospital. The letter of intent should indicate the proposed name, ownership, address, and number of beds by type of service at the proposed hospital.

(d) All final stage plans and specifications shall be appropriately sealed and signed by a registered architect and professional engineer licensed by the State of Texas.

(e) Upon approval of final (third stage) plans and specifications, the department shall issue a letter granting approval to begin construction. Such authorization does not constitute release from the requirements contained in this subchapter. Any contract modifications which affect or change the function, design, or designated use of an area shall be submitted to the department for approval prior to authorization of the modifications.

§401.585. Construction and Inspections.

(a) Adequate provision shall be made for the safety and comfort of patients whenever an approved construction or renovation project takes place in or near occupied areas.

(b) After construction has commenced, progress reports shall be submitted as required by the department to monitor the construction work. The submission of progress reports is the responsibility of the hospital/owner.

(c) Two or more construction progress and/or final inspections of the facility will be scheduled for the purpose of verifying compliance with licensing requirements, plans, and specifications. The department shall determine the number of required inspections necessary to complete all proposed construction projects.

(d) A fee of \$650 per each inspection shall be submitted to the Texas Department of Mental Health and Mental Retardation prior to any inspections conducted by the staff of the department. All fees shall be paid by check or money order made payable to the Texas Department of Mental Health and Mental Retardation.

(e) No facility shall occupy any new structure, or building addition, or renovation space until the appropriate permission has been received from the local building and fire authorities and the department.

§401.586. License Application Process.

(a) A person requesting a license to operate a private psychiatric hospital must submit the application which is herein adopted by reference as Exhibit B and which is available from the Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711. The application shall contain all information

elicited by the application form and such other information as shall be required by the department for the proper administration and enforcement of the Texas Mental Health Code, Texas Civil Statutes, Article 5547-1 et seq.

(b) The original and one copy of the application must be submitted to the department. Written material relating to the application must also be submitted in duplicate.

(c) An application for a license to operate a private psychiatric hospital must be accompanied by an initial license fee of \$250. The annual license renewal fee payable each year thereafter is \$250. All fees shall be paid by check or money order made payable to the Texas Department of Mental Health and Mental Retardation.

(d) Each application for a license to operate a private psychiatric hospital shall be reviewed and a determination made within 10 working days after the date of its receipt whether the application is complete and complies with all applicable laws, rules, and regulations.

(e) If the application contains all required information and complies with all applicable laws, rules, and regulations, the department shall notify the applicant in writing of formal acceptance of the application.

(f) If the application does not contain all requested information or does not comply with all applicable laws, rules, and regulations, the department shall notify the applicant in writing of the rejection of the application and provide a list of deficiencies for correction. Failure of the applicant to submit corrections to the stated deficiencies within 60 days from the date of the letter of notification may result in the administrative withdrawal of the application and forfeiture of the application fee.

(g) After formal acceptance of proper application for license and the required fees, the department shall make such investigation as it deems necessary. If the department finds that the premises are suitable and that the applicant is qualified to operate a psychiatric hospital in accordance with the requirements and standards established by law and by the department, the department shall issue a license authorizing the designated licensee to operate a psychiatric hospital on the premises described and for the bed capacity specified in the license.

(h) The department may grant a provisional license for a period not to exceed 12 months in order for the facility to demonstrate operational procedures which are in substantial compliance with this subchapter. No provisional license shall be granted to a newly established hospital which is not in substantial compliance with provisions of this subchapter relating to the structural or physical condition of the hospital.

(i) Within 12 months of the time a provisional license is granted, private psychiatric hospitals awarded accreditation by the Joint Commission on Accreditation

of Hospitals (JCAH), or certification by Medicare as a psychiatric hospital, will be exempt from an onsite programmatic review by the department and shall be awarded a permanent license. Those private psychiatric hospitals not seeking or not awarded such JCAH accreditation or Medicare certification shall receive a programmatic review by the department and shall be awarded a permanent license upon demonstration of substantial compliance with the requirements of §401.587 of this title (relating to Requirements for Licensure).

(j) The accredited status of services offered by a private psychiatric hospital does not alter the hospital's obligation to:

(1) comply with the provisions of this subchapter;

(2) correct any deficiencies cited by the department with respect to licensing standards; and

(3) cooperate with investigations conducted by the department of reports of abuse, neglect, violation of patient rights, or deficiency in the operation of the facility.

(k) The license shall be posted in a conspicuous place on the licensed premises. A license remains in effect until suspended or revoked by the department or surrendered by the licensee.

(l) Any duly authorized agent of the department may at any reasonable time enter upon the premises of any private psychiatric hospital to inspect the facility and conditions, to observe the program for care and treatment, and to question employees of the hospital; and may have access for the purpose of examination and transcription to such records and documents as are relevant to the investigation.

(m) The department may maintain an action in the name of the State of Texas for injunction or any other process against any person or political subdivision to restrain the unlicensed operation of a psychiatric hospital.

§401.587. Requirements for Licensure.

(a) In order to be eligible for licensure as a private psychiatric hospital, a proposed facility must meet the definition of a private psychiatric hospital as delineated in §401.583 of this title (relating to Definitions).

(b) Although a private psychiatric hospital may offer services other than those of an inpatient nature, such services are not licensed or regulated by the department.

(c) Each private psychiatric hospital shall provide overall operations, a physical plant, and all services and treatment in a manner consistent with recognized hospital standards. For purposes of licensure, private psychiatric hospitals, other than those operated by community centers, shall be in substantial compliance with inpatient standards set forth by the Joint Commission on Accreditation of Hospitals; that is, the standards for inpatient settings in the current edition of the Accreditation Manual for Hospitals. Additionally, such hospitals shall provide special treatment procedures in ac-

cordance with standards set forth by the Joint Commission on Accreditation of Hospitals in the current edition of the Consolidated Standards Manual

(d) In keeping with accreditation policies currently set forth by the Joint Commission on Accreditation of Hospitals for inpatient programs of community centers, private psychiatric hospitals operated by community centers shall be in substantial compliance with inpatient standards set forth by the Joint Commission on Accreditation of Hospitals in the current edition of the Consolidated Standards Manual. Additionally, such hospitals shall provide nursing services in accordance with standards set forth in the current edition of the Accreditation Manual for Hospitals.

(e) All medications shall be administered by licensed nurses or licensed physicians. All medication administration procedures performed by licensed nurses shall be under the direct supervision of a registered nurse.

§401.588. *Patient Rights.*

(a) Each patient of a private psychiatric hospital shall have personal rights as delineated in the Texas Mental Health Code, Texas Civil Statutes, Article 5547-1 et seq.

(b) Each patient of a private psychiatric hospital shall be protected from abuse and neglect and any allegations of such shall be reported and actions taken in accordance with Chapter 403, Subchapter R of this title (relating to Patient Abuse in Private Psychiatric Hospitals).

§401.589. *Reporting Requirements.*

(a) The authorized bed capacity may be increased at any time upon approval by the department and may be reduced at any time by notifying the department.

(b) Each private psychiatric hospital shall report to the department all deaths occurring in the hospital when a patient dies within 24 hours after admission to the hospital, or as a result of the following:

- (1) a violent act;
- (2) a suicide attempt or act;
- (3) an accident;
- (4) poisoning;
- (5) an alcohol or drug related incident; or

(6) unknown cause or otherwise questionable circumstances.

(c) Each private psychiatric hospital shall report to the department within five days all fires occurring in the hospital.

(d) Each private psychiatric hospital shall report all alleged incidents of patient abuse and neglect, in accordance with Chapter 403, Subchapter R of this title (relating to Client Abuse in Private Psychiatric Hospitals).

(e) The governing board of each private psychiatric hospital shall furnish to the department the name and address of its administrative officer within 30 days after appointment.

(f) A license issued by the department

is not transferable or assignable. Each private psychiatric hospital shall provide written notification to the department within 60 days prior to the change of ownership, control, and/or relocation of the facility. If a hospital continues to meet these licensing standards, a new license will be issued effective the day the change occurs. Full disclosure of hospital ownership and control is required.

(g) The department may require every licensee to make annual, periodic, and special reports, and to keep such records as it considers necessary to ensure compliance with the provision of the Texas Mental Health Code and such rules, regulations, and standards as the department prescribes.

§401.590. *Denial, Suspension, or Revocation of License.*

(a) The department shall deny, suspend, or revoke a hospital's license if the department finds that there has been a substantial failure by the applicant or licensee to comply with the rules of the department or the provisions of the Texas Mental Health Code, Texas Civil Statutes, Article 5547-1 et seq.

(b) If the department determines that an application should be denied or a license should be suspended or revoked, the department shall notify the applicant or licensee of its determination and shall advise the applicant or licensee of his right to a hearing before the department. Such notification by the department shall be sent to the applicant or licensee by certified or registered mail.

(c) To secure the right to a hearing before the department, the applicant or licensee shall send, within 30 days of the date of notification by the department of its determination, a letter of protest in conformity with the requirements of §403.401 of this title (relating to Form and Content of Pleadings) to the commissioner, protesting the department's determination and requesting a hearing pursuant to the provisions of Chapter 403, Subchapter O of this title (relating to Practice and Procedure With Respect to Administrative Hearings of the Department in Contested Cases).

(d) If the applicant or licensee timely sends a proper letter of protest to the commissioner within 30 days after notification by the department of its determination, as provided in subsection (c) of this section, the commissioner will treat the matter as a contested case, and the provisions of Chapter 403, Subchapter O of this title (relating to Practice and Procedure With Respect to Administrative Hearings of the Department in Contested Cases) shall apply.

(e) After giving the applicant or licensee an opportunity to demonstrate or achieve compliance, and after notice and opportunity for hearing, the department may deny the application or suspend or revoke the license if it finds substantial failure by the applicant or licensee to comply with the rules of the department or the provisions of the Texas Mental Health Code, Texas Civil

Statutes, Article 5547-1 et seq.

(f) No revocation or suspension of a license is effective unless, prior to the institution of department proceedings, the department gave notice by personal service or by registered or certified mail to the licensee of the facts or conduct alleged to warrant the intended action, and the licensee was given an opportunity to show compliance with all requirements of law for the retention of the license.

(g) If the department finds that there is immediate threat to health or safety of patients or employees of a private psychiatric hospital, the department may temporarily suspend a license for 10 days pending a hearing or the suspension order, and may issue orders necessary for the welfare of the patients.

(h) Nothing in this section shall affect in any way the provision of the Texas Mental Health Code requiring annual renewal of the license or any other substantive provision of the Texas Mental Health Code concerning the licensing of private psychiatric hospitals.

§401.591. *Distribution.*

(a) The provisions of this subchapter shall be distributed to the Texas Board of Mental Health and Mental Retardation; medical director, deputy commissioners, assistant deputy commissioners, and directors of Central Office; and to private psychiatric hospital licensees and applicants.

(b) Each private psychiatric hospital licensee shall ensure distribution of this subchapter to all appropriate staff.

§401.592. *References.* Reference is made in this subchapter to the following laws, rules, and standards:

(1) the Texas Mental Health Code, Texas Civil Statutes, Article 5547-1 et seq.;

(2) Chapter 403, Subchapter R, of this title (relating to Patient Abuse in Private Psychiatric Hospitals);

(3) Chapter 403, Subchapter O, of this title (relating to Practice and Procedure With Respect to Administrative Hearings of the Department in Contested Cases);

(4) the Joint Commission on Accreditation of Hospitals Accreditation Manual for Hospitals, most recent edition; and

(5) the Joint Commission on Accreditation of Hospitals Consolidated Standards Manual, most recent edition.

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 September 11, 1987.

TRD-8707809

Roger Bateman
Chairman
Texas Department of
Mental Health and
Mental Retardation

Earliest possible date of adoption:

October 19, 1987

For further information, please call
(512) 465-4670.

Chapter 403. Other Agencies and the Public
 Subchapter E. Practice and Procedure: Denial, Suspension, or Revocation of a License to Operate a Private Mental Hospital

★ 25 TAC §§403.121-403.167

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Department of Mental Health and Mental Retardation proposes the repeal of §§403.121-403.167, concerning practice and procedure: denial, suspension, or revocation of a license to operate a private mental hospital. The repeals are proposed contemporaneously with the proposal of new Chapter 401, Subchapter J, concerning licensure of private psychiatric hospitals. The new subchapter addresses the substantive matters of the sections proposed for repeal.

Sue Dillard, director, Office of Standards and Quality Assurance, has determined that for the first five-year period the proposed repeals will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeals.

Ms. Dillard also has determined that for each year of the first five years the repeals are in effect, the public benefit anticipated as a result of enforcing the repeals will be the deletion of unnecessary sections. There is no anticipated economic cost to individuals who are required to comply with the proposed repeals.

Comments may be submitted to Linda Logan, Rules Coordinator, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711.

The repeals are proposed under Texas Civil Statutes, Article 5547-202, §2.11, which provide the Texas Board of Mental Health and Mental Retardation with rulemaking powers.

§403.121. *Purpose.*

§403.122. *Definitions.*

§403.123. *Applicability and Scope of Rules.*

§403.124. *Filing of Documents.*

§403.125. *Computation of Time; Extensions.*

§403.126. *Agreements To Be in Writing.*

§403.127. *Service in Proceedings.*

§403.128. *Conduct and Decorum.*

§403.129. *Classification of Parties.*

§403.130. *Parties in Interest.*

§403.131. *Appearances Personally or by Representative.*

§403.132. *Classification of Pleadings.*

§403.133. *Form and Content of Pleadings.*

§403.134. *Examination of Pleadings by the Commissioner.*

§403.135. *Motions.*

§403.136. *Amendments.*

§403.137. *Incorporation by Reference of Department Records.*

§403.138. *Docketing and Numbering of Causes; Hearing Date.*

§403.139. *Denial, Suspension, or Revocation of License.*

§403.140. *Contents of Notices Required To Be Served by Personal Service.*

§403.141. *Prehearing Conference.*

§403.142. *Motions for Postponement, Continuance, Withdrawal, or Dismissal of Protests or Other Matters before the Department.*

§403.143. *Joint Hearings.*

§403.144. *Place and Nature of Hearings.*

§403.145. *Presiding Officer.*

§403.146. *Order of Procedure.*

§403.147. *Recording of Proceedings; Corrections of the Transcript.*

§403.148. *Formal Exceptions.*

§403.149. *Dismissal without Hearing.*

§403.150. *Rules of Evidence.*

§403.151. *Documentary Evidence and Official Notice.*

§403.152. *Prepared Testimony.*

§403.153. *Limitations on Number of Witnesses.*

§403.154. *Exhibits.*

§403.155. *Offer of Proof.*

§403.156. *Depositions.*

§403.157. *Subpoenas.*

§403.158. *Oral Argument.*

§403.159. *Final Decisions and Orders; Motions for Rehearing.*

§403.160. *The Record.*

§403.161. *Show Cause Orders and Complaints.*

§403.162. *Ex Parte Consultations.*

§403.163. *Participation by Legal Staff.*

§403.164. *Inclusion of Provision for the Protection and Preservation of the Health, Safety, and Welfare of the Patients of the Private Mental Hospital in an Order Suspending or Revoking a License.*

§403.165. *Confidentiality.*

§403.166. *Judicial Review.*

§403.167. *Effective Date.*

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 September 11, 1987

TRD-8707762

Roger Bateman
 Chairman of the Board
 Texas Department of
 Mental Health
 Mental Retardation

Earliest possible date of adoption

October 19, 1987

For further information, please call
 (512) 465-4670



Subchapter Q. Licensing Private Mental Hospitals

★ 25 TAC §§403.461-403.490

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Department of Mental Health and Mental Retardation proposes the repeal of §§403.461-403.490, concerning licensing of private mental hospitals. The repeals are proposed contemporaneously with the proposal of new Chapter 401, Subchapter J, concerning licensure of private psychiatric hospitals. The new subchapter addresses the substantive matters of the sections proposed for repeal.

Sue Dillard, director, Office of Standards and Quality Assurance, has determined that for the first five-year period the proposed repeals will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeals.

Ms. Dillard also has determined that for each year of the first five years the sections are in effect the public benefit will be the deletion of outdated sections. There is no anticipated economic cost to individuals who are required to comply with the proposed repeals.

Comments may be submitted to Linda Logan, Rules Coordinator, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711.

The repeals are proposed under Texas Civil Statutes, Article 5547-202, §2.11, which provide the Texas Board of Mental Health and Mental Retardation with rulemaking powers.

- §403.461 Purpose
- §403.462 Definitions
- §403.463 Applicability
- §403.464. **Basic Principles.**
- §403.465. **Governing Board. Responsibility, Disclosure of Ownership and Control; Required Actions.**
- §403.466 Physical Plant Standards for Private Mental Hospitals
- §403.467 Dietetic Department Facilities, Personnel, Records, Conferences
- §403.468 Clinical Records: Administrative Procedures; Medical Staff Responsibilities, Contents of the Clinical Record.
- §403.469 Pharmaceutical Services
- §403.470 Pathology Services
- §403.471. Radiology Services.
- §403.472. Emergency Services: Written Plan; Policies and Procedures; Adequate Medical Records; Facilities; Responsibility for Services.
- §403.473. Social Work Services: Provision of Services, Functions Performed; Social Work Staff and Qualifications; Service Records.
- §403.474. Psychological Services: Provision of Services; Functions Performed; Psychology Staff and Qualifications.
- §403.475. Activity Services; Patient Library.
- §403.476. Chaplain Service.
- §403.477. External Disasters: Written Plan; Contents of Plan.
- §403.478. Internal Disasters: Written Plan; Contents of Plan.
- §403.479. Patient Education and Vocational Rehabilitation Services.
- §403.480. Medical Staff: Responsibility for Quality of Care; Qualifications.
- §403.481. Medical Staff: Responsibilities and Duties.
- §403.482. Medical Staff: Programs; Plans; Policies; Professional Personnel Meetings.
- §403.483. Medical Staff: Membership; Appointment Procedure; Qualifications; Privileges; Active Staff; Other Categories of the Staff.
- §403.484. Medical Staff: Organization; Officers; Bylaws; Committees.
- §403.485. Medical Staff: Meetings.
- §403.486. Nursing Services.
- §403.487. Patient Rights: Written Statement and Interpretation of Rights; Restrictions on Rights.
- §403.488. Patient Rights: Use of Restraint or Seclusion.

§403.489 Patient Rights: Confidentiality.

§403.490 License Application Process

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 September 11, 1987

TRD-8707763 Roger Bateman
Chairman
Texas Board of Mental
Health and Mental
Retardation

Earliest possible date of adoption
October 19, 1987
For further information, please call
(512) 465-4670



**TITLE 34. PUBLIC
FINANCE
Part VII. State Property
Tax Board
Chapter 155. Tax Record
Requirement**

★34 TAC §155.51

The State Property Tax Board proposes an amendment to §155.51, concerning the application forms for miscellaneous exemptions. Section 155.51 lists the contents of various exemption applications and adopts seven model forms. Beginning January 1, 1988, the amendment changes two application forms, one for the cemetery exemption, and the other for miscellaneous property tax exemptions. The cemetery exemption, beginning January 1, 1988, no longer must be applied for annually. The miscellaneous exemption application form is modified to delete the exemption for a biomedical research corporation and add an exemption for a scientific research corporation.

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

Mr. Niles also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be updated forms that respond to current statutory language and requirements. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Ron Patterson, Executive Director, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761-5900.

The amendment is proposed under the Tax Code, §11.43(f), which requires the

State Property Tax Board to prescribe the contents of exemption applications

§155.51 Miscellaneous Exemptions

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

(b)-(i) (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 August 17, 1987

TRD-8707719 Ron Patterson
Executive Director
State Property Tax Board

Earliest possible date of adoption
October 19, 1987
For further information, please call
(512) 834-4802



**TITLE 40. SOCIAL
SERVICES AND
ASSISTANCE
Part I. Texas Department of
Human Services
Chapter 16. ICF/SNF**

The Texas Department of Human Services (DHS) proposes amendments to §§16.1101, 16.1906, and 16.1912, concerning definitions; operating policies and procedures; and recipient-patient care policies, respectively. The purpose of the amendment to §16.1101 is to include definitions of the terms "physician assistant (PA)" and "supervising physician."

The purpose of the amendments to §16.1906 and §16.1912 is to specify the conditions under which PA services may be used in intermediate care and skilled nursing facilities (ICF/SNF). The title of §16.1912 is also being amended to more accurately reflect its content.

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

Mr. Packard has also 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 that the inclusion of PAs in the service delivery system will allow more effective use of the skills of attending physicians. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-343, Texas Department of Human Services 222 E. PO Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*

Definitions

★ 40 TAC §16.1101

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

§16.1101 Definitions The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise

Physician assistant (PA):

(A) A graduate of a physician assistant training program that is accredited by the Committee on Allied Health Education and Accreditation of the Council on Medical Education of the American Medical Association; or

(B) A person who has passed the examination given by the National Commission on Certification of Physician Assistants.

Supervising physician—A physician who assumes responsibility and legal liability for services rendered by a physician assistant (PA) and who has been approved by the Texas State Board of Medical Examiners to supervise a specific PA(s). This definition applies only to physicians who employ PAs.

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 September 11, 1987

TRD-8707812 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Proposed date of adoption
December 15, 1987

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



Governing Body and Management

★ 40 TAC §16.1906, §16.1912

The amendments are 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.

§16.1906. Operating Policies and Procedures.

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

(g) If physician assistant (PA) services are used in the facility, facility staff must en-

sure that the following conditions exist.

(1) The facility has written agreements with physicians who intend to use the services of PAs.

(2) The facility has, in writing, established procedures specifying that:

(A) the PA is identified clearly, to recipients and to employees, as a PA;

(B) recipients are informed that the PA is not a physician and that they may at their request see the supervising physician;

(C) recipients consent, in writing, to receive services from the PA; and

(D) the signed recipient-consent form is included in the recipient's record.

§16.1912. Recipient [Recipient-patient] Care Policies.

(a) The facility must have written policies to govern the nursing care and related medical or other services provided. The facility must include in the written policies plans for promoting self-care and independence. The facility must also include the following:

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

(3) **physician assistant services.** The attending physician may choose to use the services of a physician assistant (PA). The PA may perform duties and tasks, as assigned by his supervising physician, that do not require an independent medical judgment. The supervising physician retains professional responsibility and legal liability for the care and treatment of his patients, as specified in rules and regulations of the Texas Board of Medical Examiners;

(4) [(3)] nursing services;

(5) [(4)] dietary services;

(6) [(5)] restorative services;

(7) [(6)] pharmacy services;

(8) [(7)] ancillary diagnostic services;

(9) [(8)] care of recipients [recipient-

patients] in emergencies [an emergency], during [a] communicable disease episodes [episode], and if recipients are critically ill or mentally disturbed;

(10) [(9)] a disaster plan;

(11) [(10)] in a skilled facility, dental service. An advisory dentist participates in the staff development program for nursing and other appropriate personnel at least annually. The dentist recommends oral hygiene policies and practices for the care of recipients [recipient-patients]. Professional judgment by the facility management and the advisory dentist will dictate the amount of time and the length of each visit to the facility. The facility should have a cooperative agreement with a dental service, and maintain a list of local dentists for recipients [recipient-patients] who do not have [a] private dentists [dentist];

(12) [(11)] social services;

(13) [(12)] recipient [recipient-patient] activities;

(14) [(13)] clinical records;

(15) [(14)] hospital agreements; and

(16) [(15)] utilization review.

(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.

Issued in Austin, Texas, on September 11, 1987

TRD-8707813 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Proposed date of adoption

December 15, 1987

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



Chapter 23. Nursing Facility Administration

Subchapter L. General Policies

★ 40 TAC §23.1105

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Department of Human Services, 701 West 51st Street, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Department of Human Services (DHS) proposes the repeal of §23.1105, concerning physician's assistants. The purpose of the repeal is to delete physician-assistant policy that has been superceded by changes to Chapter 16 of the department rules. Chapter 16 governs intermediate care and skilled nursing facilities. The Chapter 16 changes are also proposed in this issue of the *Texas Register*.

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

Mr. Packard also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be more concise department rules. There is no anticipated economic cost to individuals who are required to comply with the proposed repeal.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-343, Texas Department of Human Services 222-E, PO. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

The repeal 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.

§23.1105 *Physician's Assistant.*

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 September 11, 1987

TRD-8707814 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Proposed date of adoption:
December 15, 1987
For further information, please call
(512) 450 3766



Name: Lisa Willis
Grade: 7
School: Wilson Middle School, Plano



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 16. ECONOMIC
REGULATION**
Part I. Railroad Commission
of Texas
Chapter 9. Liquefied Petroleum
Gas Division
Subchapter L. Division X
★ 16 TAC §9.285

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed amendment to §9.285, submitted by the Railroad Commission of Texas has been automatically withdrawn, effective September 4, 1987. The amendment as proposed appeared in the March 3, 1987, issue of the *Texas Register* (12 TexReg 699)

TRD 8707885
Filed September 4, 1987



**TITLE 31. NATURAL
RESOURCES AND
CONSERVATION**
Part IX. Texas Water
Commission
Chapter 335. Industrial Solid
Waste and Municipal
Hazardous Waste
Subchapter G. Location Standards
for Hazardous Waste Storage,
Processing, or Disposal
★ 31 TAC §§335.201, 335.202,
335.204

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed amendments to §§335.201, 335.202, and 335.204, submitted by the Texas Water Commission have been automatically withdrawn, effective August 14, 1987. The amendment as proposed appeared in the February 13, 1987 issue of the *Texas Register* (12 TexReg 492)

TRD-8707884
Filed August 14, 1987



**TITLE 34. PUBLIC
FINANCE**
Part VII. State Property Tax
Board
Chapter 161. Valuation
Procedures
★ 34 TAC §161.1

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed amendment to §161.1, submitted by the State Property Tax Board has been automatically withdrawn, effective September 4, 1987. The amendment as proposed appeared in the March 3, 1987, issue of the *Texas Register* (12 TexReg 725).

TRD-8707886
Filed September 4, 1987



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 16. ECONOMIC REGULATION

Part I. Railroad

Commission of Texas

Chapter 9. Liquefied

Petroleum Gas Division

Subchapter A. General

Applicability and Requirements

★ 16 TAC §9.14

The Railroad Commission of Texas adopts the repeal of §9.14, without changes to the proposed text published in the March 3, 1987, issue of the *Texas Register* (12 Tex-Reg 700)

The repealed section deals with definitions used in the LP-Gas Safety rules. The repeal is necessary because §9.2, dealing with definitions, has been adopted and replaces this section.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public

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 August 31, 1987

TRD-8707856 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Effective date: January 1, 1988
Proposal publication date: March 3, 1987
For further information, please call
(512) 463-7149.



Subchapter B. Basic Rules

★ 16 TAC §9.55

The Railroad Commission of Texas adopts the repeal of §9.55, without changes to the proposed text published in the March

3, 1987, issue of the *Texas Register* (12 Tex-Reg 702).

The repealed section deletes language concerning the location of sources of ignition.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public

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 August 31, 1987

TRD-8707857 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Effective date: January 1, 1988
Proposal publication date: March 3, 1987
For further information, please call
(512) 463-7149



Subchapter C. Division I

★ 16 TAC §9.73

The Railroad Commission of Texas adopts the repeal of §9.73, without changes to the proposed text as published in the March 3, 1987, issue of the *Texas Register* (12 Tex-Reg 709). The repealed section relates to minimum distance requirements for Department of Transportation (DOT) containers.

No comments were received regarding adoption of the repeal

The repeal is adopted under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

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 August 31, 1987

TRD-8707858 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Effective date: January 1, 1988
Proposal publication date: March 3, 1987
For further information, please call
(512) 463-7149



★ 16 TAC §9.81

The Railroad Commission of Texas adopts the repeal of §9.81, without changes to the proposed text published in the March 3, 1987, issue of the *Texas Register* (12 Tex-Reg 710). The repeal of §9.81 dealing with the installation of Department of Transportation (DOT) containers is necessary in order to avoid duplication with other sections

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public

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 August 31, 1987

TRD-8707859 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Effective date: January 1, 1988
Proposal publication date: March 3, 1987
For further information, please call
(512) 463-7149



Subchapter D. Division II

★ 16 TAC §9.100

The Railroad Commission of Texas adopts the repeal of §9.100, without changes to the proposed text published in the March

3, 1987, issue of the *Texas Register* (12 Tex-Reg 710). The repeal of §9.109, dealing with minimum distance requirements for consumer fuel storage containers, is necessary in order to avoid duplication with other sections.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

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 August 31, 1987.

TRD-8707860 Walter Earl Lille
Special Counsel
Railroad Commission of
Texas

Effective date: January 1, 1988
Proposal publication date: March 3, 1987
For further information, please call
(512) 463-7149



★ 16 TAC §9.105

The Railroad Commission of Texas adopts the repeal of §9.105, without changes to the proposed text published in the March 3, 1987, issue of the *Texas Register* (12 Tex-Reg 718). The repeal is necessary to delete language concerning the maximum capacity of service station and bottle filling installations.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

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 August 31, 1987.

TRD-8707852 Walter Earl Lille
Special Counsel
Railroad Commission of
Texas

Effective date: January 1, 1988
Proposal publication date: March 3, 1987
For further information, please call
(512) 463-7149



★ 16 TAC §9.108

The Railroad Commission of Texas adopts the repeal of §9.108, without changes to the proposed text published in the March 3, 1987, issue of the *Texas Register* (12 Tex-Reg 712). It is necessary to repeal this section to avoid conflict with other sections pertaining to LP-gas safety.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

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 August 31, 1987.

TRD-8707841 Walter Earl Lille
Special Counsel
Railroad Commission of
Texas

Effective date: January 1, 1988
Proposal publication date: March 3, 1987
For further information, please call
(512) 463-7149



★ 16 TAC §9.111

The Railroad Commission of Texas adopts the repeal of §9.111, without changes to the proposed text published in the March 3, 1987, issue of the *Texas Register* (12 Tex-Reg 712). It is necessary to repeal this section to avoid conflict with other sections pertaining to LP-gas safety.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

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 August 31, 1987.

TRD-8707842 Walter Earl Lille
Special Counsel
Railroad Commission of
Texas

Effective date: January 1, 1988
Proposal publication date: March 3, 1987
For further information, please call
(512) 463-7149



★ 16 TAC §9.113

The Railroad Commission of Texas adopts the repeal of §9.113, without changes to the proposed text published in the March 3, 1987, issue of the *Texas Register* (12 Tex-Reg 712). It is necessary to repeal this section to avoid conflict with other sections pertaining to LP-gas safety.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

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 August 31, 1987.

TRD-8707843 Walter Earl Lille
Special Counsel
Railroad Commission of
Texas

Effective date: January 1, 1988
Proposal publication date: March 3, 1987
For further information, please call
(512) 463-7149



Subchapter E, Division III

★ 16 TAC §9.121

The Railroad Commission of Texas adopts the repeal of §9.121, without changes to the proposed text published in the March 3, 1987, issue of the *Texas Register* (12 Tex-Reg 712). It is necessary to repeal this section to avoid conflict with other sections pertaining to LP-gas safety.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

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 August 31, 1987.

TRD-8707844 Walter Earl Lille
Special Counsel
Railroad Commission of
Texas

Effective date: January 1, 1988
Proposal publication date: March 3, 1987
For further information, please call
(512) 463-7149

★ 16 TAC §9.123

The Railroad Commission of Texas adopts the repeal of §9.123 without changes to the proposed text published in the March 3, 1987, issue of the *Texas Register* (12 Tex-Reg 713). It is necessary to repeal this section to avoid conflict with other sections pertaining to LP-gas safety

No comments were received regarding adoption of the repeal

The repeal is adopted under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

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 August 31, 1987

TRD-8707845 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Effective date, January 1, 1988
Proposal publication date, March 3, 1987
For further information, please call
(512) 463-7149



★ 16 TAC §9.126

The Railroad Commission of Texas adopts the repeal of §9.126, without changes to the proposed text published in the March 3, 1987, issue of the *Texas Register* (12 Tex-Reg 713). It is necessary to repeal this section to avoid conflict with other sections pertaining to LP-gas safety

No comments were received regarding adoption of the repeal

The repeal is adopted under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

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 August 31, 1987

TRD-8707846 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Effective date, January 1, 1988
Proposal publication date, March 3, 1987
For further information, please call
(512) 463-7149



★ 16 TAC §9.128

The Railroad Commission of Texas adopts the repeal of §9.128 without changes to the proposed text published in the March 3, 1987, issue of the *Texas Register* (12 Tex-Reg 713). It is necessary to repeal this section to avoid conflict with other sections pertaining to LP-gas safety

No comments were received regarding adoption of the repeal

The repeal is adopted under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

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 August 31, 1987

TRD 8707847 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Effective date, January 1, 1988
Proposal publication date, March 3, 1987
For further information, please call
(512) 463-7149



★ 16 TAC §9.131

The Railroad Commission of Texas adopts the repeal of §9.131, without changes to the proposed text published in the March 3, 1987, issue of the *Texas Register* (12 Tex-Reg 714). It is necessary to repeal this section to avoid conflict with other sections pertaining to LP-gas safety.

No comments were received regarding adoption of the repeal

The repeal is adopted under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

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 August 31, 1987

TRD 8707848 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Effective date, January 1, 1988
Proposal publication date, March 3, 1987
For further information, please call
(512) 463-7149



★ 16 TAC §9.134

The Railroad Commission of Texas adopts the repeal of §9.134, without changes to the proposed text published in the March 3, 1987, issue of the *Texas Register* (12 Tex-Reg 714). It is necessary to repeal this section to avoid conflict with other sections pertaining to LP-gas safety.

No comments were received regarding adoption of the repeal

The repeal is adopted under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

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 August 31, 1987

TRD-8707849 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Effective date, January 1, 1988
Proposal publication date, March 3, 1987
For further information, please call
(512) 463-7149



Subchapter F. Division IV

★ 16 TAC §9.156

The Railroad Commission of Texas adopts the repeal of §9.156, without changes to the proposed text published in the March 3, 1987, issue of the *Texas Register* (12 Tex-Reg 715). The repeal is necessary to delete language concerning static strap requirements for tank trucks and semi-trailers.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

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 August 31, 1987

TRD-8707850 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Effective date, January 1, 1988
Proposal publication date, March 3, 1987
For further information, please call
(512) 463-7149

★ 16 TAC §9.160

The Railroad Commission of Texas adopts the repeal of §9.160, without changes to the proposed text published in the March 3, 1987, issue of the *Texas Register* (12 Tex-Reg 715). The repeal is necessary to delete language concerning maintenance of mobile unit equipment.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

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 August 31, 1987

TRD-8707851 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Effective date: January 1, 1988
Proposal publication date: March 3, 1987
For further information, please call
(512) 463-7149



Subchapter K. Division IX

★ 16 TAC §9.264

The Railroad Commission of Texas adopts the repeal of §9.264, without changes to the proposed text published in the March 3, 1987, issue of the *Texas Register* (12 Tex-Reg 718). The repeal is necessary to delete language concerning the maximum capacity of service station and bottle filling installations.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

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 August 31, 1987

TRD 8707840 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Effective date: January 1, 1988
Proposal publication date: March 3, 1987
For further information, please call
(512) 463-7149

★ 16 TAC §9.273

The Railroad Commission of Texas adopts the repeal of §9.273, without changes to the proposed text published in the March 3, 1987, issue of the *Texas Register* (12 Tex-Reg 719). The repeal is necessary to delete language regarding distance requirements for electrical installations at service station and bottle filling installations.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

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 August 31, 1987

TRD-8707853 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Effective date: January 1, 1988
Proposal publication date: March 3, 1987
For further information, please call
(512) 463-7149.



★ 16 TAC §9.274

The Railroad Commission of Texas adopts the repeal of §9.274, without changes to the proposed text published in the March 3, 1987, issue of the *Texas Register* (12 Tex-Reg 719). The repeal is necessary to delete language regarding requirements concerning maintenance of fuel storage containers.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

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 August 31, 1987

TRD-8707854 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Effective date: January 1, 1988
Proposal publication date: March 3, 1987
For further information, please call
(512) 463-7149



TITLE 31. NATURAL
RESOURCES AND
CONSERVATION
Part II. Texas Parks and
Wildlife Department
Chapter 65. Wildlife
Subchapter O. Late Season
Migratory Game Bird
Proclamation

★ 31 TAC §65.331, §65.332

The Texas Parks and Wildlife Commission adopts amendments to §65.331 and §65.332 without changes to the proposed text published in the July 14, 1987, issue of the *Texas Register* (12 TexReg 2282). The amendments define final destination and clarify tagging requirements. The amendments coincide with those definitions adopted for the early season migratory game bird proclamation. The amendments clarify and define text used both in the early and late season migratory game bird rules.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Parks and Wildlife Code, Chapter 64, Subchapter C, which provides the commission with authority to regulate seasons, means, methods, and devices for taking and possessing migratory game bird wildlife resources.

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 September 11, 1987.

TRD-8707807 Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

Effective date: October 2, 1987
Proposal publication date: July 14, 1987
For further information, please call
(512) 389-4578



★ 31 TAC §65.333, §65.335

The Texas Parks and Wildlife Commission adopts amendments to §65.333 and §65.335. The amendment to §65.333 is adopted with changes to the proposed text published in the June 9, 1987, issue of the *Texas Register* (12 TexReg 1861). Changes were made in subsection (b)(2) (A) and (B) to correctly reflect hunting season dates established by the United

States Fish and Wildlife Service. The amendment to §65.335 is adopted without changes and will not be republished. Fluctuations in migratory game bird populations and the need to provide better hunting opportunities for most sportsmen require the commission to adopt regulation changes for the current hunting seasons. The amendments allow the taking of late season migratory game bird wildlife resources consistent with their populations.

The department received a total of six letters and nine telephone calls concerning the adoption of the amendments. Most comments favored later season selections. No person spoke for or against the amendments at the public hearing.

The amendments are adopted under the Texas Parks and Wildlife Code, Chapter 64, Subchapter C, which provides the commission with the authority to regulate seasons, means, methods, and devices for taking and possessing migratory game bird wildlife resources.

§65.333. *Open Seasons.*

(a) (No change.)

(b) The season is closed on migratory game birds on public roads and highways, or rights-of-way of public roads and highways; the state-owned riverbeds in Dimmit, Uvalde, and Zavala Counties, including, but not limited to, the Nueces and Frio Rivers; and state wildlife preserves and sanctuaries, unless an open season is otherwise provided. The open seasons for the taking of migratory game birds on any federal wildlife refuge shall be in accordance with the special hunting regulations duly adopted and published by the United States Fish and Wildlife Service.

(1) Ducks and coots.

(A) High Plains Mallard Management Unit: October 31- November 8, 1987, and November 21, 1987-January 17, 1988, from ½ hour before sunrise to sunset in that portion of Texas lying west of a line from the international toll bridge at Del Rio, thence northward following U.S. Highway 277 through San Angelo to Abilene, thence along State Highway 351 from Abilene to Albany and U.S. Highway 283 from Albany to Vernon, thence easterly along U.S. Highway 183 to the point of intersection with the Texas-Oklahoma state line in Wilbarger County.

(B) Remainder of the state: October 31-November 4, 1987, November 21-29, 1987, and December 12, 1987-January 17, 1988, from ½ hour before sunrise to sunset.

(C) (No change.)

(2) Geese.

(A) West of U.S. Highway 81: October 17, 1987-January 17, 1988.

(B) East of U.S. Highway 81: Light goose species (snow, blue, and Ross'), October 31, 1987-January 24, 1988. Dark goose species (Canada, black-brant, and white-fronted) October 31-December 4,

1987, and December 12, 1987-January 17, 1988.

(C)-(D) (No change.)

(3) Sandhill cranes.

(A) (No change.)

(B) Zone B: fourth Saturday in November for 72 consecutive days from ½ hour before sunrise to sunset in that portion of Texas lying west of a line from San Angelo along U.S. Highway 277 to Abilene, thence along State Highway 351 from Abilene to Albany and U.S. Highway 283 from Albany to Vernon, thence easterly along U.S. Highway 183 to the point of intersection with the Texas-Oklahoma state line in Wilbarger County, and east of a line from San Angelo along U.S. Highway 87 excluding all of Howard and Lynn Counties, to the junction of Highway 87 and Highway 287 at Dumas, Moore County, and thence along U.S. Highway 287 from Dumas to the point of intersection with the Texas-Oklahoma state line in Dallas County.

(C)-(D) (No change.)

(4) Common snipe or Wilson's snipe or jacksnipe. October 31 for 107 consecutive days from ½ hour before sunrise to sunset.

(5) Woodcock. Third Saturday in November for 65 consecutive days from ½ hour before sunrise to sunset.

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 September 11, 1987.

TRD-8707808

Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

Effective date: October 2, 1987

Proposal publication date: June 9, 1987

For further information, please call

(512) 389-4979.



Part III. Texas Air Control Board

Chapter 113. Control of Air Pollution from Toxic Materials

Subchapter B. Lead from Stationary Sources Nonferrous Smelters in El Paso County

★31 TAC §113.71

The Texas Air Control Board (TACB) adopts an amendment to §113.71, without changes to the proposed text published in the June 5, 1987, issue of the *Texas Register* (12 TexReg 1811).

The amendment revises five of the lead emission limits contained in the table in §113.71(1). The emission limits are revised

because stack tests conducted at the ASARCO, Incorporated (ASARCO) plant site have indicated that emissions can be maintained at a lower level than what is currently required.

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

Five commenters testified regarding adoption of the amendment. Those commenting in favor of the proposal were the Environmental Protection Agency; El Paso City-County Health Unit; Brown, Maroney, Rose, Barber and Dye; and ASARCO. One commenter, Brandt Mannchen, commented against the proposal.

A complete summary of comments and discussion of issues follows. Copies of the written testimony and of the hearing transcript are available for inspection at the TACB offices, 6330 U.S. Highway 290 East, Austin, Texas 78723.

Brandt Mannchen expressed a variety of concerns with the proposal. Citing an article from the *Washington Post*, he argued that because of new findings relating to toxicity and distribution of lead, emissions should be reduced to the maximum possible. The NAAQS for lead of 1.5 micrograms per cubic meter of ambient air, averaged over a calendar quarter, is a health-based standard. Such standards are established conservatively to provide a margin of safety for the most sensitive element of the population. The maximum level predicted by modeling is 0.873 micrograms per cubic meter, which is well below the national standard. Furthermore, based on testing with fluorescent dusts, the proposed emission limits are believed to represent the best possible performance level for each piece of control equipment.

Mannchen was also concerned that there was no explanation of how the TACB will ensure that emission levels are met and that the company will operate and maintain pollution control equipment properly. The TACB has the authority to require sampling at any time to determine the opacity, rate, composition, and/or concentration of emissions pursuant to §101.8, concerning sampling. If an emission limit is exceeded, a notice of violation will be issued, and the company will be subject to an injunction, penalties, or other appropriate enforcement action. Furthermore, an extensive network of ambient monitors for lead are maintained in the vicinity of the smelters. These monitors serve to verify modeling results and ensure that the NAAQS are maintained. Nonferrous smelters in El Paso County

are also subject to the provisions of §113.41 concerning maintenance and operation of control equipment.

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

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 September 10, 1987.

TRD-8707748 Allen Eli Bell
Executive Director
Texas Air Control Board

Effective date: October 1, 1987
Proposal publication date: June 5, 1987
For further information, please call
(512) 451-5711, ext. 354.



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 49. Child Protective Services

Subchapter E. Intake and Investigation

The Texas Department of Human Services (DHS) adopts the repeal of §49.512 and an amendment to §49.513, without changes to the proposed text published in the July 24, 1987, issue of the *Texas Register* (12 TexReg 2415).

The repeal and amendment are adopted because of a transfer in the administrative responsibility for investigations of child care facilities from child protective services staff to licensing staff. The repeal and amendment update the operating procedures for investigations.

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

★ 40 TAC §49.512

The repeal is adopted under the Human Resources Code, Title 2, Chapters 22 and 41, which provides the department with the authority to administer public assistance programs and to enforce laws for the protection of children.

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 September 11, 1987.

TRD-8707815

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: September 30, 1987
Proposal publication date: July 24, 1987
For further information, please call
(512) 450-3766.



★ 40 TAC §49.513

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 41, which provides the department with the authority to administer public assistance programs and to enforce laws for the protection of children.

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 September 11, 1987.

TRD-8707816 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: October 2, 1987
Proposal publication date: July 24, 1987
For further information, please call
(512) 450-3766.



Subchapter U. Services to Truants and Runaway Program

★ 40 TAC §§49.2101-49.2111

The Texas Department of Human Services (DHS) adopts new §§49.2101-49.2111, concerning services to truants and runaways, in its child protective services chapter. Section 49.2103 and §49.2104 are adopted with changes to the proposed text published in the July 21, 1987, issue of the *Texas Register* (12 TexReg 2373). New §§49.2101, 49.2102, and 49.2105-49.2111 are adopted without changes and will not be republished. Changes to the proposed text of §49.2103 and §49.2104 have been made to maintain consistency with terminology and thus enhance clarity. In §49.2103(a), the terminology has been changed to emphasize that children are referred to services for certain presenting problems instead of reasons. In §49.2104(a), the word "all" has been deleted to clarify that all children may not receive all the required services.

The adoption of the new sections is justified to establish requirements for regulating the Services to Truants and Runaways Program.

The new sections will function by providing for a more consistent application of statewide services and by establishing

a permanent policy beneficial to the public, providers, and the department.

The department received comments from the Jefferson County Juvenile Probation Department regarding the adoption of the new sections. Concerning §49.2105, the commenter stated that the volume of the caseload precluded follow-up contacts. The department is maintaining this section as proposed because children often need follow-up contacts to avert a crisis or to be referred to additional services, and client outcome information is often requested from legislators and other decision-makers. A compilation of this information is necessary for the department to assess the effectiveness of the program. Concerning §49.2106, the commenter indicated that face-to-face contact three times a week would create a hardship because of the time needed to travel to the residential shelters. The department is maintaining this section as proposed. The section was established to help decrease the length of a child's stay in a residential shelter, increase the likelihood that the child could return home, and enhance communication and service planning. Moreover, the section requires that the shelter be within 30 miles of the service delivery site, a distance that should not cause undue hardship. Concerning §49.2107, the commenter opposed the requirement that the contractor may become the primary service agency for Priority III children on the grounds that Priority III cases are the department's responsibility and, if the section were adopted, it would necessitate additional funding. The department is maintaining this section as proposed because the department does not serve Priority III children and established the program to meet the needs of children it does not serve. The section furthermore relates to only those Priority III children who are runaways, or at risk of running away, and truants.

The new sections are adopted under the Human Resources Code, Title 2, Chapter 22, which provides the department with the authority to administer public assistance programs.

§49.2103. Client Eligibility.

(a) Children (and their families) eligible to receive services are those who are ages 10 through 17 and who have been referred for services with one of the following presenting problems:

(1) absent from their home or living situation without parental permission;

(2) homeless (pushed out or abandoned);

(3) truant from school (nonresidential services only);

(4) at-risk of running away from home (documentation in the case record must explain why the child is considered at-risk).

(b) Children who have been adjudicated delinquent are not eligible for services.

§49.2104. Minimum Required Services.

(a) At a minimum, each contractor must arrange for, or provide, the following three services to eligible children and families:

(1) family crisis intervention counseling. The contractor must give priority to attempting to divert the child from emergency residential care. Family crisis intervention services are defined in §49.2101 of this title (relating to Definitions);

(2) emergency residential care. These services are defined in §49.2101 of this title (relating to Definitions);

(3) after-care services for the child and family. These services are defined in §49.2101 of this title (relating to Definitions).

(b) Contractors may provide the minimum required services directly, or they may use other providers for one or more. Existing services should be used if available.

(c) In certain circumstances, rural contractors may begin providing some services before emergency residential care within the catchment area has been developed. Residential care services must be in operation as soon as possible, but no later than one year after the contract's effective date.

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 September 11, 1987.

TRD-8707817

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: November 2, 1987
Proposal publication date: July 21, 1987
For further information, please call
(512) 450-3766.



State Board of Insurance Exempt Filings

State Board of Insurance Notification Pursuant to the Insurance Code, Chapter 5, Subchapter L

(Editor's note: As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act, and the final actions printed in this section have not been previously published as proposals.

These actions become effective 15 days after the date of publication or on a later specified date.

The text of the material being adopted will not be published, but may be examined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin.)

The State Board of Insurance has approved, as part of The Texas General Basis

Schedules, the 1987 Edition of the National Fire Protection Association's Standards for the Installation of Sprinkler Systems, the 1987 Edition of the National Fire Protection Association's Standards for General Storage, the 1986 Edition of the National Fire Protection Association's Standards for Rack Storage of Materials (as amended), the 1986 Edition of the National Fire Protection Association's Standards for Storage of Rubber Tires (as amended), and the 1984 Edition of the National Fire Protection Association's Standards for the Storage of Roll Paper (as amended), each of which sets forth acceptable installations of automatic sprinkler systems for the purposes of allowing credit in the published fire rates of individual buildings utilized for various types of occupancy. In addition, the State Board of Insurance has approved a revision to the State Board of Insurance's supplemental sprinkler rules which set forth specific exceptions to the National Fire Protection Association guidelines for the installation of automatic sprinkler systems. The exceptions produce minor

changes to the standards set out by the National Fire Protection Association and are used in instances where NFPA standards do not follow a particular engineering criteria that is acceptable for the installation of automatic sprinkler systems in Texas.

These changes are to be effective 15 days after publication in the *Texas Register*.

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on September 14, 1987.

TRD-8707839

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: October 4, 1987
For further information, please call
(512) 463-6327.



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

Monday, September 21, 1987, 9 a.m. The Advisory Committee of the Texas Adult Probation Commission will meet in Suite 600, Building B, 8100 Cameron Road, Austin. According to the agenda, the committee will consider probation department management—introduce members; discuss purpose; elect chairman; identify issues to be addressed by guidelines; develop action plan; and select meeting dates

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

Filed: September 10, 1987, 12:19 p.m.
TRD-8707739



Texas Department of Agriculture

Wednesday-Thursday, September 23-24, 1987, 8:30 a.m. The Texas Rice Producers Board of the Texas Department of Agriculture will meet at Texas A&M Research and Extension Center, Route 7, Box 999, Beaumont. According to the agenda, the department will discuss the Field Day Program; review budget; consider status and projection of collections; review rice production research and education programs; and consider finalization of administrative procedures for collection of assessment.

Contact: Jim Stansel, Route 7, Box 999, Beaumont, Texas 77706. (409) 752-2741.

Filed: September 11, 1987, 1:47 p.m.
TRD-8707800



Texas Animal Health Commission

Friday, September 18, 1987, 9 a.m. The Texas Animal Health Commission will meet for an agenda revision in the First Floor Conference Room, 210 Barton Springs

Road, Austin. According to the agenda, the commission will hear a report on tuberculosis.

Contact: Jo Anne Conner, 210 Barton Springs Road, Austin, Texas 78711, (512) 479-6697.

Filed: September 10, 1987, 4:18 p.m.
TRD-8707753

Friday, September 18, 1987, 9 a.m. The Texas Animal Health Commission will meet in the First Floor Conference Room, 210 Barton Springs Road, Austin. According to the agenda, the commission will approve minutes of previous meetings; approve actions of the executive director; consider adopting the fiscal year 1988 operating budget; hear a report on the brucellosis program in Texas; consider adopting amendments to the following rules: regulations governing entry of livestock and poultry into Texas and admission into shows, fairs, and exhibitions both intra and interstate; scabies; swine, screwworm, fever tick, tuberculosis, and brucellosis; final adoption of emergency rules for brucellosis and hearing and appeal procedures; adopt the repeal of interstate regulation; consider hearing and appeals procedures; and consider proposals to the brucellosis regulation and the regulation on requirements and standards for approved personnel, and present three 25 year service certificates.

Contact: Jo Anne Conner, P.O. Box 12966, Austin, Texas 78711, (512) 479-6697.

Filed: September 10, 1987, 10:49 a.m.
TRD-8707735



Automated Information and Telecommunications Council

Friday, September 18, 1987, 2 p.m. The Council for the Automated Information and Telecommunications Council will meet in Room 103, John H. Reagan Building, 105

West 15th Street, Austin. According to the agenda, the council will approve minutes; discuss automated information and telecommunications rules; and consider future business.

Contact: Tina Miles, 105 West 15th Street, Austin, Texas 78701, (512) 463-5530.

Filed: September 10, 1987, 4:15 p.m.
TRD-8707749



State Banking Board

Tuesday, September 22, 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 approve minutes of the previous meeting; consider conversion applications; interim charter applications; review applications approved, but not yet open and other pending applications; and review consumer complaints.

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

Filed: September 14, 1987, 3:15 p.m.
TRD-8707874



Texas Bond Review Board

Tuesday, September 15, 1987, 10 a.m. The Texas Bond Review Board met in emergency session on the Senate Floor, State Capitol, Austin. According to the agenda, the board discussed and adopted policy statement, interim rules, employment of executive director, exemption of agencies, designation of alternatives, and considered other business. The emergency status was necessary due to scheduling conflicts of elected state officials who comprise the board.

Contact: Tom Adams, Governor's Office, Sam Houston Building, Austin, Texas 78701, (512) 463-1778.

Filed: September 10, 1987, 5:01 p.m.
TRD-8707760

Criminal Justice Policy Council

Tuesday, September 22, 1987, 9:30 a.m. The Criminal Justice Coordinating Council of the Criminal Justice Policy Council will meet in Room 309, State Capitol, Austin. According to the agenda summary, the council will consider old and new business.

Contact: Ronald D. Champion, 411 West 13th Street, Austin, Texas 78701 (512) 463-1810.

Filed: September 11, 1987, 4:57 p.m.
TRD-8707821

Texas Education Agency

Various committees of the Texas Education Agency, State Board of Education, met in emergency sessions in the William B. Travis Building, Austin. Times, dates, agendas, and room numbers follow.

Friday, September 11, 1987, 8 a.m. The Committee for Finance and Programs met in Room 1-104 for an emergency agenda revision to discuss continuation of the Texas School Health Project funded by the Texas Cancer Council. The emergency status was necessary to ensure that the board can act in a timely way to approve an interagency contract so that funding for the program can be continued.

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

Filed: September 10, 1987, 4:20 p.m.
TRD-8707756

Friday, September 11, 1987, 11 a.m. The Committee for Personnel met for an emergency agenda revision in Room 1-100 to discuss issues related to failure rate on pedagogy portions of the examination for certification of educators in Texas (ExCET). The emergency status was necessary to enable the committee to direct that appropriate action be taken prior to the October test administration, should the committee determine this is necessary.

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

Filed: September 10, 1987, 4:21 p.m.
TRD-8707757

Friday, September 11, 1987, 2:30 p.m. The Committee for Personnel met in emergency session in Room 1-100 to consider approval of contractor to develop a basic skills test required for admission into teacher educa-

tion. Portions of this item related to matters in which the potential contractor holds a proprietary interest will be discussed in executive session in accordance with Texas Civil Statutes, Article 6252-17, §2(f). The emergency status was necessary as this item was posted for open session for the regularly scheduled meeting of the SBOE Committee for Personnel at 11 a.m., and is being posted for a meeting at 2:30 p.m. to enable the committee to review proprietary information submitted by the contractor in executive session, should this be necessary.

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

Filed: September 11, 1987, 11:35 a.m.
TRD-8707801

Saturday, September 12, 1987, 8:30 a.m. The State Board of Education met in Room 1-104 for an emergency agenda revision to approve contractor to develop a basic skills test required for admission into teacher education. Portions of this item related to matters in which the potential contractor holds a proprietary interest and will be discussed in executive session in accordance with Texas Civil Statutes, Article 6252-17, §2(f). The emergency status was necessary because this item was posted for open session for the regularly scheduled meeting of the State Board of Education, and is being posted for executive session to enable the board to review proprietary information submitted by the contractor, should this be necessary.

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

Filed: September 11, 1987, 11:35 a.m.
TRD-8707802

Saturday, September 12, 1987, 8:30 a.m. The State Board of Education met for an emergency agenda revision in Room 1-104, to discuss continuation of the Texas School Health Project funded by the Texas Cancer Council. The emergency status was necessary to ensure that the board can act in a timely way to approve an interagency contract so that funding for the program can be continued.

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

Filed: September 10, 1987, 4:21 p.m.
TRD-8707758

Employees Retirement System of Texas

Tuesday, September 22, 1987, 9 a.m. The Board of Trustees of the Employees Retirement System of Texas will meet in the ERS Building, 18th and Brazos Streets, Austin. According to the agenda summary, the board will review and approve minutes of

the previous board meeting; consider investment advisory recommendations/act on investment of system's funds; consider/act on additions to approved broker/dealer list; proposed amendments to contract 38000; final adoption of proposed amendments to trustee insurance rules; request for proposals to conduct 1986-1987 audit for insurance carrier's operations regarding uniform group insurance program; emergency and proposed amendments to trustee rules; appeals of contested cases; hear status report on state auditor's management letter; hear the executive director's report; and set date of next meeting. The board will also meet in executive session.

Contact: James T. Herod, 18th and Brazos Streets, Austin, Texas 78711, (512) 476-6431, ext. 178.

Filed: September 14, 1987, 8:20 a.m.
TRD-8707837

Texas State Board of Registration for Professional Engineers

Wednesday-Thursday, September 30-October 1, 1987, 8:30 a.m., daily. The Texas State Board of Registration for Professional Engineers will meet in the Holiday Inn Houston West Holidome, 14703 Park Row, Houston. According to the agenda summary, the board will receive reports from board members and staff; interview applicants; take action on applications for registration; reading of communications; and any other business which comes before the board.

Contact: Kenneth J. Bartosh, 1917 IH-35 South, Austin, Texas 78741, (512) 440-7723.

Filed: September 15, 1987, 9:12 a.m.
TRD-8707882

Texas Department of Health

Friday, September 18, 1987, 1:30 p.m. The Texas Home Health Licensing Act Home Health Services Advisory Council of the Texas Department of Health will meet in Room T-407, 1100 West 49th Street, Austin. According to the agenda summary, the council will approve minutes of the previous meeting; consider election of officers; discuss expired terms currently served by the Home Health Council members; consider Home Health Council member vacancies; implication to home health agencies of new regulations proposed by the State Board of Nurse Examiners; proposed home health agency regulations regarding home dialysis services; home health agency regulations regarding initial applicants justification of history, competence, and financial resources; home

health agency regulations regarding licensure; discuss the interpretation of Home Health Licensure Act and licensing regulations; and make announcements and hear comments with no council action required.

Contact: Maurice B. Shaw, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7538.

Filed: September 10, 1987, 4:19 p.m.
TRD-8707868

Friday, September 18, 1987. Committees of the Texas Board of Health will meet in the Austin Airport Hilton and Towers, 6000 Middle Fiskville Road, Austin. Times, rooms, and agendas follow.

2 p.m. The Disease Control Committee will consider recommendations from Frank Bryant, Jr., M.D., chairman, on the objectives of the Disease Control Committee; discuss proposed rule to implement §9.02(g), Communicable Disease Prevention and Control Act, concerning guidelines defining the conditions that constitute possible exposure to aids or HIV infection when medical procedures are to be performed; implement Article 21.31 concerning adoption by the board of written infectious disease control protocols that establish procedural guidelines that provide criteria for testing for HIV infection or antibodies of persons indicted for an offense under §22.011 or §22.021 of the Penal Code (sexual assault) and that respect the rights of the person accused and the victim of the alleged offense.

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

Filed: September 10, 1987, 4:20 p.m.
TRD-8707751

4 p.m. The Environmental Health Committee will meet in the Casis Room, to consider proposed rules concerning issuance of retail glue and paint sales permits; establishment of standards and procedures for auditing and accrediting food service worker training courses; asbestos abatement in public buildings; proposed amendments to the solid waste rules concerning the permit application process and the definition of solid waste; and final adoption of rules concerning the hazard communication program.

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

Filed: September 10, 1987, 4:19 p.m.
TRD-8707752

4:30 p.m. The Emergency and Disaster Committee will meet in the Allendale Room, to consider resolution in recognition of emergency medical services week in Texas; emergency and proposed new emergency medical services rules concerning personnel certification of peace officers and fire fighters; amendments to the existing emergency medical services rules concerning certification and training course approval; final adoption of the sexual assault prevention and crisis services rules concerning procedures for grant fund applications; and proposed rules

concerning heimlich maneuver posters.

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

Filed: September 10, 1987, 4:20 p.m.
TRD-8707750

Saturday, September 19, 1987. Committees of the Texas Board of Health of the Texas Department of Health will meet at 1100 West 49th Street, Austin. Times, rooms, and agendas follow.

8 a.m. The Executive Committee will meet in Room G-103, to consider items of procedure for upcoming board of health meeting.

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

Filed: September 11, 1987, 4:21 p.m.
TRD-8707823

8 a.m. The Hospitals Committee will meet in Room T-604, to consider proposed rules concerning collection, reporting, and dissemination of data from health care facilities.

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

Filed: September 11, 1987, 4:16 p.m.
TRD-8707824

8:30 a.m. The Crippled Children's Services and Maternal and Child Health Committee will meet in Room G-107, to consider approval/disapproval of recommendation of Crippled Children's Services (CCS) Orthopedic/Physical Medicine and Rehabilitation Task Force concerning tarsal tunnel syndrome; Cardiovascular Advisory Committee recommendations concerning CCS cardiovascular center site visit report; discussion of proposed rules concerning CCS program; draft memorandum of understanding between the Texas Department of Health and the Texas Department of Human Services (MIHIA); and update on the activities of the Bureau of Crippled Children's Services.

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

Filed: September 11, 1987, 4:21 p.m.
TRD-8707825

9 a.m. The Budget Committee will meet in Room T-407, concerning approval of the fiscal year 1988 operating budgets for the San Antonio State Chest Hospital and the South Texas Hospital; fiscal year 1988 medical services trust fund budgets for the San Antonio State Chest Hospital and the South Texas Hospital; and signature authorizations for the San Antonio State Chest Hospital.

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

Filed: September 11, 1987, 4:21 p.m.
TRD-8707826

10 a.m. The Alternate Care Committee will meet in Room T-507, to consider emergen-

cy and proposed new rule governing confidentiality of birth records concerning adoption placements.

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

Filed: September 11, 1987, 4:21 p.m.
TRD-8707827

10 a.m. The Personnel Committee will consider appointment to the Crippled Children's Services General Advisory Committee and appointments to the Asbestos Advisory Committee.

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

Filed: September 11, 1987, 4:21 p.m.
TRD-8707828

10:30 a.m. The board will meet in Room T-610, to approve minutes of the previous meeting; hear the commissioner's report; consider resolutions; emergency and proposed rules concerning confidentiality of birth records regarding adoption placements and emergency medical services rules concerning EMS certification; proposed rules concerning board policies and procedures, retail glue and paint sales permits, food service worker training courses, asbestos abatement in public buildings, solid waste management, heimlich maneuver posters, and collection of health care data; final rules concerning Hazard Communication and sexual assault prevention and crisis services; and hear committee reports from Environmental Health, Emergency and Disaster, Alternate Care, Budget, Crippled Children's Services and Maternal and Child Health, Hospitals, Disease Control, Personnel, and Public Health Promotion Committees.

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

Filed: September 11, 1987, 4:13 p.m.
TRD-8707829

Tuesday, September 22, 1987, 10 a.m. The Primary Health Care Services 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 meeting, consider appointment/reappointment to the advisory committee, review new grant applications, and consider next meeting date.

Contact: Clara Gonzalez, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7771.

Filed: September 14, 1987, 3:58 p.m.
TRD-8707876



Health and Human Services Coordinating Council

Friday, September 18, 1987, 9 a.m. The Health and Human Services Coordinating

Council will meet for an emergency agenda revision, rescheduled from 10 a.m., in the Second Floor Conference Room, Ashbel Smith Hall, Seventh and Colorado Streets, Austin. According to the agenda, the council will discuss minutes of the January 9, 1987, meeting; hear reports from the executive director, advisory groups to the council, the Texas Foundation for Human Services, and on current council projects; consider appointments, view a presentation by the Texas state working team for vocational training for limited english proficient adults and youth; and consider old and new business. The emergency status is necessary because the time is being changed to accommodate council members who have other meetings to attend that afternoon.

Contact: Patrice Thomas, 311-A East 14th Street, Austin, Texas 78701, (512) 463-2195.

Filed: September 11, 1987, 3:47 p.m.
TRD-8707820



House of Representatives/Texas State Korean and Vietnam Veterans Memorials

Thursday, September 24, 1987, 10 a.m. The Texas Veterans Memorial Committee and the Board of Directors Fund of the House of Representatives/Texas State Korean and Vietnam Veterans Memorials, will meet in Room 106, Reagan Building, 105 West 15th Street, Austin. According to the agenda, the committee and board will consider general update on project, hear financial report and presentation from TSTI, and hold a general discussion.

Contact: C.J. Kelley, P.O. Box 2910, Austin, Texas 78769, (512) 463-0494.

Filed: September 14, 1987, 4:19 p.m.
TRD-8707877



Texas Department of Human Services

Friday, September 18, 1987, 9:30 a.m. The Texas Council of Child Welfare Board of the Texas Department of Human Services will meet in Classroom 1, Second Floor, West Tower, 701 West 51st Street, Austin. According to the agenda, the council will hear the treasurer's report, report from state office, consider legislative update, hear committee report, and committee reports on education and public information and report from regions.

Contact: Chris Theophilus, P.O. Box 2960, Austin, Texas 78769, (512) 450-3321.

Filed: September 10, 1987, 2:37 p.m.
TRD-8707740

Tuesday, September 22, 1987, 9 a.m. The

Advisory Committee Meeting for Services to Aged and Disabled of the Texas Department of Human Services will meet in Conference Room 6W, Sixth Floor, West Tower, 701 West 51st Street, Austin. According to the agenda, the committee will approve minutes of the previous meeting, consider tel-assistance program, revisions to standards for participation to incorporate SNF/ICF case mix demonstration project, ICF-MR case mix reimbursement study, adjustments to the moratorium rules on accepting applications for contracting Medicaid ICF/SNF beds, revisions to the CIF/SNF standards for participation to incorporate joint agency policy interpretations, geographic boundaries for PHC contracts, burial spaces, plans for ad hoc subcommittee on services for the disabled, hear the deputy's report, the Nominating Committee report, election of officers, consider other business, and discuss plans for the next meeting.

Contact: Mary Ann Harvey, P.O. Box 2960, Austin, Texas 78769, (512) 450-3194.

Filed: September 10, 1987, 2:38 p.m.
TRD-8707741

Tuesday, September 29, 1987, 9 a.m. The Texas Board of Human Services of the Texas Department of Human Services will meet in the Westin Paso Del Norte, 101 South El Paso Street, El Paso. According to the agenda, the board will consider use of federal block grants including funds for Title XX and Low-income Home Energy Assistance programs, and other funds in the development of the department's operating plan for fiscal year 1989 and legislative appropriations request for fiscal year 1990-1991.

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

Filed: September 10, 1987, 2:37 p.m.
TRD-8707742



Texas Industrial Accident Board

Monday, September 14, 1987, 9:30 a.m. The Texas Industrial Accident Board met in Room 107, First Floor, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board approved board minutes; reviewed future medical subsequent to board's award and prior approved compromise settlement agreements; discussed modifications to Form E-1 and review procedures regarding unauthorized changes to compromise settlement agreements; reviewed and considered the new prehearing examiner/analyst position, AITC long-range plan and procedure for responding to alternate payment authorizations; discussed fraud issues with attorney general's office; reviewed and discussed board activities; and reviewed board files (this portion of the meeting closed pursuant to worker's compensation statute).

Contact: Inez "Tippy" Foster, 200 East Ri-

verside Drive, Austin, Texas 78704, (512) 448-7960.

Filed: September 11, 1987, 9:11 a.m.
TRD-8707764



State Board of Insurance

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

Friday, September 11, 1987, 3 p.m. The board met in emergency session in Room 414, to consider emergency adoption of an amendment to 28 TAC §7.71, concerning a rule establishing requirements for annual statement diskette filing in 1987, concerning financial activities during 1986. The emergency status was necessary to inform regulated entities as rapidly as possible of a new filing deadline in place of a deadline which market conditions have made impracticable.

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

Filed: September 11, 1987, 12:24 p.m.
TRD-8707792

Wednesday, September 23, 1987, 9 a.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 9662—Application of James Wayne Oliver, Abilene, for a prepaid legal services solicitation license.

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

Filed: September 11, 1987, 12:48 p.m.
TRD-8707797

Wednesday, September 23, 1987, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9664—Application of Bennette O. Lyles, Austin, for renewal of a local recording agent's license.

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

Filed: September 11, 1987, 12:47 p.m.
TRD-8707796

Thursday, September 24, 1987, 9 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9666—Whether disciplinary action should be taken against Thomas Hearn, Dallas, who holds a group I, legal reserve life insurance agent's license issued by the State Board of Insurance.

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

Filed: September 11, 1987, 12:47 p.m.
TRD-8707698



Texas Commission on Jail Standards

Wednesday, September 23, 1987, 9 a.m. The Texas Commission on Jail Standards will meet in Room 100, Employees Retirement System Building, Austin. According to the agenda, the commission will conduct a roll call of members; read and approve minutes of the July 29, 1987, meeting; hear the director's report regarding old business for Bastrop, Bee, Caldwell, Eastland, Ellis, Kinney, Nacogdoches, Nueces, Parker, Potter, Tarrant, and Williamson Counties; and new business for Dallas, Gregg, Navarro, Palo Pinto, and Smith Counties, along with a change to standards; and consider applications for variance for Bee, Bowie, Collin, Harris, Milam, Reagan, Scurry, and Travis Counties. The commission also will meet in executive session.

Contact: Robert O. Viterna, 611 South Congress Avenue, Suite 200, Austin, Texas 78704, (512) 463-5505.

Filed: September 11, 1987, 2:46 p.m.
TRD-8707811



Texas Board of Land Surveying

Thursday-Friday, October 15-16, 1987, 8 a.m. The Texas Board of Land Surveying will hold their first called meeting of 1987 in the Holiday Inn Civic Center, 801 Avenue Q, Lubbock. According to the agenda, the board will hear committee reports, discuss correspondence, and any other business to come before the board. The board will also attend the TSA annual short course.

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

Filed: September 10, 1987, 2:38 p.m.
TRD-8707743



Board of Pardons and Paroles

Monday-Friday, September 21-25, 1987, 1:30 p.m. daily, except 11 a.m. on Friday. A three member panel for the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the panel will receive, review, and consider information and reports concerning prisoners/inmates and administrative releasees 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: September 11, 1987, 2:12 p.m.
TRD-8707804

Tuesday, September 22, 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) 459-2759.

Filed: September 11, 1987, 2:12 p.m.
TRD-8707805



State Pension Review Board

Monday, September 28, 1987, 10 a.m. The State Pension Review Board will meet in Conference Room 403, Employees Retirement System Building, Austin. According to the agenda, the board will discuss old and new business, adopt budget, and consider interim study.

Contact: Betty J. Allen, P.O. Box 13498, Austin, Texas 78711, (512) 463-1736.

Filed: September 11, 1987, 9:13 a.m.
TRD-8707767



Texas State Board of Pharmacy

Tuesday-Wednesday, September 22-23, 1987, 9 a.m., daily. The Texas State Board of Pharmacy will meet in the Embassy Suites Hotel, 5901 North IH-35, Austin. According to the agenda summary, the board will consider proposed rule amendments and new rules to §§291.36, 291.39, 291.71-291.76, 309.1-309.8, 283.9, 283.10, 291.93, 281.4, 291.6, 295.5, and 291.14; adoption of §291.72 and §281.48; proposed new rule and simultaneous repeal of §§291.31-291.34 governing Class A Pharmacies, §§283.1-283.14 governing licensing requirements for pharmacists; repeal of §291.10 which contains repetitive language; approve year end financial statements for fiscal year 1987, proposed budget for fiscal year 1988 and 1989, and summary of provisions of the Appropriations Act and projected cash flow analysis for fiscal year 1988-1989; hear reports on new VAX computers system migration, consider status of mail order rule implementation, meeting with the medical board, and the request for attorney general opinion regarding generic substitution law; and consider proposed agreed boards. The board will also meet in executive session to discuss litigation and personnel matters.

Contact: Fred S. Brinkley, 8505 Cross Park Drive, Austin, Texas 78754-4533, (512) 832-0661.

Filed: September 11, 1987, 9:15 a.m.
TRD-8707768



Texas Pork Producers Board

Thursday, October 1, 1987, 1 p.m. The Texas Pork Producers Board of the Texas Department of Agriculture will meet in the Texas Electric Cooperative Building, 8140 Burnet Road, Austin. According to the agenda, the board will approve minutes of the previous meeting; hear the treasurer's report, Research Committee report, Education Committee report, and Promotion Committee report; and consider new business and announcements.

Contact: Ken Horton, P.O. Box 10168, Austin, Texas 78766, (512) 453-0615.

Filed: September 15, 1987, 9:03 a.m.
TRD-8707880



Texas Board of Private Investigators and Private Security Agencies

Tuesday, September 22, 1987, 9:30 a.m. The Texas Board of Private Investigators and Private Security Agencies will meet in Room 109, John H. Reagan Building, Austin. According to the agenda, the board will approve minutes of the previous meeting; approve staff action of new licenses, consider suspension and reinstatement orders, certificates for replacement managers, license terminations, revocations, denials, reprimands, requests for waiver of board rule, requests for rehearings, and other proposals for decisions; discuss and approve agency operating budget for fiscal year 1988; and consider emergency board rule changes to comply with recent legislative amendments.

Contact: Clema D. Sanders, 313 East Anderson Lane, Austin, Texas 78711, (512) 463-5545.

Filed: September 11, 1987, 8:16 a.m.
TRD-8707761



Texas Public Finance Authority

Friday, September 18, 1987, 10 a.m. The Texas Public Finance Authority will meet in Room 907, Sam Houston Building, 201 East 14th Street, Austin. According to the agenda, the authority will approve minutes of the September 3, 1987, meeting; consider resolution to proceed with issuance of revenue bonds to fund projects authorized by House Bill 1874 and Senate Bill 64; consider resolution to proceed with issuance of revenue bonds to fund projects mandated by House Bill 1503, and authorized by other legisla-

tion; consider solicitation of request for proposals for financial advisor; consider contract for bond counsel; consider resolution to appoint executive assistant official custodian of the records, files, and seal, and authorization to attest to signature of chairman of the board; and set the time and date of the next meeting. The authority also will meet in executive session to discuss personnel matters and reconvene to announce decisions. The emergency status is necessary because of a need to take immediate action to have funds available for urgent projects as mandated by legislature, hereinabove.

Contact: Ann Moriarty, 907 Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 463-5544.

Filed: September 11, 1987, 1:39 p.m.
TRD-8707799



Texas Department of Public Safety

Thursday, September 24, 1987, 10 a.m. The Public Safety Commission of the Texas Department of Public Safety will meet in the DPS Regional Office, 350 West IH-30, Garland. According to the agenda, the commission will approve minutes of the previous meeting, consider budget matters, personnel matters, miscellaneous, and other unfinished business.

Contact: Leo E. Gossett, 5805 North Lamar Boulevard, Austin, Texas 78773, (512) 465-2000, ext. 3700.

Filed: September 14, 1987, 10:20 a.m.
TRD-8707865



Public Utility Commission of Texas

The Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Dates, times, and agendas follow.

September 23, 1987, 9 a.m. The Hearings Division will consider Docket 7676—Application of Southwestern Bell Telephone Company for approval of ESSX custom digital tariff for American Airlines-Dallas.

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

Filed: September 14, 1987, 2:58 p.m.
TRD-8707873

October 2, 1987, 1:30 p.m. The Hearings Division will consider Docket 7536—Application of Southwestern Bell Telephone Company for amendment of information delivery service dial 976 tariff to offer blocking option.

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

Filed: September 10, 1987, 2:41 p.m.
TRD-8707744

October 5, 1987, 9 a.m. The Hearings Division will consider Docket 7556—Petition of Dickens Electric Cooperative, Inc. for authority to change rates.

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

Filed: September 11, 1987, 2:52 p.m.
TRD-8707818

Monday, October 26, 1987, 10 a.m. The Hearings Division will consider Docket 7665—Complaint of Frederick Kay against Southwestern Bell Telephone Company.

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

Filed: September 11, 1987, 2:51 p.m.
TRD-8707819



State Purchasing and General Services Commission

Wednesday, September 23, 1987, 9 a.m. The State Purchasing and General Services Commission will meet in Room 1-111, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the commission will consider the status of Texas Public Finance Authority projects; ADP disaster recover plan; final adoption of amendments to §113.10(c)(1) and §113.73(e); adoption of amendments to §§111.37(b) and (c), 113.5(i), 115.31-115.33, and 115.36 as proposed amendments; hear a status report on refinancing of certain capital equipment lease/purchase contracts; and set date and time of next meeting. The commission will also meet in executive session to consider status of the potential settlement of litigation, Cause 406,020.

Contact: John R. Neel, 111 East 17th Street, Austin, Texas 78711, (512) 463-3446.

Filed: September 15, 1987, 8:43 a.m.
TRD-8707881



Railroad Commission of Texas

Monday, September 21, 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 oil field investigator personnel and their operations.

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

Filed: September 11, 1987, 10:52 a.m.
TRD-8707774

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: September 11, 1987, 10:49 a.m.
TRD-8707775

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: September 11, 1987, 10:48 a.m.
TRD-8707776

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: September 11, 1987, 10:48 a.m.
TRD-8707777

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: September 11, 1987, 10:47 a.m.
TRD-8707778

The I.P-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: September 11, 1987, 10:48 a.m.
TRD-8707779

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: September 11, 1987, 10:46 a.m.
TRD-8707780

Additions to the previous agenda:

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

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

Filed: September 11, 1987, 10:47 a.m.
TRD-8707782

The Oil and Gas Division will consider investigation of cementing practices of Western Company of North America.

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

Filed: September 11, 1987, 10:47 p.m.
TRD-8707781

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: September 11, 1987, 10:48 a.m.
TRD-8707783

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: September 11, 1987, 10:41 a.m.
TRD-8707784

The Office of the Special Counsel director's report relating to pending litigation, including but not limited to discussion and/or decision in Docket 500 amendment, Huto 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, 85-2683 and 86-2698 et al in relation to Oil and Gas Docket 10-87,017, and Railroad Commission of Texas v. Concerned Citizens to Protect the Edwards Aquifer, et al, Cause 14,674, state and federal legislation, and other budget, administrative, and personnel matters.

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

Filed: September 11, 1987, 10:47 a.m.
TRD-8707785

Various matters falling with the Surface Mining and Reclamation Division's regulatory jurisdiction.

Contact: J. Randel (Jerry) Hill, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas, (512) 463-6900.

Filed: September 11, 1987, 10:46 a.m.
TRD-8707787

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: September 11, 1987, 10:46 a.m.
TRD-8707787

Texas Real Estate Research Center

Friday, October 9, 1987, 9:30 a.m. The Advisory Committee of the Texas Real Estate Research Center, will meet in the Conference Room, Sixth Floor, Blocker Building, Texas A&M University, College Station. According to the agenda, the committee will approve minutes of the previous meeting, hear progress report, current budget report, review plan of work, hear report on center review, discuss strategic planning meeting, elect chairman, consider other business, and date of next meeting.

Contact: Richard L. Floyd, Texas A&M University, College Station, Texas 77843, (409) 845-9691.

Filed: September 10, 1987, 2:40 p.m.
TRD-8707745

Texas Rehabilitation Commission

Friday, September 11, 1987, 9:30 a.m. The Board of the Texas Rehabilitation Commission made an emergency addition to the agenda of a meeting held in Suite 302, 118 East Riverside Drive, Austin. According to the agenda, the revision concerns consideration of awards presentation—workers' compensation disability determination program update. The emergency status was necessary due to a reporting crisis in the Texas disability determination system.

Contact: Charles Schiesser, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8124.

Filed: September 10, 1987, 10:52 a.m.
TRD-8707736

School Land Board

Tuesday, September 15, 1987, 10 a.m. The School Land Board met for an emergency agenda revision in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board considered application for suspension of state leases. The emergency status was necessary due to expiration of state leases.

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

Filed: September 11, 1987, 2:21 p.m.
TRD-8707806

Texas State Soil and Water Conservation Board

Wednesday, September 16, 1987, 8 a.m. The Texas State Soil and Water Conservation Board made an emergency addition to the

agenda of a meeting held in the Conference Room, 311 North Fifth Street, Temple. The addition concerns reports from agencies and guests. The emergency status was necessary because this item was unintentionally left off the notice of open meeting dated September 1, 1987.

Contact: Harvey Davis, P.O. Box 658, Temple, Texas 76501, (817) 773-2250.

Filed: September 10, 1987, 2:40 p.m.
TRD-8707746

Structural Pest Control Board

Monday, September 28, 1987, 10 a.m. The Structural Pest Control Board will meet in Suite 250, Building, C, 1300 East Anderson Lane, Austin. According to the agenda summary, the board will approve minutes of the August 27, 1987, meeting; consider final review and adoption of rules; hear from Larry Nova at 2 p.m., Leslie Kochan at 2:30 p.m., and Don Harris at 3 p.m.; the executive director's response; and the board discussion on petition.

Contact: David A. Ivie, 1300 East Anderson Lane, Suite 250, Austin, Texas 78752, (512) 835-4066.

Filed: September 11, 1987, 9:14 a.m.
TRD-8707770

September 29, 1987, 9 a.m. The Structural Pest Control Board will meet in Suite 250, Building, C, 1300 East Anderson Lane, Austin. According to the agenda summary, the board will hold an orientation, hear from James D. Mitchell at 10 a.m., Man Wah Yuen, doing business as Grace Pest Control, Inc. at 10:15 a.m., Hugh Whaley, doing business as Whaley Pest Control at 10:30 a.m., and miscellaneous items. The board will also meet in executive session to discuss personnel matters and pending litigation.

Contact: David A. Ivie, 1300 East Anderson Lane, Suite 250, Austin, Texas 78752, (512) 835-4066.

Filed: September 11, 1987, 9:14 a.m.
TRD-8707769

Texas Southern University

Monday, September 14, 1987, 6 p.m. The Board of Regents of Texas Southern University met in emergency session in the Houston Club, 811 Rusk, Houston. According to the agenda, the board met in executive session to consider university matters incident to the sudden death of the university president. The emergency status was necessary because of the sudden death of the university president.

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

Filed: September 14, 1987, 9:08 a.m.
TRD-8707863

Texas Water Commission

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

Tuesday, September 15, 1987, 2 p.m. The commission made an emergency addition to the agenda of a meeting held in Room 118, to consider a request by Abtex, Inc. for emergency order pursuant to §26.0191 of the Texas Water Code and rules of the commission for authorization to construct a ballast water treatment facility in the Corpus Christi Ship Channel in Nueces County and to discharge treated wastewater into the Corpus Christi inner harbor (Segment 2484, bays and estuaries).

Contact: Karen A. Phillips, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: September 14, 1987, 3:57 p.m.
TRD-8707875

Tuesday, September 22, 1987, 10 a.m. The commission will meet in Room 118, to consider water district use of surplus funds, release from escrow, water quality proposed permits, amendments and renewals, in situ uranium mining project, water right applications, adjudication matter, operating agreement with Water Development Board on underground water conservation districts and superfund site matter.

Contact: Karen A. Phillips, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: September 11, 1987, 4:24 p.m.
TRD-8707830

Monday, September 28, 1987, 10:30 a.m. The Office of Hearings Examiner will meet in Room 119, to consider an application of Guy Johnson, doing business as Gera Water Company for a certificate of convenience and necessity in Harris County and an inquiry into the rates and services of Gera Water Company, Dockets 5273 and 5696.

Contact: Douglas P. Roberts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: September 11, 1987, 11:26 a.m.
TRD-8707803

Tuesday, September 29, 1987, 2 p.m. The commission will meet in Room 118, to determine whether emergency order 87-10E, granted by the Texas Water Commission on September 2, 1987, to Bruce Foods Corporation, 8000 Ashley Road, El Paso, Texas 79934, should be affirmed, modified, or set aside by the commission. The order permitted Bruce Foods Corporation an expansion

of the area irrigation and a proportional increase in wastewater flow to its wastewater system authorized under Permit 02518 at the company's food processing plant in El Paso County.

Contact: Wendall Corrigan, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

Filed: September 11, 1987, 4:24 p.m.
TRD-8707831

Tuesday, September 29, 1987, 2 p.m. The commission will meet in Room 118, to determine whether emergency order 87-9E, granted by the commission on September 2, 1987, to PPG Industries, Inc., P.O. Box 995, La Porte, Texas 77571-0995, should be affirmed, modified, or set aside by the Texas Water Commission. The order permitted PPG Industries, Inc. to temporarily retain processed wastewater in an onsite, lined holding pond in order to make necessary and unforeseen repairs to a two and one-half mile wastewater pipeline at the company's facility in La Porte, Harris County.

Contact: Ken Ramirez, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

Filed: September 11, 1987, 4:23 p.m.
TRD-8707832

Tuesday, September 29, 1987, 2 p.m. The Office of Hearings Examiner will meet in Room 118, to determine whether emergency order 87-11E, granted by the Texas Water Commission on September 2, 1987, to the United States Department of Commerce, 900 Commerce Road East, New Orleans, Louisiana 70123 should be affirmed, modified, or set aside by the commission. The order permitted the U.S. Department of Commerce a one-time discharge of contaminated well bore brines from 23 contaminated wells at its Big Hill Strategic Petroleum Reserve site in Jefferson County.

Contact: Wendall Corrigan, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

Filed: September 11, 1987, 4:23 p.m.
TRD-8707833

Regional Agencies

Meetings Filed September 10

The Central Appraisal District of Johnson County, Board of Directors, met at 109 North Main, Cleburne, on September 17, 1987, at 4:30 p.m. Information may be obtained from Don Gilmore, 109 North Main, Cleburne, Texas 76031, (817) 645-3987.

The Deep East Texas Council of Governments, Board of Directors, will meet in the Woodville Inn, Woodville, on September 24, 1987, at 11 a.m. Information may be obtained from Katie Bayliss, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704.

The Henderson County Appraisal District, Appraisal Review Board, will meet in 101 East Corsicana, Athens, on September 21, 1987, at 9 a.m. The Board of Directors will meet at the same location, on September 29, 1987, at 4 p.m. Information may be obtained from Helen Marchbanks, 101 East Corsicana, Athens, Texas 75751, (214) 675-9296.

The Houston-Galveston Area Council, Board of Directors, met in the Fourth Floor Conference Room, 3555 Timmons, Houston, on September 15, 1987, at 10 a.m. The Natural Resources Advisory Committee met in the same location, on September 17, 1987, at 3 p.m. Information may be obtained from Sallie Sosa, P.O. Box 22777, Houston, Texas 77227-9972, (713) 627-3200.

The Houston-Galveston Area Council, Project Review met in the Boardroom, Fourth Floor, 3555 Timmons, Houston, on September 15, 1987, at 9 a.m. Information may be obtained from Steve Howard, P.O. Box 22777, Houston, Texas 77227, (713) 627-3200.

The South Plains Association of Governments, General Assembly, met at the Lubbock Plaza, 3201 Loop 289 South, Lubbock, on September 15, 1987, at 6 p.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Freedom Station, Lubbock, Texas 79452, (806) 762-8721.

The West Texas Council of Governments, Board of Directors, met in the Boardroom, Westin Paso del Norte Hotel, 101 South El Paso Street, El Paso, on September 16, 1987, at 10 a.m. The Full Council met on the same date, in the Brahma Room, same location. Information may be obtained from Cecile C. Gamez, 123 Pioneer Plaza, Suite 210, El Paso, Texas 79901, (915) 533-0998.

The West Texas Municipal Power Agency, Board of Directors, met in Room 209, Municipal Square, 916 Texas Avenue, Lubbock, on September 16, 1987, at 10 a.m. Information may be obtained from Robert Massengale, P.O. Box 2000, Lubbock, Texas 79457, (806) 762-6411.

The Wood County Appraisal District, Board of Directors, met in the Conference Room, 217 North Main, Quitman, on September 17, 1987, at 1:30 p.m. Information may be obtained from W. Carson Wages, P.O. Box 951, Quitman, Texas 75783, (214) 763-4891.
TRD-8707784
TRD-8707738

Meetings Filed September 11

The Alamo Area Council of Governments, Executive Committee, will meet in Suite 400, 118 Broadway, San Antonio, on September 22, 1987, at 12:30 p.m. Information may be obtained from Al J. Notzon, III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201.

The Ark-Tex Council of Governments, Board of Directors, met at the Western Sizzlin' Steakhouse, Lamar Street, Paris, on September 17, 1987, at 5:30 p.m. Information may be obtained from James D. Goerke, P.O. Box 5307, Texarkana, Texas 75505, (214) 832-8636.

The Atascosa County Appraisal District, Board of Directors, met at 1010 Zanderson Avenue, Jourdanton, on September 17, 1987, at 1:30 p.m. Information may be obtained from Vernon A. Warren, 1010 Zanderson Avenue, Jourdanton, Texas 78026, (512) 769-2730.

The Capital Area Rural Transportation System (CARTS), Board of Directors, met in the Conference Room, Suite 100, 2520 IH 35 South, Austin, on September 17, 1987, at 9 a.m. Information may be obtained from Edna Burroughs, 5021 East First Street, Austin, Texas 78702, (512) 478-7473.

The Dallas Area Rapid Transit, ART Committee, met in the DART Office, 601 Pacific Avenue, Dallas, on September 16, 1987, at 2 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Guadalupe-Blanco River Authority, Development Corporation and Board of Directors, met for a revised agenda revision at 933 East Court Street, Seguin, on September 17, 1987, at 9:30 a.m. and 10 a.m., respectively. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78156-0271, (512) 379-5822.

The Heart of Texas, Executive Committee, met in the HOTCOG Conference Room, 320 Franklin Avenue, Waco, on September 17, 1987, at 10 a.m. Information may be obtained from Mary McDow, 320 Franklin Avenue, Waco, Texas 76701-2297, (817) 756-6631.

The Lampasas County Appraisal District, Board of Directors, met for an agenda revision at 109 East Fifth, Lampasas, on September 16, 1987, at 2 p.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

The Lower Colorado River Authority, Joint Committee on Planning and Public Policy and Natural Resources, met at 3700 Lake Austin Boulevard, Austin, on September 17, 1987, at 9 a.m. Information may be obtained from John E. Bagalay, Jr., 3700 Lake Austin Boulevard, Austin, Texas 78703, (512) 473-3200.

The Middle Rio Grande Development Council, Regional Review Committee, will meet in the Commissioner's Courtroom, Uvalde, on September 18, 1987, at 9:30 a.m. Information may be obtained from Michael M. Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533.

The North Central Texas Council of Governments, Executive Board, met on the Second Floor, Centerpoint Two, 616 Six Flags Drive, Arlington, on September 17, 1987, at 12:45 p.m. Information may be obtained from Edwina J. Shires, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 640-3300.

The Pecan Valley Mental Health and Mental Retardation Region, Board of Trustees, met in the Clinical Office, 104 Charles Street, Granbury, on September 16, 1987, at 8 a.m. Information may be obtained from Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806.

The South Texas Private Industry Council, Inc., will meet in the Zapata Community Center, U.S. Highway 83, Zapata, on October 1, 1987, at 4 p.m. Information may be obtained from Ruben M. Garcia, P.O. Box 1757, Laredo, Texas 78044-1757, (512) 722-3973.

TRD-8707771



Meetings Filed September 14

The Austin-Travis County Mental Health and Mental Retardation Center, Executive Committee, met at 300 South Congress Avenue, Austin, on September 15, 1987, at 7 a.m. Information may be obtained from Sharon Taylor, 611 South Congress Avenue, Austin, Texas 78704, (512) 447-4141.

The Bexar Appraisal District, Board of Directors, will meet at 535 South Main, San Antonio, on September 21, 1987, at 5 p.m. Information may be obtained from Walter Stoneham, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Mental Health and Mental Retardation Authority of Brazos Valley, Board of Trustees, met in the Brazos Center, 3232 Briarcrest Drive, Bryan, on September 17, 1987, at 1:30 p.m. Information may be obtained from Leon Bawcom, 3232 Briarcrest Drive, Bryan, Texas 77840, (409) 822-6467.

The Central Plains Mental Health and Mental Retardation Center, Executive Committee, met at 707 Cleveland, Dimmit, on September 17, 1987, at 3 p.m. Information may be obtained from Rick Van Hersh, 2700 Yonkers, Plainview, Texas 79072, (806) 293-2636.

The Comal Appraisal District, Board of Directors, will meet at 430 West Mill Street, New Braunfels, on September 21, 1987, at 7:30 p.m. Information may be obtained from R. Richard Rhodes, Jr., P.O. Box 311222, New Braunfels, Texas 78131-1222, (512) 625-8597.

The Denton Central Appraisal District,

Board of Directors, met at 3911 Morse Street, Denton, on September 17, 1987, at noon. Information may be obtained from John D. Brown, 3911 Morse Street, Denton, Texas 76205, (817) 566-0904.

The East Texas Council of Governments, Board of Directors, met at Joe's Family Restaurant, Carthage, on September 17, 1987, at 7:30 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

The Hansford County Appraisal District, will hold a special board meeting at 709 West Seventh Street, Spearman, on September 30, 1987, at 9 a.m. Information may be obtained from Alice Peddy, P.O. Box 567, Spearman, Texas 79081, (806) 659-5575.

The Hays County Appraisal District, Appraisal Review Board, will meet on the First Floor, County Courthouse Annex, San Marcos, on September 23, 1987, at 9 a.m. Information may be obtained from Lynnell Sedlar, 102 LBJ Courthouse Annex, San Marcos, Texas 78666, (512) 396-4777.

The Hickory Underground Water District, Board and Advisors, met in the District Office, 2005 Nine Road, Brady, on September 17, 1987, at 7 p.m. Information may be obtained from Rick Illgner, P.O. Box 1214, Brady, Texas 76825, (915) 597-0334.

The San Patricio County Appraisal District, Board of Directors, met in the Courthouse Annex, Sinton, on September 17, 1987, at 2 p.m. Information may be obtained from Kathryn Vermillion, P.O. Box 938, Sinton, Texas 78387, (512) 364-5402.

The South Texas Development Council, Regional Review Committee, will meet in the Zapata Community Center, Zapata, on September 21, 1987, at 10 a.m. Information may be obtained from Juan Vargas, P.O. Box 2187, Laredo, Texas 78044-2187, (512) 722-3995.

The Tyler County Tax Appraisal District, Appraisal Review Board, will meet at 103 Pecan, Woodville, on September 21, 1987, at 10 a.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

TRD-8707866



Meetings Filed September 15

The Lamb County Appraisal District, Appraisal Review Board, will meet in the LCAD Boardroom, 330 Phelps Avenue, Littlefield, on September 24, 1987, at 7 p.m. Information may be obtained from Murlene J. Bibrey, 330 Phelps Avenue, P.O. Box 552, Littlefield, Texas 79339, (806) 385-6474.

The Upper Leon River Municipal Water District, Board of Directors, will meet in the General Office of the Filter Plant, Proctor Lake, Comanche County, on September 24, 1987, at 6:30 p.m. Information may be obtained from Garry W. Godfrey, P.O. Box 67, Comanche, Texas 76442, (817) 879-2258. TRD-8707883



Name: James Newbold
Grade: 7
School: Wilson Middle School, Plano



In Addition

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

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

Texas Commission on Alcohol and Drug Abuse Statewide Advisory Council Meeting

The Advisory Council of the Texas Commission on Alcohol and Drug Abuse will meet Thursday, October 8, 1987, 10 a.m.-5 p.m., and Friday, October 9, 8:30 a.m.-noon. The meeting will be held at the Hershey Hotel in Corpus Christi.

Issued in Austin, Texas, on August 31, 1987.

TRD-8707707 Bob Dickson
 Executive Director
 Texas Commission on Alcohol and
 Drug Abuse

Filed: September 9, 1987
For further information, please call (512) 463-5510.



Comptroller of Public Accounts Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, the Comptroller of Public Accounts of the State of Texas invites proposals to provide the following data processing consultant services.

Description of Work. The selected consultant will provide project management and system design for: development and review of implementation schedules for legislated changes, including, identification of all work to be performed, who will perform the work, and target dates for completion; review and finalization of system design related to legislated changes to ensure accuracy and timelines of implementation; supervision of system analysis and programmers in the detailed design, programming, testing, and implementation of legislated tax changes; monitoring of actual progress and continued management of resources to ensure all design, programming, testing, conversion, and implementation is performed in an effective and efficient manner; and reporting of status to comptroller management and continuing coordination and communication with system users to ensure successful implementation and operation of changed tax systems.

The purpose of the work proposed to be contracted is to assure the fullest reasonable degree of automation of the functions related to the taxes previously named, in a manner assuring system compatibility with all tax systems.

Person to be Contacted. Detailed specifications are contained in the request for proposal (RFP) available on or after September 14, 1987, from the Data Services Division of the Comptroller of Public Accounts, Room 309, LBJ Building, between the hours of 8 a.m. and 5 p.m.,

Monday through Friday. For additional information contact Bill Grabo, Associate Deputy Comptroller, Room 309, LBJ Building, 111 East 17th Street, Austin, Texas 78774, (512) 463-3956.

Closing Date. Proposals to perform these consulting services will be accepted only if actually received in writing in the office of Bill Grabo no later than 5 p.m., September 30, 1987. Bids should be submitted with an original and six copies. The Comptroller of Public Accounts reserves the right to reject any or all proposals. Bids based upon shared participation by the comptroller's and consultant's staffs will be considered.

Procedure for Selection of Consultant. The comptroller's office will consider the demonstrated competence, knowledge, and qualifications to complete the work satisfactorily and on time. These factors will be used for each individual who will be assigned to the project, and for the firm as a whole, as well as the reasonableness of the proposed fee. The consultant firm which best meets these criterion will be selected for fee and contract negotiations. The Comptroller of Public Accounts has the sole discretion and reserves the right to cancel the request if it is considered in the best interest of the agency to do so.

Continuation of Services Previously Performed. The Comptroller of Public Accounts intends to award the contract for the consulting service to Arthur Andersen and Company unless a better offer is submitted. This service is a continuation of a service previously performed by Arthur Andersen.

Issued in Austin, Texas, on September 15, 1987.

TRD-8707737 Bob Bullock
 Comptroller of Public Accounts

Filed: September 10, 1987
For further information, please call (512) 463-4004.



Office of Consumer Credit Commissioner Notice of Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ /Agricultural/ Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 09/14/87-09/20/87	18.00%	18.00%

Monthly Rate— Article 1.04(c) ⁽¹⁾ 09/01/87-09/30/87	18.00%	18.00%
Standard Quarterly Rate—Article 1.04(a)(2) 10/01/87-12/31/87	18.00%	18.00%
Retail Credit Card Quarterly Rate— Article 1.11 ⁽³⁾ 10/01/87-12/31/87	18.00%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d) ⁽³⁾ 10/01/87-12/31/87	14.00%	N/A
Standard Annual Rate—Article 1.04(a)(2) ⁽²⁾ 10/01/87-12/31/87	18.00%	18.00%
Retail Credit Card Annual Rate— Article 1.11 ⁽³⁾ 10/01/87-12/31/87	18.00%	N/A
Annual Rate Applicable to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 10/01/87-12/31/87	18.00%	N/A
Judgment Rate—Article 1.05, §2 09/01/87-09/30/87	10.00%	10.00%

- (1) For variable rate commercial transactions only
(2) Only for open-end credit as defined in Texas Civil Statutes, Article 5069-1.01(f)
(3) Credit for personal, family, or household use
(4) Credit for business, commercial, investment, or other similar purpose

Issued in Austin, Texas, on September 8, 1987.

TRD-8707721 Al Endsley
Consumer Credit
Commissioner

Filed: September 10, 1987
For further information, please call (512) 479-1280.



Texas Education Agency Consultant Proposal Requests

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Education Agency, the Texas Higher Education Coordinating Board, and the Texas Department of Community Affairs invite proposals for an independent project to evaluate the three, related, Part I planning projects to implement regional planning for occupational education and training in Texas. (A consultant proposal request published elsewhere in this issue contains details about the Part I planning projects.) All three state agencies have contributed funds for the evaluation project and have cooperatively developed the request for application (RFA). The findings of the evaluation project will be used to make recommendations to the new Texas Department of Commerce for establishing an integrated, regional system linking occupational education and training with economic development and job creation.

Only public educational institutions and private industry councils in Texas that are not awarded funds to conduct

a planning project under Part I or private sector entities (companies, nonprofit organizations, or individuals) may apply for funds to conduct the evaluation project. The applicant that is selected to conduct the project may receive up to \$35,000. The evaluation project may be continued from July 1, 1988-June 30, 1989, if the state agencies determine that the contractor is achieving the project's objectives, and if funds are appropriated for this purpose. The contractor may receive up to \$15,000 to continue the project during this period.

The last day on which Part II applications will be accepted for review is November 13, 1987. The contract is expected to be awarded no later than December 15, 1987, and will end June 30, 1988.

Applications will be judged on the basis of the quality of the activities and timelines to meet project objectives, the management component, and the adequacy and appropriateness of the proposed budget.

Copies of the RFA (RFA 701-88-007) may be obtained by contacting the Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9304.

Issued in Austin, Texas, on September 14, 1987.

TRD-8707861 W. N. Kirby
Commissioner of Education

Filed: September 14, 1987
For further information, please call (512) 463-9212.

The Texas Education Agency, the Texas Higher Education Coordinating Board, and the Texas Department of Community Affairs invite proposals for projects to implement regional planning for occupational education and training in three separate labor market areas of the state. These projects will serve as models for the future, statewide implementation of regional planning. The ultimate purpose of regional planning is to increase the efficiency and cost-effectiveness of matching and delivering training with jobs that are and will be available.

All three state agencies have contributed funds for these projects and have cooperatively developed the request for application (RFA). The RFA has two major parts. Part I is the application for a project to implement regional planning. The state agencies will select three separate applicants to conduct regional planning projects in three separate labor market areas. Applicants may only apply for a single project. Only public educational institutions (independent school districts, education service centers, community colleges, technical institutes, colleges, and universities) and private industry councils in Texas may apply for project funds. To apply, these entities must form a cooperative within a labor market area. Applicants that are selected to conduct a regional planning project may receive up to \$150,000 each. The planning projects may be continued from July 1, 1988-June 30, 1989, if the state agencies determine that the contractors are achieving the projects' objectives, and if funds are appropriated for this purpose.

Part II is a related, separate application for a single, independent project to evaluate all three regional planning projects in Part I. A consultant proposal request published elsewhere in this issue contains details about the evaluation project.

The last day on which Part I applications will be accepted for review is November 13, 1987. The contract is expected

to be awarded no later than December 15, 1987, and will end June 30, 1988.

Applications will be judged on the basis of the quality of the activities and timelines to meet project objectives, the management component, and the adequacy and appropriateness of the proposed budget.

Copies of the RFA (RFA 701-88-007) may be obtained by contacting the Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9304.

Issued in Austin, Texas, on September 14, 1987.

TRD-8707862 W. N. Kirby
Commissioner of Education

Filed: September 14, 1987
For further information, please call (512) 463-9212.



Notice of Contract Award

This notice of consultant contract award is filed pursuant to Texas Civil Statutes, Article 6252-11c.

Description. After publication of a consultant proposal request in the June 19, 1987, issue of the *Texas Register* (11 TexReg 3083), the Texas Education Agency executed a contract with the Center for Assessment and Demographic Studies, Gallaudet College, Washington, D.C., to assist the agency's Division of Services for the Deaf in the refinement and continued implementation of an objective data-based accountability system for measuring educational outcomes within the regional day school programs for the deaf.

Cost. The total amount of the contract is \$38,500.

Dates. The beginning date of the contract is September 1, 1987, and the ending date is August 31, 1988.

Due Dates of Documents. The delivery date of the final report is October 31, 1988.

Issued in Austin, Texas, on September 10, 1987.

TRD-8707759 W. N. Kirby
Commissioner of Education
Texas Education Agency

Filed: September 10, 1987
For further information, please call (512) 463-9212.



Texas State Board of Registration for Professional Engineers Public Notice

The Texas State Board of Registration for Professional Engineers directs this special notice to other state agencies, political subdivisions, counties, municipalities, districts, authorities, and publicly-owned utilities who employ engineers, or are client/users of engineering services or act as a third-party authority for reviews, approvals, and/or the issuance of permits based on the required filing of engineering documents.

The Texas Engineering Practice Act, Texas Civil Statutes, Article 3271a, amended by Senate Bill 605, 70th Legis-

lature, 1987, and effective September 1, 1987, contains new provisions applicable to many officials involved in engineering matters throughout the state.

The most significant amendment to the Act is the addition of subsection (c) of §15, dealing with seals on engineering documents filed with public authorities. It is a long overdue and vital link between the compliance and seal provisions of the Act and the duties and responsibilities of various governmental authorities. It will provide public officials with a statutory means of requesting assurance of registered engineer involvement as required by law. It will also assist in preventing unlicensed practices by individuals who are not exempt from the Act in the design and construction of public works as provided in §19, or private buildings as provided in §20(f). The new requirements are that the Act applies to all engineering practiced in this state that is not exempted under the Act. A public official of this state or of a political subdivision of this state who is charged with the enforcement of laws, ordinances, codes, or regulations that affect the practice of engineering may only accept plans, specifications, and other related documents prepared by registered engineers, as evidenced by the seal of the engineer. A public official shall report violations of the Act to proper authorities.

Section 15(b) was modified to require engineers to affix their seal on engineering documents when issued, and not just when filed with public authorities. This would also apply to city engineers, county engineers, and other governmental engineers whose documents become a part of the public records.

To implement the previously mentioned statutory requirements, the board adopted §131.138(8), published in the July 28, 1987, issue of the *Texas Register* (12 TexReg 2479), effective on September 1, 1987. The amendment states "The registrant shall affix his seal, sign his name, and place the date of execution, only on engineering documents that have been issued by the registrant as completed work. Such documents should be accepted by clients for their purposes and/or by public authorities for final approval or issuance of a permit. Documents considered as incomplete by the registrant may be released temporarily for interim review and do not need to have the registrant's seal or signature affixed, but shall be dated; bear the responsible engineer's name, serial number, and professional engineering designation; and be clearly stamped to indicate that documents are for interim review and not intended for construction, bidding, or permit purposes. The use of signature reproductions, such as rubber stamps, or computer generated or other facsimiles shall not be permitted in lieu of actual signatures."

Under the Act, §20(a) and (b), out-of-state engineers must now have an application for Texas registration filed with the board to practice in this state, provided they affix the seal from the jurisdiction in which they are legally qualified to practice on all work completed while the application for Texas registration is pending. However, a local requirement for a Texas seal may prevail at the discretion of municipal officials.

Agencies with authority to establish compliance and performance standards in their respective areas of jurisdiction which involve the practice of engineering should take cognizance of Article 3271a, as amended, when promulgating applicable rules and regulations.

Additional information may be obtained from the Texas State Board of Registration for Professional Engineers, P.O. Drawer 18329, Austin, Texas 78760, (512) 440-7723.

Issued in Austin, Texas, on September 9, 1987.

TRD-8707708 Kenneth J. Bartosh, P.E.
Executive Director
Texas State Board of Registration for
Professional Engineers

Filed: September 9, 1987
For further information, please call (512) 440-7723.



Texas Department of Health Licensing Actions for Radioactive Materials

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

NEW LICENSES ISSUED:

Location	Name	License #	City	Amend- ment #	Date of Action
Amarillo	The Don and Sybil Harrington Cancer Center	1-3053	Amarillo	5	08/18/87
Austin	Seton Medical Center	6-2896	Austin	14	08/14/87
Austin	Allan Shivers	6-3726	Austin	2	08/14/87
Austin	Austin Diagnostic Clinic	6-868	Austin	33	08/19/87
Baytown	Nuclear Medicine Associates	11-1904	Baytown	24	08/19/87
Bellville	Bellville General Hospital	11-3295	Bellville	6	08/21/87
Cleveland	Charter Community Hospital	11-2055	Cleveland	11	08/12/87
College Station	Humana Hospital-Brazos Valley	6-2559	College Station	9	08/19/87
Conroe	Medical Center Hospital	11-1769	Conroe	17	08/14/87
Corpus Christi	Hoechst Celanese Corporation	8-409	Corpus Christi	37	08/19/87
El Paso	Summa Pharmacy of El Paso	3-3954	El Paso	6	08/10/87
Fort Worth	Medical Plaza Hospital	5-2171	Fort Worth	16	08/11/87
Fort Worth	Lafarge Corporation	5-1698	Fort Worth	12	08/14/87
Fort Worth	Texas College of Osteopathic Medicine	5-2518	Fort Worth	9	08/18/87
Glen Rose	Harris Methodist Glen Rose	5-3225	Glen Rose	5	08/12/87
Gregory	Reynolds Metals Company	8-200	Corpus Christi	29	08/06/87
Houston	Medical Clinic of Houston	11-1315	Houston	17	08/10/87
Houston	Memorial Hospital System	11-808	Houston	18	08/14/87
Houston	Anheuser-Busch, Inc.	11-3361	Houston	1	08/19/87
Houston	Positron Corporation	11-3806	Houston	4	08/19/87
Jasper	Jasper Memorial Hospital	10-3075	Jasper	20	08/27/87
Lone Star	Hospital In the Pines	7-3468	Lone Star	3	08/21/87
Longview	Good Shepherd Medical Center	7-2411	Longview	23	08/14/87
Mexia	Harris Methodist Mexia	6-3102	Mexia	4	08/07/87
Paris	Babcock and Wilcox Company	7-157	Paris	32	08/19/87
Pasadena	Ethyl Corporation	11-4072	Pasadena	1	08/06/87
Pasadena	Hoechst Celanese Corporation	11-4008	Houston	1	08/18/87

Phillips	Phillips Petroleum Company	1-2480	Borger	13	08/19/87
Port Arthur	Park Place Hospital	10-1300	Port Arthur	12	08/11/87
Port Arthur	Manske-Sheffield Radiology Group, P.A.	10-4054	Port Arthur	1	08/20/87
Richardson	Honeywell Optoelectronics, Inc.	5-3576	Richardson	4	08/14/87
Richardson	The University of Texas at Dallas	5-2114	Richardson	29	08/17/87
San Angelo	Angelo Community Hospital	4-2487	San Angelo	15	08/14/87

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amend- ment #	Date of Action
San Angelo	Ethicon, Inc.	4-720	San Angelo	22	08/19/87
San Antonio	Saint Rose Catholic Hospital	9-3983	San Antonio	2	08/10/87
Throughout Texas	Tracerco Corporation	11-3096	Pasadena	24	08/06/87
Throughout Texas	Warrington, Inc	6-3074	Pflugerville	10	08/13/87
Throughout Texas	Cotton Houston, Inc.	11-3920	Houston	6	08/14/87
Throughout Texas	Big State X-Ray	12-2693	Odessa	4	08/14/87
Throughout Texas	Baytown Industrial X-Ray, Inc.	11-2143	Texas City	29	08/19/87
Throughout Texas	Independent Testing Laboratories	11-3795	Searcy	8	08/20/87
Throughout Texas	Four Seasons Industrial X-Ray	8-2855	Beeville	10	08/10/87
Throughout Texas	Houston Inspection Laboratories, Inc.	11-2011	Houston	15	08/14/87
Throughout Texas	Permian Non-Destructive Testing	12-3683	Odessa	7	08/14/87
Throughout Texas	Hanco International	12-4050	Midland	1	08/19/87
Throughout Texas	El Paso Sand Products Inc.	3-4021	El Paso	2	08/19/87
Throughout Texas	Tubular Inspectors, Inc.	11-3083	Houston	8	08/14/87
Throughout Texas	Sander Construction Company	3-4041	El Paso	1	08/14/87
Throughout Texas	ICO Tubular Service	12-1884	Odessa	14	08/14/87
Throughout Texas	Sharp Radiation Services	8-3731	Corpus Christi	4	08/14/87
Throughout Texas	Baker, Shiflett and Associates	5-2906	Fort Worth	7	08/19/87
Tyler	The University of Texas Health Center at Tyler	7-1796	Tyler	28	08/12/87
Victoria	E I Du Pont De Nemours & Co., Inc.	8-386	Victoria	47	08/19/87

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amend- ment #	Date of Action
Bryan	St. Joseph Hospital and Health Center	6-573	Bryan	27	08/24/87
Caldwell	Burleson County Hospital	6-3260	Caldwell	3	08/19/87
Commerce	Hunt Memorial Hospital District	5-3328	Commerce	6	08/13/87
Hereford	Deaf Smith General Hospital	1-3111	Hereford	2	08/21/87
Hondo	Medina Community Hospital	9-3323	Hondo	3	08/10/87
Houston	Eastway General Hospital, Inc.	11-1838	Houston	15	08/20/87
Lewisville	Lewisville Memorial Hospital	5-2739	Lewisville	8	08/13/87
Mont Belvieu	Exxon Chemical Americas	11-3119	Mont Belvieu	8	08/19/87
Pasadena	ICI Americas, Inc.	11-2216	Pasadena	15	08/06/87
Pasadena	HIMONT, U.S.A., Inc.	11-1854	Pasadena	17	08/18/87
San Angelo	Shannon West Texas Memorial Hospital	4-2174	San Angelo	16	08/10/87
San Antonio	Santa Rosa Medical Center	9-2237	San Antonio	20	08/14/87
San Antonio	Incarnate Word College	9-2168	San Antonio	9	08/24/87

San Marcos	Hays Memorial Hospital	6-3133	San Marcos	6	08 14 87
San Marcos	Southwest Texas State University	6-3321	San Marcos	3	08 21 87
Throughout Texas	Baker Sand Control	8-3272	Victoria	1	08 06 87
Throughout Texas	Haynes, Hollon & Associates, Inc.	5-2234	Dallas	13	08 18 87
Throughout Texas	Lower Cost Perforators	8-2732	Corpus Christi	11	08 19 87
Throughout Texas	Southwestern Laboratories, Inc	11-0299	Houston	51	07 31 87
Throughout Texas	Ground Technology, Inc.	11 3151	Houston	2	08 14 87
Throughout Texas	Geotest Engineering, Inc	11 2735	Houston	17	08 13 87
Wichita Falls	City of Wichita Falls	4-7217	Wichita Falls	4	08 13 87

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Beaumont	Cramer and Gilstrap and Associates	10-3670	Beaumont	2	08 10 87
Fort Worth	Texas Utilities Generating Company	5-2961	Fort Worth	4	08 14 87
Grande Prairie	Big Three Industries	5-3061	Grande Prairie	4	08 19 87
Houston	Eastman Christensen	11 3902	Houston	3	08 19 87
Throughout Texas	Bayou Testers, Inc	11-2971	Amelia, Louisiana	3	07 31 87
Throughout Texas	H B Zachry Company	6-1686	La Grange	1	08-19-87

NEW LICENSE DENIED:

Location	Name	License #	City	Amendment #	Date of Action
Midland	G. Murthy Gollapudi, M D	N A	Midland	0	08 12 87

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

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

Any request for a hearing must contain the name and ad-

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

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

Issued in Austin, Texas, on September 10, 1987.

TRD-8707722 Robert A. MacLean
 Deputy Commissioner
 Professional Services
 Texas Department of Health

Filed: September 10, 1987

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



**Texas Housing Agency
 Consultant Proposal Request**

Pursuant to Texas Civil Statutes, Article 6252-11c, the Texas Housing Agency invites proposals for one or more private consultants to perform a detailed analysis of existing internal administrative procedures of the agency in light of management policies governing the agency's operations that derive from applicable state law, prior action of the agency's board of directors, and past administrative practice. This analysis will be commissioned for the purpose of producing recommendations to the agency's board of directors for increasing the effectiveness of the agency in serving its public purpose of assisting in the provision of decent, safe, and sanitary housing for persons and families of low income and families of moderate income in the State of Texas, by consolidating and improving the efficiency of its program administration. The consultant will be required to produce a comprehensive procedural and operational manual for use by the agency's staff that will set out in detail authorized procedures for the daily operations of the agency and its existing programs.

The agency will consider offers to perform these consulting services from interested persons with at least five years' experience in a responsible management position with a state governmental agency, including responsibilities in the areas of personnel hiring, supervision, and evaluation, program development and administration, and budgetary supervision; and a working knowledge of housing-related programs administered by the state and federal governments.

Any private consultant who wants to make an offer to perform the requested services may submit a written proposal, including qualifications of the offeror, scope of services offered, and an estimate of fees and expenses for services to be performed, to Dan A. McNeil, Texas Housing Agency, P.O. Box 13941, Austin, Texas 78704, or 811 Barton Springs Road, Suite 300, Austin, Texas 78704, for receipt prior to 5 p.m. October 15, 1987.

The Finance and Audit Committee of the Board of Directors of the Texas Housing Agency will review proposals timely submitted and will select a private consultant based upon an evaluation of the proposals and, if the commit-

tee deems it necessary to its selection, personal interviews with final candidates. Offerors will be notified of the committee's selection by no later than October 27, 1987.

Issued in Austin, Texas, on September 8, 1987.

TRD-8707772 Dan A. McNeil
Executive Administrator
Texas Housing Agency

Filed: September 11, 1987
For further information, please call (512) 474-2974.

Pursuant to Texas Civil Statutes, Article 6252-11c, the Texas Housing Agency invites proposals for one or more private consultants to prepare a long-term plan for the development and administration of the housing finance programs of the agency, including recommendations with respect to fund administration, investment management, coordination of existing housing finance programs, and future finance and funding initiatives that could be undertaken effectively by or on behalf of the agency. The consultant will work with agency staff and the board of directors to produce an in-depth analysis of housing finance alternatives and programmatic strategies available to the agency for effectively accomplishing the agency's public purpose of assisting in the provision of decent, safe, and sanitary housing for persons and families of moderate income in the State of Texas, through access to capital markets, fund management and administration techniques, and identification of immediate and long-term goals. The consultant will be required to present findings and recommendations to the agency's board of directors and appropriate board committees and prepare a plan for initial implementation of adopted recommendations.

The agency will consider offers to perform these consulting services from interested persons with substantial experience in a management capacity in investment banking or another finance-related field involving access to public capital markets and private investment, extensive familiarity with the full range of state housing agency finance and funding programs, including state and federal grant, guarantee, and subsidy programs, and a working knowledge of the requirements of applicable federal tax and securities law as applied to housing finance.

Any private consultant who wants to make an offer to perform the requested services may submit a written proposal, including qualifications of the offeror, scope of services

offered, and an estimate of fees and expenses for services to be performed, to Dan A. McNeil, Texas Housing Agency, P.O. Box 13941, Austin, Texas 78704, or 811 Barton Springs Road, Suite 300, Austin, Texas 78704, for receipt prior to 5 p.m. October 15, 1987.

The Finance and Audit Committee of the Board of Directors of the Texas Housing Agency will review proposals timely submitted and will select a private consultant based upon an evaluation of the proposals and, if the committee deems it necessary to its selection, personal interviews with final candidates. Offerors will be notified of the committee's selection by no later than October 27, 1987.

Issued in Austin, Texas, on September 8, 1987.

TRD-8707773 Dan A. McNeil
Executive Administrator
Texas Housing Agency

Filed: September 11, 1987
For further information, please call (512) 474-2974.



Texas Department of Human Services Public Information Planning and Budget Schedule

The Texas Department of Human Services (DHS) has established its planning and budget schedule for fiscal years 1989-1991. DHS administers federal block grants including funds for Title XX and Low-income Home Energy Assistance programs. Public hearings will be held to solicit comments on the use of block grants and other funds in the development of the department's operating plan for fiscal year 1989 and legislative appropriations request for fiscal year 1990-91. Public and private sector representatives, including advisory groups, clients, providers of services, agencies and other interested persons are invited to testify.

Schedule. Following are key dates in the budgeting process.

September 29, 1987—Public hearing conducted by the Texas Board of Human Services at the Westin Paso Del Norte Hotel, 101 South El Paso Street, El Paso. The hearing will begin at 9 a.m.

October/November 1987—Public hearings conducted by DHS advisory committees. The dates, locations, and times for the hearings are as follows:

<u>Date</u>	<u>Location</u>	<u>Time*</u>
10-14-87	West End Multi-Service Center 170 Heights Blvd. Houston, Texas	9 a.m.
10-20-87	Town Hall Meeting Room 118 East Tyler Harlingen, Texas	1 p.m.
10-21-87	Auditorium Institute of Texas Cultures 801 South Bowie San Antonio, Texas	9 a.m.
10-22-87	Olga Keith Auditorium Baptist Hospital College and 11th Street Beaumont, Texas	9 a.m.

10-28-87	Auditorium Texas Tech Health Science Center 1400 Wallace Blvd. Amarillo, Texas	9 a.m.
10-29-87	Civic Center 1501 6th Street Lubbock, Texas	9 a.m.
11-4-87	Conference Room DHS Office 2301 North Big Spring Midland, Texas	4 p.m.
11-5-87	West Texas Rehabilitation Center 4601 Hartford Street Abilene, Texas	9 a.m.
11-9-87	Arlington City Hall City Council Chambers 101 West Abram Arlington, Texas	9 a.m.
11-10-87	Holiday Inn IH-20 and Estes Parkway Longview, Texas	9 a.m.
11-12-87	John H. Winters Center Public Hearing Room 701 West 51st Austin, Texas	4 p.m.

Hearings will be adjourned after all testimony has been given.

November 1987/January 1988—Alternatives developed by DHS staff and advisory committees.

April 1988—Board of Human Services and DHS executive council review recommendations, alternatives, and issues.

May 1988—Proposed fiscal year 1989 operating plan and appropriations request for fiscal year 1990-1991 presented to the board for review and comment. (Public testimony taken.)

June 1988—Proposed Intended Use Report for Title XX block grant published. (Written comments may be submitted.)

June 1988—The fiscal year 1989 operating plan and legislative appropriations request for fiscal year 1990-1991 presented to the Board for final approval.

July 1988—Draft state plan for low-income home energy assistance block grant published. (Written comments may be submitted.)

July 1988—Appropriations request submitted to the Legislative Budget Office and Governor's Budget Office.

Contact Person. Questions, requests, or written comments may be directed to Brian D. Packard, Texas Department of Human Services, Mail Code 000-W, P.O. Box 2960, Austin, Texas 78769.

Issued in Austin, Texas, on September 10, 1987.

TRD-8707723 Marlin W. Johnston
Commissioner
Texas Department
of Human Services

Filed: September 10, 1987
For further information, please call (512) 450-3766.



Texas State Board of Physical Therapy Examiners Establishment of Toll-free Telephone Number

In compliance with Senate Bill 635 passed in the 70th Legislature, the Physical Therapy Board establishes toll-free telephone number (512) 835-1847, on which callers may call collect during regular business hours to receive information relating to any previous disciplinary action taken by the board against a physical therapist licensed in this state, the date of the action, and the current status of the action.

Issued in Austin, Texas, on September 11, 1987.

TRD-8707864 Lois M. Smith
Executive Director
Texas State Board of Physical Therapy
Examiners

Filed: September 11, 1987
For further information, please call (512) 835-1846.



State Property Tax Board Consultant Contract Award

Pursuant to Texas Civil Statutes, Article 6252-11c, the State Property Tax Board furnishes this notice of contract award. The consultant proposal request appeared in the June 26, 1987, issue of the *Texas Register* (12 TexReg 2062).

Description of Service. The consultants will serve as complex industrial valuation experts in the board's 1987 property value study.

Address of Consultants. Three consultants have been selected under this request: Capitol Appraisal Group, 150 Westpark #4, 8140 Mopac Expressway, Austin, Texas 78759; Pritchard and Abbott, 6300 La Calma, Suite 360, Austin, Texas 78752; Thomas Y. Pickett and Company, 4464 Sigma Road, Dallas, Texas 75240.

Contract Value and Period. The following contract awards were made to the three valuation consultants: Capitol Appraisal Group—\$20,900; Pritchard and Abbott—\$52,250; Thomas Y. Pickett—\$50,825. The total value of the contracts issued under this request is \$123,975. The contracts cover parts of two fiscal years. The beginning dates of the contracts were August 31, 1987, to Capitol Appraisal Group; August 7, 1987, Thomas Y. Pickett; and August 5, 1987, to Pritchard and Abbott; and the ending date is December 31, 1987.

Due Dates of Reports. Final reports prepared by the consultants under these contracts shall be submitted prior to December 1, 1987.

Issued in Austin, Texas, on September 11, 1987.

TRD-8707789 Ron Patterson
Executive Director
State Property Tax Board

Filed: September 11, 1987
For further information, please call (512) 834-4901.



Railroad Commission of Texas Invitation for Bid

The Railroad Commission of Texas, Division of Surface Mining and Reclamation (SMRD), invites bids for the backfilling, regrading, and capping of numerous mine openings (approximately 50); and the fencing of two facility sites at the Study Butte Abandoned Mine Land (AML) site. The site is located in the vicinity of Terlingua, Brewster County. Sealed bids will be received until 1 p.m. on October 6, 1987. Any bids received after the deadline will be returned unopened.

Construction shall include fabrication, on-site preparation, and placement of one structural steel grate; backfilling the base of two shafts containing water with coarse material, then, completing the filling process with fine material; backfilling to two additional mine openings requiring special consideration, at a separate location; backfilling and regrading of approximately 45 other mine openings; and fencing of two facility sites

Copies of the specifications, drawings, and other contract documents are on file at the SMRD Field Office, 1419 Third Street, Floresville, Texas 78114, and at the County Clerk's Office, Brewster County Courthouse, 201 West

Avenue E, Alpine, Texas 79831. The complete bid package may be obtained for the cost of reproduction (\$10) at the address listed following.

Bidders are required to provide bid security, performance bonds, and payment bonds. Bidders are required to submit bidder's qualification forms concurrent with or prior to the opening of bids.

The commission reserves the right to reject any or all bids, to waive formalities, and in case of ambiguity or lack of clarity in stating proposal prices, to adopt such interpretations as may be most advantageous to the commission. No bid may be withdrawn until expiration of 60 days from the date bids are opened.

Anyone interested in submitting a bid is required to attend the prebid conference to be held at the Study Butte site beginning at 10 a.m. on Wednesday, September 23, 1987. For further information, write to J. Randel (Jerry) Hill, Director, Surface Mining and Reclamation Division, P.O. Box 12967, Austin, Texas 78711, Attention: Study Butte AML Project.

Issued in Austin, Texas, on September 11, 1987

TRD-8707788 Walter E. Lillie
Special Counsel
Railroad Commission of Texas

Filed: September 11, 1987
For further information, please call (512) 463-7149



Public Notice

An application for authority to charge a toll by the Long Island Bridge Company, Inc., John R. Freeland, president, P.O. Box 2587, McAllen, Texas 78502, was filed on July 21, 1987, before the Railroad Commission of Texas in Docket 003620ZZCW pursuant to Texas Civil Statutes, Article 1473. This causeway corporation seeks authority to charge all users of the Long Island Swing Bridge (located over, through, and across the intercoastal canal at the northern tip of Long Island and the City of Port Isabel, Cameron County) as follows: \$1.00 for pedestrian traffic; \$3.50 for passenger motor vehicles, including mobile homes, R.V.'s and motorcycles; and \$4.50 for all trucks in excess of two tons.

All interested persons affected by this toll application that wish to participate in the commission consideration of this application may do so only by filing a written protest, intervention in opposition, or intervention in support, at or before, 10 a.m. on Monday, October 26, 1987, by writing Docket Services, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711-2967.

Please include in the written pleading the Docket (003620ZZCW) in all responses.

Issued in Austin, Texas, on August 26, 1987.

TRD-8707598 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Filed September 4, 1987
For further information, please call (512) 463-7149



Texas Rehabilitation Commission Request for Proposals

The Texas Rehabilitation Commission (TRC) invites proposals for the purpose of establishing five extended rehabilitation services (ERS) facilities to provide sheltered employment programs for persons with severe physical and/or mental disabilities. These five projects will be located in Amarillo, Austin, Corpus Christi, Tyler, and Weatherford. Each of the ERS projects will be funded for \$100,000, serving a minimum of 65 clients each for the first year. The request for proposal (RFP) must clearly illustrate the services coordination identified in sections of SCR 129/135 which direct TRC, the Texas Education Agency (TEA), and the Texas Department of Mental Health/Mental Retardation (TDMHMR) to effectively network services for transition of individuals from public schools and state institutions into the most appropriate work environment.

Disability Requirements. Disabilities which may qualify a person for ERS services include mental retardation, mental illness, spinal or brain injury, physical impairments, speech/hearing/visual limitations, autism, cerebral palsy, deaf-blindness, and other disabling conditions. Many ERS participants are severely multi-handicapped persons.

Applicant Services. The services of an ERS program are intended to support the person in a work setting to achieve maximum work productivity and independent living. The provision of extended rehabilitation services includes job training in a limited training program to produce job readiness for sheltered industry; employment in sheltered industry or in the community; transportation to and from employment; and housing in small group living arrangements in the community.

Application Process. Persons interested in applying for an ERS project must contact the regional TRC office located in their geographic areas. In Amarillo contact the Lubbock Regional Office, Mary Valentini, Regional Director, 14 Briercroft Office Park, Lubbock, Texas 79412, (806) 762-0375. In Austin contact the Austin Regional Office, Jackson King, Regional Director, 2900 South IH-35, Suite 205, Austin, Texas 78704, (512) 447-0616. In Corpus Christi contact the San Antonio Regional Office, John Halloran, Regional Director, 5805 Callaghan Road, Suite 311, San Antonio, Texas 78228, (512) 680-2091. In Tyler contact the Dallas Regional Office, Bob Marx, Regional Director, 13612 Midway Road, Suite 350, Farmers Branch, Texas 75244, (214) 387-8695. In Weatherford contact the Fort Worth Regional Office, Lon Young, Regional Director, 3005 Alta Mere, Fort Worth, Texas 76116, (817) 731-7343.

Further information will be forwarded to the applicant containing requirements and format of the proposal.

Deadline. Proposals will be received in each of the five TRC regional offices until 5 p.m. Wednesday, September 30, 1987.

For further information call Milton R. Lege, director, ERS, (512) 445-8969.

Issued in Austin, Texas, on September 4, 1987.

TRD-8707705 Charles Schiesser
Assistant Commissioner for Legal
Services
Texas Rehabilitation Commission

Filed: September 9, 1987

For further information, please call (512) 445-8969.



Texas Water Commission Application for Provisionally- Issued Temporary Permits

Notice is given by the Texas Water Commission of provisionally issued temporary permits issued during the period of August 10-September 11, 1987.

These permits were issued without notice and hearing pursuant to the Texas Water Code, §11.138, and commission rules 31 TAC §§303.91-303.93.

The executive director has reviewed each application and found that sufficient water was available at the proposed point of diversion to satisfy the requirements of the applications as well as all existing water rights. It is further noted that these diversions are for not more than 10 acre-feet of water and for a period of not more than one year. If a complaint is received before or after diversions are commenced, a preliminary investigation shall be made by the executive director to determine whether there is a reasonable basis for such complaint. Should the investigation indicate that there is a probability that diversions could result in injury to the complainant, the permit will be canceled, and the application will revert to the status of a pending application and no further diversions may be made until a public hearing is held. Notice of the hearing shall then be sent to the complaining person.

Information concerning any aspect of these permits may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8218.

Listed are the names of the permittees, diversion point, watercourse, amount of water authorized, period of time of the permit, permit number, and the date issued/administratively-complete.

Milbar Hydro-Text, Inc.; from the stream crossing of the pipeline approximately eight miles southeast of Richmond, Fort Bend County; Brazos River; 9.5 acre feet, three month period; TP-5769; August 10, 1987

Milbar Hydro-Test, Inc.; from the stream crossing of the pipeline, approximately eight miles southeast of Richmond, Fort Bend County; Brazos River; 9.5 acre feet, three month period; TP-5770; August 10, 1987

Exxon Corporation; from a reservoir in the vicinity of State Highway 71, approximately 10 miles north of Mount Vernon, Franklin County; White Oak Creek, tributary Sulphur River; 10 acre feet, one year period; TP-5771; August 20, 1987

Exxon Corporation; from a reservoir in the vicinity of State Highway 71, approximately 12 miles north of Mount Pleasant, Titus County; White Oak Creek, tributary Sulphur River; 10 acre-feet, one year period; TP-5772; August 21, 1987

Exxon Corporation; from a reservoir in the vicinity of State Highway 71, approximately 12.5 miles north of Mount Pleasant, Titus County; White Oak Creek, tributary Sulphur River; 10 acre-feet, one year period; TP-5773; August 21, 1987

Exxon Corporation; from a reservoir in the vicinity of State Highway 71, approximately 12 miles north of Mount Pleasant, Titus County; White Oak Creek, tributary Sulphur River; 10 acre-feet, one year period; TP-5774; August 21, 1987

Exxon Corporation; from a reservoir in the vicinity of State Highway 71, approximately 12.5 miles north of Mount Pleasant, Titus County; White Oak Creek, tributary Sulphur River; 10 acre feet, one year period; TP-5775; August 21, 1987

Exxon Corporation; from a reservoir in the vicinity of State Highway 71, approximately 10 miles north of Mount Vernon, Franklin County; White Oak Creek, tributary Sulphur River, 10 acre feet, one year period; TP-5776; August 21, 1987

Exxon Corporation; from a reservoir in the vicinity of State Highway 71; White Oak Creek, tributary Sulphur River; 10 acre feet, one year period; TP-5777; August 21, 1987

Exxon Corporation; from a reservoir in the vicinity of State Highway 71, approximately 12.2 miles north of Mount Pleasant, Titus County; White Oak Creek, tributary Sulphur River; 10 acre feet, one year period; TP-5778; August 21, 1987

Exxon Corporation; from a reservoir in the vicinity of State Highway 71, approximately 14.2 miles northwest of Mount Pleasant, Titus County; White Oak Creek, tributary Sulphur River; 10 acre-feet, one year period; TP-5779; August 21, 1987

F. R. Lewis Construction Company, Inc.; from a stream crossing of State Highway 87, approximately 12½ miles southeast of Hemphill, Sabine County; Big Sandy Creek, tributary Sabine River; two acre feet, one year period; TP-5781; August 21, 1987

Double "O" Enterprises; from the reservoir in the vicinity of US 83, approximately six miles east of Zapata, Zapata County; Rio Grande; 10 acre feet, one year period; TP-5782; August 21, 1987

CCE, Inc.; from the stream crossing of Old State Highway 705, approximately 20 miles south of San Augustine, San Augustine County; Couchatana Creek, tributary Angelina River, tributary Neches River; one acre foot, three month period; TP-5783; August 28, 1987

Natural Gas Pipeline Company of America; Brazos River; eight acre feet, one year period; TP-5784, August 28, 1987

Strickland and Knight, Inc.; from the stream crossing of FM Road 57, approximately 15 miles east of Roby, Fisher County; Clear Fork Brazos River, tributary of Brazos River; one acre foot, 12 month period; TP-5785; August 28, 1987

Pete Gallegos Paving, Inc.; from the Rio Grande near Downtown Laredo, approximately ½ mile north of the County Courthouse in Laredo, Webb; Rio Grande; one acre-foot, one year period; TP-5786; August 28, 1987

Horace Williams; from the creek near US Highway 380, approximately 10 miles northwest of Graham, Young County; Whisky Creek, tributary Brazos River; eight acre-feet, one year period; TP-5787; August 28, 1987

Young Brothers, Inc.; from the stream crossing of State Highway 6, approximately 10 miles south of Bryan, Brazos County; Lick Creek, tributary Navasota River, tributary Brazos River; two acre-feet, one year period; TP-5788; August 28, 1987

D. L. Lennon, Inc.; from a reservoir in the vicinity of the intersection of FM Roads 1565 and 35, approximately 18 miles southwest of Greenville, Hunt County; Bearpen Creek, tributary Sabine River; 10 acre-feet, one year period; TP-5789; August 28, 1987

Coastal Oil and Gas Corporation; from the Rio Grande in the vicinity of US Highway 83, approximately 18 miles northwest of Zapata County; Rio Grande; 10 acre feet, six month period; TP-5790; August 20, 1987

United Texas Transmission Company; from the stream crossing of a pipeline, approximately seven miles southeast of Richmond, Fort Bend County; Gapps Slough, tributary Rabbs Bayou, tributary Brazos River; one acre-foot, three month period; TP-5791; August 28, 1987

Issued in Austin, Texas, on September 11, 1987.

TRD-8707835 Karen A. Phillips
Chief Clerk
Texas Water Commission

Filed: September 11, 1987
For further information, please call (512) 463-7898.

Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of September 9-11, 1987.

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

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

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

Period of September 9-11, 1987

Consumers Water, Inc., Conroe; sewage treatment plant; on the west bank of the West Fork San Jacinto River at a point approximately three miles east of the intersection of Needham Road and IH 45 in Montgomery County; 11293-01; renewal

Callisburg Independent School District, Gainesville; wastewater treatment facilities; approximately .7 miles east-southeast of the intersection of FM Roads 678 and 3164 in Cooke County; 13393-01; new

City of Callisburg, Gainesville; wastewater treatment facilities; adjacent to and west of FM Road 678, approximately 3,000 feet southeast of the intersection of FM Roads 678 and 2896 in Cooke County; 11840-01; renewal

City of Chateau Woods, Conroe; wastewater treatment facilities; on the northeast corner of the intersection of Chateau Woods Parkway and Longleaf Drive in Montgomery County; 12532-01; renewal

CK Licensing, Co., Houston; wastewater treatment facilities; at 10944 Eastex Freeway in the City of Houston, Harris County; 12481-01; renewal

Harris County Municipal Utility District No. 5, Houston; wastewater treatment plant; approximately 1.5 miles west of IH-45, approximately 1,500 feet north

of Gears Road and east of Stuebner-Airline Drive in Harris County; 11238-01; renewal

City of Pasadena; wastewater treatment facilities; on the east and west banks of Vince Bayou, west of McDonald Street and north of West Richey Access Road in Harris County; 10053-05; renewal

Williamson County MUD No. 2, Austin; wastewater treatment plant; north of and adjacent to County Road 174 (Brushy Creek Road) and approximately 7,500 feet west of the intersection of County Roads 174 and 175 (Sam Bass Road) in Williamson County; 11865-01; renewal

Tenneco, Inc., Hockley; sewage treatment plant; on the Tennwood Recreational property, which is approximately 2.5 miles north of the intersection of Hegar Road and FM Road 2920, Waller County; 12402-01; renewal

Robert W. and Betty R. Mercer, doing business as Country Lane Mobile Home Sites, Marshall; wastewater treatment facilities; approximately 1.8 miles south of the intersection of IH-20 and State Highway 43 and approximately 5,800 feet east of State Highway 43 in Harrison County; 13085-01; renewal

City of Alvord; wastewater treatment plant; 2,500 feet south of FM Road 1655, adjacent to Elm Creek at a point approximately ½ mile southwest of the business district of the City of Alvord, Wise County; 10036-01; renewal

C.V.M. Inc., doing business as U Rent M, Temple; equipment rental store; at 5514 South General Bruce in the City of Temple, Bell County; 02939; new

Texas Department of Corrections, Huntsville; wastewater treatment facilities; on the east bank of Oyster Creek along FM Road 655, approximately nine miles northwest of Angleton, Brazoria County; 12353-01; renewal

Jack H. Emmott, Jr., Houston; wastewater treatment facilities; at 8780 Emmott Road, at a point approximately 4,500 feet west of Fairbanks North Houston Road on the south bank of White Oak Bayou in Harris County; 12442-01; renewal

City of La Villa; wastewater treatment facilities; approximately 2,500 feet north of State Highway 107 and 1,300 feet west from the western levee of North Floodway, east of La Villa in Hidalgo County; 12393-01; renewal

City of Wolfe City; wastewater treatment facilities; approximately ½ mile south of Wolfe City and ½ mile east of State Highway 34 adjacent to Oyster Creek in Hunt County; 10383-01; renewal

Matagorda County Water Control and Improvement District No. 5, Blessing; wastewater treatment facilities; immediately west of the intersection of Pecan Street and Sixth Street in Blessing, Matagorda County; 10217-01; renewal

City of Moulton; wastewater treatment facilities; at 106 East South First Street in the City of Moulton, Lavaca County; 10227-01; renewal

Goodman/Wade Enterprises, Inc., Lufkin; wastewater treatment facilities; on the west bank of Willis Creek, approximately one mile south of the Willis Creek crossing of FM 842, approximately five miles northeast of the intersection of U.S. Highways 59 and 69 in the City of Lufkin, Angelina County; 11588-01; renewal

Purina Mills, Inc., Rosenberg; animal feed plant; 1½ miles from the City of Rosenberg on Highway 36 North in Fort Bend County; 02932; new

Pine Tree Mobile Home Park Landowners Association, Keller; wastewater treatment plant; approximately one mile southwest of the intersection of Keller-Hicks Road and U.S. Highway 377 in Tarrant County; 13036-01; amendment

Zapata County, Zapata; wastewater treatment plant; approximately ½ mile south of U.S. Highway 83 on Third Avenue in the City of Zapata; 10462-01; amendment

Realty Investors-IV, Houston; sewage treatment plant; approximately 1.5 miles southeast of the intersection of State Highway 6 and FM Road 529, northwest of the City of Houston, Harris County; 11414-01; renewal

Rolzcad Industries, Houston; wastewater treatment facilities; adjacent to FM Road 529 (Spencer Road), approximately one mile west of the intersection of FM Road 529 and U.S. Highway 290, Harris County; 12466-01; renewal

Gulf Coast Waste Disposal Authority, Houston; wastewater treatment facility; approximately 6,500 feet south and 1,500 feet east of the intersection of Woodland Hills Drive (Farmer's Road) and Atascocita Road, Harris County; 11901-01; renewal

City of Schulenburg; wastewater treatment plant; in the 800 block of Kallus Street near its intersection with Hillje Street in the City of Schulenburg, Fayette County; 10115-01; renewal

SREI Company, Inc., Trinity; wastewater treatment facilities; approximately four miles south of the City of Trinity and approximately one mile east of State Highway 19 in Trinity County; 12560-01; renewal

City of Graford; wastewater treatment facilities; approximately 3,500 feet northwest of the intersection of FM Road 4 and State Highway Spur 397, approximately .25 mile west of FM Road 4 in Palo Pinto County; 10722-01; renewal

City of Ganado; wastewater treatment facilities; approximately 800 feet southwest of the Ganado City limits and approximately 1,900 feet west of State Highway 172 in Jackson County; 10010-01; renewal

Melvin A. Mitchon, doing business as Hank's Creek Marina, Zavalla sewage treatment plant; immediately north of FM Road 2801, approximately 1.5 miles northeast of the intersection of FM Road 2801 with FM Road 2109 and approximately seven miles north of the Town of Zavalla in Angelina County; 11229-01; renewal

City of Waelder; wastewater treatment facilities; southeast of Waelder on the north bank of Baldrige Creek, approximately ½ mile south of U.S. Highway 90 and ½ mile east of State Highway 97 in Gonzales County; 10327-01; renewal

Impala Wood Development Company, Houston; wastewater treatment facilities; approximately 8/10 mile south-southwest of the intersection of U.S. Highway 190 and FM Road 3186 in Polk County; 12120-01; renewal

Theron L. Moore, Sr., Livingston; wastewater treatment plant; on the shores of Lake Livingston, at a point approximately 3,000 feet north of FM Road 2457 and approximately 12 miles northwest of the City of Livingston, Polk County; 11621-01; renewal

Theron L. Moore, Sr., Livingston; sewage treatment plant; approximately 1,250 feet north of FM Road 2457 at a point three miles west of the intersection of FM Road 2457 and U.S. Highway 190, near the east shore of Lake Livingston, Polk County; 11465-01; renewal

Celanese Chemical Company, Inc., Pampa; plant which produces organic chemicals; in the southwest quadrant formed by the intersection of U.S. Highway 60 and FM Road 2300, approximately 3.5 miles southwest of the

City of Pampa, Gray County; 02891; amendment

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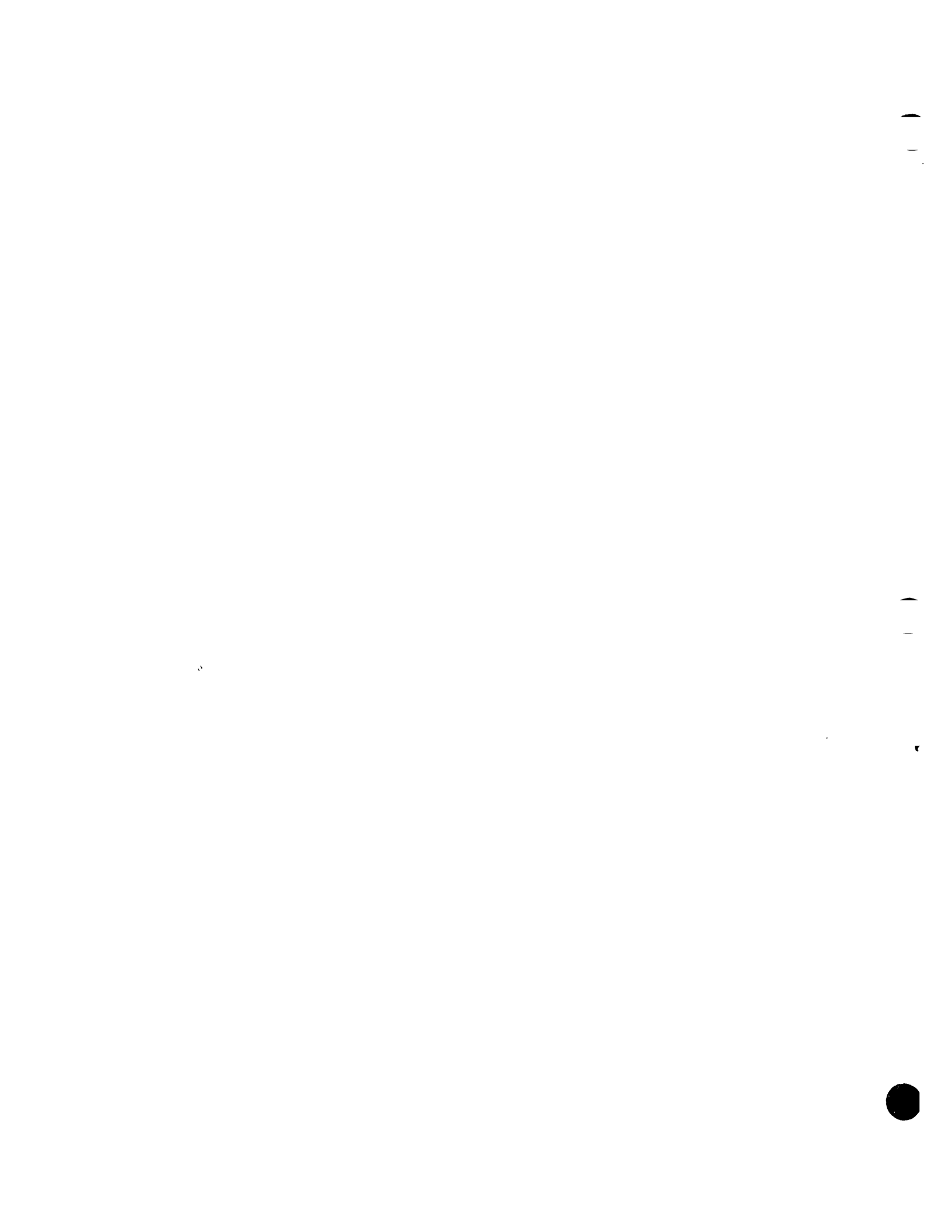
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Karen A. Phillips
Chief Clerk
Texas Water Commission

Filed: September 11, 1987

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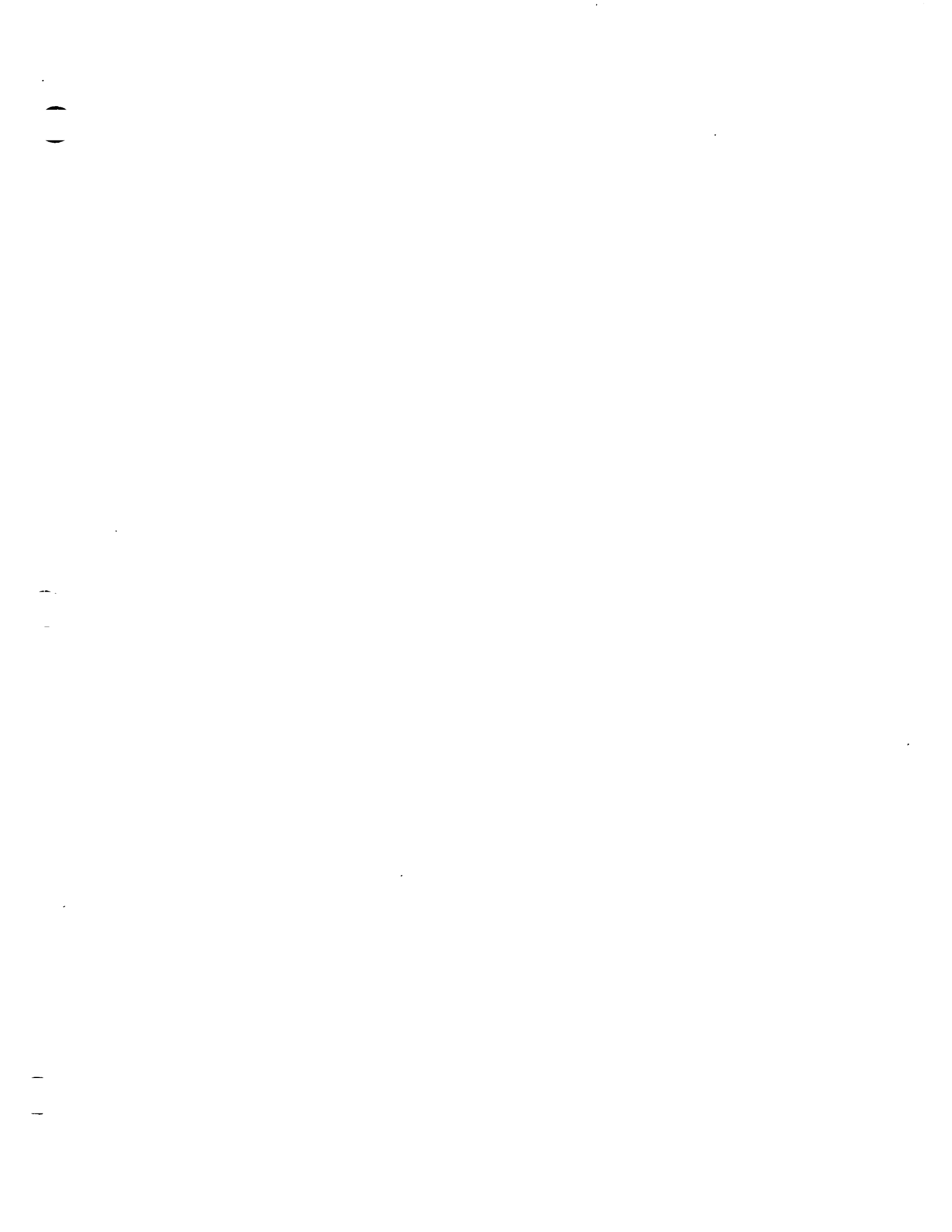




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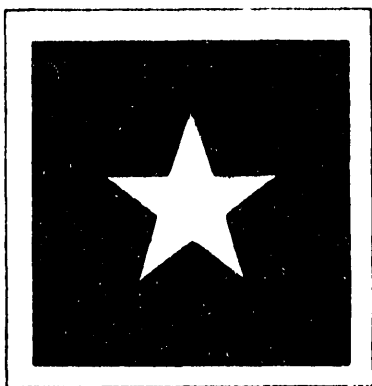
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