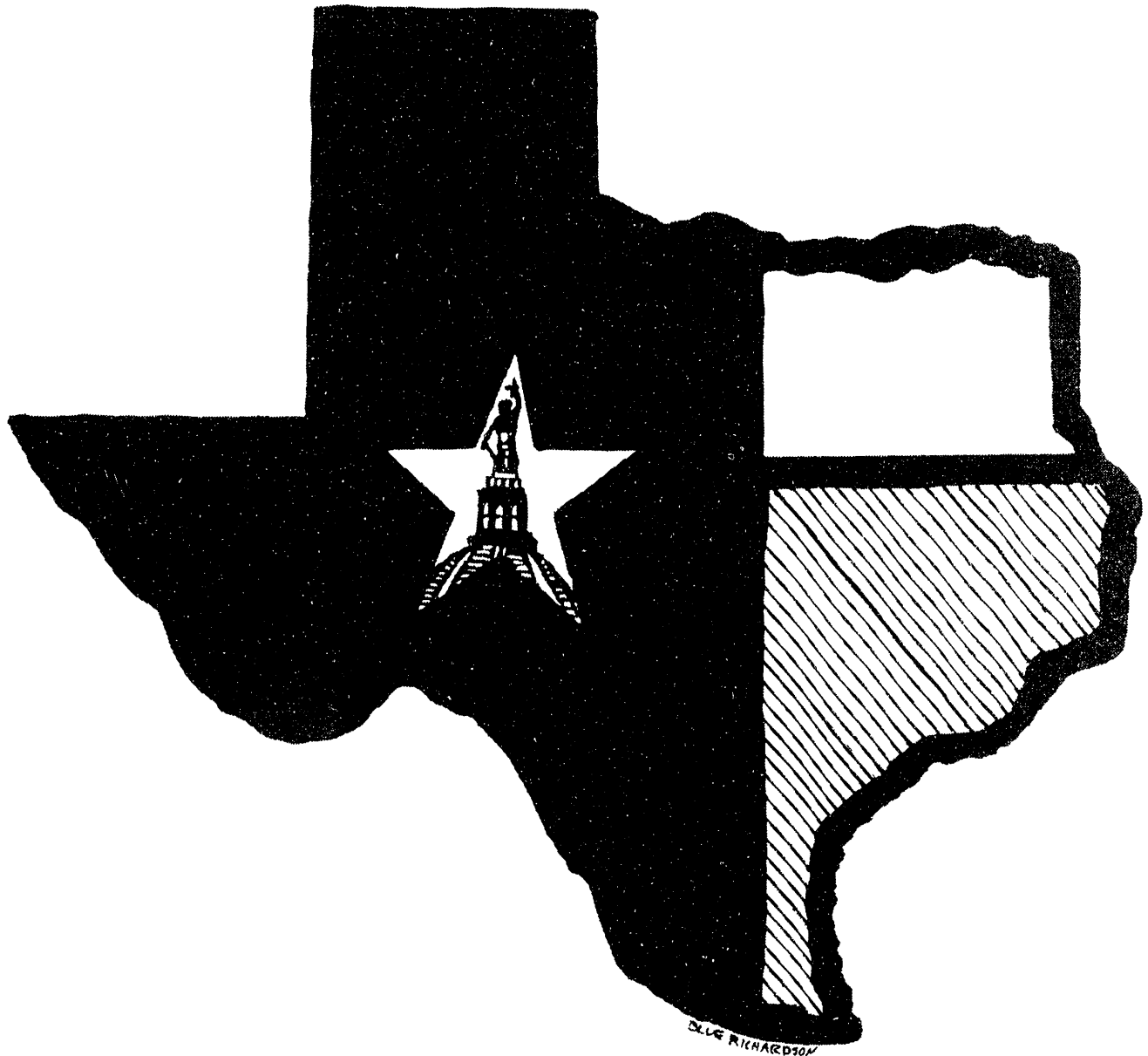


Texas Register

Volume 12, Number 75, October 6, 1987

Pages 3577-3611



Highlights

The **General Land Office** adopts on an emergency basis an amendment concerning rules, practice, and procedure for land leases and trades. Effective date - September 28, 1987 **page 3587**

The **Railroad Commission of Texas** proposes an amendment regarding conservation rules and regulations for gas well allowables for the Oil and

Gas Division. Earliest possible date of adoption - November 6, 1987 **page 3584**

The **Board of Vocational Nurse Examiners** adopts a new section allowing the board to develop minimum standards in evaluating nursing curriculum and determining board compliance. Effective date - October 20, 1987 . . **page 3602**

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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.

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

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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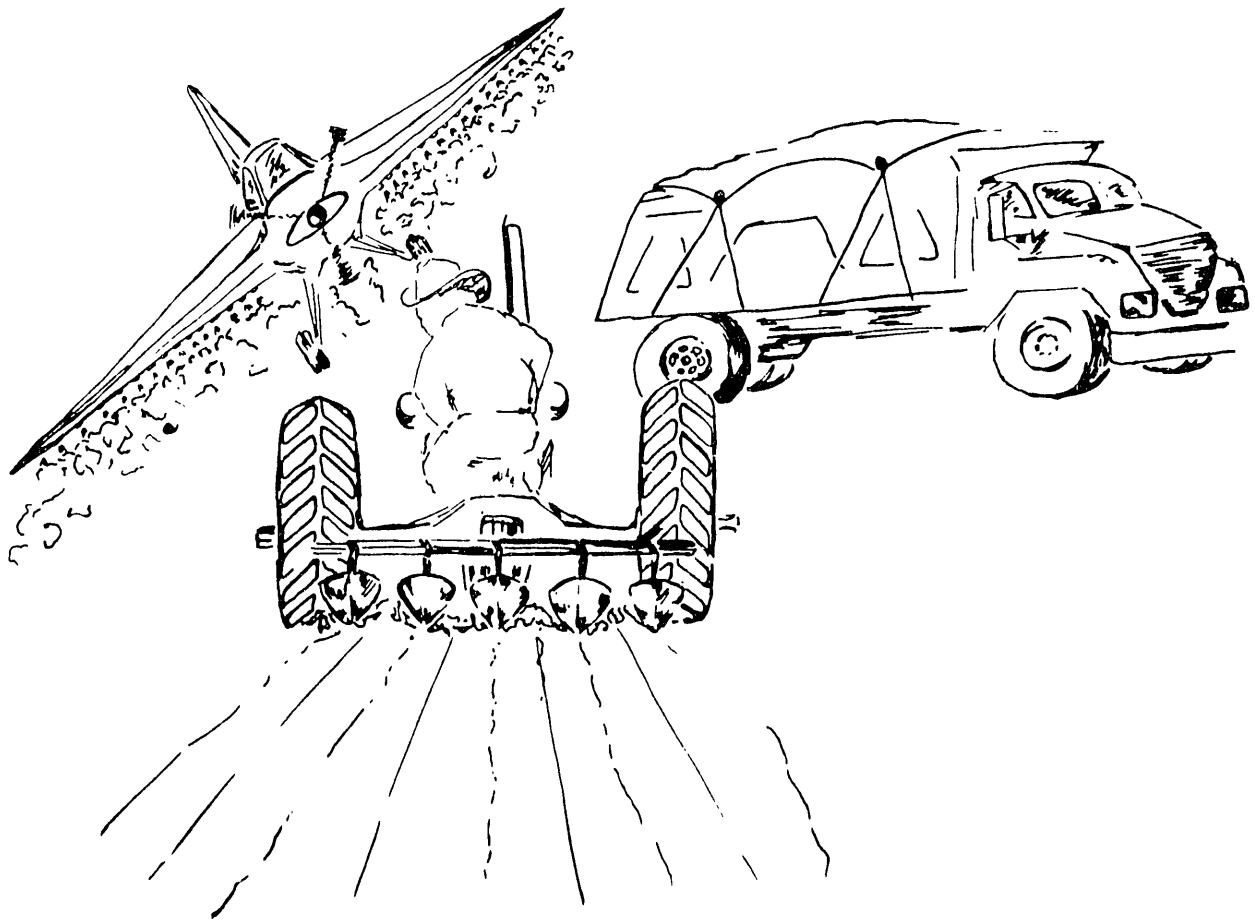
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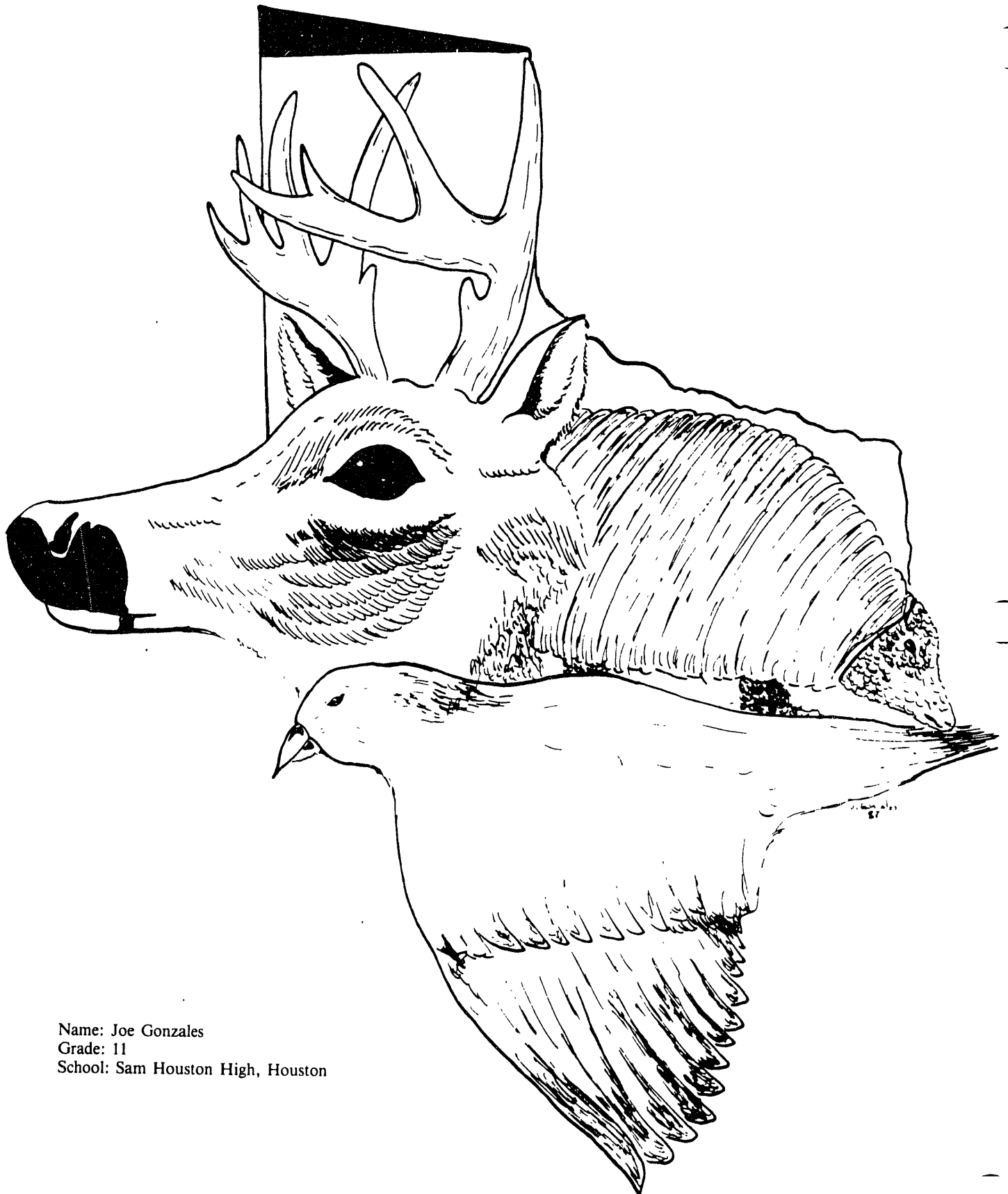
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Attorney General

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

Requests for Opinion

RQ-1220. Request from Lieutenant Governor Bill Hobby, Capitol Building, Austin, concerning the constitutionality of House Bill 2445, 70th Legislature, 1987 regarding the valuation of property used in a business.
TRD-8708415



RQ-1221. Request from H. Tati Santiesteban, Chairman, Senate Committee on Natural Resources, Austin, concerning the procedure for appointment of members of the Texas Water Commission.
TRD-8708414



RQ-1222. Request from Roy Blake, Chairman, Senate Administration Committee, Austin, concerning whether money obtained by a sheriff as a result of the confiscation of contraband may be used to purchase a patrol car.
TRD-8708413



RQ-1223. Request from Chet Brooks, Senate Committee on Health and Human Services, Austin, concerning the authority of the Board of Dental Examiners to effectively eliminate a statutorily-provided level of supervision.
TRD-8708412



RQ-1224. Request from Ashley Smith, Chairman, House Government Organization Committee, Austin, concerning whether the City of Denison may withdraw from the Greater Texoma Utility Authority.
TRD-8708411



RQ-1225. Request from Mike Toomey, Chairman, House Judiciary Committee, Austin, concerning whether a volunteer fire department is subject to the Open Records Act, Texas Civil Statutes, Article 6252017a.
TRD-8708410



RQ-1226. Request from W. N. Kirby, Commissioner of Education, Texas Education Agency, Austin, concerning whether a school district may offset worker compensation benefits under Texas Civil Statutes, Article 8309h, with benefits paid pursuant to the Texas Education Code, §13.904.
TRD-8708409



RQ-1227. Request from Lyndon L. Olson, Jr., Chairman, State Board of Insurance, Austin, concerning the requirements under House Bill 677, 70th Legislature, 1987, the Texas Continuing Care Facility Disclosure and Rehabilitation Act.
TRD-8708408



RQ-1228. Request from John B. Holmes, Jr., District Attorney, Harris County Courthouse, Houston, concerning whether an individual may be prosecuted for theft after conviction on the same facts for the offense of issuing a worthless check.
TRD-8708407



RQ-1229. Request from Larry Persky, General Counsel, Texas Board of Irrigators, Austin, concerning the collection of sales tax on the installation of turf irrigation systems.
TRD-8708406



RQ-1230. Request from Mike Driscoll, Harris County Attorney, Houston, concerning whether Harris County may require in its bid specifications for construction contracts that a minimum of 25% of the work be performed by the contractor's employees.
TRD-8708405



RQ-1231. Request from Ray Farabee, Chairman, State Affairs Committee, Texas State Senate, Austin, concerning whether a city of more than 10,000 inhabitants is required to grant a minimum 30-minute meal break to police officers.
TRD-8708404



RQ-1232. Request from Charles E. Lance, Milam County District Attorney, Cameron, concerning whether a commissioners court may reduce the salary of a county attorney below an amount previously approved.
TRD-8708403



RQ-1233. Request from Kenneth H. Ashworth, Commissioner, Coordinating Board, Texas College and University System, Austin, concerning the payment of group insurance premiums for public junior college employees in light of gubernatorial veto.
TRD-8708402



RQ-1234. Request from Sidney J. Braquet, Chairman, Texas Commission for the Deaf, Austin, concerning whether a conflict of interest results from certain employments by members of the State Commission for the Deaf.
TRD-8708401



RQ-1235. Request from James A. Hensarling, Criminal District Attorney, Edna, concerning whether the Jackson County Hospital District is required to offer certain health services to its needy inhabitants.
TRD-8708400



RQ-1236. Request from Dale Hanna, County Attorney, Johnson County Courthouse, Cleburne, concerning whether a commissioners court is authorized or required to fund an independent audit of the county clerk's office under certain circumstances.
TRD-8708399



RQ-1237. Request from David W. Wallace, Sutton County Attorney, Sonora, concerning the authority of a commissioners court to enter into certain contracts to provide health insurance coverage for its employees.
TRD-8708398



RQ-1238. Request from Abelardo Garza, Duval County Attorney, San Diego, concerning whether a county may set a curfew for minors on public property.

TRD-8708397



RQ-1239. Request from Jerry Cobb, Criminal District Attorney, Denton, concerning the disposition of motor vehicles under the Controlled Substance Act, Texas Civil Statutes, Article 4476-15.

TRD-8708396



RQ-1240. Request from Perry L. Adkisson, Chancellor, Texas A&M University System, College Station, concerning the construction of the Texas Commercial Fertilizer Control Act, Chapter 63, Texas Agriculture Code.

TRD-8708395



RQ-1241. Request from Charles D. Houston, District Attorney, Bellville, concerning whether amended Rule 45, Texas Rules of Civil Procedure, is applicable to criminal cases.

TRD-8708394



RQ-1242. Request from Marlin W. Johnston, Commissioner, Texas Department of Human Services, Austin, concerning whether Rider 47 of the current appropriation for the Department of Human Services conflicts with the Human Resources Code, §22.014(c).

TRD-8708393



RQ-1243. Request from Bob E. Bradley, Executive Director, Texas State Board of Public Accountancy, Austin, concerning the applicability of statutory fee increases to certified public accountants.

TRD-8708392



RQ-1244. Request from Robert O. Viterna, Commission on Jail Standards, Austin, concerning certified agenda requirements imposed by recent amendments to the Open Meetings Act, Texas Civil Statutes, Article 6252-17.

TRD-8708435



RQ-1245. Request from H. Tati Santiesteban, Chairman, Senate Committee on Natural Resources, Austin, concerning

whether taxes on a defined area or designated property to pay for improvements are, by their nature, authorized by the Texas Constitution, Article 16, §59.

TRD-8708434



RQ-1246. Request from D. C. Jim Dozier, County Attorney, Montgomery County Courthouse, Conroe, concerning the admissibility in evidence of form allowing a DWI defendant to refuse video taping.

TRD-8708433



RQ-1247. Request from Bobby Joe Mann, County Attorney, Palo Pinto County, Mineral Wells, concerning whether a taxing unit may grant a homestead exemption to persons 65 years of age or older while denying the exemption to disabled persons and related questions.

TRD-8708432



RQ-1248. Request from Fred G. Rodriguez, Bexar County Criminal District Attorney, San Antonio, concerning the jurisdiction of the statutory probate courts of Bexar County to adjudicate cases under the Mental Health Code, in light of recent amendments to Texas Civil Statutes, Article 1970-301e.2.

TRD-8708431



RQ-1249. Request from Robert E. Hartong, D.C., President, Texas Board of Chiropractic Examiners, Austin, concerning the authority of the Board of Chiropractic Examiners to establish qualifications for, and require registration of, chiropractic insurance consultants.

TRD-8708430



RQ-1250. Request from Gary Garrison, County Attorney, Ector County Courthouse, Odessa, concerning whether the Ector County Commissioners Court may meet in the new county administration building.

TRD-8708429



RQ-1251. Request from Travis S. Ware, Criminal District Attorney, Lubbock County Courthouse, Lubbock, concerning whether the Code of Criminal Procedure, Article 18.17, required peace officers employed by a state institution of higher education to deliver abandoned and unclaimed property to the county purchasing agent.

TRD-8708456



RQ-1252. Request from Kenneth W. Littlefield, Commissioner, Texas Department of Banking, Austin, concerning the constitutionality of Texas Civil Statutes, Article 342-803a, which authorizes the directors of a state bank to sell the bank's assets without shareholder approval under certain circumstances.

TRD-8708457



RQ-1253. Request from D. C. Dozier, County Attorney, Montgomery County Courthouse, Conroe, concerning what constitutes an improvement district for purposes of Texas Civil Statutes, Article 1667.

TRD-8708458



RQ-1254. Request from G. V. Brindley, Jr., Executive Director, Texas State Board of Medical Examiners, Austin, concerning the applicability of portions of amendments to the Medical Practice Act, Texas Civil Statutes, Article 4495b, regarding administrative sanctions proceedings conducted by the Board of Medical Examiners.

TRD-8708459



Opinions

JM-782 (RQ-1161). Request from David H. Cain, Chairman, Committee on Transportation, Texas House of Representatives, Austin, concerning whether the Texas Constitution, Articles III, §18, or XVI, §40, prohibits a member of the Texas House of Representatives from being employed by the Brazos Transit System, a recipient of federal funds.

Summary of Opinion. A member of the House of Representatives is not prohibited by the Texas Constitution, Articles III, §18, or XVI, §40, from being employed by the Brazos Transit System, a recipient of federal funds administered by the State Department of Highways and Public Transportation.

TRD-8708420



JM-783 (RQ-1144). Request from Richard G. Morales, Sr., Webb County Attorney, Laredo, concerning the authority of a sheriff to make certain purchases for the operation of the jail.

Summary of Opinion. Texas Civil Statutes, Article 2368a.5, is applicable to the sheriff in making purchases for the operation of the county jail.

TRD-8708421



JM-784 (RQ-938). Request from Gary A. Goff, Hockley County Attorney, Levelland, concerning re-allocation of road and bridge funds by a commissioners court, and related questions.

Summary of Opinion. A commissioners court has authority to re-allocate, among the various precincts, some or all of the road and bridge funds previously appropriated to specific precincts and unexpended at the end of the fiscal year. The Act, §3.101(a) is inapplicable to a commissioners court that does not employ road commissioners pursuant to the Act, Chapter 3, Subchapter B. The commissioners court is under no general obligation to expend money in the road and bridge fund in proportion to the amount of the money collected in each precinct. A commissioners court organized as road supervisors pursuant to the Act, Chapter 2, has discretion to allocate money in its road and bridge fund in a manner that takes into consideration the amount of funds previously appropriated to any one precinct, but unexpended. In order for a budget amendment to be effective, a commissioners court must comply with Article 689a.

TRD-8708428



JM-785 (RQ-1057). Request from James A. Lynaugh, Interim Director, Texas Department of Corrections, Huntsville, concerning whether employees of the Department of Corrections are entitled to administrative leave or per diem and reimbursement for travel in certain circumstances.

Summary of Opinion. A state employee is not entitled to per diem reimbursement or reimbursement for travel expenses for a subpoenaed court appearance unless the employee appears in his capacity as a state employee. Whether a subpoena requiring a state employee to appear in court in his private capacity constitutes good cause for the emergency leave is a question left to the discretion of each agency.

TRD-8708425



JM-786 (RQ-1205). Request from Bill Hammond, Chairman, House Committee on Local and Consent Calendars, Austin, concerning the validity of a rider regarding high school exit-level tests.

Summary of Opinion. A rider concerning exit-level examinations for high school students is merely declaratory of existing law and is therefore not invalid. 70th Legislature, 1987, Chapter 78, Article III, §1, Central Education Agency-Programs, Subsection 16, at III-7.

TRD-8708417



JM-787 (RQ-1179). Request from David H. Cain, Chairman, Committee on Transportation, Texas House of Representatives, Austin, concerning the construction of Texas Civil Statutes, Article 6675a-3(c).

Summary of Opinion. If an entity listed in Article 6675a-3(c) leases a motor vehicle and thereby becomes its owner as that term is defined in Article 6675a-1(1), the entity is exempt from the registration fee for a motor vehicle if the vehicle in question is used exclusively in the service of an entity listed in Article 6675a-3(c).

TRD-8708419



JM-788 (RQ-955). Request from John W. Berry, Karnes County Attorney, Karnes City, concerning whether a county may expend funds to oppose an application to amend a radioactive materials license.

Summary of Opinion. A county may oppose an application to amend a radioactive materials license granted pursuant to Texas Civil Statutes, Article 4590f, provided the county can demonstrate that it has suffered or will suffer actual injury or economic damage from the amendment of the license. Such a county may obtain judicial review of a final decision of the Texas Radiation Control Agency pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a. The commissioners court of such county may expend county funds for attorney's fees, expert witness fees, and other related expenses to oppose an application to amend a radioactive materials license if the commissioners court finds it in the county's interest to make such expenditures. The county attorney may, with commissioners court approval, advise the county concerning its rights and remedies under Article 4590f and represent it in judicial review proceedings pursuant to the Act, §11(e). The district attorney may be employed by the commissioners court to represent the county unless such employment is prohibited by the Government Code, §46.005.

TRD-8708427



JM-789 (RQ-1112). Request from Mike Coffey, Kendall County Auditor, Boerne, concerning the authority of a commissioners court to impose certain requirements on a subdivider of land abutting a public road.

Summary of Opinion. A county may provide requirements for the approval of subdivision plats only to the extent such requirements are authorized by the Local Government Code, Chapter 232. A county may not require the transfer to it of a fee simple interest on lands dedicated to public roads in the subdivision.

TRD-8708423



JM-790 (RQ-1016). Request from Kent A. Caperton, Chairman, Jurisprudence Committee, Texas State Senate, Austin, concerning the authority of a municipality to enact a repair and deduct ordinance.

Summary of Opinion. The Property Code, Chapter 92, preempts the field in the area of landlord-tenant duties and remedies regarding a landlord's duty to repair leased premises; accordingly, a home rule city is effectively precluded from enacting a so-called repair and deduct ordinance that would permit a tenant to deduct from his rent payment those amounts that the tenant expended to repair a deficiency in the rental property that the landlord had a duty to repair but had unreasonably failed to repair.

TRD-8708426



JM-791 (RQ-1101). Request from William M. Hale, Executive Director, Texas Commission on Human Rights, Austin, concerning the authority of the Attorney General to represent the Texas Commission on Human Rights.

Summary of Opinion. The attorney general has authority to represent the Texas Commission on Human Rights in litigation under Texas Civil Statutes, Article 5221k. Any staff attorney or other attorney employed by the commission may represent the commission in court only subject to the supervision and direction of the attorney general.

TRD-8708424



JM-792 (RQ-1137). Request from Robert W. Post, County Attorney, DeWitt County, Cuero, concerning whether the Texas Constitution, Article VIII, §1-a and §9 permit the application of the Property Tax Code, §26.07, to county taxes.

Summary of Opinion. The Tax Code, §26.07, which authorizes a tax rate rollback election, is unconstitutional to the extent that it circumscribes the authority of a county commissioners court conferred by the Texas Constitution, Article VIII, §1-a and §9, to set the tax rates for the four constitutional funds set out therein.

TRD-8708422



JM-793 (RQ-1212). Request from Joe Lucas, El Paso County Attorney, El Paso, concerning the authority of a local administrative public health board to adopt rules.

Summary of Opinion. A public health district's administrative board organized pursuant to Texas Civil Statutes, Article 4436b, may adopt such rules and regulations as may be specifically authorized by state law.

TRD-8708416



Open Records Decision

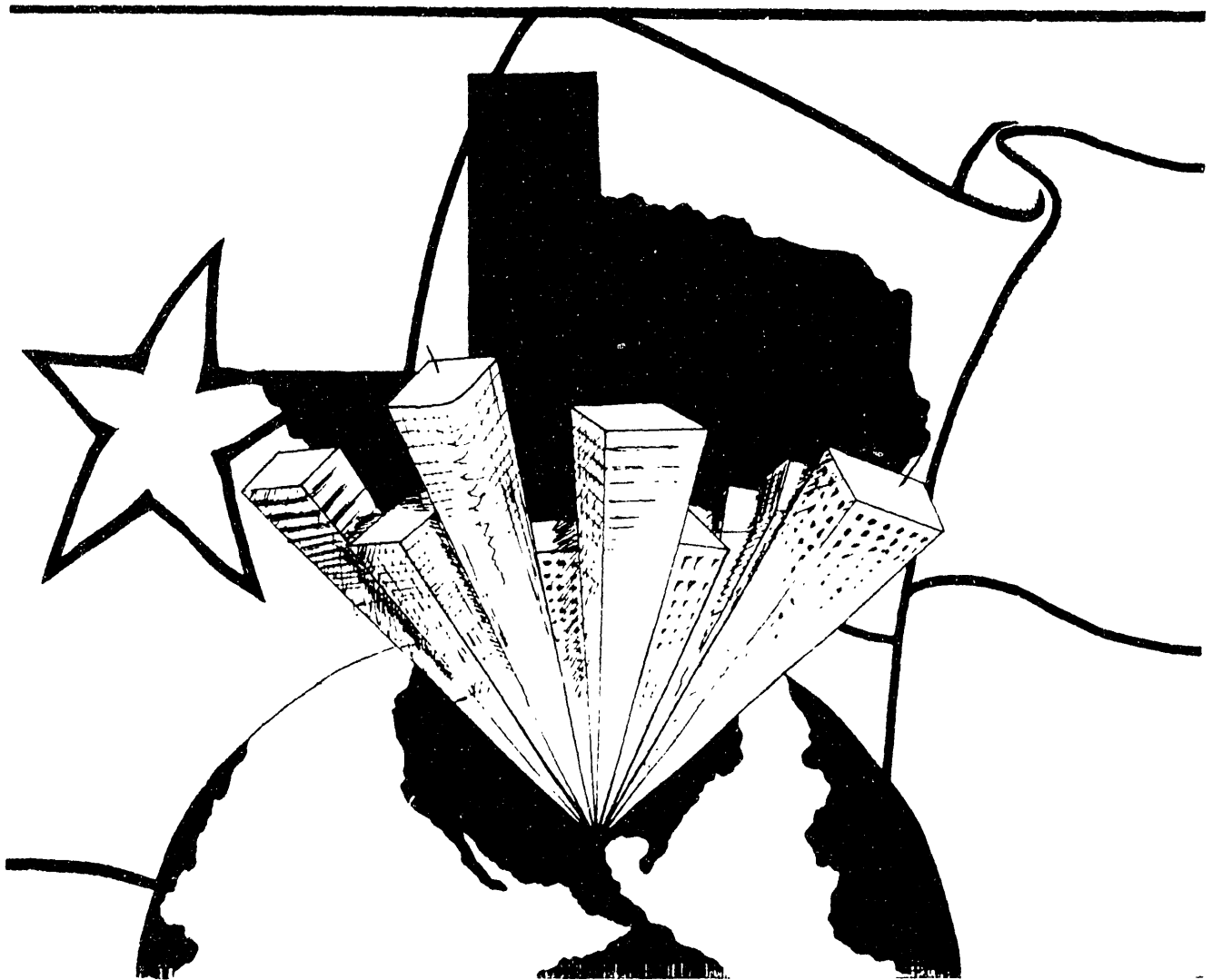
ORD-478 (RQ-1184). Request from John C. West, Jr., General Counsel, Texas Department of Public Safety, Austin, concerning whether the Open Records Act, Texas Civil Statutes, Article 6252-17a, requires disclosure of intoxilyzer cards and logs maintained by the Texas Department of Public Safety.

Summary of Decision. Under the Texas

Open Records Act, Article 6252-17a, §3(a)(8), the Texas Department of Public Safety may withhold from required public disclosure intoxilyzer test details and results that relate to pending criminal investigations and prosecutions. The department may not, however, withhold intoxilyzer results related to closed cases. Nor may the department withhold intoxilyzer test results from the subjects of those tests when the subjects request those results pursuant to the right of access granted by Texas Civil Statutes, Article 67011-5,

§3(e). The Open Records Act, §3(a)(1) does not protect these intoxilyzer details and results. This opinion does not address whether these test results may be withheld under §3(a)(3) because the department expressly rejects reliance on this section.

TRD-8708418



Name: Billy Melchiorsen
Grade: 12
School: Sam Houston High, Houston



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 31. NATURAL RESOURCES AND CONSERVATION

Part I. General Land Office Chapter 13. Land Resources Rules, Practice, and Procedure for Land Leases and Trades

★31 TAC §13.1

The General Land Office adopts on an emergency basis an amendment to §13.1, concerning leases of permanent free school and asylum land. The amendment reflects changes brought about by legislation authorizing the commissioner of the General Land Office to grant certain money to a lessee to construct improvements on the lease. The amendment redefines types of improvements, imposes penalties on late rental payments, and addresses refunds. Emergency action is needed to bring the administrative rules into conformity with legislation which became effective on September 1, 1987.

The amendment is adopted on emergency basis Natural Resources Code, §31.051, which provides the commissioner of the General Land Office with the authority to execute and perform all acts relating to public land and to make and enforce rules which are consistent with the law.

§13.1. Leases.

(a)-(h)(No change.)

(i) **Improvements. The lessee may place or construct improvements on the lease. The lessee may bear the cost of an improvement or may apply to receive a grant or credit for an improvement on permanent free school land under §13.3 of this title (relating to Grants and Credits).** [All improvements made by the lessee may be removed by the lessee at the expiration of the lease or at the discretion of the commissioner. Improvements may become the property of the state, if, in the original lease, the commissioner and lessee agree upon adequate credit applied to the rental to be paid to the state by the lease, thereby allowing lessee agreed-upon consideration for the improvements required.]

(1) [A credited improvement is specified in the lease as an improvement to the property in lieu of the payment in rent. **All credited] Existing improvements and improvements made pursuant to a grant or credit are the property of the state and can-**

not be removed by the lessee **at any time without the commissioner's written permission** [upon expiration of the lease].

(2) **Improvements made by the lessee during the lease for which no grant or credit is extended are the property of the lessee. The lessee may remove the improvements or the lessee's personal property within a reasonable time after expiration of the lease, provided the lessee gives prior written notice to the commissioner and owes the state no rent or other sums or obligations. The commissioner may retain the improvements or any personal property on the land as an offset against such debts. If they are retained as an offset or not removed in a reasonable time, they become the property of the state. If the commissioner determines that any improvements cannot be removed without harming the land, they may not be removed until satisfactory provisions are made for mitigation or compensation for the damage caused by removal.** [An uncredited improvement is an improvement made to the property but ownership remains in the lessee. The lessee can remove the uncredited improvements upon expiration of the lease, provided no rent is due and owing to the state. If the lessee owes the state rental, the commissioner has the discretion to retain the uncredited improvements as an offset against rent and the uncredited improvements become the property of the state.]

(3) (No change.)

(j)-(m) (No change.)

(n) **Late payments. If the lessee does not deliver or mail to the land office any rental payment within 15 days after it is due, a penalty of 10% of the payment shall be assessed and added to the amount due.**

(o) **Refunds. Refunds may be issued in cases of mistake, overcharge, or for other good cause. If a lessee abandons or surrenders a lease, a refund will not be issued unless the commissioner agrees to rescind the lease.**

Issued in Austin, Texas, on September 28, 1987

TRD-8708378

Garry Mauro
Commissioner
General Land Office

Effective date: September 28, 1987

Expiration date: January 26, 1988

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

★31 TAC §13.3

The General Land Office adopts on an emergency basis §13.3, concerning grants and credits toward rent for construction of permanent improvements or implementation of conservation plans on public school land. The new section implements legislation authorizing the commissioner of the General Land Office to grant funds from surface damage fees from seismic permits for permanent improvements and conservation plans; and restates existing authority for the commissioner to give lessees credit towards the rent for the cost of such projects. Emergency action is needed to bring the administrative rules into conformity with legislation which became effective on September 1, 1987.

The amendment is adopted on an emergency basis under the Natural Resources Code, §31.051, which provides the commissioner of the General Land Office with the authority to execute and perform all acts relating to public land and to make and enforce rules which are consistent with the law.

§13.3. Grants and Credits.

(a) Permanent improvements.

(1) On permanent school fund land leased for grazing or agricultural purposes, the commissioner of the General Land Office may:

(A) grant money from a special account funded from surface damage fees to the lessee to make permanent improvements to the land; or

(B) allow the lessee credit against the rent for all or part of the cost of making permanent improvements to the land.

(2) The amount of a grant under this subsection may not exceed the amount by which the improvement increases the value of the land, as determined by land office appraisers.

(3) Permanent improvements are in the nature of a fixture or an appurtenance to the land, and include conservation or reclamation projects (see subsection (b)(2), of this section). With the exception of the latter, the improvement must become part of the realty rather than being something easily removed. Examples of fixtures include, among other things, fences, gates, cattleguards, barns, windmills, water wells and pipelines, tanks, embankments, terraces, etc. Examples that are not fixtures include deer blinds, trailers, feeders, moveable pumps, generators, and other equipment.



(b) Conservation and reclamation.

(1) The commissioner may grant or expend money from a special account funded from surface damage fees for conservation or reclamation projects on permanent school fund land.

(2) Conservation or reclamation projects are those designed to preserve or increase the quality of land or natural resources by affecting natural conditions. Examples of conservation or reclamation projects include among other things terracing, erosion control, establishing perennial and other grasses, creation of wildlife habitats, and brush clearing. Examples that are not conservation or reclamation projects include: architectural landscaping, landfills, construction of buildings, fences, etc.

(3) A grant or credit will not be given for conservation or reclamation of land subject to damage by mineral exploration or development where the mineral lessee has the duty to conserve or reclaim the land.

(c) Application.

(1) A person desiring a grant or credit must submit a written application to the commissioner. (A person applying to lease the surface estate of permanent school fund land may apply for a grant or credit pending award of the lease.) The application shall include:

(A) a description of the land where the improvement or project will be located, including a map showing the proposed location of the improvement or project;

(B) a detailed description of the improvement or project;

(C) estimates made in cooperation with the General Land Office, of the following:

(i) how the improvement or project will benefit the land;

(ii) the amount in which the improvement or project will increase the value of the land,

(iii) the cost to construct the improvement or complete the project;

(iv) the length of time required to complete the improvement or project; and

(v) a sworn statement by the applicant as to whether he is receiving or has applied for any other credit, reimbursement, or grant for construction of improvements or for conservation or reclamation projects on the land

(2) In deciding whether to make a grant or allow a credit the commissioner may consider:

(A) whether the improvement or project will enhance the quality, productivity, or manageability of the land to an extent justifying the amount of the grant or credit;

(B) whether the applicant has or should be required to implement or modify soil and water conservation, wildlife management, livestock management, or other plans on the land;

(C) whether the grant or credit applied for is in the best interest of the permanent school fund; and

(D) any other matter which the commissioner considers appropriate in determining the best interests of the permanent school fund.

(d) Terms.

(1) All grants and credits will be made on the following terms and conditions.

(A) Any improvement, structure, or other thing placed on the land pursuant to a grant or credit is the property of the permanent school fund.

(B) The recipient must properly maintain all improvements, structures, or other things placed on the land.

(C) No improvement, structures, or other thing placed on the land may be removed, altered, or modified without the prior express written consent of the commissioner.

(D) The commissioner may also include whatever additional terms and conditions he considers appropriate or necessary.

(2) The terms of a grant or credit to a lessee shall become part of the original lease.

(3) If, at any time, the recipient fails to comply with this section or the terms of the grant or credit, the commissioner may revoke the grant or credit, forfeit the lease, or both. If the grant or credit is revoked, the recipient must repay any money granted or pay rent for which credit was given. In addition, the recipient is liable for any actual damages to the land or the the improvement.

(e) Copies and inspection.

(1) Before the recipient may receive money or credit against the rent, the recipient must submit to the commissioner copies of all receipts, vouchers, invoices, cancelled

checks, and other evidence of the costs of the improvement or project. Upon request, the recipient must also submit copies of documentation for other credit, reimbursement, or grants for improvements or projects on the land.

(2) Except as provided in subsection (f)(2) of this section, a grant may be made or credit given only after the conservation or reclamation plan or construction of the improvement is completed and a land office employee has made an inspection and certified to its satisfactory completion.

(f) Payment.

(1) The amount disbursed or credited shall be the lesser of the recipient's actual authorized costs or the amount of the grant or credit previously set by the commissioner, provided that:

(A) no money may be disbursed or credit given for costs covered by other credit or money under this section or received from any other private or public agency, program, or source; and

(B) actual costs are limited to costs of material and services specifically required to construct an improvement or for a conservation and reclamation project, and no money may be disbursed or credit given for administrative costs, overhead, mileage, purchase of tools or equipment, or other incidental expenses.

(2) If construction of the improvement or completion of the plan takes more than one year, money may be disbursed or credit given in installments upon satisfactory completion of each stage of the plan or construction, if payment by this method is necessary and is justified by the increase in value, productivity, or manageability of the land.

Issued in Austin, Texas, on September 28, 1987.

TRD-8708376

Garry Mauro
Commissioner
General Land Office

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Expiration date: January 26, 1988

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



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 16. ECONOMIC REGULATION

Part I. Railroad

Commission of Texas

Chapter 3. Oil and Gas

Division

Conservation Rules and Regulations

★ 16 TAC §3.31

The Railroad Commission of Texas proposes an amendment to §3.31, concerning gas well allowables. The amendment requires that overproduction of gas be made up more quickly while easing restrictions on carrying forward underproduction of gas into future balancing periods. The Texas Independent Producers and Royalty Owners Association have filed a rulemaking petition with the Railroad Commission of Texas, the substance of which appears in this proposal. While the Railroad Commission of Texas does not necessarily endorse the proposed amendment, there has been sufficient public interest in this area to warrant the solicitation of public comment.

Rita E. Percival, systems analyst, has determined that for the first five-year period the amendment will be in effect there will be fiscal implications as a result of enforcing or administering the amended section. The effect on state government will be an estimated \$2,112 in fiscal year 1988, with no additional cost after fiscal year 1988. There will be no effect on local governments or small businesses as a result of enforcing or administering the section.

Bob Biard, legal examiner, 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 limited reductions in gas allowables for late paperwork and greater flexibility for gas producers in determining the optimal timing of production from their wells. There will be an economic cost to certain gas producers who are required to comply with the section if they operate any gas well that is overproduced as of a balancing date and that produced twice its allowable or more during the immediately preceding balancing period.

Public comment may be submitted to Bob Biard, Oil and Gas Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711-2967.

The amendment is proposed under the Natural Resources Code, Title 3, Subtitle B, Chapter 86, §86.041, which provides the Railroad Commission of Texas with the authority to adopt rules it finds necessary to effectuate the provisions and purposes of Chapter 86; and §86.090, which provides the Railroad Commission of Texas with the authority to authorize overproduction and underproduction of natural gas in the State of Texas.

§3.31. Gas Well Allowables.

(a) General.

(1) (No change.)

(2) If a report or item of information necessary to the assignment of an allowable is not filed on time, there shall be a one-day allowable reduction for each day the report or information is late, **up to a maximum of a 15 day reduction imposed after the last report or item of information necessary to the assignment of an allowable is filed in the appropriate commission office.**

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

(d) Ascertaining allowables by adjustment of gas nominations and deliverabilities.

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

(4) **Except as otherwise provided by this subsection, no gas well shall be assigned [given] an allowable in excess of an amount determined by the lesser of the well's latest deliverability test on file with the commission or the well's highest daily production in any month during the last 12 months in the production records of the commission at the time the allowable is assigned. The daily production is the reported monthly production divided by the number of days in the month. If there is a substantial increase in production, the commission may determine the highest daily production from monthly data submitted by the operator, which is more recent than that in the production records of the commission. If the operator certifies to the commission that the well's highest daily production for any month is not representative of the well's ability to produce, the commission shall disregard the well's production for that month and may require a new deliverability test for the well, which may then be controlling.**

(e)-(g) (No change.)

(h) Balancing provision for overproduction and underproduction of gas for wells completed in prorated gas fields.

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

(4) Underproduction.

(A) (No change.)

(B) The amount of underproduction to be carried forward into any new balancing period as allowed production during such new balancing period shall consist of the actual underproduction that accrued in the balancing period immediately preceding such new balancing period; and the accumulative well status, as to underproduction, will be adjusted on each balancing date accordingly. An operator may request that underproduction not balanced during a second balancing period be carried forward to subsequent balancing periods. The operator's request must include evidence of increased market demand that will allow underproduction to be produced [in the subsequent balancing period]. The request may be granted administratively by the director or the director's delegate if the request was filed no later than the last day of the balancing period following the date the underproduction is cancelled, the operator has given at least 21 days notice to all other operators in the field and the first purchaser of gas from the subject well, and no protest to the request has been filed. The request may also be approved administratively if the operator provides written waivers of objection from all to whom notice would be given as an alternative to notice and absence of protest. If the director or the director's delegate declines to grant administratively the request, the operator may request a hearing.

(C) If a producing well has been accumulatively underproduced on each of two successive balancing dates, **without having been brought in balance or overproduced during the period between the two balancing dates**, the well shall not be assigned a monthly allowable greater than the highest monthly production from the well during the immediately preceding balancing period; provided, however, the limited allowable assigned to the well shall [may] be adjusted to a value not to exceed the allowable applicable to the well under the allocation formula, upon certification to the commission from the operator that such well is producing gas in excess of the limited allowable assigned to it **or that the highest monthly**

production from the well during the immediately preceding balancing period was not representative of the well's ability to produce.

(5) Overproduction.

(A) (No change.)

(B) A well overproduced as of a balancing date, that produced twice its allowable or more during the immediately preceding balancing period, shall be shut in until the overproduction is made up unless authority to produce at a reduced rate is granted. A well overproduced as of a balancing date, which was also overproduced on the balancing date immediately preceding and remained overproduced for the entire period between the two balancing dates, shall be shut in until the overproduction, existent as of the later of such two balancing dates, is made up; provided, however, that the operator may request authority to produce at a reduced rate. Upon request by an operator, the commission may grant authority to produce such wells [a well] at a fractional part of their [its] monthly allowables [allowable] (reduced rate) until [its] production and allowables [allowable] are in balance. The director or the director's delegate may determine the permissible rate.

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

(i)-(j) (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 28, 1987.

TRD-8708367 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Earliest possible date of adoption:

November 6, 1987

For further information, please call
(512) 463-7149.

Chapter 5. Transportation Division

The Railroad Commission of Texas proposes the repeal of §5.316 and new §5.316, concerning claims for loss or damage (other than household goods); the repeal of §5.256, concerning claims for loss or damage; and an amendment to §5.91, concerning bills of lading to be issued. The purpose of the proposals is to place all rules governing claims in one section, to simplify claims procedures, to shorten carrier response times on claims, and to remove unnecessary burdens on claimants.

Ronald D. Stutes, hearings examiner, 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. Stutes 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 more expeditious handling of claims from shippers and consignees who have had goods lost or damaged. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments should be submitted no later than 45 days after publication of these proposals in the *Texas Register* to Ronald D. Stutes, Hearings Examiner, P.O. Drawer 12967, Austin, Texas 78711-2967.

Subchapter F. Bills of Lading to be Issued

★ 16 TAC §5.91

The amendment is proposed under Texas Civil Statutes, Article 911b, which provides the Railroad Commission of Texas with the authority to prescribe rules to govern motor carriers.

§5.91. *Bills of Lading To Be Issued.*

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

(c) All property transported by common, contract, and specialized motor carriers between points in Texas shall be subject, except in cases where such terms and conditions are in conflict with the laws of the State of Texas, to all terms and conditions of the uniform bill of lading, as set forth below:

(1) Section 1 of contract terms and conditions.

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

(2) Section 2 of contract terms and conditions.

(A) (No change.)

(B) As a condition precedent to recovery, claims must be filed in writing with the receiving or delivering carrier, or carrier issuing this bill of lading, or carrier on whose line the loss, damage, injury, or delay occurred, or carrier in possession of the property when the loss, damage, injury, or delay occurred, within nine months after delivery of the property (or, in the case of export traffic, within nine months after delivery at port of export) or, in case of failure to make delivery, then within nine months after a reasonable time for delivery has elapsed; and suits shall be instituted against any carrier only within two years and one day from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice. Where claims are not filed or suits are not instituted thereon in accordance with the foregoing provisions, no carrier hereunder shall be liable, and such claims will not be paid.]

(B)(C) Any carrier or party liable on account of loss of or damage to any of said property shall have the full benefit of any insurance that may have been effected, upon or on account of said property, so far as this shall not avoid the policies or contracts of insurance; provided that the

carrier reimburse the claimant for the premium paid thereon.

(3)-(4) (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 28, 1987.

TRD-8708444 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption:

November 20, 1987

For further information, please call
(512) 463-7149.

Subchapter N. Household Goods Carriers

★ 16 TAC §5.256

(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 Railroad Commission of Texas, 1701 North Congress Avenue, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 911b, which provides the Railroad Commission with the authority to prescribe rules to govern motor carriers.

§5.256. *Claims for Loss or Damage.*

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 28, 1987.

TRD-8708443 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption

November 20, 1987

For further information, please call
(512) 463-7149

Subchapter Q. Miscellaneous Provisions

★ 16 TAC §5.316

(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 Railroad Commission of Texas, 1701 North Congress, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 911b, which provides the Railroad Commission with authority to prescribe rules to govern motor carriers.

§5.316. *Claims for Loss and Damage (Other than Household Goods).*

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 28, 1987.

TRD-8708446 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption:
November 20, 1987

For further information, please call
(512) 463-7149.



The new section is proposed under Texas Civil Statutes, Article 911b, which provides the Railroad Commission with authority to prescribe rules to govern motor carriers.

§5.316. *Claims for Loss or Damage.*

(a) Filing of claims.

(1) A claim for loss, damage, injury, or delay to a shipment must be filed in writing with the carrier who received, delivered, or handled the shipment. The use of a claims form set out in the applicable tariff is recommended but not required.

(2) The claim must contain facts sufficient to identify the shipment, and make demand for payment of a specified or determinable amount of money.

(3) Bad order reports, appraisal reports of damage, notation of exceptions on freight bills or other documents, inspection reports issued by carrier inspectors, or tracers or inspection requests, cannot be substituted for a written claim but may be used to supplement or support a written claim.

(b) Documents required in support of claims. A claim must be accompanied by the following:

(1) the original invoice or a copy thereof;

(2) the original freight bill and bill of lading or other contract of carriage, or copies of such documents;

(3) when the property involved in the claim has not been invoiced to the consignee or where the invoice does not show price or value, or where the property has been transferred at bookkeeping values only, or where property has been shipped on consignment or approval, documentation to establish the value;

(4) the original account of sale, identifying any deductions or allowances, or a copy of the document;

(5) when the property involved has been shipped before and been examined and verified as being in undamaged condition, a statement to that effect signed by a person having actual knowledge of those facts;

(6) when an asserted claim for loss cannot otherwise be confirmed by the carrier, if the carrier requires, a signed statement that the property covered by the claim has not been received.

(7) When the interest of the claimant in the property involved does not appear from the documents submitted, the carrier may require a written assignment or other documentation of claimant's interest.

(c) Acknowledgement and disposition of claims.

(1) Each carrier which receives a written claim for loss of or damage to property transported by it shall acknowledge receipt of the claim in writing to the claimant within 15 calendar days after receipt by the carrier or the carrier's agent, unless the carrier pays or declines to pay the claim within that 15 days. The carrier or carrier's agent shall record the date of receipt on the claim.

(2) The carrier shall pay, decline to pay, or make a firm compromise settlement offer in writing to the claimant within 60 days after receipt of the claim by the carrier or its agent. If for reasons beyond the control of the carrier the claim cannot be processed and disposed of within 60 days after receipt, the carrier shall at that time and at the expiration of each succeeding 30-day period while the claim remains pending, advise the claimant in writing of the status of the claim and the reasons for the delay in final disposition.

(d) Inconsistent claims. When two or more carriers have been presented with a similar claim on the same shipment, the carriers may require further substantiation from each claimant to the extent necessary to resolve any overlap or conflict.

(e) Documenting pilferage. If any portion of a shipment bears any indication of pilferage, the carrier and consignee shall jointly inventory the contents and note shortages or damages on the carrier's delivery receipt.

(f) Reporting of concealed damage. The consignee has the responsibility to notify the delivering carrier of concealed damage to a shipment as soon as it is discovered, and to preserve the shipping container and its contents in the same condition as when the damage was discovered, insofar as possible.

(g) Inspection by carrier or consignee.

(1) The carrier shall inspect a damaged shipment as soon as practicable after being notified and requested to inspect by the consignee, but no later than five normal working days after that request. The carrier shall make a written report of the results of the inspection and provide the original to the consignee.

(2) If the carrier does not make an inspection the consignee shall record the information necessary to support the claim under this section. The consignee's inspection will substitute for carrier's inspection and shall establish the facts for purposes of the claim, subject to rebuttal.

(h) Payment of shipping charges. Payment of shipping charges and payment of claims shall be handled separately, and one shall not be used to offset the other.

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 28, 1987.

TRD-8708445 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption:
November 20, 1987

For further information, please call
(512) 463-7149.



Subchapter U. General and
Special Rules of Practice and
Procedure

★ 16 TAC §5.462

The Railroad Commission of Texas proposes new §5.462, concerning certification of minority-owned applicants. The new section encourages more equitable participation in the for-hire motor carrier and motor bus industries by disadvantaged and minority-owned applicants. The commission uses economic development factors as a basis for consideration of applications for new and amended authority that are filed by bona fide minority business enterprises (MBE).

Stephen P. Webb, hearings examiner, 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. Webb also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be increased participation in for-hire trucking and bus operations by all segments of the Texas public. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted within 45 days to Stephen P. Webb, P.O. Drawer 12967, Austin, Texas 78711-2967.

The new section is proposed under Texas Civil Statutes, Article 911a and Article 911b, which empowers the Railroad Commission of Texas to promulgate rules to meet special circumstances and that pertain to the relationship between the motor carriers and the shipping public.

§5.462. *Certification of Minority-Owned Applicants.*

(a) Policy. It shall be the policy of the Railroad Commission of Texas to encour-

age, within the limits of its discretion and statutory authority, more equitable participation in the for-hire motor carrier and motor bus industries by disadvantaged and minority owned businesses.

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

(1) Bona fide MBE applicant—Any individual applicant for new or amended truck or motor bus authority that is a woman, or is black, Hispanic, Oriental, American Indian, or American Eskimo, and who is also a citizen of the United States. In the case of a corporate applicant for new or amended truck or motor bus authority, it shall mean any corporation, the controlling interest of which is held by a woman or an individual that is black, Hispanic, Oriental, American Indian, or American Eskimo, and who is also a citizen of the United States. In the case of an applicant company that is owned by a partnership, the controlling interest in the partnership must be specifically affirmed in writing as being held by a woman, black, Hispanic, Oriental, American Indian, or American Eskimo, and who is also a citizen of the United States.

(2) Bona fide MBE certificate holder—Any individual who holds motor truck or motor bus authority issued by the commission, who is a woman, black, Hispanic, Oriental, American Indian, or American Eskimo, and who is also a citizen of the United States. In the case of a corporate certificate holder, it shall mean any corporation, the controlling interest in which is held by a woman, or an individual that is black, Hispanic, Oriental, American Indian, or American Eskimo, and who is also a citizen of the United States.

(3) Bona fide MBE transportation contractor—Any owner-operator and/or a multi-truck lessor leased to a for-hire motor carrier or motor bus company who is a woman or is black, Hispanic, Oriental, American Indian, or American Eskimo, and who is also a citizen of the United States.

(c) Liaison officer. The director of the Transportation Division shall designate a bona fide MBE applicant liaison officer within the Transportation Division who shall have the responsibility of advising bona fide MBE applicants as to the manner of initiating the certificate, permit, and rate processes and as to the manner of compliance by successful bona fide MBE applicants with Transportation Division rules, regulations, and procedures. The field auditors of the Transportation Division, operating under the supervision of the assistant director-enforcement of the Transportation Division, shall have the responsibility of advising prospective bona fide MBE applicants of the assistance available from the Transportation Division bona fide MBE applicant liaison officer.

(d) Burden of proof. In order to obtain a for-hire motor carrier and motor bus

certificate or permit, a bona fide MBE applicant shall be required to meet the burden of proof imposed by law on regular applicants. In multiple applicant proceedings where the demonstrated public need will support a grant of some, but not all, of the applicants, and the evidence establishes a need for the availability of bona fide MBE applicant transportation not being met by existing bona fide MBE certificate holders and/or by other existing carriers through the use of bona fide MBE transportation contractors, the commission may consider an applicant's status as a bona fide MBE applicant as a factor, along with all other relevant factors, in determining which of the applications should be approved.

(e) Public necessity. The unavailability of existing bona fide MBE certificate holders may be considered as a factor in determining adequacy of existing carrier service where a bona fide MBE applicant demonstrates, through public witness evidence, a public necessity for use of the services of a bona fide MBE certificate holder as a primary means of meeting requirements of state federal law, and local ordinances for use of contractors qualifying as a bona fide MBE certificate holder and/or bona fide MBE transportation contractor under these regulations, and where existing carriers opposing the application fail to establish that they are capable of adequately meeting the demonstrated need for the availability of bona fide MBE certificate holders and/or bona fide MBE transportation contractors.

(f) Scope of authority. The commodity and territorial scope of grants for-hire motor carrier and motor bus certificates and permits to bona fide MBE applicants shall be determined as in the case of a regular applicant. In determining the entitlement of an applicant to the benefit of this section, the commission may consider the de facto management control of the applicant as well as incidents of ownership. Evidence that any applicant or any of its owners, officers, employees, agents, or representatives has employed any device whatsoever as a sham or subterfuge for the purpose of attempting to gain the benefit of this section shall be considered as evidence of the lack of applicant's fitness to receive a grant of a certificate or permit. That a particular certificate or permit has been granted to meet the objectives of this section may be considered as a factor bearing on the issue of whether the sale, transfer, or lease of such a certificate or permit to purchaser, transferee, or lessee not qualifying as a person or organization within the definition of a bona fide MBE certificate holder would be best for public interest.

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

Issued in Austin, Texas, on September 28, 1987.

TRD-8708442

Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption:

November 20, 1987

For further information, please call
(512) 463-7149

◆ ◆ ◆

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 1. Texas Board of Health

Procedures and Policies

★ 25 TAC §§1.2, 1.5, 1.7

The Texas Department of Health proposes amendments to §§1.2, 1.5, and 1.7, concerning membership, commissioner of health, and board meetings. The amendments implement the provisions of Senate Bill 168 and Senate Bill 1312, 70th Legislature, 1987, effective September 1, 1987. The amendments cover the commissioner's qualifications; keeping a record of open meetings and executive sessions; visual recordings of open meetings; frequency of meetings; and meetings of board committees.

Stephen Seale, chief accountant III, has determined that for the first five-year period that the proposed sections will be in effect there will be fiscal implications as a result of enforcing or administering the sections. The effect on state government will be an estimated reduction in cost of \$5,810 each year for fiscal years 1988-1992. There will be no effect on local government or small businesses.

Mr. Seale 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 section will be bringing the board's policies and procedures into conformity with the provisions of Senate Bill 168 and Senate Bill 1312, 70th Legislature, 1987. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments may be submitted to Hal Nelson, Chief, Office of General Counsel, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3199. Comments will be accepted for 30 days after publication of these sections in the *Texas Register*.

The amendments are proposed under Texas Civil Statutes, Article 4418b, §1.05, which provide the Texas Board of Health with the authority to adopt rules for its own policies and procedures.

§1.2. *Membership.* The Texas Board of Health consists of 18 members appointed by the governor with the advice and consent of the senate. The governor shall make appointments so that:

(1) six members are physicians currently licensed under the laws of the state, each of whom has been engaged in the practice of medicine in this state for at least five years prior to appointment, and one of whom specializes in the treatment of disabled children;

(2)-(11) (No change.)

§1.5. *Commissioner of Health [Director of Health Resources].* The board shall appoint a commissioner [director] who shall have the following qualifications and responsibilities:

(1) commissioner's [director's] qualifications:

(A) licensed [or eligible for license] to practice medicine in the State of Texas;

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

(2) commissioner's [director's] responsibilities:

(A) [the director,] as the executive head of the Texas Department of Health [Resources], [shall] perform those duties assigned and assume responsibility for functions delegated by the board. The commissioner [He] shall supervise personnel, implement programs, develop administrative procedures, maintain professional standards, and represent the Texas Department of Health [Resources] as its chief executive;

(B) [The director is authorized to] take appropriate administrative action to direct or delegate to department staff responsibility and authority to perform its proper health role. This authority must assure the existence of an appropriate organization, adequate personnel, suitable administrative, clinical, and laboratory facilities, and sufficient financial support to function effectively. The commissioner [He] shall take those actions necessary to comply with and enforce those federal or state laws applicable to the department and its mission of enhancement and preservation of the health of the citizens of the state.

§1.7. *Board Meetings.*

(a) Regular meetings of the board. The board shall meet in Austin or other places fixed by the board [at least once each month] on dates to be determined [fixed] by the board.

(b) (No change.)

(c) Open meeting. Except as set out below, regular, special, and committee meetings of the board shall be open to the public. All or any part of the proceedings in any public meeting of the board or any committee of the board may be recorded by any person in attendance by means of tape recorder, video camera, or any other means of sonic or visual reproduction. The presiding officer of each such meeting may determine the location of any such equip-

ment and the manner in which the recording is conducted, provided that such determination does not prevent or unreasonably impair camera coverage or tape recording. [; however, as provided by statute, the board may meet in executive sessions on items:

[(1) involving the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear complaints or charges against such officer or employee, unless such officer or employee requests a public hearing;

[(2) with respect to the purchase, exchange, lease, or value of real property and negotiated contracts for prospective gifts or donations to the state or the governmental body, when such discussion would have a detrimental effect on the negotiating position of the board as between the board and a third person, firm, or corporation;

[(3) regarding the deployment, or specific occasions for implementation of security personnel or devices; or

[(4) in private consultations between a governmental body and its attorney, instances in which the board seeks the attorney's advice with respect to pending or contemplated litigation, settlement offers, and matters where the duty of board's counsel to his client, pursuant to the Code of Professional Responsibility of the State Bar of Texas, clearly conflicts with applicable statutory provisions.]

(d) Executive sessions. Executive sessions of the board or its committees are meetings with only board members and invited persons present.

(1) Executive sessions are held only to consider the following [such] items as provided by law: [Actions of the Board as a result of deliberation in executive session will be announced in open meeting.]

(A) involving the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear complaints or charges against such officer or employee, unless such officer or employee requests a public hearing;

(B) with respect to the purchase, exchange, lease, or value of real property and negotiated contracts for prospective gifts or donations to the state or the governmental body, when such discussion would have a detrimental effect on the negotiating position of the board as between the board and a third person, firm, or corporation;

(C) regarding the deployment, or specific occasions for implementation of security personnel or devices; or

(D) in private consultations between a governmental body and its attorney, instances in which the board seeks the attorney's advice with respect to pending or contemplated litigation, settlement offers, and matters where the duty of board's counsel to his client, pursuant to the Code of Professional Responsibility of the State

Bar of Texas, clearly conflicts with applicable statutory provisions.

(2) For each of its meetings that is closed to the public, except for consultations in accordance with paragraph (1)(D) of this subsection, the board or committee of the board shall take one of the following actions.

(A) The board shall keep an agenda of the proceedings certified by the presiding officer that each agenda is a true and correct record of such proceedings. The certified agenda shall:

(i) include an announcement by the presiding officer at the beginning and end of the closed session or meeting indicating date and time;

(ii) state the subject matter of each deliberation and include a record of any further action taken; and

(iii) be made available for public inspection and copying only upon court order in an action brought under the Texas Open Records Act, Texas Civil Statutes, Article 6252- 17.

(B) In lieu of the certified agenda requirement of subparagraph (A) of this paragraph, the board may make a tape recording cause of the proceedings which shall include an announcement made by the presiding officer at the beginning and end of the meeting indicating the date and time.

(3) A certified agenda or tape recording of any closed meeting of the board or committee of the board shall be made available for inspection by any member of the board or as otherwise provided by the Texas Open Meetings Act.

(4) Actions of the board or its committees as a result of deliberation in executive session shall be announced in open meeting.

(e) Notice of meeting. A written notice of the agenda, date, time, and place of each [regular] meeting of the board and each committee of the board shall be furnished to the secretary of state at least seven days prior to the meeting to be posted in the capitol building. In cases of emergency or urgent public necessity, notice shall be given as authorized by statute.

(f) Agendas. The commissioner of health shall prepare and submit to each member of the board prior to each meeting a preliminary copy of the board's agenda, and agendas of board committees outlining items that he believes should be considered by the board or committee, those required by law, and others as members have requested. Materials supplementing the agenda may be included. The chairman has final approval of the monthly agenda. Official agendas are distributed the day of the board meeting.

(g)-(k) (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 29, 1987.

TRD-8708467

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

Proposed date of adoption:

December 5, 1987

For further information, please call
(512) 458-7236.



Chapter 229. Food and Drug Food Service Sanitation

★25 TAC §229.173

The Texas Department of Health proposes new §229.173, concerning signs posted in food service establishments depicting the Heimlich maneuver to dislodge food from a choking person. The new section implements the provisions of House Bill 1805, 70th Legislature, 1987, which became effective September 1, 1987. The section covers the design, size, and wording of the signs.

Stephen Seale, chief accountant III, has determined that for the first five-year period the section will be in effect there will be no fiscal implications on state or local governments as a result of enforcing or administering the section as proposed. The anticipated cost of compliance for small business will be the cost of reproducing signs available from the department. The cost is expected to be essentially the same for both large and small businesses on a per employee basis.

Mr. Seale 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 as proposed will be assurance that a description of the Heimlich maneuver will be available in all food service establishments. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposed section may be submitted to Dennis E. Baker, Director, Division of Food and Drugs, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7248. Comments will be accepted for a period of 30 days following publication of this section in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 4476-10c, §2, which provide the Texas Board of Health with authority to adopt rules specifying the design, size, and wording of signs posted in food service establishments depicting the heimlich maneuver to dislodge food from a choking person.

§229.173. *Heimlich Maneuver Poster.*

(a) The purpose of this section is to establish the requirements for signs depicting

the Heimlich maneuver for dislodging an obstruction from a choking person.

(b) The prescribed sign shall be in all food service establishments and shall be in a place conspicuous to employees or customers.

(c) This section shall be implemented 90 days after the effective date of the section.

(d) The prescribed sign shall meet the following poster requirements.

(1) The poster shall be printed on white 70 pound gloss coated cover stock and shall be no smaller than 15 inches wide by 18 inches long.

(2) The poster shall be printed in English and Spanish and in at least two conspicuous contrasting colors. Major title and figure blocks shall be in contrasting color to remaining copy blocks.

(3) Major poster headings shall be a minimum Bengat Bold 72 point or equivalent.

(4) Subheadings shall be a minimum Bengat Bold Italic 60 point or equivalent.

(5) Remaining subheadings shall be a minimum Bengat Bold 24 point or equivalent.

(6) Body copy shall be Helios Bold 14 point or equivalent.

(e) Camera ready copies of the sign shall be available for reproduction purposes upon written request to Texas Department of Health, Division of Food and Drug, 1100 West 49th Street, Austin, Texas 78756-3199.

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 29, 1987.

TRD-8708468

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

Proposed date of adoption:

December 5, 1987

For further information, please call
(512) 458-7238.



TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part I. General Land Office Chapter 13. Land Resources Rules, Practice, and Procedure for Land Leases and Trades

★31 TAC §13.1

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

The General Land Office proposes an amendment to §13.1, concerning leases of permanent free school and asylum land. The amendment reflects changes brought about by legislation authorizing the commissioner of the General Land Office to grant certain money to a lessee to construct improvements on the lease. The amendment redefines types of improvements, imposes penalties on late rental payments, and addresses refunds. Identical emergency action is being taken simultaneously.

Frank Morgan, deputy commissioner for land management, 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. Morgan also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be clarification of the status and ownership of improvements on state leases and more efficient collection of rent. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

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

The amendment is proposed under the Natural Resources Code, §31.051, which provides the commissioner of the General Land Office with the authority to execute and perform all acts relating to public land and to make and enforce rules which are consistent with the law.

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 28, 1987.

TRD-8708377

Garry Mauro
Commissioner
General Land Office

Earliest possible date of adoption:

November 6, 1987

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



★31 TAC §13.3

(Editor's note: The General Land Office proposes for permanent adoption the new section it adopts on an emergency basis in this issue. The text of the new section is published in the Emergency Rules section of this issue.)

The General Land Office proposes new §13.3, concerning grants and credits toward rent for construction of permanent improvements or implementation of conservation plans on public school land. The

new section implements legislation authorizing the commissioner of the General Land Office to grant funds from surface damage fees from seismic permits for permanent improvements and conservation plans. The new section also restates existing authority for the commissioner to give lessees credit towards the rent for the cost of such projects. Identical emergency action is being submitted simultaneously.

Frank Morgan, deputy commissioner for land management, 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. Morgan also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the enhanced quality of public school land arising out of improvements made to the land. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Dan Miller, Deputy Commissioner for Legal Services, General Land Office, 1700 North Congress Avenue, Austin, Texas 78701, (512) 463-5009.

The amendment is proposed under the Natural Resources Code, §31.051, which provides the commissioner of the General Land Office with the authority to make rules to execute and perform all acts relating to public land; the Natural Resources Code, §31.201 *et seq.*, which authorizes grants for permanent improvements; the Natural Resources Code, §52.297, which establishes the special account funded from surface damage fees and authorizes other grants; and the Natural Resources Code, §51.130, which authorizes credits towards rent.

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 28, 1987.

TRD-8708375 Garry Mauro
Commissioner
General Land Office

Earliest possible date of adoption:
November 6, 1987
For further information, please call
(512) 463-5009.



Part III. Texas Air Control Board

Chapter 103. Procedural Rules

The Texas Air Control Board (TACB) proposes an amendment to §103.11, concerning types of hearings. The amendment adds a new hearing on emergency order to the list of types of hearings held by the TACB. In concurrent action, the TACB proposes amendments to §103.41 and §103.53, concerning contested cases and proposal for decision in contested cases, respectively.

The 70th Legislature, 1987, added new §3.272 to the Texas Clean Air Act (TCAA) to provide authority to the TACB to issue emergency orders allowing addition, replacement, or repair of facilities damaged by catastrophic events. The TACB proposed new §116.13, concerning emergency orders for damaged facilities, in the October 2, 1987, issue of the *Texas Register* (12 TexReg 3535). Amendments to §§103.11, 103.41, and 103.53 support new §116.13.

Bill Ehret, director of hearings, 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. Ehret also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be improved understanding by the public of the TACB procedures for issuing emergency orders under the new provisions of the TCAA. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

A public hearing is scheduled for 10 a.m. on November 5, 1987, in the auditorium of the TACB, located at 6330 U.S. Highway 290 East, Austin, Texas 78723. Copies of the proposal are available from Barry Irwin at the TACB central office and all TACB regional offices. Public comment, both oral and written, is invited at the hearing. The TACB would appreciate receiving five copies of any written testimony prior to or at the hearing. Written testimony received by 4 p.m. on November 5, 1987, at the TACB central office will be included in the hearing record and should be sent to the Control Strategy Division, Texas Air Control Board, 6330 U.S. Highway 290 East, Austin, Texas 78723.

Public Hearings—General

★31 TAC §103.11

The amendment is proposed under Texas Civil Statutes, Article 4477-5, §3.09(a),

which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§103.11. *Types of Hearings.* The Texas Air Control Board hearings are primarily of five [four] types.

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

(5) **Hearing on emergency order.**

This type of hearing shall be called under the terms of the Texas Clean Air Act, §3.272, and §116.13 of this title (relating to Emergency Orders for Damaged Facilities). Notice of the hearing shall be given pursuant to §116.13(d) of this title (relating to Emergency Orders for Damaged Facilities).

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

Issued in Austin, Texas, on September 29, 1987.

TRD-8708473 Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption:

December 18, 1987

For further information, please call
(512) 451-5711, ext. 354.



Adjudicative Hearings

★31 TAC §103.41, §103.53

The Texas Air Control Board (TACB) proposes amendments to §103.41 and §103.53, concerning contested cases proposal for decision in contested cases, respectively. In concurrent action, the TACB proposes an amendment to §103.11, concerning types of hearings.

The 70th Legislature, 1987, added new §3.272, to the Texas Clean Air Act (TCAA), to provide authority to the TACB to issue emergency orders allowing addition, replacement, or repair of facilities damaged by catastrophic events. The TACB proposed new §116.13, concerning emergency orders for damaged facilities, in the October 2, 1987, issue of the *Texas Register* (12 TexReg 3535). Amendments to §§103.11, 103.41, and 103.53 support new §116.13.

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

Mr. Ehret 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 improved understanding by the public of the TACB procedures for issuing emergency orders under the new provisions of the TCAA. There is no anti-

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

A public hearing is scheduled for 10 a.m. on November 5, 1987, in the auditorium of the TACB, located at 6330 U. S. Highway 290 East, Austin, Texas 78723. Copies of the proposal are available from Barry Irwin at the TACB central office and all TACB regional offices. Public comment, both oral and written, is invited at the hearing. The TACB would appreciate receiving five copies of any written testimony prior to or at the hearing. Written testimony received by 4 p.m. on November 5, 1987, at the TACB central office will be included in the hearing record and should be sent to the Control Strategy Division, Texas Air Control Board, 6330 U.S. Highway 290 East, Austin, Texas 78723.

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

§103.41. Contested Cases. All public hearings of the variance, compliance, emergency order, or permit type, including appeals pursuant to §103.81 of this title (relating to Appeal of Permit Action), are adjudicative hearings and are to be considered contested cases within the meaning of the Administrative Procedure and Texas Register Act, §3(2), and subject to the minimum requirements of the Act, §§13-19.

§103.53. Proposal for Decision in Contested Cases.

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

(c) In a hearing on an emergency order, the hearing examiner's proposal for decision shall make a recommendation on whether the board should affirm, modify, or set aside the proposed or issued emergency order. If the examiner recommends that the board modify the order, the examiner must specify the nature of and justification for the recommended modifications, and include with the proposal for decision a proposed order that incorporates the recommended modifications.

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 29, 1987.

TRD-8708472 Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption:
December 18, 1987

For further information, please call
(512) 451-5711, ext. 354.

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration Subchapter B. Natural Gas Production Tax

★ 34 TAC §3.11

(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 Comptroller of Public Accounts, 111 East 17th Street, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The Comptroller of Public Accounts proposes the repeal of §3.11, concerning imposition of tax, penalty, and interest on natural gas. This section is repealed in order that a substantially revised section dealing with the same subject matter may be adopted.

John Moore, director of the comptroller's economic analysis center, has determined that for the first five-year period the proposed repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeal.

Mr. Moore 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 the provision of new information regarding tax responsibilities under changes made by the legislature. 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 G. C. Edgar, Manager, Petroleum and Miscellaneous Tax Policy, Tax Policy Division, P.O. Box 13528, Austin, Texas 78711.

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

§3.11. Imposition of Tax, Penalty, and Interest on Natural Gas.

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 28, 1987.

TRD-8708373 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption:
November 6, 1987
For further information, please call
(512) 463-4004.

The Comptroller of Public Accounts proposes new §3.11, concerning penalty and interest. The new section provides for a prepayment procedure that will enable the taxpayer to avoid penalty and interest assessments for late filing. The proposal will not limit the taxpayer to the current allowances.

John Moore, director of the comptroller's economic analysis center, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Moore also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be provision of new information regarding tax responsibilities under changes made by the legislature. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to G. C. Edgar, Manager, Petroleum and Miscellaneous Tax Policy, Tax Policy Division, P.O. Box 13528, Austin, Texas 78711.

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

§3.11. Penalty and Interest.

(a) Imposition of tax, penalty, and interest.

(1) Penalty and interest will not apply to additional value resulting from retroactive price increases or retroactive adjustments to value provided the additional tax is remitted on or before the 20th day of the second month following the month in which such price or value was determined. The taxpayer has the burden of notifying the comptroller of any tax not subject to penalty and interest. If notification is not provided, the prepayment procedure, if applicable, will be followed.

(2) The gas purchaser will be held responsible for any tax, penalty, and interest accruing on gas taken by the purchaser whenever the proceeds are not disbursed to the interest owners, unless the producer is solely liable for the tax.

(b) Prepayment procedure.

(1) Any natural gas taxpayer may voluntarily prepay the amount of tax that may become due as the result of filing amended reports after the due date.



(2) If the prepayment is sufficient to cover the additional tax and the postmark for the prepayment is on or before the due date for the period being amended, no penalty and interest will be assessed

(3) If the prepayment is insufficient to cover the additional tax, or if the prepayment postmark date is not timely, the prepayment will be applied in such a manner that the maximum amount of penalty and interest will be eliminated based upon the account balances at that time.

(4) A prepayment will be applied only when a payment is received along with the amended report and only if the application would eliminate or reduce penalty and interest. A prepayment will not be automatically applied against penalty and interest. Any prepayment used will be replaced with the payment received with the amended reports. The replacement will then be available for use as a prepayment under the actual postmark date that it was sent to the comptroller.

(5) Any taxpayer electing to use the prepayment procedure may not designate the application of payments. The application will be made by the comptroller and will be made in such a manner that the maximum amount of penalty and interest will be eliminated based upon the balances at the time of receipt of the amended reports and payments.

(6) A prepayment will not automatically be applied against a liability reflected on an original report or against a liability established by audit of the taxpayer's records.

(7) The comptroller may apply a prepayment to any unpaid tax, penalty, and interest in the taxpayer's account.

(8) A taxpayer may increase the amount of the prepayment at any time.

(9) A taxpayer may request a refund of the unused prepayment, or any part of it, at any time. The granting of the refund is subject to existing law and rules of the comptroller.

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 28, 1987.

TRD-8708374

Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption.

November 6, 1987

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



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

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

The Texas Department of Human Services (DHS) proposes an amendment to §48.3904, the repeal of §48.8901, and new §48.3905 and §48.8901, concerning special casework procedures for adult foster care, standards for adult foster care, adult foster care client rights and responsibilities, and minimum standards for adult foster care, respectively. The proposed changes outline the rights and responsibilities of adult foster care clients and providers and make changes to the minimum standards that adult foster care providers must meet. The minimum standards for adult foster care have been expanded and existing standards clarified. To simplify reading of the text, the department chose to repeal §48.8901 and replace it with new §48.8901 instead of amending the section.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the amendment, new sections and 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 amendment, new sections, and repeal.

Mr. Packard also has determined that for each year of the first five years the amendment, new sections, and repeal are in effect the public benefit anticipated as a result of enforcing the amendment, new sections, and repeal will be better monitoring and placements for adult foster care clients. There is no anticipated economic cost to individuals who are required to comply with the proposed amendment, new sections, and repeal.

Comments may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-239, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

★ 40 TAC §48.3904

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.

§48.3904. *Special Casework Procedures for Adult Foster Care.*

(a) To receive payment, each adult foster care provider must send a **completed purchase voucher for adult foster care providers form** to DHS for each month the [DHR] foster care client lives in the home.

(b) (No change.)

(c) **The caseworker, with supervisory approval, may decertify an adult foster home if the provider is not able to care for the client(s) because of health reasons. The provider is required to submit, when requested by the department, a physician's statement that he is physically and mentally able to continue providing personal care and 24-hour supervision.**

(d) **Adult foster care providers may be decertified for noncompliance with the minimum standards for adult foster care or other program rules. Adult foster care providers and applicants are entitled to an administrative review of the decision to not approve their application to be a provider or to decertify the home. The regional director for services to aged and disabled or his designee conducts the administrative review.**

(e) **Representatives of the Texas Department of Human Services may enter the premises of the certified foster home at any time to make inspections or to privately interview the clients receiving assistance from the Texas Department of Human Services.**

(f) **The Texas Department of Human Services pays the daily rate for up to 14 days of leave when an authorized client is away from the foster home each year. Payment for leave in excess of 14 days is the responsibility of the client. Any bed-hold charges are between the client and provider because they have negotiated a monthly room and board agreement.**

(g) **The adult foster care provider is responsible for notifying the caseworker when a client is away from the foster home for personal leave or hospitalization.**

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 28, 1987.

TRD-8708363

Marlin W. Johnston
Commissioner
Texas Department
of Human Services

Proposed date of adoption:

December 1, 1987

For further information, please call
(512) 450-3765.



★ 40 TAC §48.3905

The new section 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.

§48.3905. *Adult Foster Care Client Rights and Responsibilities.*

(a) The adult foster care client must:

(1) provide accurate information about his ability to function in the community and in a foster home setting;

(2) pay the amount of room and

board specified in the client and provider agreement; and

(3) report changes or occurrences that would affect the client and/or provider.

(b) The client is entitled to:

(1) receive in writing, before or at time of admission, a list of his rights and responsibilities;

(2) be informed of all available services in the home and of the charges for services not paid for by TDHS;

(3) keep a personal needs allowance; and

(4) file complaints with DHS staff about abuse, neglect, exploitation, or inadequate care.

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 28, 1987.

TRD-8708364

Marlin W. Johnston
Commissioner
Texas Department
of Human Services

Proposed date of adoption:

December 1, 1987

For further information, please call

(512) 450-3765.



★ 40 TAC §48.8901

(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, 1100 West 49th Street, Austin, or in the Houston Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

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.

§48.8901. Standards for Adult Foster Care.

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 28, 1987.

TRD-8708365

Marlin W. Johnston
Commissioner
Texas Department
of Human Services

Proposed date of adoption:

December 1, 1987

For further information, please call

(512) 450-3765.



The new section 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.

§48.8901. *Minimum Standards for Adult Foster Care.* Providers of adult foster care services must meet these minimum standards.

(1) Provider responsibilities. The provider must:

(A) provide services to a client according to the client's service plan;

(B) maintain for each client a client and provider agreement, signed by the provider and the client or client's representative. The provider is responsible for meeting all requirements stated on the form;

(C) maintain the name, address, and telephone number of the following for each client:

(i) the person(s) to be notified in case of emergency, if any;

(ii) the client's physician, if any; and

(iii) the client's DHS caseworker;

(D) report significant changes in the client's condition to the department within 24 hours after awareness of the change;

(E) document and investigate client complaints;

(F) report any situation considered to be an emergency to the client's family or doctor or other community resources, on the same day as awareness of the situation;

(G) notify the department about serious occurrences involving the provider, the home, or the clients, including but not limited to fire, accident, altercation among clients, or illness of the provider or client. The provider must notify the department by telephone no later than the next calendar day after awareness of the occurrence. The provider must notify the department in writing within five workdays after awareness of the occurrences;

(H) ensure that an approved substitute provider is present in the home if at least one client remains in the home when the provider plans to be absent from the home for more than three hours;

(I) receive prior approval from the department if he plans to be absent for more than 24 hours. He must also receive prior approval of the proposed substitute provider and ensure that the substitute provider is aware of and takes responsibility for meeting the client's needs and these standards;

(J) file claims for services according to TDHS rules using the appropriate TDHS forms and agree to accept the claimed amount as full payment for services provided;

(K) notify the department of a change of residence. If the provider moves to another home, he must obtain a certifica-

tion for the new home. The department does not pay for services delivered in an uncertified home and certification is not retroactive;

(L) notify the department within 24 hours after a client is away from or vacates the adult foster home;

(M) ensure that clients are not abused, neglected, or exploited while in the home; and

(N) ensure that persons whose behavior or health appears to endanger clients are not present in the home.

(2) Provider qualifications.

(A) The provider must:

(i) be physically and mentally able to perform the required duties and tasks;

(ii) be able to communicate with the client and the client's family;

(iii) not deliver direct services when he has a communicable disease or illness but ensure that the client's needs are met by a substitute provider;

(iv) be 18 years old or older;

(v) be able to provide at the time of application three references from persons not related to the provider (or substitute);

(vi) not be related to the CCAD foster care clients. The owner of the facility also must comply with this requirement;

(vii) live in and share the same household (have common living areas) with the client(s). Detached living quarters do not constitute the same living area. The certified provider must be the primary caregiver; and

(viii) be the owner or lessee of the adult foster home.

(B) The following individuals may not provide adult foster care:

(i) anyone who has been identified as a perpetrator in a validated case of abuse, caretaker neglect, or exploitation unless the adult protective services caseworker and the adult foster care worker determine:

(I) that the situation can be corrected; and

(II) that the abuse, caretaker neglect, or exploitation is not likely to recur;

(ii) anyone against whom is returned:

(I) an indictment alleging commission of any felony classified as an offense against the person or family, or of public indecency, or of violation of the Texas Controlled Substances Act;

(II) an indictment alleging commission of any misdemeanor classified as an offense against the person or family, or of public indecency;

(III) an official criminal complaint accepted by a district or county attorney alleging commission of a misdemeanor classified as an offense against the person or family, or of public indecency. This requirement shall remain in effect pending resolution of the charges. Notification

of such action shall be made to the department within 24 hours or the next workday;

(iii) unless proof of rehabilitation is established and a variance granted, anyone convicted of any of the following offenses:

(I) a felony or misdemeanor classified as an offense against the person or the family;

(II) a felony or misdemeanor classified as public indecency; or

(III) a felony violation of any law intended to control the possession or distribution of any substance included as a controlled substance in the Texas Controlled Substances Act.

(C) The department reserves the right to disapprove a substitute provider or attendant. Substitute providers must meet requirements specified in subparagraph (A)(i)–(v) of this paragraph.

(3) Facility certification requirements. All homes in which adult foster care is provided must:

(A) have bedrooms with at least 80 square feet of floor space per client in a single occupancy room, and at least 60 square feet of floor space per client in a multiple occupancy room;

(B) have at least one working telephone available in the home for clients to make local calls. Providers must not charge clients for the use of the telephone;

(C) place emergency telephone numbers including the DHS caseworker's number at or near the telephone;

(D) have a conspicuously posted emergency/disaster evacuation plan that specifies what procedures residents follow in case of emergency, and hold evacuation drills at least every six months;

(E) provide each client with a bed and sufficient drawer and closet space;

(F) have no more than three beds in any one room unless approved otherwise by the caseworker;

(G) provide at least one chair in each client's bedroom;

(H) have at least one dining table and adequate seating for residents;

(I) provide space and furniture for the resident's visitors;

(J) provide at least one grab bar in the bathtub/shower area;

(K) provide a slip-proof surface in the bathtub/shower area;

(L) ensure that first aid supplies are on the premises;

(M) have an operational smoke detection system. Battery operated detectors are acceptable; and

(N) have a portable A.B.C. type fire extinguisher charged and ready for use.

(4) Certification and licensure requirements.

(A) For purposes of receiving payment for TDHS, adult foster care homes must:

(i) be certified as meeting all of the minimum standards in this section and

provide care for no more than four unrelated adults, private pay or TDHS clients, unless the home meets the requirements in subparagraph (B)(i) of this paragraph;

(ii) serve only those foster care clients and private pay individuals approved or referred by TDHS;

(iii) not accommodate any individuals who are under 18 years of age who are unrelated to the provider;

(iv) not accommodate roomers, boarders, or other residents except those individuals approved by the TDHS caseworker;

(v) be inspected annually by fire safety authorities. The provider must correct any hazardous conditions identified in the inspection within the time specified by the inspector, or before the department's certification/recertification of the home, whichever is earlier; and

(vi) be inspected annually by health authorities. If local health authorities are unable to inspect the home, TDHS staff may conduct the inspection using the health inspection checklist. The provider must correct any unsanitary and unsafe conditions identified in the inspection within the time specified by the inspector, or before the department's certification/recertification of the home, whichever is earlier.

(B) Small group homes in which adult foster care is provided must:

(i) be licensed by the Texas Department of Health as a personal care home for not more than eight adult clients in the home in addition to being certified by TDHS;

(ii) serve only those foster care clients and private pay individuals approved or referred by TDHS;

(iii) not accommodate any individuals who are under 18 years of age who are unrelated to the provider;

(iv) not accommodate roomers, boarders, or other residents except those individuals approved by the TDHS caseworker;

(v) ensure the presence of an additional member of the staff who has been approved by the caseworker at least two hours a day for homes serving five clients, and four hours a day for homes serving six clients, including private pay clients;

(vi) ensure the presence of an additional member of the staff who has been approved by the caseworker at least six hours a day for homes serving seven clients, and eight hours a day for homes serving eight clients, including private pay clients; and

(vii) ensure that additional qualified staff are on site for the specified number of hours during the hours from 6 a.m. until 8 p.m. The provider must have records to document that qualified staff serve clients for the required number of hours each day.

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 28, 1987.

TRD-8708366

Marlin W. Johnston
Commissioner
Texas Department
of Human Services

Proposed date of adoption:

December 1, 1987

For further information, please call
(512) 450-3765.

Part X. Texas Employment
Commission
Chapter 301. Unemployment
Insurance

★ 40 TAC §301.1

The Texas Employment Commission proposes an amendment to §301.1, concerning definitions. The amendment clarifies the definitions of the terms "benefit period" and "week." The amendment simplifies reporting for both claimants and employers.

James W. Jackson, unemployment insurance director, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Jackson 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 simplified reporting for both claimants and employers on all matters concerning weeks of unemployment claimed, though little direct cost savings. 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 Carolyn Calhoun, Office of Special Counsel, Texas Employment Commission Building, 101 East 15th, Room 660, Austin, Texas 78778 (512) 463-2291.

The amendment is proposed under Texas Civil Statutes, Article 5221b, which provide the Texas Employment Commission with the authority to adopt, amend, or rescind such rules as it deems necessary for the effective administration of the Act.

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

Benefit period—The period of seven consecutive calendar days, ending at midnight on Saturday, with respect to which entitlement to benefits is claimed, measured, computed, or determined.

Week—A period of seven consecutive calendar days ending at midnight on Saturday [except that with respect to benefits and entitlement thereto, week means the period of seven consecutive calendar days

with respect to which entitlement to benefits is claimed, measured, computed, or determined].

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 28, 1987.

TRD-8708381 Carolyn Calhoon
Administrative
Technician IV
Texas Employment
Commission

Earliest possible date of adoption:
November 6, 1987
For further information, please call
(512) 463-2291.

★ 40 TAC §301.16, §301.17

The Texas Employment Commission proposes an amendment to §301.16 and §301.17, concerning appeals to appeal tribunals from determinations on entitlement to benefits, and appeals to the commission from decisions on entitlement to benefits. The amendments change the time periods for filing certain appeals in certain unemployment cases. The amendments conform with changes made by House Bill 1038, 70th Legislature, 1987.

James W. Jackson, unemployment insurance director, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Mr. Jackson 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 additional appeals judged on merits should improve the quality of determinations of entitlement and coverage. 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 Carolyn Calhoon, Office of Special Counsel, Texas Employment Commission Building, 101 East 15th Street, Room 660, Austin, Texas 78778, (512) 463-2291

The amendments are proposed under Texas Civil Statutes, Article 5221b, which provide the Texas Employment Commission with the authority to adopt, amend, or rescind such rules as it deems necessary for the effective administration of the Act.

§301.16. *Appeals to Appeal Tribunals from Determinations on Entitlement to Benefits.* Appeals with respect to entitlement to benefits shall be in accordance with

the terms of this section and of §301.17 of this title (relating to Appeals to the Commission from Decisions on Entitlement to Benefits), and §301.18 of this title (relating to General Rules for Both Appeal Stages). As used in this section and §301.17 of this title (relating to Appeals to the Commission from Decisions on Entitlement to Benefits), and §301.18 of this title (relating to General Rules for Both Appeal Stages), party means an individual or organization entitled to receive a copy of the determination made by the examiner under the terms of the Act, §6(b).

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

(5) Reopening of hearing before appeal tribunal.

(A) (No change.)

(B) Any party to the appeal who fails to appear at a hearing may within 14[10] days from the date the decision is mailed, petition for a new hearing before the appeal tribunal. Such petition shall be granted if it appears to the appeal tribunal that the petitioner has shown good cause for his failure to appear at the hearing. In the event that an appeal to the commission is filed before the filing of the petition for rehearing by the appeal tribunal, such appeal shall be referred to the commission for review.

(6) The determination of appeals.

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

(C) At any time during the 14-day [10-day] period from the date a decision on an appeal is mailed, the appeal tribunal may assume jurisdiction over the appeal for the purpose of reconsidering the issues on appeal and issuing a corrected decision in regard thereto, if deemed unnecessary by the appeal tribunal. During the period in which the appeal tribunal so assumes jurisdiction, the appeal tribunal, with or without notice to any parties, may take such additional evidence or secure such additional information as it deems necessary; provided that a party shall be given an opportunity to rebut such evidence or information if it is to be used against his interests.

§301.17. *Appeal to the Commission from Decisions on Entitlement to Benefits.*

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

(c) Appeals to the commission on its own motion. Within 14 [10] days following the mailing of a decision of an appeal tribunal, and in the absence of the filing of an appeal to the commission by a party, the commission may on its own motion acquire jurisdiction of the appeal and act thereon as though a party had filed an appeal.

(d)-(f) (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 28, 1987.

TRD-8708380 Carolyn Calhoon
Administrative
Technician IV
Texas Employment
Commission

Earliest possible date of adoption:
November 6, 1987
For further information, please call
(512) 463-2291.

Chapter 302. Employment Service

★ 40 TAC §302.1

The Texas Employment Commission proposes new §302.1, concerning valid registration. The new section provides employers with a way to be certain individuals they hire are authorized to work in this country. The new section requires individuals to present documents which would allow an employer hiring that individual to comply with the requirements of the Immigration and Nationality Act.

Charlean Jackson, deputy administrator for field operations and programs, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Ms. Jackson 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 employers hiring individuals referred by the Texas Employment Commission will be relieved of some paperwork required by the Immigration Reform and Control Act of 1986. This will provide employers with a way to be certain individuals they hire are authorized to work in this country. Applicants who seek work through Texas Employment Commission will be educated on their responsibilities under the Immigration Reform and Control Act. These applicants will only have to show documents one time as long as they are referred to jobs by Texas Employment Commission. The anticipated economic cost to individuals who are required to comply with the section as proposed will be that individuals who do not have the required documents may incur nominal fees, transportation costs, and the like in obtaining these documents. No reliable estimate can be made on these amounts, but they are expected to be quite small. Individuals who do not produce the required documents will be unable to qualify for unemployment benefits, however, those legally authorized to work should be able to produce these documents, and any loss of unemployment benefits is not included as a possible economic cost to those required to comply with this section.

Comments may be submitted to Carolyn Calhoun, Office of Special Counsel, Texas Employment Commission Building, 101 East 15th Street, Room 660, Austin, Texas 78778, (512) 463-2291.

The new section is proposed under Texas Civil Statutes, Article 5221b, which provide the Texas Employment Commission with the authority to adopt, amend, or rescind such rules as it deems necessary for the effective administration of the Act.

§302.1. Valid Registration. In order to establish a valid registration for work, an individual must present documents which would allow an employer hiring that individual to comply with the requirements of the Immigration and Nationality Act, §274A (8 United States Code 1324A).

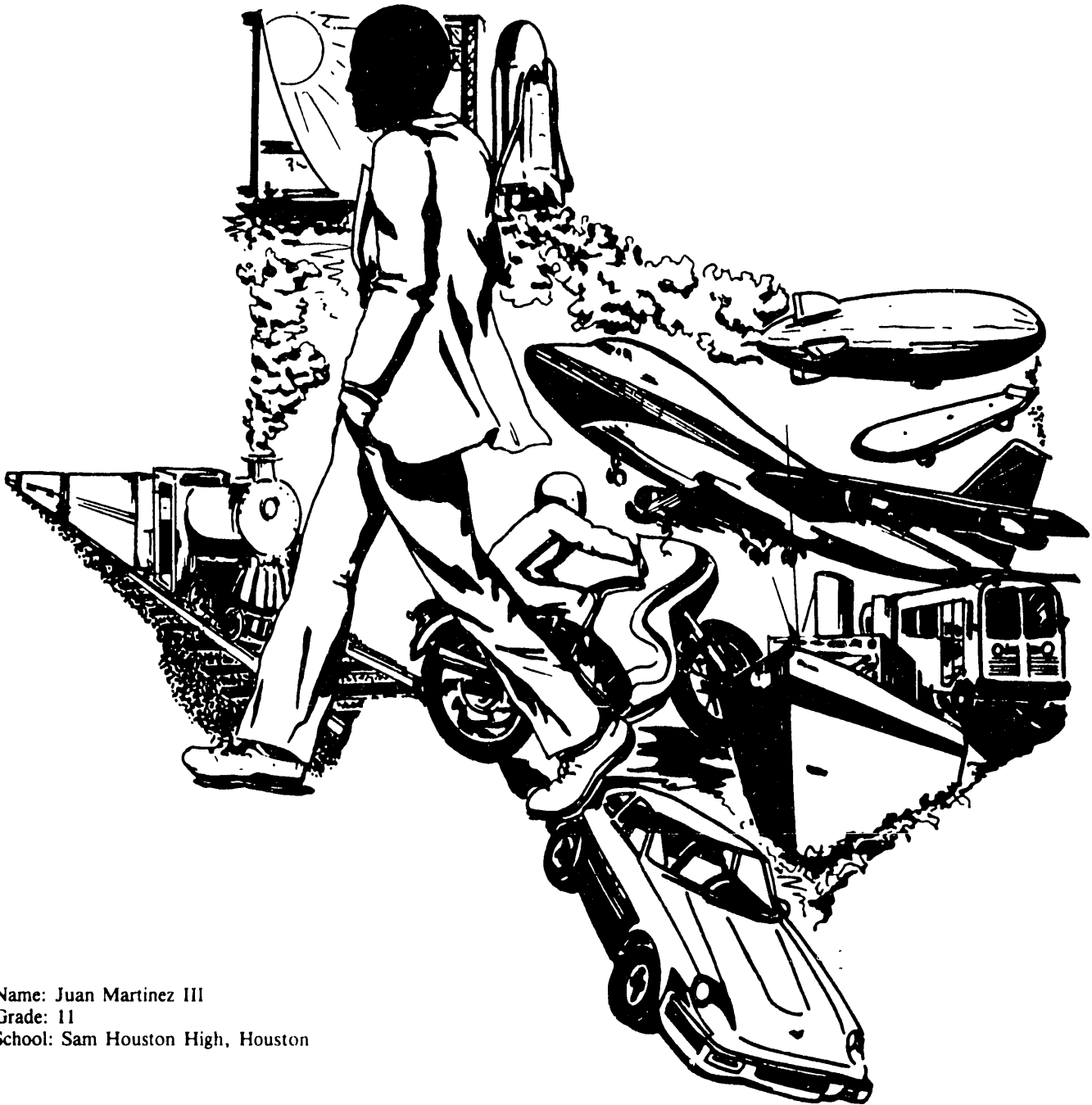
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on September 28, 1987.

TRD-8708382

Carolyn Calhoun
Administrative
Technician IV
Texas Employment
Commission

Earliest possible date of adoption:
November 6, 1987
For further information, please call
(512) 463-2291.



Name: Juan Martinez III
Grade: 11
School: Sam Houston High, Houston

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 22. EXAMINING BOARDS

Part XII. Board of Vocational Nurse Examiners

Chapter 233. Education Vocational Nursing Education Standards

★22 TAC §233.76

The Board of Vocational Nurse Examiners adopts new §233.76, without changes to the proposed text published in the August 21, 1987, issue of the *Texas Register* (12 TexReg 2769).

The new section allows the board to develop minimum standards/guidelines for use in evaluating nursing curriculum and in determining compliance with the board's rules relating to vocational nursing programs.

The new section assists in evaluating vocational nursing programs in accordance with established rules and regulations which will assure consistent evaluation and review of vocational nursing programs.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 5628c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such

rules and regulations as may be necessary to govern its procedures and to carry in effect the purposes of the law.

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

Issued in Austin, Texas, on September 28, 1987.

TRD-8708387

Joyce A. Hammer
Executive Director
Board of Vocational
Nurse Examiners

Effective date: October 20, 1987

Proposal publication date: August 21, 1987

For further information, please call
(512) 835-2071.



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part V. Veterans Land Board

Chapter 175. General Rules of the Veterans Land Board

★40 TAC §§175.7, 175.17, 175.21

The Veterans Land Board adopts amendments to §§175.7, 175.17, and 175.21, without changes to the proposed text published in the July 7, 1987, issue of the *Texas Register* (12 TexReg 2177).

The amendments clarify the sections with respect to prizes and inducements and bring the fees charged by the board in line with the cost of operating the Veterans Land Program.

The amendments formalize a standard fee to be paid to title companies and to attorneys who handle Veterans Land Board closings and prohibit sellers from paying veterans program fees.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Natural Resources Code, §161.063, which provides the Veterans Land Board with the authority to adopt rules which it considers necessary or advisable and which are consistent with the Natural Resources Code, Chapter 161, Veterans Land Board.

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 28, 1987.

TRD-8708379

Garry Mauro
Commissioner
General Land Office

Effective date: October 19, 1987

Proposal publication date: July 7, 1987

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



State Board of Insurance Exempt Filings

State Board of Insurance Notifications 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 adopted amendments to Rule 120 of the *Rules and Rates Governing the Insuring of Automobile and Standard Endorsements*.

The board has amended Section I of Rule 120 so that the first sentence of "Section I.—Mobile Homes and Recreational Trailers" which read: "In order to be eligible

under automobile policies, mobile homes and recreational trailers must have wheels, and not be based on a permanent foundation." is deleted.

The board has amended Section IV of Rule 120 so that the first sentence of "Section IV.—Mobileowners Policy" which read: "In order to be eligible under Mobileowners Policy, mobile homes must have wheels, and not be based on a permanent foundation." is deleted.

These amendments were approved effective at and after 12:01 a.m. on the fifteenth day after notice of this action is published in the *Texas Register*, and, adoption of



these amendments supersedes emergency action by the board under Board Orders 50371 and 51296.

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 30, 1987.

TRD-8708489 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: October 22, 1987
For further information, please call
(512) 463-6327.



The State Board of Insurance has considered a filing by American Home Assurance Company proposing a revision to their standard approved Travel Agents' Professional Liability Program in the form of a new Amendatory Endorsement and Rate Page Addendum.

This filing was approved to become effective October 25, 1987.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on September 29, 1987.

TRD-8708464 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: October 25, 1987
For further information, please call
(512) 463-6327.



The State Board of Insurance has considered a filing by United States Fire Insurance Company, The North River Insurance Company, Westchester Fire Insurance Company, and International Insurance Company proposing to withdraw Texas Amendatory Endorsement—Cancellation and Nonrenewal Provisions, FM 101.0.999 (4-87) and file a new Amendatory Endorsement—Cancellation and Nonrenewal Provisions (Texas) FM 101.0.886 (8-87) in its place.

This filing was approved to become effective October 25, 1987.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on September 29, 1987.

TRD-8708465 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: October 25, 1987
For further information, please call
(512) 463-6327.



The State Board of Insurance has considered a filing by Boston Old Colony Insurance Company, Commercial Insurance Company of Newark, New Jersey, The Continental Insurance Company, The Fidelity and Casualty Company of New York, Firemen's Insurance Company of Newark, New Jersey, The Glens Falls Insurance Company, Kansas City Fire and Marine Insurance Company, and Niagara Fire Insurance Company proposing a Cemetery Professional Liability Program consisting of forms, rules and rates.

This filing was approved to become effective October 25, 1987.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on September 29, 1987.

TRD-8708466 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: October 25, 1987
For further information, please call
(512) 463-6327.



The State Board of Insurance has considered a request by St. Paul Fire and Marine Insurance Company proposing to withdraw their filed and approved standard Fiduciary Errors and Omissions Trust Institutions program.

This filing was approved to become effective October 25, 1987.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on September 29, 1987.

TRD-8708463 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: October 25, 1987
For further information, please call
(512) 463-6327.



The State Board of Insurance has adopted a Sellers Certificate Surety Bond filed by the Board of Private Investigators and Private Security Agencies.

The text of the proposed filing has been filed in the office of Chief Clerk of the State Board of Insurance since August 10, 1987. The proposed filing has been available for public inspection for 15 days and a public hearing was not requested by any party.

Texas Civil Statutes, Article 4413 (29bb), The Private Investigators and Private Security Agencies Act, was amended by the 70th Legislature (House Bill 888) to exclude sellers of residential burglar alarms and such other devices from the provisions of the Act when certain conditions are met. One condition requires the manufacturer, distributor, or sellers of the devices to post a bond in the penal sum of \$10,000.

The bond runs in favor of the State and provides that any customer who purchases a burglar alarm device and does not receive delivery in accordance with the contract may bring an action to recover the down payment or purchase price actually paid. The Surety Association of America has determined that this bond should be classified as a financial guarantee and rated accordingly at \$20 per thousand per annum. The Class Code is 477.

Under the Insurance Code, Article 5.97, §(j), the board finds that the interest of the public welfare and the proper functioning of administrative regulation of sellers of residential burglar alarms and detection devices and compliance with the Private Investigators and Private Security Agencies Act has created a clear and compelling necessity that requires this bond form and rate to be effective immediately, and the board has taken emergency action so that adoption of this bond form and rate is effective immediately upon filing of notification of the board's action in the office of the Secretary of State and thereafter for 120 days.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on September 30, 1987.

TRD-8708490 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: October 22, 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 Aeronautics Commission

Wednesday, October 14, 1987, 11:30 a.m. The Texas Aeronautics Commission will meet at Louie B's Restaurant, 601 East Sixth Street, Austin. According to the agenda, the commission will hold a primarily social event and formal action is planned although the commissioners may discuss agenda scheduled for the October 14, 1987, 1:30 p.m. meeting.

Contact: Lydia Scarborough, P.O. Box 12607, Austin, Texas 78711, (512) 476-9262.

Filed: October 1, 1987, (512)476-9262
TRD-8708516

Wednesday, October 14, 1987, 1:30 p.m. The Texas Aeronautics Commission will meet in Room 221, Anson Jones Building, 410 East Fifth Street, Austin. According to the agenda, the commission will consider resolutions affecting staff actions and for former commissioners; hear Air Carrier Administration report considering commission action concerning Docket 86-8—Eagle Commuter Airlines consideration of cancellation of certificate of operating authority #4 to serve the points of Brownwood, DFW, and Paris and Docket 87-4—Chaparral Airlines, Inc. concerning application for amendment to certificate of operating authority #5 to delete the points of Austin and Houston Hobby Airport, and other matters; hear the director's report; and hold election of officers.

Contact: Lydia Scarborough, 410 East Fifth Street, Austin, Texas 78711, (512) 476-9262.

Filed: October 1, 1987, 9:26 a.m.
TRD-8708512



Texas Department of Agriculture

Friday, October 16, 1987, 2 p.m. The Family Farm and Ranch Security Program Advisory Council of the Texas Department of Agriculture will meet in the Ninth Floor Conference Room, Stephen F. Austin

Building, 1700 North Congress Avenue, Austin. According to the agenda, the council will review an application submitted by Micheal Fitzgerald.

Contact: Micheal S. Miller, P.O. Box 12847, Austin, Texas 78711, (512) 463-7574.

Filed: September 30, 1987, 1:48 p.m.
TRD-8708497



Texas Commission for the Blind

Thursday, October 8, 1987, 2:15 p.m. A Committee for the Texas Commission for the Blind will meet in the Third Floor Conference Room, Administrative Building, Texas Commission for the Blind, 4800 North Lamar Boulevard, Austin. According to the agenda, the nominations committee will hold a work session to review and consider nominations for the 1987 Texas Commission for the Blind Employer of the Year Awards in three areas: private employer, state employer, and federal employer.

Contact: Rolando Garza, P.O. Box 12866, Austin, Texas 78711, (512) 459-2612.

Filed: September 29, 1987, 1:35 p.m.
TRD-8708436



Texas Committee on Purchases of Products and Services for Blind and Severely Disabled Persons

Thursday, October 8, 1987, 10 a.m. The Pricing Subcommittee for the Texas Committee on Purchases of Products and Services for Blind and Severely Disabled Persons will meet in Room 916, L.B.J. Office Building, 111 East 17th Street, Austin. According to the agenda, the subcommittee will call to order and introduce visitors; accept minutes of the July 27, 1987, meeting; discuss and make recommendations for action

on new and renewal services and new products: garden hoses, executive high back chairs, courtesy patrol uniforms, extra large safety vests, oil analysis kits, instant coffee, disposable gloves, polybags, litter bags, air filters, wheelchairs, and refill cartridges; and discuss and recommend action on product changes and revisions: liquid hand soap, warehouse pallets, emblems, carpet, high-lighter pens, mailroom pens, and minimum order on pens.

Contact: Michael T. Phillips, P.O. Box 12866, Austin, Texas 78711, (512) 459-2603.

Filed: September 29, 1987, 1:36 p.m.
TRD-8708437



Texas Employment Commission

Wednesday, October 7, 1987, 8:30 a.m. The Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will meet to discuss prior meeting notes; approve P&I minute of the temple architect; discuss internal procedures of commission appeals; consider and take action on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 40; and set the date of next meeting.

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

Filed: September 29, 1987, 3:09 p.m.
TRD-8708449



State Board of Insurance

Friday, October 9, 1987, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Austin, to consider Docket 9552—Application for renewal of Joe O. Alcalá, Pearsall, for a Group I, legal reserve

life insurance agent's license and a solicitor for a local recording agent's license.

Contact: O A Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: September 29, 1987, 10:30 a.m.
TRD-8708391



Texas Department of Labor and Standards

Friday, October 16, 1987. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet in Room 105, E. O. Thompson Building, 920 Colorado, Austin. Times and agendas follow.

10 a.m. The division will hold proceedings to consider suspension or revocation of the manufactured housing registration of Siesta Village Mobile Home Sales for alleged violation of the department's manufactured housing rules and regulations.

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

Filed: September 30, 1987, 3:06 p.m.
TRD-8708508

3 p.m. The division will hold proceedings to consider or revocation of the manufactured housing registration of Mustang Chevrolet Corporation for alleged violation of the department's manufactured housing rules and regulations.

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

Filed: September 30, 1987, 3:05 p.m.
TRD-8708510

3:30 p.m. The division will hold proceedings to consider suspension or revocation of the manufactured housing registration of A-Plus Mobile Homes for alleged violation of the department's manufactured housing rules and regulations.

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

Filed: September 30, 1987, 3:05 p.m.
TRD-8708509

Thursday, October 29, 1987, 9 a.m. The division will hold proceedings to consider suspension or revocation of the manufactured housing registration of Morgan Building Systems, Inc. for alleged violation of the department's industrialized housing rules and regulations.

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

Filed: September 30, 1987, 3:06 p.m.
TRD-8708506

Thursday, October 29, 1987. The Labor/Licensing and Enforcement Division of the Tex-

as Department of Labor and Standards will meet in Room 105, E. O. Thompson Building, 920 Colorado, Austin. Times and agendas follow.

10 a.m. The division will hold proceedings to consider suspension or revocation of the boxer license of Reymundo Nino for alleged violation of the department's boxing rules and regulations.

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

Filed: September 30, 1987, 3:06 p.m.
TRD-8708504

11 a.m. The division will hold proceedings to consider denial of the vehicle storage facility license of Fred Funderburg, doing business as Universal Towing for alleged violation of the department's vehicle storage facility rules and regulations.

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

Filed: September 30, 1987, 3:06 p.m.
TRD-8708505

Noon. The division will hold proceedings to consider suspension or revocation of the manufactured housing salesperson registration of Terry Tucker for alleged violation of the department's manufactured housing rules and regulations.

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

Filed: September 30, 1987, 3:06 p.m.
TRD-8708507



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

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

Filed: September 30, 1987, 3:06 p.m.
TRD-8708503

Texas Board of Licensure for Nursing Home Administrators

Wednesday, October 14, 1987, 10 a.m. The Texas Board of Licensure for Nursing Home Administrators will meet in Suite 310, 4800 North Lamar Boulevard, Commission for the Blind Administration Building, Austin. According to the agenda, the board will introduce new board members; consider agenda approval; approve minutes of the July 15, 1987, meeting; hear the Suitability Committee report and the Education Committee report; consider statutory requirement for all

nursing homes to have a LNHA, personal appearances, Texas Department of Human Services report, Texas Department of Health report, executive director's report, and chair's report.

Contact: Janet M. Moore, 4800 North Lamar Boulevard, Austin, Texas 78756, (512) 458-1955.

Filed: September 30, 1987, 8:50 a.m.
TRD-8708474



Texas National Guard Armory Board

Sunday, October 11, 1987, 1 p.m. The Texas National Guard Armory Board will meet in the Conference Room, Building 64, Camp Mabry. According to the agenda summary, the board will consider administrative matters, fiscal matters, facility construction/remodeling/renovation, facility maintenance, and property leases.

Contact: Sandra Hille, P.O. Box 5218, Austin, Texas 78763-5218, (512) 451-6394/6143.

Filed: September 30, 1987, 1:47 p.m.
TRD-8708498



Sunday, October 11, 1987, 1 p.m. The Texas National Guard Armory Board submitted a revised agenda for a meeting held in the Conference Room, Building 64, Camp Mabry. According to the revised agenda summary the board will consider lease portion of Waxahachie armory and will not consider agenda item #2 in executive session.

Contact: Sandra Hille, P.O. Box 5218, Austin, Texas 78763, (512) 451-6394.

Filed: October 1, 1987, 9:27 a.m.
TRD-8708517



Texas Optometry Board

Thursday, October 8, 1987, 8:30 a.m. The Texas Optometry Board will meet at the Airport Hilton Hotel, 6000 Middle Fiskville Road, Austin. According to the agenda summary, the board will hold a special meeting to consider the reports of the Secretary-Treasurer, counsel, executive director, and committees; adopt an amendment to proposed Rule 273.4; consider acceptance of National Board in lieu of State written exams; consider advertising by ophthalmic dispensers, correspondence from licensees, drug pharmaceutical agents, legislative bills, and consider mailing to licensees; and con-

duct a formal hearing with licensee at 9 a.m. (time-certain). The board also will meet in executive session in compliance with §2(e), Article 6252-17, Open Meetings Act. Committees will meet on the previous day, October 7, beginning at 3 p.m. (Investigation-Enforcement), 4 p.m. (Rules), and 7:30 p.m. (all committees).

Contact: Lois Ewald, 1300 East Anderson Lane, Suite C-240, Austin, Texas 78752, (512) 835-1938.

Filed: September 29, 1987, 4:23 p.m.
TRD-8708462



Pan American University

Tuesday, October 6, 1987, 11 a.m. The Board of Regents for Pan American University will meet in executive session for an agenda revision in the Boardroom, Administration Building, Pan American University, Edinburg. According to the agenda, the board will consider pending litigation: Article 6252-17, §2(e), PAU v. BFW Construction Company, et al., (settlement proposal); and adjourn (announcement of date and time). Urgent public necessity requires supplemental notice: settlement proposed recently tendered; board to meet next time on October 16, 1987; and no additional meeting is scheduled for October. Trial of the lawsuit is scheduled for October 19, 1987.

Contact: Miquel A. Nevarez, 1201 West University Drive, Pan American University, Edinburg, Texas 78539, (512) 381-2100.

Filed: September 30, 1987, 10:01 p.m.
TRD-8708493



Board of Pardons and Paroles

Thursday, October 1, 1987, 11:30 a.m. The Board of Pardons and Paroles met in emergency session at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board took up a request for a 90 day reprieve hearing and/or commutation of death sentence to life imprisonment in the case of Donald Gene Franklin, Execution Number 546. The emergency status was necessary because Donald Gene Franklin, Execution Number 546, was scheduled to be executed at "some hour before sunrise" on October 2, 1987.

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

Filed: September 29, 1987, 1:51 p.m.
TRD-8708438



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.

Wednesday, October 7, 1987, 10 a.m. The Hearings Division will consider Dockets 7560, 7582, 7635, and 7423; consider administrative matters; and presentation of proposals and selection of consultant for management audit of Contel of Texas, Inc.

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

Filed: September 29, 1987, 3:05 p.m.
TRD-8708452

Wednesday, October 7, 1987, 2 p.m. The Administrative Division will meet for a revised agenda to consider QED contract amendment in its administrative meeting.

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

Filed: September 29, 1987, 3:54 p.m.
TRD-8708460

Wednesday, October 7, 1987, 2 p.m. The Administrative Division will approve minutes of the previous meeting; hear reports, discuss and act on budget and fiscal matters; consider Public Utility Regulatory Act §43A proposed application, oral argument ballot; and set time and place for next meeting. The division will also meet in executive session to consider personnel and litigation matters and reconvene for decisions on matters considered in the executive session.

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

Filed: September 29, 1987, 3:06 p.m.
TRD-8708448

Monday, October 12, 1987, 1:30 p.m. The Hearings Division will consider Docket 7719—Application of Lake Dallas Telephone Company, Inc. to offer private pay telephone service.

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

Filed: September 29, 1987, 3:06 p.m.
TRD-8708451

Thursday, October 15, 1987, 10 a.m. The Hearings Division will consider Docket 7718—Application of Electra Telephone Company to detariff CPE, inside wire, and make minor rate changes.

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

Filed: September 29, 1987, 3:06 p.m.
TRD-8708447



Board for Lease of State-owned Lands

Wednesday, October 7, 1987, 2:30 p.m. The Board for Lease of Texas Parks and Wildlife Lands of the Board for Lease of State-owned Lands will meet in Room 833, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The board will meet to approve minutes of the previous board meeting; and consider and approve the bids received for the October 6, 1987, lease sale.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 837, Austin, Texas 78701, (512) 475-0219.

Filed: September 29, 1987, 3:27 p.m.
TRD-8708454

Tuesday, October 7, 1987, 3 p.m. The Board for Lease of Texas Department of Corrections of the Board for Lease of State-owned Lands will meet in Room 833, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The board will meet to approve minutes of the previous board meeting; pool applications; consider and approve the bids received for the October 6, 1987, lease sale; and conduct the final adoption of the administrative rules for the pollution of agency lands.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 837, Austin, Texas 78701, (512) 475-0219.

Filed: September 29, 1987, 3:27 p.m.
TRD-8708453



Texas Tech University

Thursday, October 8, 1987. Various committees of Texas Tech University and Texas Tech University Health Sciences Center will meet in Room 2B152, Health Sciences Center Building, Lubbock. Times and agendas follow.

10:30 a.m. The Finance and Administration Committee of the Board of Regents will approve minutes of the August 19, 1987, meeting; consider budget adjustments; the president will consider proceeding with planning for cogeneration facility and contract with additional investment depository banks on a bid-as-required basis; discuss ratifying commission of peace officers; and hear report on policies on education related activities and other reports.

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

Filed: September 30, 1987, 8:56 a.m.
TRD-8708487

10:30 a.m. The Finance and Administration Committee of the Board of Regents for the Health Sciences Center, will approve minutes of the August 19, 1987, meeting; discuss budget adjustments and adjustments to the original fiscal year 1988 operating budget;

the president will proceed with planning for a cogeneration facility and contract with additional investment depository banks on a bid-as-required basis; extend the agreement with Lubbock General Hospital for emergency room physicians; consider addendum to affiliation agreement with the Medical Center Hospital of Odessa for cost of residents, library, and other services; renew the agreement with Texas Department of Health for Maternal and Infant Health Improvement Act Program; ratify renewed agreement with El Paso Del Norte Area Health Education Center and with West Texas Rural Health Education Center; ratify delegation of authority to approve official travel reimbursements and expenditures from appropriated funds and commission peace officers; and hear a report on the five-year project for El Paso clinical facilities, and other reports.

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

Filed: September 30, 1987, 8:57 a.m.
TRD-8708486

1 p.m. The Research Activities Committee of the Board of Regents for the Health Sciences Center, will approve minutes of the August 19, 1987, meeting; hear a report on the Center of Excellence in Reproductive Biology; and hear the SEED Grant report, and others.

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

Filed: September 30, 1987, 8:58 a.m.
TRD-8708481

1 p.m. The Research Activities Committee of the Board of Regents will approve minutes of the August 19, 1987, meeting; hear a report on research by the College of Education; and hear a report on Texas Advanced Technology Research Program Awards, and other reports.

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

Filed: September 30, 1987, 8:57 a.m.
TRD-8708482

2 p.m. The Academic, Clinical, and Student Affairs Committee of the Board of Regents for the Health Sciences Center, will approve minutes of the August 19, 1987, meeting; discuss granting of academic tenure with appointment; and hear the report on the Rural Health Task Force, and other reports.

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

Filed: September 30, 1987, 8:57 a.m.
TRD-8708485

2:30 p.m. The Athletic Affairs Committee of the Board of Regents will approve minutes of the August 19, 1987, meeting; review use of facilities; and hear reports.

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

Filed: September 30, 1987, 8:57 a.m.
TRD-8708483

3:15 p.m. The Campus and Building Committee of the Board of Regents will approve minutes of the August 19, 1987, meeting; award construction contracts to: reroof the chemistry and foreign language building; replace boiler controls in the central heating and cooling plant 1; discuss asbestos abatement of water and condensate lines in Drane Hall; receive bids for renovation of piping systems in the biology building; ratify and acceptance dates; and hear reports.

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

Filed: September 30, 1987, 8:57 a.m.
TRD-8708484

3:45 p.m. The Committee of the Whole of the Board of Regents for the Health Sciences Center, will discuss pending and contemplated litigation involving Texas Tech University, Texas Tech University Health Sciences Center, and Texas Tech University Health Sciences Center Self-Insurance Plan; consider contractual negotiations involving Texas Tech University and Texas Tech University Health Sciences Center; and evaluate, review, and discuss the duties of officers and employees of Texas Tech University and Texas Tech University Health Sciences Center. The committee also will meet in executive session pursuant to Texas Civil Statutes, Article 6252-17, §2.

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

Filed: September 30, 1987, 9 a.m.
TRD-8708477

3:45 p.m. The Committee of the Whole of the Board of Regents will discuss pending and contemplated litigation involving Texas Tech University, Texas Tech University Health Sciences Center, and Texas Tech University Health Sciences Center Self-Insurance Plan; consider contractual negotiations involving Texas Tech University and Texas Tech University Health Sciences Center; and evaluate, review, and discuss the duties of officers and employees of Texas Tech University and Texas Tech University Health Sciences Center. The committee also will meet in executive session, pursuant to Texas Civil Statutes, Article 6252-17, §2.

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

Filed: September 30, 1987, 8:59 a.m.
TRD-8708478

Friday, October 9, 1987. Various committees of Texas Tech University and Texas Tech University Health Sciences Center will meet in the Board Suite, Administration Building, Campus, Lubbock. Times and agendas follow.

9:30 a.m. The Academic and Student Affairs Committee of the Board of Regents will approve minutes of the August 19, 1987, meet-

ing; discuss granting of emeritus status; consider revisions to the student affairs handbook and code of student conduct, relating to drugs and hazing; ratify establishing a center for historic preservation and technology; discuss leaves of absence; and hear reports.

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

Filed: September 30, 1987, 8:59 a.m.
TRD-8708479

10 a.m. The Board of Regents will hear reports, act on minutes, and discuss academic and student affairs, finance and administration, campus and building, research, and development.

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

Filed: September 30, 1987, 8:56 a.m.
TRD-8708491

10:45 a.m. The Board of Regents for the Health Sciences Center will hear reports and act on minutes, and discuss academic, clinical, and student affairs, finance and administration, research, and development.

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

Filed: September 30, 1987, 8:55 a.m.
TRD-8708492

1:30 p.m. The Study Group on Administrative Structure of the Board of Regents for the Health Sciences Center, will hear Chairman Mayes give the committee its charge; Dr. Cavazos give his perspective on the challenge; Dr. Payne give oversight and review of previous studies and history; Dr. Haragan give the university perspective; Dr. Mittemeyer give the Health Sciences Center perspective; and develop study assignments and set a tentative agenda for the next meeting.

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

Filed: September 30, 1987, 9 a.m.
TRD-8708475

1:30 p.m. The Study Group on Administrative Structure of the Board of Regents will hear Chairman Mayes give the committee its charge; Dr. Cavazos give his perspective on the challenge; Dr. Payne give oversight and review of the previous studies and history; Dr. Haragan give the university perspective; Dr. Mittemeyer give the Health Sciences Center perspective; and develop study assignments and set a tentative agenda for the next meeting.

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

Filed: September 30, 1987, 9 a.m.
TRD-8708476



Texas Veterans Commission

Friday, October 23, 1987, 10 a.m. The Texas Veterans Commission will meet on the Sixth Floor, E.O. Thompson Building, 10th and Colorado Streets, Austin. According to the agenda, the commission will consider reports of the commission, make decisions regarding administrative matters pertaining to veterans counseling and assistance, and elect officers for the coming year.

Contact: Douglas K. Brown, P.O. Box 12277, Austin, Texas 78711, (512) 463-5538.

Filed: October 1, 1987, 9:27 a.m.
TRD-8708513



Texas Water Commission

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

Wednesday, September 30, 1987, 2 p.m. The commission will consider the following proposed hazardous waste permits: Amoco Chemical Company, HW-50121-00; Monsanto Company, HW-50189-001; Amoco Oil Company, HW-50184-001; Dow Chemical Company, La Porte Plant, Permit 50202; Phillips 66 Company, Philtex Plant, HW-50018; Occidental Electrochemicals Corporation, HW-50079; Union Carbide Corporation, HW-50126; Union Carbide, HW-50127; and Murrum Corporation, HW-50103.

Contact: Karen A. Phillips, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: September 29, 1987, 3:59 p.m.
TRD-8708461

September 30, 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 the executive director to require Spanish Grant Water System to provide continuous and adequate water service to all portions of its service area in Ellis County. The emergency status was necessary due to the threat to human health because of bacteriological contamination and the discontinuance of water service by Spanish Grant Water System, the Executive Director requests consideration of this matter as soon as possible.

Contact: Karen A. Phillips, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: September 30, 1987, 11:11 a.m.
TRD-8708496

Wednesday, October 28, 1987, 2 p.m. The commission will meet in Room 118 to consider application by Guadalupe-Blanco River Authority for an extension of time to commence construction or installation of hydroelectric facilities at Canyon Lake Dam,

Comal County.

Contact: Karen A. Phillips, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: September 30, 1987, 11:12 a.m.
TRD-8708495

Thursday, November 5, 1987, 10 a.m. The Office of Hearings Examiner will meet in the City Council Chambers, 2401 Market Street, Baytown. According to the agenda summary, the examiner will consider application by Exxon Company, U.S.A., P.O. Box 3950, Baytown, Texas 77522-3951 to the commission for a two-phased permit (Proposed Permit HW-50111-000) to operate a new class I hazardous waste land treatment unit in an existing interim status area. The proposed permit incorporates provisions for a two-phase land treatment demonstration permit with phase one being the operating life of the unit. The land treatment facility is located on a 52.0 acre tract of land on the south side of Decker Drive (spur 330) and south of interstate highway 10 in Baytown, Harris County. The land treatment demonstration is to be confined to a 43.1 acre site within this tract. This location is in the drainage area of segment 0901 of the Trinity-San Jacinto Coastal Basin.

Contact: Stephen Dickman, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: September 30, 1987, 3:57 p.m.
TRD-8708511



Regional Agencies

Meeting Filed September 29

The Lee County Appraisal District, Appraisal Review Board, will meet at 218 East Richmond Street, Giddings, on October 8, 1987, at 9 a.m. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

TRD-8708439



Meetings Filed September 30

Dawson County Central Appraisal District, Board of Directors, will meet at 9230 North Dallas, Lamesa, on October 7, 1987, at 7 a.m. Information may be obtained from Tom Anderson, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060.

The Education Service Center, Region II, Board of Directors, will meet at 209 North Water, Corpus Christi, on October 13, 1987, at 6:30 p.m. Information may be obtained from Gerald V. Cook, 209 North Water, Corpus Christi, Texas 78701, (512) 833-9288.

The Education Service Center, Region III,

Board of Directors, met at 1905 Leary Lane, Victoria, on October 1, 1987, at noon. Information may be obtained from Dennis Grizzle, 1905 Leary Lane, Victoria, Texas 77901, (512) 573-0731.

The Education Service Center, Region IV, Board of Directors, will meet in the Boardroom, 7145 West Tidwell, Houston, on October 13, 1987, at 6; p.m. Information may be obtained from Tom Pate, Jr., P.O. Box 863, Houston, Texas 77001, (713) 462-7708.

The Hood County Appraisal District, Board of Directors, will meet at 1902 West Pearl, Granbury, on October 6, 1987, at 7:30 p.m. Information may be obtained from Ben H. Griffin, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471.

The San Antonio River Authority, Board of Directors, will meet at 100 East Guenther Street, San Antonio, on October 13, 1987, at 10 a.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, San Antonio, Texas 78204, (512) 227-1373.

The Wheeler County Appraisal District, Board of Directors, met in the District Office, County Courthouse Square, Wheeler, on October 5, 1987, at 2 p.m. Information may be obtained from Marilyn Copeland, P.O. Box 349, Wheeler, Texas 79096, (806) 826-5900.

TRD-8708494



Meetings Filed October 1

The High Plains Underground Water Conservation District #1, Board of Directors, will meet in the Conference Room, 2930 Avenue Q, Lubbock, on October 13, 1987, at 10 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181.

The Wheeler County Appraisal District, Board of Directors, met in the District Office, County Courthouse Square, Wheeler, on October 5, 1987, at 2 p.m. Information may be obtained from Marilyn Copeland, P.O. Box 349, Wheeler, Texas 79096, (806) 826-5900.

TRD-8708514



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 Department of Banking Notice of Hearing

The hearing officer of the Texas Department of Banking will conduct a hearing on Monday, October 19, 1987, at 9 a.m. at 2601 North Lamar Boulevard, Texas Banking Department hearing room, Austin, to show cause why an order of conservatorship should not be imposed for Mortgage Banc and Trust, Inc., Conroe, and in the alternative, to consider whether the banking commissioner's order of supervision for Mortgage Banc and Trust, Inc., of Conroe, should be continued or modified.

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

Issued in Austin, Texas, on September 28, 1987.

TRD-8708471 Jorge A. Gutierrez
 General Counsel
 Texas Department of Banking

Filed: September 30, 1987
For further information, please call (512) 479-1200.



Texas Department of Commerce Private Activity Bond Allocation Report

The Tax Reform Act of 1986 (the Tax Act) imposes a volume ceiling on the aggregate principal amount of private activity bonds that may be issued within the State of Texas during any calendar year. The state ceiling for Texas, imposed by the Tax Act for calendar year 1987 is \$1,227,750,000.

State legislation, 70th Legislature, Senate Bill 1382, was passed, effective June 20, 1987, to establish the allocation process. The Act specifies that one-third of the state ceiling is to be made available to qualified mortgage bonds and of that one-third, one-third is available to the Texas Housing Agency. One-fourth of the state ceiling is available to state-voted issues, and the balance of the state ceiling is available for all other issuers of bonds requiring an allocation.

As a result of Senate Bill 1382, the aggregate amount for qualified mortgage bond subceiling is \$302,376,642, with \$201,584,428 available to the local housing authorities and \$100,792,214 available to the Texas Housing Agency. The aggregate amount for state-voted issues is \$226,782,481, and the amount for all other bonds requiring an allocation is \$377,970,802.

Generally, the state ceiling will be allocated on a first-come, first-served basis within the applicable subceiling, with the Texas Department of Commerce (the department) administering the allocation system.

The information that follows is a summary report of the allocation activity for the period September 21, 1987, through September 25, 1987.

Weekly Report on the 1987 Allocation of the State Ceiling on Certain Private Activity Bonds as Pursuant to Senate Bill 1382

Total amount of state ceiling remaining unreserved for the \$302,376,642 subceiling for qualified mortgage bonds under Senate Bill 1382 through September 25, 1987: \$252,376,642.

Total amount of state ceiling remaining unreserved for the \$226,782,481 subceiling for state-voted issues under Senate Bill 1382 from September 21, 1987, through September 25, 1987: \$226,782,481.

Total amount of state ceiling remaining unreserved for the \$377,970,802 subceiling for all other bonds under Senate Bill 1382 from September 21, 1987, through September 25, 1987: \$264,270,802.

Total amount of the \$1,227,750,000 state ceiling remaining unreserved as of September 25, 1987: \$743,429,925.

Comprehensive listing of bond issues which have received a reservation date per Senate Bill 1382 from September 21, 1987, through September 25, 1987, in order of issuer, user, description, and amount: Bexar County Housing Finance Corporation, eligible borrowers, qualified mortgage bonds, \$50,000,000.

Comprehensive listing of bonds issued and delivered as per Senate Bill 1382 from September 21, 1987, through September 25, 1987, in order of issuer, user, description, and amount: Trinity River Authority of Texas, Texas Utilities Electric Company, H₂O, pollution control and solid waste disposal, \$12,000,000; Sabine River Authority, Texas Utilities Electric Company (Martin Lake Steam Electric Station), solid waste disposal facility, \$6,000,000; Sabine River Authority, Texas Utilities Electric Company (Monticello Steam Electric Station), solid waste disposal facility, \$49,000,000.

Issued in Austin, Texas, on September 30, 1987.

TRD-8708488 J. W. Lauderback
 Executive Director
 Texas Department of Commerce

Filed: September 30, 1987
For further information, please call (512) 472-5059.



Texas Department of Health Amended AIDS Service Organizations Project

The Texas Department of Health announces the availability of funds for fiscal year 1988 for project grants to local

nonprofit AIDS service organizations. The purpose of these funds is to help prevent the further transmission of human immunodeficiency virus (HIV) and AIDS in target groups believed to be at increased risk for AIDS. These target groups are gay/bisexual men, IV drug users, prostitutes, heterosexuals with multiple partners, and the sex and/or needle-sharing partners of the target group.

Funding of these grants was authorized by a cooperative agreement with the Centers for Disease Control (U62/CC602008-02-01). Funds appropriated for these grants total \$100,000. Proposals may range from \$25,000 to \$50,000 and must come from nonprofit AIDS service groups conducting AIDS risk reduction activities and programs designed to effect behavior change.

Letters of intent to apply for funds should be postmarked not later than October 27, 1987, and sent to C. E. Alexander, M.D., Dr.P.H., Texas Department of Health, Bureau of AIDS and STD Control, 1100 West 49th Street, Austin, Texas 78756-3199. When writing to the department, please identify by title (AIDS Service Organization Project) the name of this grant. Completed applications must be postmarked no later than December 4, 1987. For more information, contact Dr. C. E. Alexander, (512) 458-7304.

Issued in Austin, Texas, on September 30, 1987.

TRD-8708469 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: September 30, 1987
For further information, please call (512) 458-7304.



Amended Minority AIDS Information and Education

The Texas Department of Health announces the availability of funds for fiscal year 1988 for project grants to local service providers. The funds are to be used to assist the minority communities to organize and collaborate to deliver AIDS health education and risk reduction messages to prevent the spread of HIV infections in the Black and Hispanic communities of Texas.

Funding of these grants was authorized by a cooperative agreement with the Centers for Disease Control (062/CC602008-02-01). Funds appropriated for these grants total \$474,258. Proposals for city or county based projects should be within a range \$10,000 to \$75,000 based on a combination of the extent of the AIDS problem in the community the size of the minority community and the number of AIDS cases or HIV infections in the minority community. Proposals for statewide projects should be within the range of \$50,000 to \$100,000 and must demonstrate with letters of support, the ability to work with minority organizations around the state both in and outside of cities and counties and other statewide agencies/organizations.

Letters of intent to apply for funds should be postmarked not later than October 27, 1987, and sent to C. E. Alexander, M.D., Dr.P.H., Texas Department of Health, Bureau of AIDS and STD Control, 1100 West 49th Street, Austin, Texas 78756-3199. When writing to the department, please identify by title (Minority AIDS Information/Education Project Grant) the name of this grant. Completed applications must be postmarked on or before December 4, 1987.

Eligible entities are nonprofit minority organizations and organizations with a minority component serving minority communities. Eligible entities that send a letter of intent will receive an application kit consisting of materials essential for submitting an application. For more information, contact Dr. C. E. Alexander, (512) 458-7304.

Issued in Austin, Texas, on September 30, 1987.

TRD-8708470 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: September 30, 1987
For further information, please call (512) 458-7304.



Texas Housing Agency Request for Proposals

The Texas Housing Agency (THA) invites proposals from interested firms with the qualifications and experience required to perform services related to securing, maintaining, and brokering real estate owned (REO) single family properties located throughout the State of Texas.

The one-year contract includes the areas of inspection, marketing, management, and disposal of the property. Additional activities include filing hazard and private mortgage insurance claims and providing appropriate reporting and accounting systems.

Additional information may be obtained from MaryLee Claborn, Asset Control Manager, P.O. Box 13941, Austin, Texas 78711-3941, (512) 474-2974.

Proposals must be submitted to the THA, P.O. Box 13941, Austin, Texas 78711-3941, by 5 p.m., Monday, November 9, 1987. A pre-proposal meeting will be held on Monday, October 19, 1987, at 2 p.m. in the Texas Housing Agency conference room, 811 Barton Springs Road, Suite 300, Austin.

The agency's single family committee, composed of certain members of the agency's board of directors, will make REO management service recommendations to the full board. The THA board of directors will make the final decision.

Issued in Austin, Texas, on September 30, 1987.

TRD-8708480 Dan A. McNeil
Executive Administrator
Texas Housing Agency

Filed: September 30, 1987
For further information, please call (512) 474-2974.



Texas Department of Human Services Public Notice

The Texas Department of Human Services (TDHS) has published a report outlining its intended use of federal block grant funds during fiscal year 1988 for Title XX social services programs.

To obtain free copies of the report, send requests to Cathy C. Rossberg, Administrator, Policy Development Support Division, Mail Code 222-E, Texas Department of Human Services, P.O. Box 2960, Austin, Texas 78769.

Issued in Austin, Texas, on September 29, 1987.

Filed: September 29, 1987

For further information, please call (512) 450-3765.

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Request for Proposals

The Texas Department of Human Services (TDHS) invites all interested parties to submit technical proposals to provide data collection services using voice response technology.

TDHS currently has a contract with Capitol Information Networks, Incorporated, which provides these services. This contract will expire on December 31, 1987.

Descriptions of Services. The purpose of the request for proposal (RFP) is to secure the services of a contractor who will provide an audio (voice) response system to collect status information for monthly and periodic reporting of income by clients of the department. TDHS staff will batch and enter the required data from the department's field offices using touchtone telephones.

The contractor will be required to collect and output the transactions daily to magnetic tape for processing by the department's mainframe computer system in Austin.

A complete description of the services required by the department is included in the RFP.

Closing date. The closing date for offers to provide these services is November 16, 1987. Data collection services are to begin January 1, 1988, and continue through December 31, 1988.

The contract resulting from this RFP will include an option to renew for up to four one-year contract periods. The department retains the right not to exercise this option.

Procedure for Selecting Contractor. TDHS shall select the contractor through recommendation of a review committee established for the purpose of evaluating the proposals. The evaluation will consist of two phases: technical evaluation and cost evaluation. Costs to TDHS for relocating and installing its MODEMS and related equipment will be taken into account.

Contact Person. Any offerer interested in providing the described services may obtain a request for proposal by contacting O. H. Ware, Texas Department of Human Services (mail code 805-W), P.O. Box 2960, Austin, Texas 78769, (512) 450-4280.

Issued in Austin, Texas, on September 29, 1987.

TRD-8708440 Marlin W. Johnston
Commissioner
Texas Department of Human Services

Filed: September 29, 1987

For further information, please call (512) 450-3765.

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Railroad Commission of Texas 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, Ar-

ticle 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

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Texas Water Commission Public Hearing

Pursuant to the requirements of the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5, the Texas Water Commission will conduct a public hearing to receive testimony and public comments on the question of whether the current plans of the United States Army Corps of Engineers for the Wallisville Reservoir project are in compliance with the conditional certification issued by the Texas Department of Water Resources on September 14, 1983, pursuant to the Federal Clean Water Act, §401.

Although this hearing is not a 401 certification hearing, the notice and procedural requirements of 31 TAC Chapter 279 will be observed during the hearing, in addition to the requirements of the Administrative Procedure and Texas Register Act, §5.

All comments and matters presented in this hearing will be reviewed by the hearing officer and presented to the Texas Water Commission in the same manner as a summary of comments on proposed rulemaking would be.

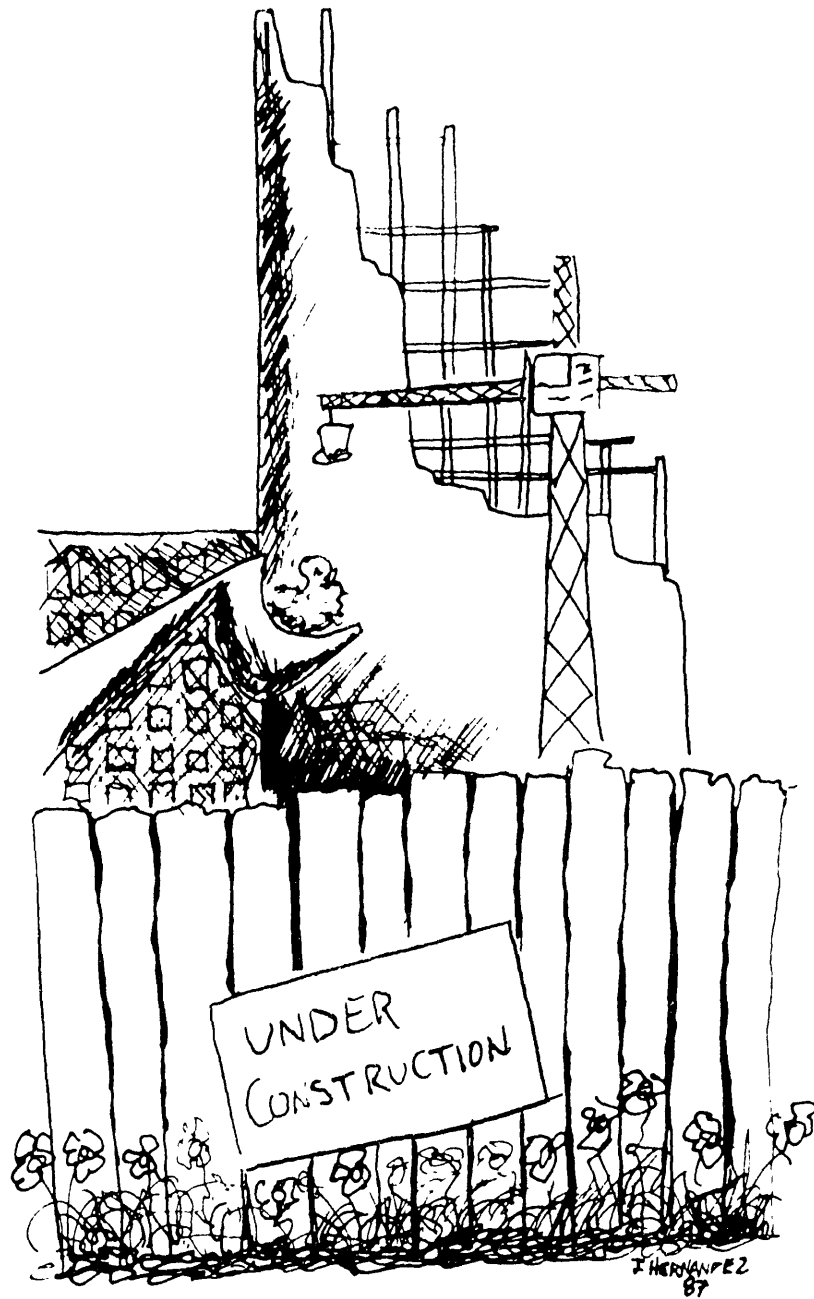
The hearing will be held at the following times and place: Wednesday, November 4, 1987, 7 p.m., League City Civic Center, 300 West Walker, League City; and Thursday, November 5, 1987, 9 a.m., League City Civic Center, 300 West Walker, League City. For those who cannot attend this hearing, comments may be submitted in writing to Jim Haley, Assistant Director, Legal Division, Texas Water Commission, 1700 North Congress Avenue, P.O. Box 13087, Austin, Texas 78711, until the close of business on Friday, December 4, 1987.

Issued in Austin, Texas, on September 29, 1987.

TRD-8708455 J. D. Head
Director
Legal Division
Texas Water Commission

Filed: September 29, 1987

For further information, please call (512) 463-8069.

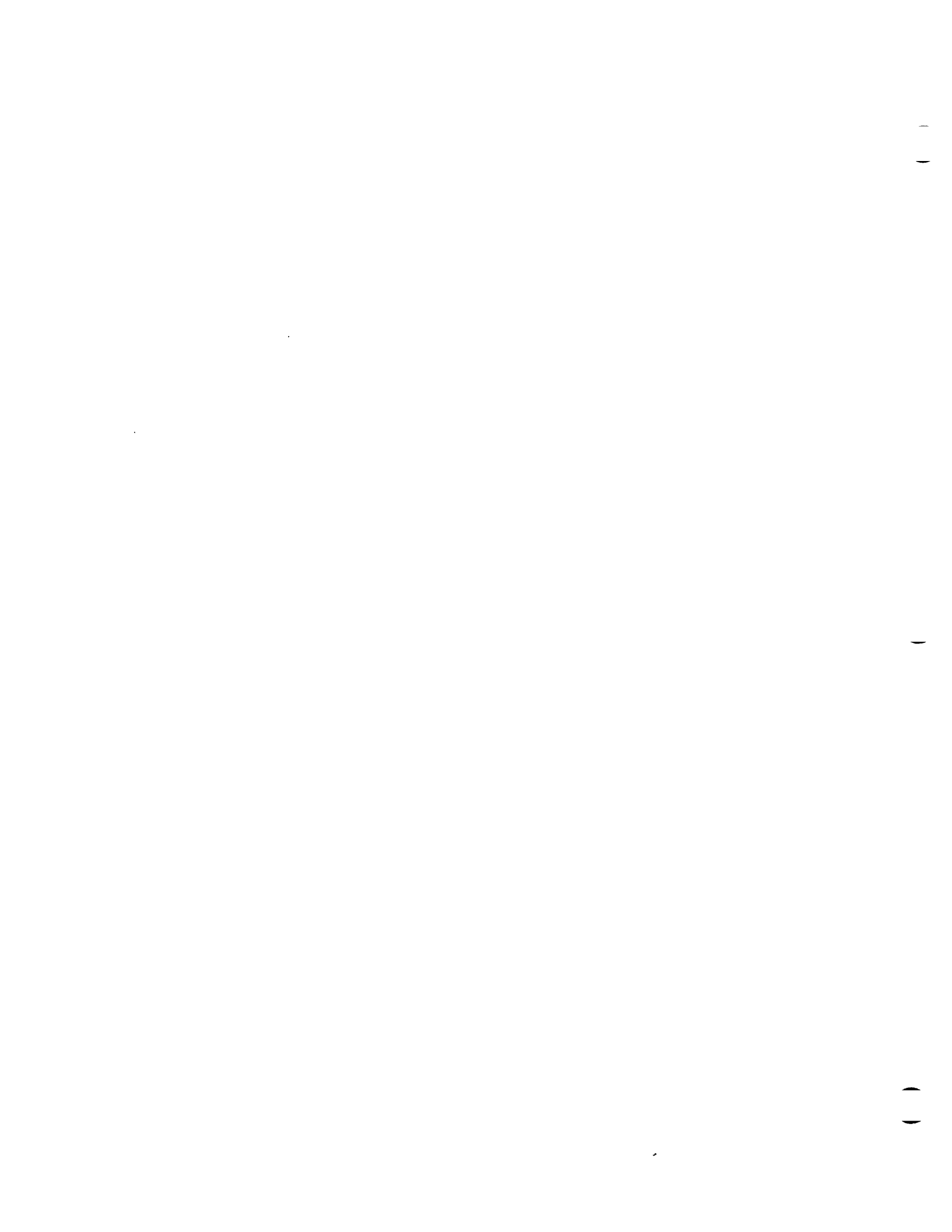


Name: Jesse Hernandez
Grade: 12
School: Sam Houston High, Houston

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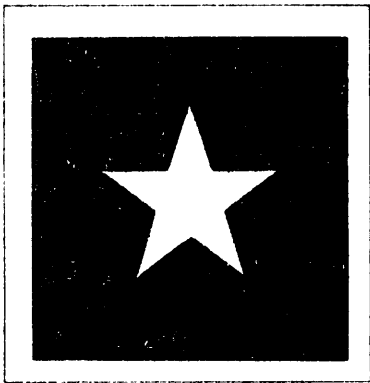
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