

6-87

TEXAS REGISTER

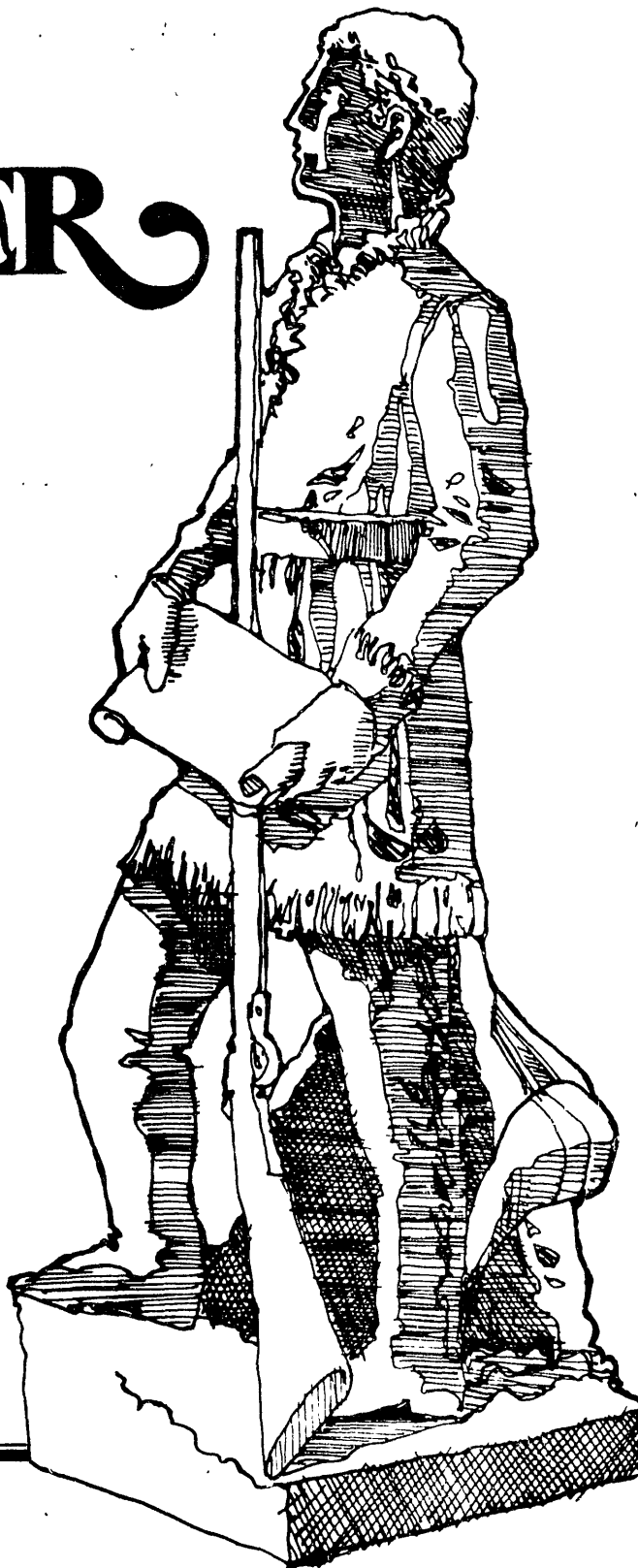
In This Issue...

Board of Tax Assessor Examiners simultaneously adopts on an emergency basis and proposes for permanent adoption new section to chapter on penalties, sanctions, and hearings; effective date—November 16; proposed date of adoption—February 4, 1982. The board also adopts on a permanent basis repeals of existing chapters and replacement chapters; effective date—December 7 4267, 4277, 4286

Office of the Secretary of State simultaneously proposes to repeal existing sections and add new sections on procedures for state funding of primary elections; proposed date of adoption—December 21 4269

Texas Department of Agriculture proposes new sections concerning the use of the TAP promotional emblem; proposed date of adoption—December 21 4271

Texas Department of Health simultaneously proposes the repeal of existing sections and new sections concerning general requirements and guidelines relating to licensing of athletic trainers; proposed date of adoption—December 21 4277



Office of the Secretary of State

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TEXAS DOCUMENTS

The *Texas Register* is currently in the process of converting to the numbering system found in the *Texas Administrative Code* (TAC). To aid the reader in this conversion, both the 10-digit *Register* number and the new TAC number will be listed for agencies whose rules have been published in the TAC. Emergency, proposed, and adopted rules sections of the *Register* are divided into two classifications: codified and noncodified. Codified rules appear in title number order. Non-codified rules appear in alphabetical order as they have in the past. An "Index of TAC Titles Affected" appears at the end of this issue.

Titles 1, 4, 7, 10, 13, 16, 19, 22, 25, 31, 34, 37, and 43 only of the TAC have now been published. Documents classified in the *Texas Register* to titles not yet published and certain documents affecting titles of the code have been accepted in the non-TAC format and may be renumbered or revised, or both, when initially codified in the TAC.

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

1 is the title (agencies grouped together by subject title which are arranged alphabetically)
TAC is the *Texas Administrative Code*
§27.15 is the section number (27 represents the chapter number and 15 represents the individual rule within the chapter)

Latest Texas Code Reporter
(Master Transmittal Sheet): No. 6, July 81

HOW TO CITE: Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which that document was published. For example, a document published on page 2404 of Volume 4 is cited as follows: 4 TexReg 2404.

Cover illustration represents Elisabet Ney's statue of Stephen F. Austin, which stands in the foyer of the State Capitol.

TEXAS REGISTER



David A. Dean
Secretary of State

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Texas Civil Statutes, Article 4399, requires the Attorney General of Texas to give written opinions to certain public officials. The Texas Open Records Act, Texas Civil Statutes, Article 6252-17a, §7, requires that a governmental body which receives a request for release of records seek a decision of the attorney general if the governmental body determines that the information may be withheld from public disclosure. Opinions and open records decisions issued under the authority of these two statutes, as well as the request for opinions and decisions, are required to be summarized in the *Texas Register*.

Copies of opinion requests may be obtained from the Opinion Committee, Attorney General's Office, Supreme Court Building, Austin, Texas 78711, telephone (512) 475-5445. Published opinions and open records decisions may be obtained by addressing a letter to the File Room, Fourth Floor, P.O. Box 12548, Austin, Texas 78711-2548, or by telephoning (512) 475-3744. A single opinion is free; additional opinions are \$1.00 a copy.

Opinions

Summary of Opinion MW-387 (RQ-636)

Request from Maurice S. Pipkin, executive director, State Commission on Judicial Conduct, Austin, concerning whether person appointed county court of law judge pursuant to Article 1970-341, §6, must comply with requirements for elected judge.

Summary of Opinion: A person who has not been actively engaged in the practice of law for a period of at least four years next preceding his appointment may not be validly appointed judge of the county court at law in Hildalgo County.

Issued in Austin, Texas, on November 13, 1981.

Doc. No. 818268 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

For further information, please call (512) 475-5445.

Summary of Opinion MW-388 (RQ-711)

Request from Charles W. Evans, chairman, Committee on Government Organization, Texas House of Representatives, Austin, concerning per diem to be received by the Board of Nurse Examiners.

Summary of Opinion: The Board of Nurse Examiners is subject to the per diem provisions set forth in the General Appropriations Act. Attorney General Opinion MW-365 (1981) is modified to the extent that it dictates a different result.

Issued in Austin, Texas, on November 13, 1981.

Doc. No. 818269 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

For further information, please call (512) 475-5445.

Summary of Opinion MW-389 (RQ-609)

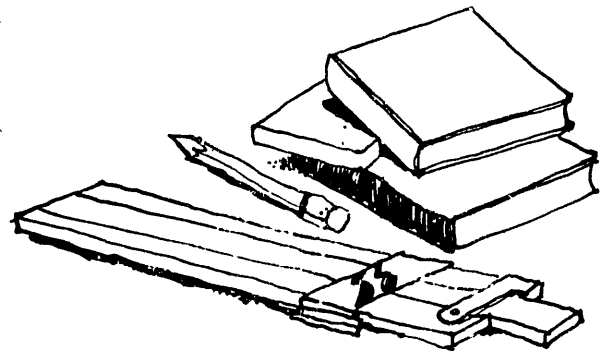
Request from Evans N. Wentz, executive director, State Commission for the Blind, Austin, concerning legality of rider to appropriation for State Commission for the Blind.

Summary of Opinion: A rider to the appropriation for the State Commission for the Blind is not violative of the Texas Constitution, Article III, §35.

Issued in Austin, Texas, on November 13, 1981.

Doc. No. 818270 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

For further information, please call (512) 475-5445.



The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5(d), allows an agency to take emergency action on a rule after determining what it considers to be an imminent peril to the public health, safety, or welfare. The rule may become effective immediately on filing with the Texas Register Division, or on a stated date less than 20 days after filing, for no more than 120 days, renewable once for no more than 60 days. An agency must submit written reasons, published in the *Register*, for emergency action on a rule. The notice of emergency action must also include a statement of the legal authority under which the emergency action is promulgated and the text of the emergency action, in compliance with the rules of the Texas Register Division. The certification information, which includes the effective date of the emergency action and the expiration date, follows each published submission of emergency action. A telephone number for further information is also published.

This section now contains two classifications: codified and noncodified. Agencies whose rules have been published in the *Texas Administrative Code* will appear under the heading "Codified." These rules will list the new TAC number, which will be followed immediately by the *Texas Register* 10-digit number. Agencies whose rules have not been published in the TAC will appear under the heading "Noncodified." The rules under the heading "Codified" will appear first, immediately followed by rules under the heading "Non-codified."

Symbology—Changes to existing material are indicated in *bold italics*. [Brackets] indicate deletion of existing material.

CODIFIED

TITLE 1. ADMINISTRATION

Part V. State Purchasing and General Services Commission

Chapter 113. Central Purchasing Division Purchasing

The State Purchasing and General Services Commission is adopting on an emergency basis an amendment to §113.7 (028.12.01.056) relating to contract administration, etc., which will remove the state barrier to the payment of restocking charges in cases of contract cancellations.

Paragraph (5) of subsection (b) was in compliance with Attorney General Opinion WW-983 (1961) preventing the commission from authorizing payment of a restocking charge. House Bill 1183, 67th Legislature, 1981, Chapter 546, page 2265, added §3.30 to Article 601b, Texas Civil Statutes, allowing the payment of restocking charges in justifiable cases. Since the rule prevents the authorization of such payments, it is necessary to amend it on an emergency basis to bring it into agreement with the Act.

In cases of contract cancellations requested by the using state agency, under this amended rule, the commission will be able to authorize payment of restocking charges in justifiable cases. A permanent rule reading the same is also being proposed for adoption in this issue of the *Texas Register*.

This emergency amendment to the commission's rules is being proposed pursuant to Texas Civil Statutes, Article 601b.

§113.7 (028.12.01.056). *Contract Administration, Conditions Applicable to Both Open Market and Contract.*

(a) (No change.)

(b) Cancellations.

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

(5) The state *may* [cannot] pay a restocking charge or [any] other *similar* charge as a result of a canceled order, *if the commission determines that the charge is justifiable.*

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

Issued in Austin, Texas, on November 12, 1981.

Doc. No. 818170 Homer A. Foerster
Executive Director
State Purchasing and General
Services Commission

Effective Date: November 12, 1981

Expiration Date: March 12, 1982

For further information, please call (512) 475-5966.

TITLE 19. EDUCATION

Part II. Texas Education Agency

Chapter 157. Hearings and Appeals

Subchapter D. Hearings Concerning Handicapped Students

The Texas Education Agency repeals Chapter 157, Subchapter D, Hearings Concerning Handicapped Students, on an emergency basis. The decision rendered on October 2, 1981, by the Fifth Circuit Court in *Helms v. McDaniel* (81-7111) struck down Georgia's hearing procedures for handicapped students. These procedures were very similar to the Texas procedures. Therefore the Texas procedures are being repealed.

The Texas Education Agency simultaneously adopts emergency §§157.91-157.99, new procedures which reflect the requirements of the Fifth Circuit decision. Under the new rules for hearings concerning handicapped students, a hearing will be held before an impartial hearing officer appointed by the commissioner of education. The impartial hearing officer may not be an employee of a public agency which is involved in the education or care of the student and must have no personal or professional interest which would conflict with his or her objectivity as a hearing officer. The decision of the impartial hearing officer will be final unless a party brings civil action under the provisions of Public Law 94-142. Under the new rules, cases concerning the identification, evaluation, or educational placement of a handicapped student will not be heard by the commissioner of education or the State Board of Education.

(Editor's note: The text of the following rules repealed on an emergency basis will not be published. The rules may be ex-

amined in the offices of the Texas Education Agency, 201 East 11th Street, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The repeal is adopted on an emergency basis under the authority of Part B of the Education of the Handicapped Act as amended by Public Law 94-142, 20 United States Code §§1401 et seq., and the implementing federal regulations, and 34 Code of Federal Regulations, §300.1 et seq.

- §157.91 (226.71.05.010). *Applicability.*
 §157.92 (226.71.05.020). *Request for Hearing.*
 §157.93 (226.71.05.030). *Hearing.*
 §157.94 (226.71.05.040). *Notices to the Commissioner of Education.*
 §157.95 (226.71.05.050). *Decision of the Commissioner of Education.*
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 §157.98 (226.71.05.080). *Rehearing.*
 §157.99 (226.71.05.090). *Extension of Time.*
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Issued in Austin, Texas, on November 16, 1981.

Doc. No. 818249 Raymon L. Bynum
 Commissioner of Education

Effective Date: November 16, 1981

Expiration Date: March 16, 1982

For further information, please call (512) 475-7077.

The following new sections are adopted on an emergency basis under authority of Part B of the Education of the Handicapped Act, as amended by Public Law 94-142, 20 United States Code, §§1401 et seq., and the implementing federal regulations, 34 Code of Federal Regulations, §§300.1 et seq.

§157.91. *Purpose.* These sections are intended to bring the procedures for hearings and appeals of the Texas Education Agency into compliance with Part B of the Education of the Handicapped Act as amended by Public Law 94-142, 20 United States Code, §§1401 et seq., and the applicable federal regulations, 34 Code of Federal Regulations, §§300.1 et seq. These sections supplement existing Texas Education Agency rules governing hearings and appeals and are intended to be applied together except where a conflict exists, in which case these sections shall prevail.

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

Eligible student—Any student who has reached his or her 18th birthday and has not been adjudged incompetent by a court of proper jurisdiction, or any minor student who has had his or her disabilities of minority removed by order of a court or by operation of law.

Handicapped student—Those students suspected of or evaluated as possessing a handicapping condition as defined by §89.202 (226.35.71.020) of this title (relating to Definitions). In this subchapter the term "student" means handicapped student unless the context clearly indicates otherwise.

Parent—A parent or person acting in the place of a parent, such as a grandparent or step-parent with whom a

child lives. The term includes a surrogate parent who has been appointed in accordance with law but does not include the state if the child is a ward of the state.

Personally identifiable information—Information which includes:

- (A) name of the student, the student's parent, or other family member;
- (B) address of the student;
- (C) personal identifier, such as the student's social security number or student number; or
- (D) list of personal characteristics or other information which would make it possible to identify the child with reasonable certainty.

Public education agency—The local school district, special education cooperatives, and any other agency or political subdivision of the state responsible for providing education to handicapped students.

§157.93. *Applicability.* These sections shall apply in any hearing involving the identification, evaluation, or educational placement of a handicapped student or the provision of a free appropriate public education to the student.

§157.94. *Request for Hearing.* A parent or eligible student may initiate a hearing on any matter described in §157.93 of this title (relating to Applicability). A public educational agency may initiate a hearing to determine if a student may be evaluated or initially provided special education and related services without parental consent. A public educational agency may also initiate a hearing to show that its evaluation is appropriate when the parent or eligible student disagrees with an evaluation obtained by the public agency and requests an independent educational evaluation at public expense. The request for hearing shall be in writing and filed with the commissioner of education, Texas Education Agency, 201 East 11th Street, Austin, Texas 78701.

§157.95. *Impartial Hearing Officer* Hearings shall be conducted by an impartial hearing officer appointed by the commissioner of education. The hearing officer selected by the commissioner shall not be a person who:

- (1) is an employee of a public agency which is involved in the education or care of the student, or
- (2) has a personal or professional interest which would conflict with his or her objectivity in the hearing.

§157.96. *Hearing Rights.*

- (a) Any party to a hearing shall have the right to:
 - (1) be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of handicapped students;
 - (2) present evidence and confront, cross-examine, and compel the attendance of witnesses pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a;
 - (3) prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five days before the hearing;
 - (4) obtain a written verbatim record of the hearing; and
 - (5) obtain written findings of fact, conclusions of law, and decision.
- (b) Parents involved in hearings shall have the right to:
 - (1) have the student who is the subject of the hearing present; and
 - (2) open the hearing to the public.

§157.97. Hearing

(a) The hearing officer shall afford the parties an opportunity for hearing after reasonable notice of not less than 10 days, unless the parties have agreed otherwise.

(b) Each hearing shall be conducted at a time and place which is reasonably convenient to the parties involved.

(c) The rules of evidence as provided for in the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §14(a), shall apply in hearings conducted under these sections.

(d) The hearing shall be recorded and transcribed by a reporter who shall immediately prepare and transmit a transcript of the evidence to the hearing officer with copies to the parties. The hearing officer shall instruct the reporter and the parties to delete all personally identifiable information from the transcription and from all evidence submitted.

(e) The hearing officer may issue subpoenas and commissions to take depositions pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §14. Subpoenas and commissions to take depositions shall be issued in the name of the Texas Education Agency.

(f) The hearing officer shall issue a final decision no later than 45 days after a request for hearing is filed. A final decision must be in writing and shall include findings of fact and conclusions of law, separately stated. Findings of fact must be based exclusively on the evidence and on matters officially noticed pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §14. The final decision shall be transmitted to each party by the hearing officer.

(g) A hearing officer may grant specific extensions of time beyond the period set out in subsection (f) of this section at the request of either party.

(h) The decision made pursuant to subsection (f) of this section is final, unless a party brings a civil action under 20 United States Code, §1415(e).

(i) Hearings conducted under these sections will be closed to the public unless the parent or eligible student requests that the hearing be open.

§157.98. Request for Hearing. The request for hearing shall be deemed filed only when actually received by the designated hearing officer.

§157.99 Student's Status During Proceedings.

(a) During the pendency of any administrative proceeding regarding a complaint, unless the parties agree otherwise, the student involved in the complaint must remain in his or her present educational placement.

(b) If the complaint involves an application for initial admission to public school, the student, with the consent of the parents where appropriate, must be placed in the public school program until the completion of all proceedings.

Issued in Austin, Texas, on November 16, 1981.

Doc. No. 818250 Raymon L. Bynum
Commissioner of Education

Effective Date: November 16, 1981
Expiration Date: March 16, 1982
For further information, please call (512) 475-7077.

TITLE 22. EXAMINING BOARDS**Part XXVII. Board of Tax Assessor Examiners****Chapter 629. Penalties, Sanctions, and Hearings**

The Board of Tax Assessor Examiners adopts, on an emergency basis, new §629.16, concerning costs pertaining to hearings.

The Board of Tax Assessor Examiners is required to hold hearings; but, the board has voted that certain costs should be borne by affected parties. Since two complaints against license holders were brought before the board requiring that such hearings be held it was necessary the board adopt this rule. The underlying emergency of this rule is that these two complaints have been pending for some time. The adoption of this rule by emergency action is necessary to avoid further delay which would jeopardize these parties' due process rights. Due process requires informing all parties of costs which must be incurred by the parties concerning hearings pertaining to revocation of license.

This new section is adopted under the authority of the Registration and Professional Certification Act of the 65th Legislature, Article 7244b, §10, which requires that the Board of Tax Assessor Examiners hold hearings for revoking of licenses.

§629.16. Costs Pertaining to Hearings.

(a) The complainant shall be responsible for providing, at his or her expense, an adequate facility for the hearing when the hearing is scheduled outside of the Austin area. The hearing shall take place in a neutral setting approved by the hearing officer.

(b) Each hearing shall be recorded by an official court reporter, unless all parties to the hearing agree in writing that a transcript will not be necessary, then the board shall record the proceedings by tape recording. The cost of the original transcript shall be borne by the complaining party. Costs of copies of the transcript shall be provided to and paid by the party requesting copies. The original transcript shall be delivered to the executive director or hearing officer not more than 15 days after the close of the hearing.

(c) Suggested corrections to the transcript of the record may be offered within 10 days after the transcript is filed in the proceeding, unless the hearing officer or the agency shall permit suggested corrections to be offered thereafter. Suggested corrections shall be served in writing upon each party of record, the official reporter, and the hearing officer. If suggested corrections are not objected to, the hearing officer will direct the corrections to be made and the manner of making them. In case the parties disagree on suggested corrections, they may be heard by the hearing officer, who shall then determine the manner in which the record shall be changed, if at all.

Issued in Austin, Texas, on November 16, 1981.

Doc. No. 818256 Ben H. Tow
Executive Director
Board of Tax Assessor Examiners

Effective Date: November 16, 1981
Expiration Date: March 16, 1982
For further information, please call (512) 837-9800.

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 65. Wildlife

Subchapter Q. Furbearers

The Texas Parks and Wildlife Commission in a public hearing on November 5, 1981, adopted on an emergency basis amendments to §65.379 and §65.382 to be effective November 12, 1981. Sections 65.371-65.389 constitute the Fur-Bearing Animal and Trapping Proclamation (6 TexReg 3763). The emergency amendments permit the use of artificial lights for taking fur-bearing animals and provide that the executive director may prescribe the information and permit form necessary before living fur-bearing animals may be imported into this state. The emergency amendments will be proposed for permanent adoption.

The commission finds that the emergency amendments to §65.379 and §65.382 are necessary to prevent waste of fur-bearing animal resources and to prevent imminent peril to the public's health.

The emergency amendments are adopted under Texas Parks and Wildlife Code, Chapter 71, which provides the commis-

sion with authority to adopt fur-bearing animal regulations which the commission considers necessary to manage furbearers or to protect human health or property.

§65.379. Means and Methods.

(a) Only the following means and methods are legal for taking fur-bearing animals:

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

(9) *Artificial light.*

(b) (No change.)

§65.382. Importation of Fur-Bearing Animals or Their Pelts.

(a) (No change.)

(b) No person may import live fur-bearing animals into this state from another state or country unless a permit has been issued by the department for such importation. *The department's executive director is authorized to prescribe the necessary information and permit form which is required to import live fur-bearing animals.*

Issued in Austin, Texas, on November 10, 1981.

Doc. No. 818180

Maurine Ray
Administrative Assistant
Texas Parks and Wildlife Department

Effective Date: November 12, 1981

Expiration Date: March 12, 1982

For further information, please call (512) 479-4973.

Pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, an agency must give at least 30 days notice of its intention to promulgate certain action on a rule. The purpose of proposing rule action is to give interested persons an opportunity to review the proposal and make oral or written comments. "Opportunity for public hearing must be granted if requested by at least 25 persons, by a governmental subdivision or agency, or by an association having at least 25 members." Proposed action is effective as notice on the date published in the *Register*. Unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice, the proposed date of adoption is 30 days after publication. The notice must include a brief explanation of the proposed action; a fiscal impact statement; a request for comments on the proposed action from any interested person; the text of the proposed action, in compliance with the rules of the Texas Register Division; and a statement of the legal authority under which the proposed action is to be promulgated. The certification information, which includes the earliest possible date that the agency may file notice to adopt the proposal, follows each published submission of proposed action. A telephone number for further information is also published.

This section now contains two classifications: codified and noncodified. Agencies whose rules have been published in the *Texas Administrative Code* will appear under the heading "Codified." These rules will list the new TAC number, which will be followed immediately by the *Texas Register* 10-digit number. Agencies whose rules have not been published in the TAC will appear under the heading "Noncodified." The rules under the heading "Codified" will appear first, immediately followed by rules under the heading "Non-codified."

Symbology—Changes to existing material are indicated in *bold italics*. [Brackets] indicate deletion of existing material.

CODIFIED

TITLE 1. ADMINISTRATION

Part IV. Office of the Secretary of State

Chapter 81. Elections

Nominations

The Office of the Secretary of State proposes to repeal §§81.123-81.146, and to adopt new §§81.123-81.132, concerning procedures for state funding of primary elections. The existing rules covering this subject are being repealed and replaced by new rules in order to more effectively administer the funding of primary elections in the state.

Vic Terry, Financial Management Division director, has determined that for the first five-year period the new rules

will be in effect, there will be fiscal implications as a result of enforcing or administering the rule. The estimated additional cost to state government will be \$1.1 million each year for 1982, 1984, and 1986. There will be no effect on local government.

Mr. Terry has also determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be the ability to conduct primary elections.

(B) There will be no economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposals may be submitted to Vic Terry, Financial Management Division director, P.O. Box 12887, Austin, Texas 78711-2887.

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

M. E. Kosa
November 12, 1981

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the Financial Management Division office on the eighth floor of the Sam Houston Building, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The repeal is proposed under Texas Election Code, Article 13.08(j), which provides the Office of the Secretary of State with the authority to promulgate rules which will minimize the costs of the primary elections. The secretary of state shall furnish a copy of all rules promulgated pursuant to this section to each county chairman at least 10 days before the election.

- §81.123. *State Executive Committee.*
- §81.124. *Receipts.*
- §81.125. *Sworn Estimates (First Primary).*
- §81.126. *Sworn Estimates (Second Primary).*
- §81.127. *Actual Costs.*
- §81.128. *Forms.*
- §81.129. *Expenses Reimbursed.*
- §81.130. *Rental.*
- §81.131. *County Executive Committee.*
- §81.132. *County Elections: Polling Places.*
- §81.133. *County Elections: Primary Fund.*
- §81.134. *County Elections: Receipts.*
- §81.135. *County Elections: Sworn Estimates (First Primary).*
- §81.136. *County Elections: Sworn Estimates (Second Primary).*
- §81.137. *County Elections: Actual Costs.*
- §81.138. *County Elections: Forms.*
- §81.139. *County Elections: Expenses Reimbursed.*
- §81.140. *County Elections: Rental.*
- §81.141. *County Elections: Election Code.*
- §81.142. *County Elections: Voter Turnout.*
- §81.143. *County Elections: Judges and Clerks.*
- §81.144. *County Elections: Voting Machines.*

§81.145. *County Elections: Punch Card Devices.*

§81.146. *County Elections: Precinct Returns.*

Issued in Austin, Texas, on November 12, 1981.

Doc. No. 818178 David A. Dean
Secretary of State

Proposed Date of Adoption: December 21, 1981

For further information, please call (512) 475-3091.

The new sections are proposed under Texas Election Code, Article 13.08(j), which provides the Office of the Secretary of State with the authority to promulgate rules which will minimize the costs of the primary elections. The secretary of state shall furnish a copy of all rules promulgated pursuant to this section to each county chairman at least 10 days before the election.

§81.123. *Allocation of Primary Finance Appropriation.* The secretary of state will plan the allocation of state monies for primary finance. In the planning process, the secretary of state will consult the political parties, their executive committees, and county chairmen to the extent practicable. Each state and county chairman will be notified of the amount of state money available to conduct the first and runoff primaries in his county.

§81.124. *Discriminatory Practices.* The secretary of state will not approve any expenditure of state funds to any organization that practices discrimination based on race, sex, age, creed, or national origin, or takes any action which would tend to discourage the full and free participation in the electoral process.

§81.125. *Definition of Primary Election Costs.* Primary election costs are the costs which must be incurred to conduct the first primary and runoff elections. Political expenses, those expenses which would be incurred if there were no election, and expenses for any activity forbidden by statute or rule are not primary election costs subject to state reimbursement. Purchases of equipment, furnishings, or any other item which has a residual value after the primary elections are not considered primary election costs unless it can be clearly demonstrated that purchases are less costly than rent for the election period.

§81.126. *First Primary Election Cost Estimate.* After the filing period but at least 30 days before the first primary election, the state and county chairmen of each political party holding primary elections shall submit to the secretary of state a sworn itemized estimate of the costs for conducting the first primary election together with a sworn statement of the beginning balance in the primary fund account, filing fees, and contributions received for such primary elections to and including the date of such sworn statement.

§81.127. *Runoff Primary Election Cost Estimate.* When a runoff for any statewide or district office is necessary, within 15 days after the first primary the state chairmen shall submit to the secretary of state a sworn itemized estimate of the state executive committee's costs for the runoff primary. In each county in which a second or runoff primary is necessary, within 10 days after the first primary the county chairmen shall submit to the secretary of state a sworn itemized estimate of the costs for conducting the runoff primary.

§81.128. *Actual Cost of Primary Elections.* Within 20 days after the date of the runoff primary the state and county

chairmen shall submit a sworn itemized actual cost report to the secretary of state. The secretary of state will authorize payment to county chairmen upon receipt of precinct returns.

§81.129. *Primary Fund and Cost Management.* The state chairmen and state executive committee are authorized to show those expenses which are reasonable and necessary to conduct primary elections, but may not spend more than the amount of money available in the state primary fund account. The county chairman may employ election officials and rent voting machines to the extent he deems to be reasonable and necessary to conduct the primary elections, but may not spend more than the amount of money available in the primary fund account. The primary fund account consists of filing fees, contributions to the primary fund, the state allocation, and any money left over from previous primary elections. State law specifically prohibits any form of deficit financing and makes it illegal to spend more money than was appropriated by the legislature. The county chairmen are therefore authorized to take any steps which are consistent with the election code to conduct the primary election at a cost which does not exceed the money available from the county primary fund.

§81.130. *Gifts to the State.* Any gift to the state which is made to the primary finance account and is made on behalf of a particular county or state primary fund will be disbursed by the secretary of state to that account.

§81.131. *Audits.* The secretary of state may require an audit of a state or county primary fund when he believes a valid purpose will be served by such a procedure. Copies of receipts, bills, invoices, or other documentation of expenses incurred should be retained for two years and should be made available to auditors upon request.

§81.132. *Forms.* The secretary of state adopts by reference the forms for the statements required in §81.126 - §81.128 of this title (relating to First Primary Election Cost Estimate; Runoff Primary Cost Estimate; and Actual Cost of Primary Elections). These forms may be obtained from the Financial Management Division, Office of the Secretary of State, P.O. Box 12887, Austin, Texas 78711-2887.

Issued in Austin, Texas, on November 12, 1981.

Doc. No. 818179 David A. Dean
Secretary of State

Proposed Date of Adoption: December 21, 1981

For further information, please call (512) 475-3091.

Part V. State Purchasing and General Services Commission

Chapter 113. Central Purchasing Division

Purchasing

(Editor's note: The State Purchasing and General Services Commission proposes for permanent adoption amendments to §113.7 (028.12.01.056), which it adopts on an emergency basis in this issue. The text of the amendments appears in the Emergency Rules section.)

The State Purchasing and General Services Commission proposes amendments to §113.7 (028.12.01.056), concerning con-

tract administration, conditions applicable to both open market and contract cancellations and restocking charges.

C. M. Walton, Central Purchasing Division director, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications to state and local governments as a result of enforcing or administering the rule.

Mr. Walton has also determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be lower contract costs resulting from inclusion of authority to pay restocking charges. These should offset any increased costs actually paid for restocking.

(B) There will be no economic cost to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to James H. Quick, general counsel, P.O. Box 13047, Austin, Texas 78711.

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

James H. Quick
November 12, 1981

The amendments are proposed under Texas Civil Statutes, Article 601b, §3.30, which provides the State Purchasing and General Services Commission with the authority to pay restocking charges in justifiable cases.

Issued in Austin, Texas, on November 12, 1981.

Doc. No. 818171 Homer A. Foerster
 Executive Director
 State Purchasing and General
 Services Commission

Proposed Date of Adoption: December 21, 1981
For further information, please call (512) 475-5966.

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

Chapter 17. Marketing Division

TAP Promotional Emblem

The Texas Department of Agriculture proposes new §§17.51-17.56 concerning the TAP promotional emblem.

The Texas Department of Agriculture desires to delineate the scope and nature of control the department intends to exercise over the use of the term "Texas Agricultural Product" and the "Texas Agricultural Product" (TAP) emblem. The department seeks by rule to adopt standards which will clarify to food and fiber producers, processors, and packers which agricultural products will qualify for the promotional use of the TAP emblem. By regulation, the department proposes to restrict the use of the TAP symbology to those products that can be reasonably deemed "produced in Texas," and as such, are of a quality representative of Texas goods. A brief summary of the sections proposed appears below.

Section 17.51 provides definitions pertaining to this subchapter. Section 17.52 provides that the promo-

tional use of the TAP emblem shall be restricted to those products for which a successful application to the department for permission to make such use has been prosecuted. Other subsections within the section provide for the form and manner of application. Section 17.53 provides procedural guidelines for agency action on a TAP application.

Section 17.54 provides standards for the granting or denial by the department of a TAP application. The standards require, among other things, that the product for which application is made be produced in Texas and be of a quality representative of similar products produced in Texas. Section 17.55 provides for the registration of successful TAP applicants. Section 17.56 provides procedures and guidelines for revocation by the department of permission to use the TAP emblem.

It is hoped that by limiting the use of the TAP emblem to Texas products, meeting Texas production standards, that the department can at once both raise the connotative public perception of goods marketed under the TAP symbol, thus serving the food and fiber producers of Texas, and also curb abuse of the symbol, thus protecting the public from misleading marketing practices.

William C. Neiser, director of fiscal services, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications as a result of enforcing or administering the rule.

Ben Baisdon, Marketing Division director, has determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be increased consumer protection realized as a result of stricter departmental control over what products are allowed to be labeled as a "Texas Agricultural Product;" and increased marketing advantage afforded producers, processors, and packers employing the TAP emblem on their products accomplished by raising the public's connotative perception of the quality and freshness of products marketed under the TAP emblem.

(B) There will be no additional costs to individuals required to comply with the proposed rules.

Comments on the proposal may be submitted to Ben Baisdon, director, Marketing Division, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711. All comments should be submitted in writing and clearly identify the party or parties wishing the comment to be registered with the department.

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

Reagan V. Brown,
November 12, 1981

The new sections are proposed under Texas Agriculture Code, Chapter 12, §12.017 (1981), which provides the Texas Department of Agriculture with the authority to regulate the use of the term "Texas Agricultural Product" and any symbol connected with that term in the selling, advertising, marketing, or other commercial handling of food or fiber products.

§17.51 *Definitions.* The following words and terms, when

used in this subchapter shall have the following meanings unless the context clearly indicates otherwise:

Act—Texas Agricultural Product Act, Texas Agricultural Code, Chapter 12, §12.017 (1981).

Commissioner—Commissioner of Agriculture, Texas Department of Agriculture.

Person—An individual, firm, partnership, corporation, governmental entity, or association of individuals.

Produced in Texas—A product is produced in Texas if:

(A) the commodity or commodities of which it is composed are grown, raised, nurtured, sown, or cultivated within the state; or

(B) the product is processed within the state in a manner which substantially changes its form.

TAP promotional emblem—The term "Texas Agricultural Product" or the following symbol being registered with the Secretary of State's Office by the Texas Department of Agriculture:



§17.52. Application for Permission To Use the TAP Promotional Emblem.

(a) No person shall use, employ, adopt, or utilize the TAP promotional emblem in the selling, advertising, marketing, packaging, or other commercial handling of food and fiber products, unless prior application has been made to the commissioner for permission to make such use, employment, adoption, or utilization, and approval has been granted.

(b) Applications submitted under this section shall be made in writing on a form prescribed by the commissioner and shall contain:

- (1) the name and address of the applicant;
- (2) a description of the type of business conducted by the applicant;
- (3) the brand name of the product for which application is made;
- (4) the commodity or commodities from which the product is made;
- (5) a statement of the primary source of supply of the product and the commodity or commodities from which it is made, stated in a manner which explains how the applicant intends to employ the TAP promotional emblem only on products produced in Texas;
- (6) a statement of where the product is to be processed;
- (7) a statement of where the product is to be packaged;
- (8) the state(s) where the product is to be marketed;
- (9) a statement of whether the applicant is involved in intrastate, interstate, or international trade;
- (10) a statement of whether the applicant intends to become involved in intrastate, interstate, or international trade;
- (11) a statement of how the TAP promotional emblem is to be employed, including a sample of the proposed usage; and

(12) the signature and title of applicant or applicant's agent submitting the application.

(c) A separate application shall be submitted for each product and/or brand name for which permission to use the TAP promotional emblem is sought.

(d) Applications shall be submitted to the director, Marketing Division, Texas Department of Agriculture.

§17.53. Action on Application.

(a) The director, Marketing Division, Texas Department of Agriculture, within 15 days of receipt of an application for permission to use the TAP promotional emblem, shall make an initial determination of whether such permission shall be granted or denied, and forthwith notify the applicant in writing of his decision setting forth in detail the reasons for such grant or denial.

(b) If the applicant wishes to contest such initial determination, notice of protest shall be filed by the applicant with the commissioner within 15 days of receipt by the applicant of notice of such initial determination. Notice of protest being timely filed, the application shall be administered as a contested case as provided for in the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, and the Rules of Practice and Procedure, 4 TAC §§1.1-1.36.

(c) If notice of protest has not been filed with the commissioner within 15 days of receipt by the applicant of notice of such initial determination, such initial determination shall become final.

§17.54. Use of the TAP Promotional Emblem. An application for permission to use the TAP promotional emblem may be denied if:

- (1) application is not made pursuant to §17.52 of this title (relating to Application for Permission To Use the TAP Promotional Emblem);
- (2) the applicant cannot provide adequate assurances that the product for which application is made is produced and will continue to be produced in Texas;
- (3) the product is of a quality markedly inferior to that representative of similar products produced in Texas;
- (4) the applicant has abused the TAP promotional emblem prior to the date of application; or
- (5) the commissioner, in the exercise of his discretion, determines that the grant of such permission would be injurious to the promotion of Texas agricultural commodities.

§17.55. Registration of Those Entitled To Use the TAP Promotional Emblem. The director, Marketing Division, Texas Department of Agriculture, shall enroll in a register the names of all applicants granted permission under this subchapter to use the TAP promotional emblem in the selling, advertising, marketing, packaging, or other commercial handling of food and fiber products. The register shall be available for public inspection during normal business hours in offices of the Texas Department of Agriculture in Austin, Texas.

§17.56. Termination of Permission To Use the TAP Promotional Emblem.

(a) Permission granted by the commissioner for the use of the TAP promotional emblem may be revoked at any time if the use for which such permission was granted is abused.

- (b) A person abuses the TAP promotional emblem if:
- (1) the emblem is used in the selling, advertising,

marketing, packaging, or other commercial handling of a product not produced in Texas;

(2) the emblem is used in the selling, advertising, marketing, packaging, or other commercial handling of a product which is of a quality markedly inferior to that representative of similar products produced in Texas;

(3) the emblem is used in a manner violating any rule promulgated by the commissioner regulating the use of such emblem; or

(4) the emblem is used in a manner which, in the determination of the commissioner, is injurious to the promotion of Texas agricultural commodities.

(c) Proceedings for the revocation of permission to use the TAP promotional emblem shall be conducted in the manner provided for contested cases by the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, and the Rules of Practice and Procedure, Texas Department of Agriculture, Texas Administrative Code, Title 4, Agriculture, Part I, Chapter 1.

(d) A proceeding for revocation of permission to use the TAP promotional emblem shall not preclude the commissioner from pursuing, where applicable, the penal and injunctive remedies provided in §2 and §3 of the Act.

Issued in Austin, Texas, on November 12, 1981.

Doc. No. 818164 Reagan V. Brown
Commissioner
Texas Department of Agriculture

Proposed Date of Adoption: December 21, 1981
For further information, please call (512) 475-6346.

AGRICULTURE



TITLE 7. BANKING AND SECURITIES

Part VII. State Securities Board

Chapter 133. Forms

The State Securities Board proposes new §133.29 (065.91.00.013) which adopts by reference Notice for Sales under Regulation 109.4(11), Investments of \$100,000 or More. This section concerns notification to the agency by issuers claiming such exemption but not selling the issue in Texas through a licensed Texas broker-dealer.

Russell R. Oliver, staff legal officer, has determined that for the first five-year period the rule will be in effect, there will

be no fiscal implications as a result of enforcing or administering the rule.

Mr. Oliver has also determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule will be that the agency will have more time to examine the background of individuals proposing to sell issues under the rule.

(B) There will be no economic cost to individuals who are required to comply with the rule, since it merely requires waiting a certain period of time before consummating sales and does not require expenditure of additional funds.

Comments on the proposal may be submitted to Russell R. Oliver, P.O. Box 13167, Austin, Texas 78711.

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

Russell R. Oliver
November 13, 1981

The section is proposed under §5.T and §28-1 of the Texas Securities Act, which provide, respectively, that the agency may promulgate rules exempting certain transactions from the registration requirements of the Act and that the agency may promulgate rules and regulations governing registration statements, application statements, notices, and reports.

§133.29 (065.91.00.013). Notice of Sales under Regulation 109.4(11), Investments of \$100,000 or More. The State Securities Board adopts by reference the notice under Regulation 109.4(11), Investments of \$100,000 or More, as amended in November 1981. This form is available from the State Securities Board, P.O. Box 13167, Austin, Texas 78711.

Issued in Austin, Texas, on November 13, 1981.

Doc. No. 818220 Richard D. Latham
Securities Commissioner
State Securities Board

Proposed Date of Adoption: December 21, 1981
For further information, please call (512) 474-2233.

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 3. Oil and Gas Division

Conservation Rules and Regulations

The Railroad Commission of Texas proposes amendments to §3.37 (051.02.02.037) concerning the statewide spacing rule, insofar as it pertains to salt dome oil or gas fields. In response to a request from Mobil Producing, Texas and New Mexico, the proposed amendment provides for the administrative approval of an application for designation as a salt dome field.

Larry Mendez, planning and administration special projects director, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications as a result of enforcing or administering the rule.

Mr. Mendez also has determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of en-

forcing the rule as proposed will be a reduction in the time needed to process an application. Under the existing rule, rulemaking proceedings must be initiated and completed in order to approve an application.

(B) There is no economic cost to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Sandra K. Joseph, legal examiner, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1286.

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

Walter Earl Lillie
November 13, 1981

The amendments are proposed under Texas Natural Resources Code Annotated, §§85.201, 85.202, and 86.042, which provide the Railroad Commission of Texas with the authority to make rules to prevent waste of oil and gas.

§3.37 (051.02.02.037). Statewide Spacing Rule.

(a)-(k) (No change.)

(l) *Salt dome oil or gas fields.*

(1) *The provisions of this section shall not apply to certain approved salt dome oil or gas fields. An application for classification as a salt dome oil or gas field shall include the following:*

(A) *geological evidence proving that an oil or gas field is a piercement-type salt dome, that faulting has caused the producing formation to be at a 45° angle or greater, and that each well is likely to be completed in a separate reservoir;*

(B) *establishment, by plat or otherwise, of the probable productive limits of the salt dome area;*

(C) *certification that notice of the application for salt dome classification with evidence included has been given to operators and unleased mineral owners of offset tracts;*

(D) *a list of persons notified and the date notice was mailed.*

(2) *The director, oil and gas, or the director's delegate, may administratively grant an application for salt dome classification if the evidence proves that the oil or gas field is a salt dome.*

(3) *The operator may request a hearing if the director, oil and gas, or the director's delegate, declines to approve an application. If an application is protested within 10 days of notice, it will be set for hearing. After hearing, the examiner shall recommend final commission action. [Statewide Rule 37 shall not apply in the following list of salt dome oil or gas fields:*

FIELD	COUNTY
Allen B.	Brazoria
Alta Verde	Brooks
Arrcola	Hardin
Barber's Hill	Chambers
Batson, New	Hardin
Batson, Old	Hardin
Bethel (Woodbine)	Anderson
Big Creek	Fort Bend
Big Hill	Matagorda and Jefferson
Blue Bridge	Fort Bend
Boggy Creek	Anderson and Cherokee
Boling	Wharton and Fort Bend
Boling (Iago)	Wharton

Boiling, South	Wharton
Brenham	Washington
Brookshire	Walker and Waller
Bryan Mound	Brazoria
Clam Lake	Jefferson
Clay Creek	Washington
Clay Creek (Lower Wilcox)	Washington
Clemens Dome	Brazoria
Concord	Anderson
Damon Mound	Brazoria
Damon Mount (East Fault Block '1)	Brazoria
Danbury	Brazoria
Danbury Dome (5655')	Brazoria
Day	Madison
Davis Hill	Liberty
Dayton, South	Liberty
Dayton, North	Liberty
Dayton, North (Yegua EY-1)	Liberty
Dayton, North (5,000')	Liberty
Dayton, North (5,600')	Liberty
Esperson Dome	Liberty and Harris
Esperson Dome (Vicksburg)	Liberty
Fannett	Jefferson
GOM-McFaddin Beach Dome	Jefferson
Goose Creek	Harris
Graddy (Woodbine)	Freestone
Grand Saline	Van Zandt
Gyp Hill	Brooks
Hankamer	Liberty and Chambers
Hankamer (Miocene)	Liberty and Chambers
Hawkinsville	Matagorda
High Island	Galveston
Hoskins Mound	Brazoria
Hull	Liberty
Humble	Harris
Humble, Light	Harris
Humble, Northwest (Yegua, Upper)	Harris
Humble, Light (Riverside)	Harris
Humble, Southeast (EY-3)	Harris
Humble, Westside (Frio)	Harris
Liberty, South	Liberty
Liberty, South (EY-4C) Reference Order 20-60,964 effective 6-1-71)	Liberty
Liberty, South (EY-5)	Liberty
Long Point (Frio)	Fort Bend
Lost Lake	Chambers
Markham	Matagorda
Millican	Brazos
Moore's Orchard	Fort Bend
Moore's Orchard (Mio and Frio)	Fort Bend
Moss Bluff	Liberty and Chambers
Mykaws	Harris and Brazoria
Mykawa, New	Harris
Nash Dome	Fort Bend and Brazoria
Oakwood Dome (Woodbine)	Freestone and Leon
Orange	Orange
Phalangana Dome	Duval
Piedras Pintas (Above 4500')	Duval
Pierce Junction	Harris
Port Neches	Orange
Purt	Anderson
Rich Island	Chambers
Saratoga	Hardin
Saratoga, West	Hardin
Sour Lake	Hardin
Spindletop	Jefferson

Stratton Ridge	Brazoria
Stratton Ridge, South (Het)	Brazoria
Stratton Ridge, South	Brazoria
Stratton Ridge, South (Brock Sand)	Brazoria
Sugarland	Fort Bend
West Columbia	Brazoria
West Columbia, New	Brazoria
West Columbia, Deep	Brazoria]

(m) (No change.)

Issued in Austin, Texas, on November 13, 1981.

Doc. No. 818237 John W. Camp
 General Counsel
 Oil and Gas Division
 Railroad Commission of Texas

Proposed Date of Adoption: December 21, 1981
 For further information, please call (512) 445-1186.

Part IV. Texas Department of Labor and Standards

Chapter 73. Residential Conservation Service, Texas Energy and Natural Resources Advisory Council Program

The Texas Department of Labor and Standards proposes new §§73.1-73.9 concerning the implementation of the Texas Residential Conservation Service Program (RCS Program). These sections are currently in effect on an emergency basis. The program, which these sections implement, can be examined in the offices of the Texas Department of Labor and Standards, Manufactured Housing Division, E.O. Thompson Building, 10th and Colorado Streets, Austin.

John P. Steele, Manufactured Housing Division director, has determined that for the first five-year period these sections will be in effect, there will be no fiscal implications as a result of enforcing or administering the rule.

Mr. Steele has also determined that for each year of the first five years the rule as proposed is in effect, homeowners will benefit from energy cost savings resulting from energy conservation measures which they install. There are no economic costs to individuals who are required to comply with the rules as proposed.

Written comments on the proposal may be submitted to Janice Kuntz, staff attorney, P.O. Box 12157, Austin, Texas 78711.

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

Lias B. "Bubba" Steen
 November 13, 1981

These new sections are proposed under Texas Civil Statutes, Article 5145a, §2, which provides the Texas Department of Labor and Standards with the authority to implement the RCS Program.

§73.1. Master List Compilation. Preparation of the Residential Conservation Service master list of suppliers, installers, and lenders by the Department of Labor and Standards is pursuant to Texas Civil Statutes, Article 5145a, §2(1), and is

subject to additions and deletions by the department. The department neither directly nor indirectly certifies that all possible parties are included on the master list and offers no warranty either expressed or implied relating to the performance of parties listed.

§73.2. Application for Listing. Applications shall be furnished by the department and request information as required by the RCS Program in such form as may be deemed necessary by the commissioner. All parties who wish to participate in the RCS Program must submit to the department a completed application together with the original bond properly executed, and verification of insurance coverage when required by the RCS Program's listing criteria. A receipt as evidence that the bond is on file with the department and the listing number shall be provided to the listed party.

§73.3. Security and Insurance Requirements.

(a) There shall be a \$5,000 surety bond required prior to listing of all installers and suppliers. Forms for meeting the security requirement of Texas Civil Statutes, Article 5145a, §2, shall be provided by the department and the original security form shall be submitted with the application for listing. For meeting security requirements, the term "service contractor" shall include installers and suppliers. The bond shall be issued by a company authorized to do business as a surety company in this state and shall be in conformity with the Insurance Code.

(b) Any listed party who fails to renew the required security or insurance coverage, or fails to provide coverage in the event of bond or insurance cancellation will be delisted from the master list on the date such coverage ceases.

§73.4. Listing Fee. There shall be a fee of \$10 for the listing of parties on the master list of installers, suppliers, and lenders who wish to participate in the RCS Program. The fee is payable to the Department of Labor and Standards and shall accompany the application for listing.

§73.5. Certificate of Completion.

(a) The certification of completion document shall be forwarded to the department by the listed party as notice of completion of RCS measures, and shall initiate procedures for post-installation inspections.

(b) A certification of the completion of all RCS measures installed shall be required, even if no post-installation inspection will be performed.

(1) The certificate of completion shall be submitted to the department no later than the second working day after completion of the RCS measure.

(2) The required inspection fee shall accompany the certification of completion.

(c) Information in the certificate of completion shall not be limited to, but as a minimum shall contain the following:

(1) name, address, and county of the consumer (If location is on a rural route, provide the directions to the home);

(2) statement of the measures performed separately stated and the cost of each measure performed;

(3) the date of completion of the installation of the RCS measure performed;

(4) the signature of the consumer attesting that the work contracted for has been completed according to the agreement;

(5) a certification by the listed party that all work performed has been done in accordance with accepted DOE

standards, and that all installations of components or devices have been done in accordance with the listing criteria;

(6) a warranty provision meeting listing criteria.

§73.6. Post-Installation Inspection Fee. There shall be a fee of \$35 for the post-installation inspection of RCS measures. The fee shall be paid by the consumer to the listed party, who shall forward the fee to the department with the certificate of completion. There shall be no waiver of the required inspection fee for mandatory inspections as required under the RCS Program.

§73.7. Post-Installation Inspection Violation Response. Copies of the post-installation inspection report shall be forwarded to the arranging utility, the consumer, and the installer. If the results of the inspection reveal violations of any installed measure, the installer shall make corrections within 15 working days and provide written notice to the department that corrections have been completed. A copy of the reinspection report shall be forwarded to the above parties and TENRAC on all reinspections made to verify corrections. A reinspection fee of \$35 shall be paid by the installer.

§73.8. Clarification of Terms.

(a) "Reasonable period of time," as stated at C(1)(b) of the listing section of the RCS Program, shall be 30 days.

(b) "As soon as possible," as stated at C(4) of the post installation inspection section of the RCS Program shall be 15 working days.

§73.9. Consumer Grievance Procedures.

(a) There are hereby established procedures for notification and resolution of complaints relating to RCS activities. It is the purpose of these procedures to establish a system for the resolution of complaints with a minimum of formality and delay while protecting the rights of all parties. Nothing in these procedures shall limit the rights of any party under any contract or applicable law.

(b) The performance of measures under the RCS Program shall be in accordance with established industry standards. The installation of components and energy-saving devices shall be in accordance with manufacturers' instructions. If performance may be adversely affected by lack of required maintenance or minor adjustments, then the consumer shall be provided with written instructions for operation and maintenance of components and devices. Listed parties are not responsible for failures that occur as the result of normal wear and aging, consumer abuse, or unforeseeable lack of maintenance.

(c) Complaints must be submitted in writing, provide all information relating to the complaint, and identify the listed party or parties that performed the measure. Consumer complaints or other information indicating the existence of problems relating to any measure performed under the RCS Program shall be forwarded to the listed party who performed the measure. Copies of all information relating to complaints shall be forwarded to the Department of Labor and Standards. If the nature of the problem indicates the existence of a life safety hazard, immediate action shall be taken by all parties.

(d) When a listed party receives notification indicating the existence of a problem or a complaint, the listed party must as soon as possible but no later than within 10 days carry out any necessary investigations and inspections to determine its responsibility for corrective action relating to the problem. The listed party shall acknowledge receipt of the

complaint in writing and notify the consumer of the date a determination may be expected. If the listed party determines that they are responsible for corrections, they shall make the corrections as soon as possible but no later than within 10 days after making the determination. The listed party shall maintain complete records of investigation and inspection activities in a form that will allow a reviewing party to readily discern what investigative actions were taken, when the determination was, and the basis for the determination.

(e) Department personnel shall inspect RCS measures that result in a consumer dispute. All parties to the dispute shall be invited to be present during the inspection. The inspector shall record facts relating to the dispute and make appropriate recommendations. The department inspector, as arbiter, will attempt an amicable resolution to the dispute. If the dispute cannot be resolved amicably, or if all parties to the dispute are not present at the time of the inspection, a copy of the inspection report and recommendations shall be provided to all parties and the decision of the department, as reflected in the report, shall be final. Correction or repair requirements shall be accompanied by a statement of delisting action if not completed within 30 days of notice.

Issued in Austin, Texas, on November 13, 1981.

Doc. No. 818255

Lias B. "Bubba" Steen

Commissioner

Texas Department of Labor and Standards

Proposed Date of Adoption: December 21, 1981

For further information, please call (512) 475-0155.

TITLE 19. EDUCATION

Part II. Texas Education Agency

Chapter 157. Hearings and Appeals

Subchapter D. Hearings Concerning Handicapped Students

(Editor's note: The Texas Education Agency proposes for permanent adoption the repeal it adopts on an emergency basis in this issue. The titles of the rules appear in the Emergency Rules section.)

The Texas Education Agency proposes the repeal of §§157.91-157.101 (226.71.05.010-.110) regarding hearings concerning handicapped students. The decision rendered on October 2, 1981, by the Fifth Circuit Court in *Helms v. McDaniel* (81-7111) struck down Georgia's hearing procedures for handicapped students. These procedures were very similar to the Texas procedures. Therefore, the Texas procedures are being repealed. New procedures which reflect the requirements of the Fifth Circuit decision are being proposed and have been adopted on an emergency basis.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the rule will be in effect, there will not be fiscal implications as a result of enforcing or administering the rule.

Beverly J. Bardsley, director for policy development, and Richard Bennett, associate commissioner for finance, have

determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of repealing the rule will be that hearings concerning handicapped students will not be held using procedures which there is reason to believe would be found unacceptable if tested in court.

(B) There is no economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, director for policy development, (512) 475-7077, or by writing to her at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

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

Raymon L. Bynum
November 16, 1981

The repeal is proposed under Part B of the Education of the Handicapped Act as amended by Public Law 94-142, 20 United States Code, §§1401 et. seq., and the implementing federal regulations, 34 Code of Federal Regulations §§300.1 et. seq., which require the state education agencies to have rules providing that cases concerning the identification, evaluation, or educational placement of a handicapped student be held before an impartial hearing officer.

Issued in Austin, Texas, on November 16, 1981.

Doc. No. 813251 Raymon L. Bynum
Commissioner of Education

Proposed Date of Adoption: February 13, 1982
For further information, please call (512) 475-7077.

TITLE 22. EXAMINING BOARDS

Part XXVII. Board of Tax Assessor Examiners

Chapter 629. Penalties, Sanctions, and Hearings

(Editor's note: The Board of Tax Assessor Examiners proposes for permanent adoption the new rule it adopts on an emergency basis in this issue. The text of the rule is published in the Emergency Rules section.)

The Board of Tax Assessor Examiners proposes new §629.16 concerning costs pertaining to hearings to establish procedures for handling of complaints, hearings, and penalties.

Ben H. Tow, executive director, has determined that for the first five-year period the rule will be in effect, there will not be fiscal implications as a result of enforcing or administering the rule.

The executive director has also determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of en-

forcing the rule as proposed will be that accurate transcription of proceedings will be taken which will ensure that any subsequent court proceedings will have the proper transcript in the court records.

(B) The possible economic cost to parties who are required to comply with the rule as proposed is impossible to determine because the cost of court reporting transcription varies from \$2.50 to \$7.00 per page. Total cost would depend on the length of hearings. Hearing facility costs could be zero if the space is donated, but if rented the cost would depend on the size of the room and the length of time necessary.

Comments on the proposal may be submitted to Ben H. Tow, executive director, Board of Tax Assessor Examiners, P.O. Box 13246, Austin, Texas 78711, (512) 837-9800.

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

Ben H. Tow
November 16, 1981

The new section is proposed under the Registration and Professional Certification Act, Article 7244b, §10 and §7, which provides the Board of Tax Assessor Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

Issued in Austin, Texas, on November 16, 1981.

Doc. No. 818257 Ben H. Tow
Executive Director
Board of Tax Assessor Examiners

Proposed Date of Adoption: February 4, 1982
For further information, please call (512) 837-9800.

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 313. Athletic Trainers

General Requirements and Guidelines

The Texas Department of Health proposes the repeal of §§313.1 - 313.12 (301.81.01.009-.020) concerning general requirements and guidelines relating to the licensing of athletic trainers. The Department of Health simultaneously proposes new §§313.1-313.12 to update and replace the proposed repealed rules.

The purpose of the proposals is to implement the amendments to the Athletic Trainers Act, Texas Civil Statutes, Article 4512d, made by House Bill 1689, 67th Legislature, 1981. The major changes will be to provide for the issuance of a temporary license, if the applicant meets all requirements, until the next state examination is given and set a fee of \$12.50 for this temporary license; set out the requirements for out-of-state applicants to conform with the requirements of Texas-trained students; and set out the requirements for physical therapists who wish to become licensed athletic trainers with the elimination of the previous requirement that they must have a Texas teaching certificate.

Maurice B. Shaw, chief, Bureau of Licensing and Certification, has determined that for the first five-year period the

rule will be in effect, there will be fiscal implications as a result of enforcing or administering the rule.

(A) Effect on state government:

	1982	1983	1984	1985	1986
Estimated additional cost	\$8,910	\$9,197	\$9,197	\$9,197	\$9,197
Estimated reduction in cost	-0-	-0-	-0-	-0-	-0-
Estimated increase in revenue	\$2,000	\$2,500	\$2,500	\$2,500	\$2,500

(B) There will be no effect on local government.

Mr. Shaw has also determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be enabling more applicants to qualify for athletic trainers licenses.

(B) The possible economic cost to individuals who are required to comply with the rule as proposed will be a \$37.50 licensing fee for athletic trainers in 1982, 1983, 1984, 1985, and 1986.

Comments on the proposals may be submitted to Maurice B. Shaw, chief, Bureau of Licensure and Certification, Texas Department of Health, 1100 West 49th Street, Austin, Texas.

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

Robert A. MacLean, M.D.
November 13, 1981

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Health, 1100 West 49th Street, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 4512d, §2 and §5, which provide the Advisory Board of Athletic Trainers with the authority to adopt rules, subject to the approval of the Texas Department of Health, covering the licensing of athletic trainers.

- §313.1 (301.81.01.009). *Code of Ethics.*
- §313.2 (301.81.01.010). *Administrative Procedures.*
- §313.3 (301.81.01.011). *Policies of the Board.*
- §313.4 (301.81.01.012). *Application Processing.*
- §313.5 (301.81.01.013). *Testing.*
- §313.6 (301.81.01.014). *Application To Take Examination.*
- §313.7 (301.81.01.015). *Academic Requirements.*
- §313.8 (301.81.01.016). *Apprenticeship Requirements.*
- §313.9 (301.81.01.017). *Fee Schedule.*
- §313.10 (301.81.01.018). *License Renewal.*
- §313.11 (301.81.01.019). *Continuing Education.*
- §313.12 (301.81.01.020). *Denial, Suspension, or Revocation of License.*

Issued in Austin, Texas on November 13, 1981.

Doc. No. 818233 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Proposed Date of Adoption: December 21, 1981
For further information, please call (512) 458-7538.

New §§313.1—313.12 are proposed under Texas Civil Statutes, Article 4512d, §2 and §5, which provides the Advisory Board of Athletic Trainers with the authority to adopt rules, subject to the approval of the Texas Department of Health, covering the licensing of athletic trainers.

§313.1. *Code of Ethics.*

(a) General.

(1) An athletic trainer has the responsibility of maintaining and improving services by constantly examining, using, and increasing the knowledge upon which the athletic trainer's practice is based.

(2) In order to maintain and enhance professional competence, an athletic trainer shall make use of appropriate educational opportunities and, when indicated, will seek consultation from colleagues and other suitable professionals.

(3) An athletic trainer shall respect the integrity of all individuals and groups with whom he or she is working and will be protective of their physical and emotional welfare.

(4) An athletic trainer shall not discriminate on the basis of sex, race, color, creed, or age while performing assigned duties.

(5) An athletic trainer shall not condone, engage in, or defend any conduct which falls outside the standards of behavior and sportsmanship generally observed by the system in which he or she practices.

(6) An athletic trainer shall not by conduct or statement, publicly discredit or damage the reputation of members of his or her profession, but shall bring allegations of ethical or other violations of these rules to the attention of the Advisory Board of Athletic Trainers (hereafter referred to as "board").

(b) Drugs.

(1) An athletic trainer shall not engage in or condone the administration to an athlete of any prescription drug not specifically ordered by and given under the supervision of a licensed physician.

(2) An athletic trainer shall not engage in or condone the administration to an athlete of any non-prescription drug the use of which is illegal or will be detrimental to the general health of the athlete as determined by the standards of medical practice.

(c) Professional representation.

(1) An athletic trainer shall not misrepresent his or her professional qualifications or associations.

(2) An athletic trainer shall practice only in those areas in which he or she is competent by reason of training and/or experience which can be substantiated by academic or supervision records or by continuing education.

(d) Testimonials and endorsements.

(1) In any endorsement in which an athletic trainer's name and/or reference to the athletic training profession is included, the working and illustration, including any implications of the endorsement, shall be such that no discredit to the training profession may be construed.

(2) Endorsement must be in keeping with the highest principles and standards of the athletic training profession.

(3) The names of the Advisory Board of Athletic Trainers and/or the Texas Department of Health may not be used in any testimonials and/or endorsements by athletic trainers.

§313.2. *Administrative Procedures.*

(a) Official transaction of business. The Advisory

Board of Athletic Trainers may transact official business only when in session with a quorum of four members present and shall not be bound in any way by a statement or action on the part of individual members except when a statement or action is in pursuance of specific instructions of the board.

(b) **Agendas.** The advisory board staff shall, with the approval of the advisory board chairman, prepare the official agenda of each meeting. A copy of this agenda will be sent to each member of the board prior to the meeting.

(c) **Rules of order.** The board shall observe Roberts Rules of Order Revised except as otherwise provided by board policies.

(d) **Official minutes.** Official minutes of each meeting shall be kept by the board. Drafts of minutes shall be sent to each member for review and comment prior to approval of the board. Official minutes must be approved at a regular or special meeting of the board and be affixed with the original signature of the chairman.

§313.3. Policies of the Board.

(a) All meetings and other activities of the board shall be in accordance with the Texas Open Meetings Act, the Administrative Procedure and Texas Register Act, the Athletic Trainers Licensing Act (Texas Civil Statutes, Article 4512d), and the appropriate rules and policies of the Texas Department of Health.

(b) The board will cooperate with other state agencies.

(c) The board shall maintain open relations with the press and the public.

(d) Per diem allowance for advisory board members.

Members of the board will receive a per diem allowance as provided by the applicable statutes of the State of Texas.

§313.4. Application Processing.

(a) An applicant must meet the requirements of §9 of the Athletic Trainers Act and the board's rules before submitting an application.

(b) Upon receiving an application, the Texas Department of Health, Bureau of Licensing and Certification, will retain a copy for its files and send copies of the application to members of the Administrative Services Committee of the advisory board and to the chairman of the said board.

(c) Members of the Administrative Services Committee will notify the executive secretary as quickly as possible as to the acceptance or denial of the candidate's application. The chairman and the Texas Department of Health need to notify the executive secretary only if they have a question concerning the application.

(d) All applicants accepted will be notified by the executive secretary of such and when and where the next state exam will be held. All applicants not accepted will be notified by the executive secretary with an explanation of their deficiencies with the option on their part to correct these deficiencies.

(e) The executive secretary will notify the Texas Department of Health of applications accepted, denied, and processed through completion (i.e., passed test, showed proof of graduation).

(f) Applicants who have passed the state exam and are not degreed will have 60 days from their graduation date to complete the licensing procedure. After this period, they will be notified that they have a 30-day grace period to comply. Failing this, the applicant will be required to successfully complete the state exam again and complete the licensing procedure before being issued a license.

(g) The Department of Health will issue a permanent license to applicants when notified by the executive secretary of the advisory board that the applicant is qualified by law and board rules, successfully completes the state exam, and shows proof of graduation.

(h) Temporary licenses may be issued to applicants, when deemed necessary, who are qualified by law and board rules. The Administrative Services Committee will notify the executive secretary of applicants accepted for a temporary license. The executive secretary will notify the applicant and the Department of Health. All applicants issued a temporary license must first have proof of pending employment in the state. The fee for a temporary license will be \$12.50. The temporary license will expire at the date of the next regularly scheduled state examination. When notified by the executive secretary and upon receipt of the fee, the Health Department will issue a temporary license. This license will be in the form of a letter explaining the time limit of the license and the consequences of practicing without a license. A copy of the letter will be sent to the pending employer of the applicant. Applicants who have failed the state exam will not be eligible for a temporary license.

(i) Applicants from out of state must submit written verification from a prospective employer indicating that the applicant is being considered for employment as an athletic trainer in Texas. Should the applicant successfully complete the licensing examination and not accept employment this application will be valid for one year after date of application.

§313.5. Testing.

(a) Three major tests will be held each year.

(1) Test 1 to be held in April on a specific date to be decided by the testing committee taking into consideration holidays, spring training, finals, etc.

(2) Test 2 to be held in July of each year on a specific date determined by the same considerations set out in paragraph (1) of this subsection.

(3) Test 3 to be held in December of each year, on a specific date determined by the same considerations as set out in paragraph (1) of this subsection.

(b) Specific dates will be advertised at least one month in advance of tests.

(c) Any special case testing will be left up to the discretion of the executive secretary and the chairman of the test committee as to time and location.

§313.6. Application To Take Examination.

(a) Licensure as an athletic trainer requires the passing of an examination prescribed by the board.

(b) An applicant must use the forms prescribed by the board in applying for examination.

(c) If questions exist as to the content of an applicant's academic work, apprenticeship, or any other requirement, the board may take any reasonable steps to obtain necessary clarification.

(d) An applicant who fails the licensure examination will be permitted to take it again by paying another examination fee. An applicant failing twice in succession will be required to wait for the next regularly scheduled examination to be retested. No special test will be administered.

(e) A completed application must contain official transcripts of all relevant college or university work. Official transcript must be sent directly from the college or university to the board.

(f) Out-of-state applicants must apply as set forth in

§9(4) and §16(b) of the Athletic Trainers Act (Texas Civil Statutes, Article 4512d).

(g) The examination will not be administered until all application materials have been received and processed.

§313.7. Academic Requirements.

(a) A college or university approved by the board referred to in §9 of the Athletic Trainers Act (Texas Civil Statutes, Article 4512d), is one which is:

(1) Appropriately accredited or has candidacy status within accrediting authority; and

(2) Has on its staff a full-time licensed athletic trainer and offers academic courses designed to qualify a candidate for licensure as an athletic trainer.

(3) An out-of-state school must have on its staff either a state licensed athletic trainer or a NATA (National Athletic Trainers Association) certified trainer as a full-time employee.

(4) Offering an appropriate apprenticeship program for student trainers which includes direct supervision by the supervising trainer on the same campus in that school's training rooms used for clinical and rehabilitative purposes by that school's intercollegiate athletes, and offers work experiences in a variety of sports, and includes instruction by the supervising trainer in physical rehabilitations, use of modalities, emergency care, and prevention of injuries.

(b) A candidate for licensure who qualifies for examination under §9(1), (2), (3), or (4) of the Athletic Trainers Licensing Act, Texas Civil Statutes, Article 4512d, must have instruction in the following areas.

(1) Academic requirements for all applicants, through satisfactory completion in:

(A) human anatomy—three hours;

(B) health education—three hours;

(C) kinesiology—three hours;

(D) human physiology or physiology of exercise—three hours.

Applicants under physical therapy or corrective therapy may substitute a related course for health education. Academic requirements for all applicants must have been taken within eight years from date of application unless the applicant has been working or teaching in a related field. The board can require an applicant failing to meet this standard to retake all or part of the academic requirements.

(2) Emergency care—Completion of basic Red Cross first aid or emergency care attendant (ECA) training or emergency medical technician (EMT) training completed in last three years before date of application.

(3) Cardiopulmonary resuscitation (CPR) techniques—Successful completion of a course of instruction satisfactory to the board in cardiopulmonary resuscitation techniques completed in last three years before date of application.

§313.9. Apprenticeship Requirements.

(a) An apprenticeship under §9(1) of the Athletic Trainer's Act. A minimum of three academic years (fall-spring semesters) under the direct supervision on the same campus (see §313.7(a)(4) of this title (relating to Academic Requirements)), of an approved college or university's full-time licensed athletic trainer, or in states not having licensure, a NATA certified trainer. This apprenticeship must be fulfilled while enrolled as a student at the institution where the apprenticeship is being served. Candidates must serve a

minimum of 600 block hours per academic year in the training room (see §313.7(a)(4) of this title (relating to Academic Requirements)) and on the field under direct supervision of the supervising athletic trainer. Hours over 600 per year are not accumulative. A total of 1,800 clock hours minimum are required and must be done over a three-year (academic year fall and spring) period. Hours spent in the classroom do not count toward apprenticeship hours. All apprenticeship must be done at the college level and hours must be documented. Apprenticeship done at an institution while not enrolled at the institution must have prior board approval.

(b) Apprenticeship under the physical therapist requirements of §9(2) of the Act. An applicant must hold a degree or certificate in physical therapy and have completed a basic athletic training course from an accredited college or university and have completed an apprenticeship of 720 hours in two years under the direct supervision of a licensed athletic trainer acceptable to the board or as per board approval. Actual working hours will include a minimum of 20 hours per week during each fall semester.

(c) Apprenticeship under the corrective therapy requirements of §9(3) of the Act.

(1) Applicant must be a corrective therapist and receive prior board approval before beginning the apprenticeship period.

(2) Actual working hours will include 20 hours per week minimum during each fall semester. A total of 720 hours minimum over a two-year period under a licensed athletic trainer acceptable to the board or as per board approval.

§313.9. *Fee Schedule.* The Advisory Board of Athletic Trainers may decline to accept any payment of fees until requested by the executive secretary of the Texas Department of Health:

(1) examination fee—\$20;

(2) initial license registration fee—\$25; and

(3) license renewal (annual)—\$10.

§313.10. License Renewal.

(a) The license of an athletic trainer must be renewed annually with the effective renewal date being the last day of the month in which an individual was initially licensed.

(b) License renewal requires the submission of the license renewal fee and a completed license renewal form prescribed by the board as well as completion of any continuing education required by the board.

(c) Trainers failing to pay the renewal fee will be given a 60-day grace period, after this time a 30-day final notice will be issued. After this time, the license will expire on a established date and the trainer must take and pass the licensure examination before his or her application for reinstatement will be considered.

(d) It is the responsibility of the licensee to notify the Texas Department of Health, Bureau of Licensing and Certification, of any address change within 60 days via certified mail.

§313.11. Continuing Education.

(a) Beginning in January 1978, an athletic trainer must fulfill the following continuing education requirements in order to maintain his or her licensure status.

(1) Attendance at approved courses (of academic or clinical nature relating to sports medicine).

(2) A licensed athletic trainer must complete a

minimum of 12 hours of continuing education every three years.

(b) It is the responsibility of the licensed athletic trainer to submit proof of attendance to the board within one month after the completion of the continuing education event.

(c) An athletic trainer not fulfilling the continuing education requirements will be required to explain to the board his or her failure to comply. The board will decide whether to:

- (1) grant an extension of this period, and/or
- (2) suspend the athletic trainer's license, and/or
- (3) require the individual to satisfactorily complete the licensing examination.

§313.12. Denial, Suspension, or Revocation of License.

(a) The board may deny, suspend, or revoke an athletic trainer's license for causes stated in §12 of the Athletic Trainer's Act.

(b) Any proceeding to deny, suspend, or revoke a license shall be in accordance with the hearing provisions of §13 of the Athletic Trainer's Act and the formal hearing procedures of the Texas Board of Health.

Issued in Austin, Texas on November 13, 1981.

Doc. No. 818234 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Proposed Date of Adoption: December 21, 1981
For further information, please call (512) 458-7538.

(B) There are no fiscal implications for local governments expected to result from the adoption of the rule as proposed.

Mr. Allaway has also determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated are those that accrue to state employees who travel on state business. These include reimbursements for actual expenses to \$45 per day for room charges and \$15 per day for food where room expenses exceed \$25 per day and sufficient justification is provided to show that less expensive accommodations could not be obtained; increases in mileage expenses from \$.20 per mile to \$.23 per mile; an increase in allowances for personally owned aircraft from \$.25 per highway mile to \$.30 per highway mile for single-engine aircraft and \$.40 per highway mile for twin-engine aircraft; and reimbursement for all parking expenses, rather than airport parking only. The maximum benefits to state employees anticipated to result from the rule as proposed are estimated to be \$13,657,000 for each year for years 1982, 1983, 1984, 1985, and 1986.

(B) No additional costs will be imposed upon this group as a result of the implementation of this rule as proposed.

Public comment on the proposed section is invited. Persons should submit their comments in writing to Thomas Huebner, P.O. Box 13528, Austin, Texas 78711.

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

Joe H. Thrash
October 29, 1981

The amendments are proposed under the authority of Texas Civil Statutes, Article 6823a, which provides that the comptroller of public accounts is to promulgate rules and regulations to facilitate the execution of the travel regulations.

§5.22 (026.03.02.002). Incorporation by Reference: State Employee's Travel Allowance Guide. The state employee's travel allowance guide, issued by the Comptroller of Public Accounts on *September 1, 1981*, [August 25, 1971,] and filed with the secretary of state, is incorporated by reference as rule. *The guide is published by the Comptroller of Public Accounts in Austin, Texas, and copies may be obtained by requesting them from the comptroller.*

Issued in Austin, Texas, on November 16, 1981.

Doc. No. 818253 Bob Bullock
Comptroller of Public Accounts

Proposed Date of Adoption: December 21, 1981
For further information, please call (512) 475-1923.

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 5. Funds Management (Fiscal Affairs)

Claims Processing—Travel Vouchers

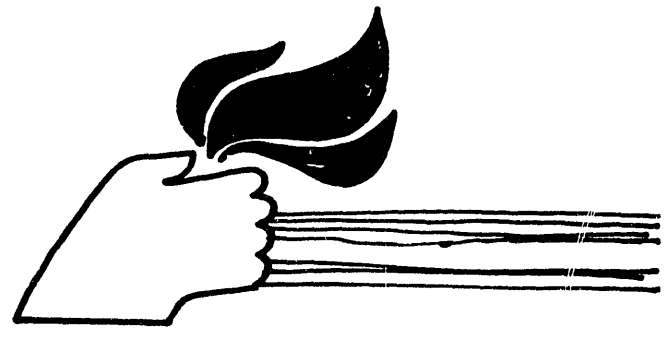
The office of the Comptroller of Public Accounts proposes to amend §5.22 (026.03.02.002). The amendments will consist of incorporating by reference the new state employee's travel allowance guide, issued September 1, 1981, in place of the one issued August 25, 1975.

The new guide incorporates the changes in the travel allowance made during the 1981 legislative session. The principle changes are in the area of per diem allowance for lodging. Employees may claim actual expenses for lodging not to exceed \$45 per day plus \$15 per day for meals. There is no difference in the allowance for in-state or out-of-state-travel. New rates for reimbursement of expenses for the use of a personal car or airplane are also included.

Bill Allaway, director of revenue estimating, has determined for each year of the first five years the rule as proposed will be in effect, there will be the following fiscal implications:

(A) Effect on state government:

Fiscal Year	Additional State Costs
1982	\$13,657,000
1983	\$13,657,000
1984	\$13,657,000
1985	\$13,657,000
1986	\$13,657,000



TITLE 37: PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

Chapter 1. Organization and Administration Testimony

The Texas Department of Public Safety proposes amendments to §1.91 (201.01.07.001) concerning testimony in civil cases. Information gained by an employee of the department from and during the course of his or her employment shall be considered as being the product of state employment and, if requested while such person is employed by the department, will be made available through court testimony by the employee on state time and expense. The undesignated heading and rule title names are also being changed.

Melvin C. Peeples, chief accountant II, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications as a result of enforcing or administering the rule.

Charles Bailey, general counsel, has determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be clarification of the policy which requires Department of Public Safety employees to testify in civil cases when under subpoena or as an expert witness.

(B) There will be no economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Charles Bailey, Texas Department of Public Safety, P.O. Box 4087, Austin, Texas 78773, (512) 465-2000.

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

Charles Bailey
November 12, 1981

The amendments are proposed under Texas Civil Statutes, Article 4413(4), which provides the Public Safety Commission with the authority to formulate plans and policies for the enforcement of the criminal, traffic, and safety laws of the state, the prevention of crime, the detection and apprehension of violators of the laws, and for the education of the citizens of the state in the promotion of public safety and law observance.

§1.91 (201.01.07.001). [Testimony in] Civil Cases.

(a) Findings, facts, data, information, and opinions based on such findings, facts, data, or information gained by a Texas Department of Public Safety employee from and during the course of his employment, if requested while such person is employed by the department, shall be considered as being the product of state employment and will be generally made available through court testimony by the employee on state time and expense.

(b)(a) Members of the Department of Public Safety will only testify in civil suits involving or arising from an official act after being served with a subpoena directing his ap-

pearance in court. This does not apply to suits to which the employee or the department is a party.

(c)(b) Members of the department will not accept civil subpoenas for trials at which they cannot be legally compelled to attend unless specifically instructed to do so.

(d) Employees may be assigned to give expert testimony for the Texas Department of Public Safety or other governmental agencies and while doing so will be on official duty at state expense. Such assignments will be determined by the appropriate administrative division chief, criminal law enforcement commander, regional commander, or special section head.

(e) Employees who serve as expert witnesses in instances not arising from official acts of the Department of Public Safety will testify off duty at no expense to the state. Employees affected by this policy will comply with the following.

(c) Employees of the department who are qualified and routinely serve as expert witnesses in criminal cases, such as chemists, may give expert testimony in civil cases under the following conditions:

(1) The employee must be under legal process or obtain departmental approval when testimony is given, and will testify off duty, at no expense to the state. An employee will not testify at a trial if deposition testimony can be arranged in lieu of the court appearance. Departmental approval shall be obtained as follows:

- (A) administrative personnel—division chief,
- (B) criminal law enforcement personnel—service commander,
- (C) traffic law enforcement personnel—regional commander.

(2) When an employee becomes aware that civil testimony may be required, the supervisor will be consulted and the employee-witness will make arrangements to minimize inconvenience to the state. Civil court testimony will not take precedence over testimony in criminal cases unless required by law.

(3) Physical evidence and laboratory records will only be released under legal process.

(4) No employee will solicit requests to appear as an expert witness.

Issued in Austin, Texas, on November 13, 1981.

Doc. No. 818235 James B. Adams
Director
Texas Department of Public Safety

Proposed Date of Adoption: December 21, 1981
For further information, please call (512) 465-2000.

Chapter 25. Safety Responsibility Regulations

The Texas Department of Public Safety proposes new §25.19 (201.13.00.019) concerning evidence of insurance under the compulsory insurance provisions of Texas Civil Statutes, Article 6701h. This section establishes the requirements for compulsory liability insurance.

Melvin C. Peeples, chief accountant II, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications as a result of enforcing or administering the rule.

Winston Johnson, manager of safety responsibility, has determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be clarification of the requirements for evidence of liability insurance and, as a result, more efficient administration of the Safety Responsibility Act.

(B) There will be no economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Charles Bailey, Texas Department of Public Safety, P.O. Box 4087, Austin, Texas 78773, (512) 465-2000.

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

Charles Bailey
November 12, 1981

This section is proposed under Texas Civil Statutes, Article 6701h, §2a, which provides the Texas Department of Public Safety with the authority to make rules and regulations to carry out the intent of the Safety Responsibility Act.

§25.19 (201.13.00.019). Compulsory Insurance. A conviction for no liability insurance under Texas Civil Statutes, Article 6701h, §1A, will be enforced on Form SR-115.

(1) Evidence of insurance can be a policy showing coverage in effect, a certificate of liability insurance (Form SR-22), or other information which substantiates such policy and which gives the name of the insurance company, policy period, policy number, name of insured, and statement that policy meets minimum insurance prescribed by the Act.

(2) Self-insurance motorists must have information from this department showing self-insurance number and expiration date.

(3) The department will take no action upon an SR-115 for 21 days from the date of the order. The department will take no action on a suspension hereunder, except upon receipt of notice of final conviction.

(4) If acceptable proof of financial responsibility (Form SR-22) is offered within a 21-day grace period hereinbefore referred to in paragraph (3) of this section, then the department will not proceed with the suspension hereunder.

Issued in Austin, Texas, on November 13, 1981.

Doc. No. 818236 James B. Adams
Director
Texas Department of Public Safety

Proposed Date of Adoption: December 21, 1981
For further information, please call (512) 465-2000.

Pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, an agency may take final action on a rule 30 days after publication of the proposed action in the *Register*. Upon adoption of the action, "the agency, if requested to do so by an interested person either prior to adoption or within 30 days after adoption, shall issue a concise statement of the principal reasons for and against its adoption, incorporating in the statement its reasons for overruling the considerations urged against its adoption." The action is effective 20 days after filing of the notice of final action with the Texas Register Division unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice. The notice includes whether the action is promulgated with or without changes to the action proposed; a statement of the legal authority under which the final action is promulgated; and the text of the final action, in compliance with the rules of the Texas Register Division. If an agency takes final action on a rule with no changes made to the text as proposed, only the preamble of the notice and statement of legal authority will be published. The text, as appropriate, will be published only if final action is taken with changes made to the proposed action. The certification information, which includes the effective date of the final action, follows each published submission of final action. A telephone number for further information is also published.

An agency may withdraw proposed action or the remaining effectiveness of emergency action by filing a notice of withdrawal with the Texas Register Division. The notice will appear in this section of the *Register* and is generally effective immediately upon filing with the Texas Register Division.

This section now contains two classifications: codified and noncodified. Agencies whose rules have been published in the *Texas Administrative Code* will appear under the heading "Codified." These rules will list the new TAC number, which will be followed immediately by the *Texas Register* 10-digit number. Agencies whose rules have not been published in the TAC will appear under the heading "Noncodified." The rules under the heading "Codified" will appear first, immediately followed by rules under the heading "Noncodified."

CODIFIED

TITLE 7. BANKING AND SECURITIES

Part III. State Banking Board

Chapter 31. Miscellaneous

General Rules

The State Banking Board adopts new §31.6 without changes to the proposed text published in the October 9, 1981, issue of the *Texas Register* (6 TexReg 3753).

The State Banking Board must determine the capital adequacy of a proposed state bank. Since interim bank charters

are granted merely to facilitate acquisitions of banks by holding companies, the board has determined that \$5,000 is sufficient capitalization in most cases.

Interim charter applications will be accepted with capital no lower than \$5,000. The determination of whether \$5,000 is adequate will be decided by the board on a case-by-case basis.

No comments were received regarding adoption of the section.

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

O.A. Cassity
November 13, 1981

This section is adopted under Texas Civil Statutes, Article 342-305, which provides the State Banking Board with the authority to determine the adequacy of the proposed capital of a new state bank.

Issued in Austin, Texas, on November 13, 1981.

Doc. No. 818224 O.A. Cassity
Assistant General Counsel
State Banking Board

Effective Date: December 4, 1981
Proposal Publication Date: October 9, 1981
For further information, please call (512) 475-4451.

Part VII. State Securities Board

Chapter 109. Transactions Exempt from Registration

The State Securities Board adopts amendments to §109.4 (065.05.00.009) without changes to the proposed text published in the July 17, 1981, issue of the *Texas Register* (6 TexReg 2474).

The amendments allow the agency additional time to process the notices required by this section and clarify the calculation of this time period by stating that notices must be filed a specified number of days prior to consummation of any sales, rather than prior to the making of any offers. The rule as adopted will require persons relying on the exemption provided to file the required notice 10 days prior to any sales being consummated, as opposed to the old rule which required the notice to be filed five days before any offers could be made.

No comments were received regarding adoption of the amendments.

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.

Russell R. Oliver
November 13, 1981

The amendments are adopted under §5.1 of the Texas Securities Act, which states that exempt sales of securities may be made to a limited number of persons under certain circumstances; §28-1 of the Texas Securities Act which authorizes the board to make or adopt such rules and regulations as may be necessary to carry out and implement the provisions of this Act, including rules and regulations governing registration statements, applications, notices, and re-

ports; and §5.T of the Texas Securities Act, which specifically authorizes the exemption of such other transactions or conditions as the board by rule, regulation, or order may define or prescribe, conditionally or unconditionally.

Issued in Austin, Texas, on November 13, 1981.

Doc. No. 818221 Richard D. Latham
Securities Commissioner
State Securities Board

Effective Date: December 4, 1981

Proposal Publication Date: July 17, 1981

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

Chapter 117. Real Estate Programs

The State Securities Board adopts amendments to §117.1 (065.09.00.001) without changes to the proposed text published in the July 17, 1981, issue of the *Texas Register* (6 TexReg 2475).

The amendments are adopted to clarify the board's definition of offering expenses and to eliminate a potential conflict between this section and the Texas Securities Act. The rule as adopted will require inclusion of all expenses incurred in preparing a program for registration in the calculation to determine whether the limits on such expenses set by the Texas Securities Act and the commissioner have been excluded.

No comments were received regarding adoption of the amendments.

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.

Russell R. Oliver
November 13, 1981

The amendments are adopted under §28-1 of the Texas Securities Act which authorizes the board to make or adopt such rules and regulations as may be necessary to carry out and implement the provisions of this Act, including rules and regulations governing registration statements, applications, notices, and reports, and defining any terms, whether or not used in this Act.

Issued in Austin, Texas, on November 13, 1981.

Doc. No. 818222 Richard D. Latham
Securities Commissioner
State Securities Board

Effective Date: December 4, 1981

Proposal Publication Date: July 17, 1981

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

The State Securities Board adopts amendments to §117.4 (065.09.00.004) without changes to the proposed text published in the July 17, 1981, issue of the *Texas Register* (6 TexReg 2475).

The amendments are adopted to comply with the Texas Securities Act and to define the board's view on the difference between offering expenses and organizational expenses. The amendments require that the organizational expenses of securities registering for public offerings be

reasonable, and that offering expenses be within the limits set by the Act and by the commissioner under the authority of the Act.

No comments were received regarding adoption of the amendments.

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.

Russell R. Oliver
November 13, 1981

The amendments are adopted under §28-1 of the Texas Securities Act which authorizes the board to make or adopt such rules and regulations as may be necessary to carry out and implement the provisions of this Act, including rules and regulations governing registration statements, applications, notices, and reports, and defining any terms, whether or not used in this Act.

Issued in Austin, Texas, on November 13, 1981.

Doc. No. 818223 Richard D. Latham
Securities Commissioner
State Securities Board

Effective Date: December 4, 1981

Proposal Publication Date: July 17, 1981

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

Chapter 133. Forms

The State Securities Board has withdrawn from consideration for adoption new §133.29 (065.91.00.013). The text of the new section as proposed was published in the April 15, 1980, issue of the *Texas Register* (5 TexReg 1443).

Issued in Austin, Texas, on November 13, 1981.

Doc. No. 818247 Russell R. Oliver
Staff Legal Officer
State Securities Board

Filed: November 13, 1981

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

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 3. Oil and Gas Division

Conservation

The Railroad Commission of Texas has withdrawn from consideration for adoption proposed amendments to §3.39 (051.02.02.039), concerning proration and drilling units: contiguity of acreage and exception thereto. The text of the amended section as proposed was published in the February 13, 1981, issue of the *Texas Register* (6 TexReg 639).

Issued in Austin, Texas, on November 13, 1981.

Doc. No. 818203 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Filed: November 13, 1981

For further information, please call (512) 445-1186.

Chapter 5. Transportation Division

Subchapter Y. Special Rules of Practice and Procedure in Rail Rate Cases

The Railroad Commission of Texas has withdrawn from consideration for adoption new §§5.564-5.566 (051.03.30.014-.016). The text of the new section as proposed was published in the June 23, 1981, issue of the *Texas Register* (6 TexReg 2210).

Issued in Austin, Texas, on November 13, 1981.

Doc. No. 818204 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Filed: November 13, 1981
For further information, please call (512) 445-1186.

TITLE 22. EXAMINING BOARDS

Part XXVII. Board of Tax Assessor Examiners

Chapter 621. Persons Required To Register

The Board of Tax Assessor Examiners adopts the repeal of §§621.1-621.7 (038.01.00.001-.007) without changes to the proposed notice of repeal published in the September 29, 1981, issue of the *Texas Register* (6 TexReg 3622).

The board is in the process of repealing several rules and simultaneously adopting amended and new versions. This language will be included in a new rule, and it is expected that the new rule will simplify the requirements for persons required to register. It is the intent of the board to make the rule more understandable for the applicant.

No comments were received concerning adoption of the repeal.

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.

Ben H. Tow
November 16, 1981

The repeal is adopted under the Registration and Certification Act, Texas Civil Statutes, Article 7244b, §7, which states that the Board of Tax Assessor Examiners may promulgate and amend rules of professional conduct.

Issued in Austin, Texas, on November 16, 1981.

Doc. No. 818258 Ben H. Tow
Executive Director
Board of Tax Assessor Examiners

Effective Date: December 7, 1981
Proposal Publication Date: September 29, 1981
For further information, please call (512) 837-9800.

Chapter 621. Administration

The Board of Tax Assessor Examiners adopts new §621.1 with changes to the proposed text published in the September 29, 1981, issue of the *Texas Register* (6 TexReg 3622).

The Registration and Professional Certification Act, Texas Civil Statutes, Article 7244b, allows the Board of Tax

Assessor Examiners to delegate its powers and duties to an executive director. This rule details these powers and duties, thus providing for better efficiency in administering the Act.

No comments were received regarding the adoption of this rule.

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.

Ben H. Tow
November 16, 1981

The new section is adopted under the Registration and Professional Certification Act, Texas Civil Statutes, Article 7244b, §7, which provides the Board of Tax Assessor Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§621.1. Administration.

(a) The following powers and duties authorized by statute to be bestowed upon and performed by the Board of Tax Assessor Examiners are hereby delegated to the executive director of the Board of Tax Assessor Examiners:

- (1) receive and account for all money derived;
- (2) pay state treasurer;
- (3) keep records of all proceedings;
- (4) maintain roster of registrants;
- (5) accept and/or deny applications;
- (6) mail notices to all registrants regarding renewal;
- (7) establish reinstatement procedure for nonpayment of renewal fee;
- (8) design application forms; and
- (9) answer questions regarding complaints or policy determined jointly by chairman of the board and the executive director.

(b) The powers and duties of the executive director, listed in subsection (a) of this section, may be performed by the staff under the direction and control of the executive director.

(c) Should this agency be without an executive director at any time, then the powers and duties listed in subsection (a) of this section are hereby granted to and shall be performed by the chairman of the Board of Tax Assessor Examiners.

Issued in Austin, Texas, on November 16, 1981.

Doc. No. 818259 Ben H. Tow
Executive Director
Board of Tax Assessor Examiners

Effective Date: December 7, 1981
Proposal Publication Date: September 29, 1981
For further information, please call (512) 837-9800.

Chapter 623. Classification of Registrants

The Board of Tax Assessor Examiners adopts the repeal of §623.1 (038.02.00.001) without changes to the proposed notice of repeal published in the September 29, 1981, issue of the *Texas Register* (6 TexReg 3623).

The board is in the process of repealing several rules and simultaneously adopting amended and new versions. This language is now redefined in new §632.2, which is intended to clarify the classification system.

No comments were received concerning adoption of the repeal.

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.

Ben H. Tow
November 16, 1981

The repeal is adopted under the Registration and Certification Act, Texas Civil Statutes, Article 7244b, §7, which provides the Board of Tax Assessor Examiners with the authority to promulgate and amend rules of professional conduct.

Issued in Austin, Texas, on November 16, 1981.

Doc. No. 818260 Ben H. Tow
Executive Director
Board of Tax Assessor Examiners

Effective Date: December 7, 1981
Proposal Publication Date: September 29, 1981
For further information, please call (512) 837-9800.

Chapter 623. Registration and Certification

The Board of Tax Assessor Examiners adopts new §§623.1-623.5 with changes to the proposed text published in the September 29, 1981, issue of the *Texas Register* (6 TexReg 3623).

The Board of Tax Assessor Examiners adopts §§623.1-623.5 to be in compliance with Texas Civil Statutes, Article 7244b, §11, as amended by the 67th Legislature in House Bill 2189 (1981) to clarify who must register with the board and be certified by the board.

No comments were received concerning adoption of the sections.

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.

Ben H. Tow
November 16, 1981

The sections are adopted under the Registration and Professional Certification Act, Texas Civil Statutes, Article 7244b, §7, and House Bill 2189 (1981), which give the Board of Tax Assessor Examiners the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§623.1. Persons Required To Register.

(a) The following persons shall register with the board by proper application submitted to the administrative office of the board in Austin, Texas, on a form provided by the board:

(1) all persons elected or appointed to act as assessors, chief deputies, assistants, or employees engaged in the practice of assessing for a county, independent school district, city municipal water district, navigation district, or

other political subdivision requiring the services of an assessor as set forth by Property Tax Code, Title 1, Chapter 26;

(2) all chief appraisers, appraisal supervisors and assistants, property tax appraisers, appraisal engineers, and other employees or any person with authority to render judgment, recommend, or certify appraised values to the board of review; and

(3) all persons engaged in appraisals of real or personal property for ad valorem tax purposes for an appraisal district or a taxing authority.

(b) All applications for registration shall be accompanied by the assessors code of ethics as sworn to and subscribed by the applicant, and the application shall contain a check or money order sufficient to pay the application fee set by statute.

§623.2. Qualification for Classified Registrants.

(a) The classification of the registrant shall be stamped or printed in large letters on the registration card required to be carried by each registrant. The four classifications created by statute shall appear on the card as follows:

(1) registration permit to practice assessing in Texas;

(2) registered Texas assessor;

(3) registered Texas assessor and candidate for certification; and

(4) registered professional assessor.

(b) The date of expiration of the registration shall appear on the registration card.

(c) Qualification of any registrant as classified shall occur in full compliance with the Assessors Registration and Professional Certification Act, Texas Civil Statutes, Article 7244b, and after compliance with the education testing and in-service training rules, or other rules, as adopted by the board.

§623.3. Education, Testing, and In-Service Training—Pre-certification.

(a) All registrants must pass an examination for minimum qualification for registrants within a period of one year after receiving the classification of registration permit to practice assessing in Texas.

(b) To qualify as a registered Texas assessor (RTA), the registrant must pass the written examination for RTAs. In addition, the registrant must have satisfactorily completed the 12th grade of high school or its equivalent, or as substitute for this education requirement, the registrant may present evidence of special training and experience.

(c) Within five years of qualifying as an RTA, the registrant shall qualify as a candidate for certification as a registered professional assessor under the Assessors Registration and Professional Certification Act, Texas Civil Statutes, Article 7244b, §17. Failure to qualify shall be a forfeiture of the right of registration.

(d) Within five years from the date of qualification as a candidate for certification, the registrant must be certified as a registered professional assessor or lose his or her right to registration.

§623.4. Education Testing and In-Service Training Required for Certification as a Registered Professional Assessor.

(a) To qualify for the registered professional assessor (RPA) designation of Texas, it is mandatory for the candidate to earn 100 credits from the list of requirements that follow. Requirements in paragraphs (1)(A)-(D) and (2)(A)-(C) of this

subsection are mandatory and must be met regardless of what might be attained on the balance of the requirements.

(1) Prerequisites.

(A) Be at least 25 years of age—0 credits.

(B) Be a resident of the State of Texas—0 credits.

(C) Have at least five years experience as a practicing assessor, such experience to be in actual field work or direct administration of assessment work—0 credits.

(D) Subscribe to the Assessors Code of Ethics adopted by the Board of Tax Assessor Examiners—0 credits.

(2) Mandatory.

(A) Successfully pass an examination which shall consist of a written examination testing the candidate's knowledge of real and personal property valuation theory and the three approaches to value and may, at the discretion of the Board of Tax Assessor Examiners, include an oral examination. Place and time of examination to be announced by the board—50 credits.

(B) Submit to the Board of Tax Assessor Examiners two complete narrative-type appraisals of properties acceptable to the board, using all three recognized approaches to value—not to exceed 20 credits.

(C) Successfully complete in-service training courses which in the opinion of the Board of Tax Assessor Examiners offer programs which are broad enough to warrant the board to award credits—not to exceed 20 credits.

(3) Elective.

(A) Credits to be awarded for college degree and/or study beyond high school by the Board of Tax Assessor Examiners dependent upon type of study and its application to assessment work—not to exceed 15 credits.

(B) Credits to be awarded for successful completion of in-service training courses which in the opinion of the Board of Tax Assessor Examiners offer programs which are broad enough to warrant the board to award credits—not to exceed 10 credits.

(C) Credits to be awarded for lecturing at in-service training courses, and/or authoring articles which in the judgment of the Board of Tax Assessor Examiners constitute significant contributions to assessment literature—not to exceed 10 credits.

(D) Three credits to be awarded for each year of experience over those specified in paragraph (1)(C) of this subsection—not to exceed 10 credits.

(Total—130 credits; minimum 100 required.)

(b) A list of approved courses may be obtained from the Board of Tax Assessor Examiners office in Austin, Texas.

§623.5. Fees. The Board of Tax Assessor Examiners adopts the following fees and costs which when collected shall be paid to the state treasurer for the purpose of administering the Assessors Registration and Professional Certification Act.

(1) Annual registration fee—\$25.

(2) Reinstatement penalty—\$25.

(3) Initial application (set by statute)—\$30.

Issued in Austin, Texas, on November 16, 1981.

Doc. No. 818261 Ben H. Tow
Executive Director
Board of Tax Assessor Examiners

Effective Date: December 7, 1981

Proposal Publication Date: September 29, 1981

For further information, please call (512) 837-9800.

Chapter 625. Requirements for Registered Professional Assessor

The Board of Tax Assessor Examiners adopts the repeal of §625.1 and §625.2 (038.03.00.001 and .002) without changes to the proposed notice of repeal published in the September 29, 1981, issue of the *Texas Register* (6 TexReg 3625).

The board is in the process of repealing several rules and simultaneously adopting amended and new versions. This language will be included in new §623.4 and it is expected that this will simplify the requirements for persons required to register. It is the intent of the board to make the rule more understandable for the applicant.

No comments were received concerning adoption of the repeal.

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.

Ben H. Tow
November 16, 1981

The repeal is adopted under the authority of the Registration and Certification Act, Texas Civil Statutes, Article 7244b, §7, which states that the Board of Tax Assessor Examiners may promulgate and amend rules of professional conduct.

Issued in Austin, Texas, on November 16, 1981.

Doc. No. 818262 Ben H. Tow
Executive Director
Board of Tax Assessor Examiners

Effective Date: December 7, 1981

Proposal Publication Date: September 29, 1981

For further information, please call (512) 837-9800.

Chapter 625. Standards of Professional Practice

The Board of Tax Assessor Examiners adopts new §625.1 with changes to the proposed text published in the September 29, 1981, issue of the *Texas Register* (6 TexReg 3625).

The Registration and Professional Certification Act, Texas Civil Statutes, Article 7244b, §7, requires the Board of Tax Assessor Examiners to establish rules for standards of professional practice of all registrants. This rule, approved by a majority of the registered professional assessors in the state, will give a higher caliber of professionalism in the administration of ad valorem taxation.

The board received two favorable comments on the rule. One comment suggested paragraph (3) should provide for severe discipline for violation. The comments were received from Norris Hall and Gray Chamberlain.

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.

Ben H. Tow
November 16, 1981

The new section is adopted under the Registration and Certification Act, Texas Civil Statutes, Article 7244b, §7, which provides the Board of Tax Assessor Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§625.1. Standards of Professional Practice. The Board of Tax Assessor Examiners hereby adopts the following standards of practice for the assessing profession in Texas. Said standards shall not be operative or effective until approved by a majority of registered professional assessors practicing in Texas.

(1) Persons registered shall not practice assessing or appraisal of property for ad valorem tax purposes in a manner which violates any provision of the Assessors Registration and Professional Certification Act nor shall they advocate the violation of, or induce another to violate, said Act.

(2) Persons registered shall not violate the assessors code of ethics prescribed and adopted by rule of this board nor shall they aid or encourage another to violate such code of ethics.

(3) Should a complaint be filed with the Board of Tax Assessor Examiners against a registered assessor or license holder, and notice of complaint has been properly communicated by the board to the party being complained against, it shall be the duty of the professional against whom the complaint is made to answer said complaint, fully, in writing, and without undue delay. Said answer or response shall be filed with the Board of Tax Assessor Examiners.

Issued in Austin, Texas, on November 16, 1981.

Doc. No. 818263 Ben H. Tow
Executive Director
Board of Tax Assessor Examiners

Effective Date: December 7, 1981

Proposal Publication Date: September 29, 1981

For further information, please call (512) 837-9800.

Chapter 629. Penalties, Sanctions, and Hearings

The Board of Tax Assessor Examiners adopts new §§629.1-629.15 with changes to the proposed text published in the September 29, 1981, issue of the *Texas Register* (6 TexReg 3626).

Under Texas Civil Statutes, Article 7244b, §10, the board adopts these sections, establishing procedures for complaints, hearings, and penalties. The results of this rule will be that the taxpayers of the state are assured that those persons appraising and/or assessing their property for ad valorem tax purposes are accountable to the public.

No comments were received regarding adoption of these sections.

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.

Ben H. Tow
November 16, 1981

The new sections are adopted under the Registration and Certification Act, Texas Civil Statutes, Article 7244b, §10 and §7, which provide the Board of Tax Assessor Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§629.1. Preservation of Rights.

(a) The Board of Tax Assessor Examiners will extend a fair hearing process to all parties when complaints have been filed or when on its own initiative the board brings a complaint.

(b) The board will seek to discourage inappropriate or

excessive public exposure of any issues filed by complaint until after investigation and hearing is complete and the adjudicative decision is final.

(c) The following rights shall be recognized and preserved during the hearing process in cases involving suspension or revocation of registration:

(1) complainant's opportunity to file a written complaint;

(2) timely and full notice of the nature of the complaint delivered by certified mail to the defendant;

(3) reasonable opportunity to amend written complaint or written response by all parties filing same;

(4) timely and adequate notice of hearing date (notice shall be mailed at least 10 days before hearing);

(5) right to an open hearing on the part of the party defending;

(6) right of confrontation and cross-examination of witnesses and evidence;

(7) a hearing before an impartial tribunal;

(8) full opportunity to present evidence and to rebut same;

(9) a decision in writing detailing the reasons for any action taken by the board.

(d) In situations where the board may refuse registration or deny qualification to an applicant, the following rights shall be recognized and preserved:

(1) right to a hearing before the board, a quorum present;

(2) right to receive a decision in writing detailing the reasons for refusal of registration or denial of qualification.

§629.2. Refusal To Register or Issue Certification.

(a) The Board of Tax Assessor Examiners may refuse registration or deny qualification for certification for any one or more of the following reasons:

(1) failure to pay annual fee, penalty, or application fee;

(2) failure to meet any education, testing, or in-service training standard;

(3) violation of standards of professional practice;

(4) violation of the assessors code of ethics;

(5) a felony conviction involving moral turpitude.

(b) In certain situations involving a refusal to register or issue a certification, the existing registration, if any, may continue, and the date of refusal may become effective at the date of annual renewal. Such decision is at the reasonable discretion of the board.

§629.3. Suspension of Registration. The Board of Tax Assessor Examiners may suspend registration of any classified registrant for a period of up to one year for the following reasons:

(1) violation of standards of professional practice;

(2) violation of the assessors code of ethics;

(3) any misrepresentation of fact which directly results in harm or injury to any taxpayer or governmental taxing unit.

§629.4. Revocation of Registration.

(a) The Board of Tax Assessor Examiners may revoke the privilege of practicing the profession of appraising and assessing property for ad valorem taxation upon complaint filed by any person or upon complaint and investigation initiated by the board. When revocation of registration and certification is the penalty exacted by judgment of the board, no person receiving such penalty shall be eligible to make reap-

plication as a registrant prior to two years from the effective date of revocation.

(b) Revocation of any classified registrant may be the judgment of the board only by an affirmative vote of four of its members. Such penalty may be assessed for the following reasons:

- (1) serious or repeated violation of the standards of professional practice;
- (2) serious or repeated violation of the assessors code of ethics;
- (3) any willful or intentional misrepresentation of fact which results in harm or injury to any taxpayer or governmental taxing unit.

§629.5. *Complaint Procedure.*

(a) Complaints against registrants under the Assessors Registration and Professional Certification Act must be filed in writing with the office of the executive director of the Board of Tax Assessor Examiners or with the chairman of that board or his designee. Each complaint must include:

- (1) the name and address of the complaining party;
- (2) the name and business address of the party against whom the complaint is filed;
- (3) a succinct statement(s) of the nature of the complaint with specific reference to any alleged violation of professional practices, code of ethics, or other matter thought sufficient to warrant denial, refusal, suspension, or revocation of the registration or classification of the person being complained of;
- (4) the signature of the complaining party(s).

(b) To the complaint, the complaining party is requested to attach the name and address of any witnesses who may have testimony or may give evidence relevant to any material issue made the basis of the complaint.

(c) Upon receipt of a complaint, valid as to form and content, the Board of Tax Assessor Examiners will cause notice, with copy of complaint attached, to be delivered by certified mail to the party against whom the complaint is made. The party against whom the complaint is made shall have 20 days from notification to file a written response with the board.

(d) Upon receipt by the board of the written complaint and response, each party will be afforded a reasonable opportunity to amend.

(e) After reasonable opportunity for the amendment has occurred, the chairman of the Board of Tax Assessor Examiners shall set a date for hearing with notice to all parties in interest at least 10 days before the date set for hearing.

(f) Should a determination be made that no issue is stated over which the board has jurisdiction, then no hearing shall be set and the parties will be notified that the complaint is invalid for lack of jurisdiction.

§629.6. *Hearing Procedure (Suspension or Revocation).*

(a) The Board of Tax Assessor Examiners finds and acknowledges that substantial property and liberty rights may exist in controversies where suspension or revocation of registration results from a complaint filed. Because of this, it is the intent of the board that any registered, qualified, and practicing assessor or appraiser be afforded a full, administrative, due process hearing before the board prior to consideration of the penalties of suspension or revocation.

(b) To afford recognition of these rights, §629.1 of this title (relating to Preservation of Rights), adopted by the Board of Tax Assessor Examiners, specifies the procedural

rights required to be recognized prior to suspension or revocation of registration.

(c) The board may schedule the hearing before a quorum of its members, or the board may appoint a hearing examiner to take the testimony of all witnesses and receive evidence for the creation and preservation of a record to be presented for board consideration. Should a hearing examiner be utilized in a proceeding to determine facts, an impartial member of the assessing/appraising field may also be employed to assist the examiner in those areas where ad valorem tax practice or custom might be in question.

(d) In either procedure, the complaining party(s) shall open the hearing by presentation of evidence. When such evidence has been fully presented, the responding party shall be entitled to move for dismissal of the complaint, or in the alternative, such party may present evidence and witnesses in his or her behalf.

(e) Each party shall be afforded a reasonable opportunity to rebut the testimony and evidence presented by the other.

(f) The hearing may be continued at any time upon motion made and granted, or the board, or hearing examiner, may continue the hearing at the discretion of the presiding officer or hearing examiner.

(g) After the parties have concluded their presentations, the record shall be closed and deliberation by the board shall begin without undue delay and in no case later than 20 days after closure of the record.

(h) Revocation and/or suspension of registration shall not be imposed except upon the affirmative vote of four members of the board. Other penalties may be imposed by a majority vote with a quorum being present.

(i) All suspension and/or revocation hearings shall be closed to the public, subject to the right of the party complained against to open the hearings at any time by motion offered in writing.

§629.7. *Filing and Notices.*

(a) Complaints, answers, notices, motions, and other pleadings relating to a proceeding within the jurisdiction of the board shall be filed with the executive director.

(b) Time of filing is determined by when the documentation is actually received in the office of the executive director.

(c) Notice of any kind shall be served personally, or may be posted by certified mail addressed to the last known address of the addressee.

§629.8. *Agreement To Be in Writing.* No stipulation or agreement between the parties, their attorneys, or representatives, with regard to any matter involved in any proceeding before the board shall be enforced unless it shall have been reduced to writing and signed by the parties or their authorized representatives, or unless it shall have been dictated into the record by them during the course of a hearing, or incorporated in an order bearing their written approval. This section does not limit a person's ability to waive, modify, or stipulate any right or privilege afforded by these rules, unless precluded by law.

§629.9. *Amendments.* Any pleading may be amended at any time upon motion; provided, that the complaint upon which notice has been issued shall not be amended so as to broaden the scope thereof.

§629.10. Matters before the Agency.

(a) Motions for postponement, continuance, withdrawal, or dismissal, or other matters which have been duly set for hearing, shall be in writing, shall be filed with the executive secretary, and distributed to all interested persons under a certificate of service not less than 10 days prior to the designated date that the matter is to be heard. The motion shall set forth, under oath, the specific grounds upon which the moving party seeks the action and shall make reference to all prior motions of the same nature filed in the same proceeding.

(b) Failure to comply with subsection (a) of this section, except for good cause shown, may be construed as lack of diligence on the part of the moving party, and may result in the dismissal of the matter in issue, with prejudice to refileing.

(c) Once an application has actually proceeded to a hearing, pursuant to the notice issued thereon, no postponement or continuance shall be granted without the consent of all parties involved.

§629.11. Place and Nature of Hearing.

(a) All hearings conducted in any proceeding shall be open to the public. All hearings shall be held in Austin, Texas, unless for good and sufficient cause the board shall designate another place of hearing in the interest of the public. The chairman of the board or his designee shall preside at hearings, and issue final orders, decisions, and recommendations for the board concerning the issuance, refusal, revocation, or suspension of registration and certificates. He also shall have the authority to rule upon the admissibility of evidence and amendments to pleadings, and by quorum vote of the board may recess any hearing from day to day.

(b) The executive director, chairman, or hearing officer shall have authority to administer oaths and examine witnesses.

(c) If a hearing examiner is employed by the board and designated to hear the adjudication, he shall prepare a proposal for decision to be submitted to the board, however, such proposal shall be served on all parties in interest and the board herewith recognizes the right of all parties to file exceptions and present briefs to the board prior to final decision.

(d) Exceptions and briefs are to be filed within 20 days after copy of proposal for decision has been served. Persons seeking to reply to exceptions or briefs shall be granted only 20 additional days to file such replies. Upon motion made in writing and for good cause, extensions of time may be granted by the board chairman or by the hearing officer to any party requiring it.

§629.12. Notice and Hearing.

(a) An applicant or license holder is entitled to at least 20 days notice and a hearing prior to any adverse action affecting him.

(b) Notice of hearing for refusal, suspension, or revocation of permit may be served personally by the board or its authorized representative or sent by certified mail addressed to the applicant or license holder at his last known address.

(c) In the event that notice cannot be effected by either of these methods after due diligence, the board may prescribe any reasonable method of notice calculated to inform a person of average intelligence and prudence in the conduct of his affairs.

(d) The board shall publish notice of a hearing in a newspaper of general circulation in the area in which the license holder conducts his business activities.

(e) The board may, upon motion formally adopted, convene a preliminary informal hearing, with each party of interest to a complaint in actual attendance, for the purpose of investigation, clarification, or mediation of any complaint filed with the board.

(f) The board may seek counsel or guidance from the attorney general of Texas or from any other source to research, investigate, prosecute, or proceed in any lawful manner to expedite the handling of a complaint in the interest of justice.

§629.13. Dismissal without Hearing. The chairman of the board with the advice of the executive director may entertain motions for dismissal without a hearing for the following reasons:

- (1) failure to prosecute;
- (2) unnecessary duplication of proceedings or res adjudicata;
- (3) withdrawal;
- (4) moot questions;
- (5) lack of jurisdiction.

§629.14. Rules of Evidence.

(a) In all cases, irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

(b) The rules of evidence as applied in nonjury civil cases in the district courts of this state shall be followed.

(c) When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted, except where precluded by statute, if it is a type commonly relied upon by reasonably prudent men in the conduct of their affairs.

(d) The officer conducting the hearing shall give effect to the rules of the privilege recognized by law.

(e) Objections to evidentiary offers may be made and shall be noted in the record.

(f) Subject to these requirements, if a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

§629.15. Applicability of Administrative Procedure Act. All matters not specially included in the procedural rules adopted by this board, such as matters concerning depositions, subpoenas, final decisions and orders, motions for rehearing, record of the cause, or any other matter necessary for a full and fair administrative hearing, shall be governed by the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on November 16, 1981.

Doc. No. 818265 Ben H. Tow
Executive Director
Board of Tax Assessor Examiners

Effective Date: December 7, 1981

Proposal Publication Date: September 29, 1981

For further information, please call (512) 837-9800.

Chapter 631. Administrative Procedures

The Board of Tax Assessor Examiners adopts new §631.1 with changes to the proposed text published in the September 29, 1981 issue of the *Texas Register* (6 TexReg 3629).

Under Texas Civil Statutes, Article 7244b, the Board of Tax Assessor Examiners has certain authorities that may be delegated to the executive director. Section 631.1 establishes that the executive director may perform these procedures with the approval of the board. The results of this rule will be a greater efficiency in the administration of the Assessors Registration and Professional Certification Act.

No comments were received regarding adoption of this section.

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

Ben H. Tow
November 16, 1981

The new section is adopted under the Registration and Certification Act, Texas Civil Statutes, Article 7244b, §7, which provides the Board of Tax Assessor Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§631.1. Administrative Procedures. The following duties shall be carried out by the executive director employed by and under the direction of the Board of Tax Assessor Examiners:

- (1) examine applicants for candidacy;
- (2) issue certificates for professional assessors;
- (3) initiate proceedings to insure strict compliance of the Act;
- (4) initiate proceedings to insure enforcement of the Act;
- (5) initiate proceedings to insure enforcement of the rules and regulations;
- (6) determine the amount of renewal fees;
- (7) determine waiver of fees;
- (8) classify new applicants;
- (9) may be designated the investigator for the board.

Issued in Austin, Texas, on November 16, 1981.

Doc. No. 818266 Ben H. Tow
Executive Director
Board of Tax Assessor Examiners

Effective Date: December 7, 1981

Proposal Publication Date: September 29, 1981

For further information, please call (512) 837-9800.

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part IX. Commission on Jail Standards

Chapter 283. Discipline in County Jails

The Commission on Jail Standards adopts amendments to §283.1 (217.18.00.001) with changes to the proposed text published in the September 29, 1981, issue of the *Texas Register* (6 TexReg 3630).

The Commission on Jail Standards amends this rule concerning discipline to delete obsolete terms such as solitary con-

finement and provide for written procedures that are consistent with recent case law. The rule will clarify disciplinary procedures, list prohibited punishment, and provide guidelines for reasonable forms of punishment.

The Travis County Sheriff's Department recommended that disciplinary segregation be permitted for longer than 15 days, adding "relevant" to witnesses, and "or his designee" to requirements of sheriff. Wording and ramifications of some paragraphs were not understood. Recommendations of the department were incorporated into the change, unless the Texas attorney general deemed the change inappropriate upon review.

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

Robert O. Viterna
November 2, 1981

The amendments are adopted under Title 18—Jails, Texas Civil Statutes, Article 5115.1, which provides the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§283.1 (217.18.00.001). Inmate Discipline Plan. Every sheriff shall have and implement a written plan, approved by the commission, for inmate disciplinary procedures prescribing rules governing inmate conduct and staff handling of inmate discipline problems. The plan and rules shall be available for commission review and approval and shall:

- (1) provide for uniform application of disciplinary rules among all inmates and for maintaining as part of the inmate's file a written record of all discipline, investigation, and punishment (except informal verbal handling by staff or minor acts of nonconformance or minor rule violations);
- (2) provide for reasonable forms of discipline directly related to the condition of the inmates and the severity of the infraction such as:

- (A)-(D) (No change.)
- (E) disciplinary segregation, and
- (F) (No change.)

- (3) prohibit:

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

(D) disciplinary segregation for more than 15 consecutive days without a finding on a new charge of a subsequent violation of the facility rules and regulations,

- (E)-(G) (No change.)

(H) the deprivation of correspondence privileges when the offense is unrelated to a violation of the jail rules on correspondence. In no case shall correspondence privileges be suspended for officials listed at §291.1(2) (217.22.00.001(2)) of this title (relating to Plan);

(4) provide that minor acts of nonconformance or minor violations of institution rules may be handled informally by a staff member by counseling or advising the inmate of expected conduct;

(5) provide for a written disciplinary procedure containing provisions for:

(A) at least 24 hours advance written notice to the inmate of the claimed violation or charges against him or her;

(B) a hearing before a neutral, detached, and impartial hearing body which shall not include anyone involved in the claimed violation or charges;

- (C) a disclosure of the evidence against the person

charged with the violation (although confidential informants may be protected);

(D) an opportunity to be heard in person, to call relevant witnesses in his or her behalf and present other documentary defensive evidence (when not unduly hazardous to institutional safety and correctional goals);

(E) a written statement at the conclusion of the hearing by the factfinders as to the evidence relied upon and reasons for the disciplinary action taken, which shall be delivered to the inmates and the sheriff or his designee and shall be placed in the inmate's disciplinary file; and

(F) if the inmate is illiterate or where the complexity of the issue makes it unlikely that the inmate will be unable to collect and present the evidence necessary for an adequate comprehension of the case, the inmate should be permitted to seek the aid of another inmate. If that is not permissible, substitute aid from the staff or from an inmate designated by the staff should be provided.

Issued in Austin, Texas, on November 2, 1981.

Doc. No. 818245 Andy J. McMullen
Chairman
Commission on Jail Standards

Effective Date: December 17, 1981

Proposal Publication Date: September 29, 1981

For further information, please call 512) 475-2716.

NONCODIFIED

Texas Department of Human Resources

Nursing Facility Administration

Support Documents 326.33.99.200, .203, .204

The Texas Department of Human Resources adopts amendments to Rules 326.33.99.200, .203, and .204 with changes to the proposed text published in the June 9, 1981, issue of the *Texas Register* (6 TexReg 2060).

The department has revised its proposals regarding amendments to the reimbursement methodology for skilled nursing facilities and intermediate care facilities. Specifically, the department has chosen not to adopt the proposals regarding limitations on allowable costs for real and personal property expenses in leased facilities; limitations on allowable costs for management fees; limitations on allowable costs for salaries of owners; and limitations on the allowable costs for facility and administration expenses via an increase in the occupancy adjustment percentage from 85% to 90%. Also deleted was the proposal to create another intermediate care facility reimbursement class using a facility's designation under 1861(j)(1) of the Social Security Act. The proposal to eliminate as an allowable cost a return on equity is retained in the adopted amendments.

The justification for the adoption of the amendment to eliminate as an allowable cost a return on equity is based on the

fact that it will result in more cost-effective program administration. The reporting of equity on cost reports was beginning to be a substantial administrative problem. The amendment providing for the elimination of equity as an allowable cost will function by reducing the amount of time required by department staff to audit annual cost reports.

The department received and reviewed verbal and written comments. A summary of comments and department responses follows.

Allowable costs for real and personal property expenses in leased facilities should not be subjected to an expense limitation since terms of lease agreements may be fixed for several years and providers leasing their facilities could be financially disadvantaged.

The department was in basic agreement with this position. The proposal to limit lease expenses was deleted.

Allowable costs for real and personal property should be calculated using current replacement cost rather than actual cost.

The department strongly disagrees with this suggestion. It violates generally accepted accounting principles. It is estimated that if such an approach were used, it would cost the Texas Medicaid SNF/ICF Program \$40 to \$50 million in state fiscal year 1982. In these times of budget austerity, it would be inappropriate to consider such a suggestion.

Management fees should not be subjected to limitations.

The department sought to include in the calculations of rates only actual expense for administration. Under the terms of some management agreements, the management firm shares in the profits of the provider through a provision that the management firm's share of the profit is deemed a "bonus management fee." This practice is detailed in the following example. A facility incurs an administration expense of \$90,000, including a basic management fee of \$72,000 which is 12% of gross revenue. The facility has earned a \$20,000 profit and the management agreement calls for a 50:50 profit split. The \$10,000 share of profit for the management firm is deemed a "bonus management fee." The facility's cost report is then submitted with an administration expense of \$100,000, which is \$90,000 plus the \$10,000 profit share. A provider is free to share profit in any manner he chooses. The redefinition of "profit" to "expense" serves only to overstate actual administration expenses on the cost report. The department is not adopting the proposal to limit administration expenses in managed facilities. Excessive management fees will be dealt with on a case-by-case basis.

It is appropriate to limit owner/administrator compensation to average compensation to employee-administrators.

The department proposes that average marketplace salaries for similar services be used for owner/administrators, owner/assistant administrators, and owners. The average would have applied to facilities of comparable size. Twenty facility size categories would have been used. Extremely low or unreported owner/administrator and owner/assistant administrator salaries would have been adjusted up to the average. For example, in the 1980 data base, which contains 166 owner/administrators, compensation would have been increased for 53 and decreased for

113. This proposal did not limit the amount of profit that an owner could earn. It did limit excessive amounts from being included in rate calculations which are claimed as salaries by owners. However, the department deleted this proposal in favor of the 99th percentile limits; 99th percentiles will be selected from arrays of marketplace-determined per diem expenses. Owner/administrator compensation, owner/assistant administrator compensation, and owner compensation will be subjected to these limits.

An allowable cost for a return on equity should be retained.

The department proposed the elimination of this provision for two basic reasons. The first reason is that the 60th percentile reimbursement point provides ample opportunity for profit for an economic and efficient provider. For example, 1979 and 1980 cost reports show that 80% of all providers reported making profits. The 1980 cost report showed that for-profit providers averaged a pretax profit margin of 8.9%. Elimination of the allowable costs for return on equity would not remove the opportunity for an economic and efficient provider to earn a fair profit. In the Texas prospective uniform rate system, opportunity for profit rests on the provider's ability to provide necessary services at costs below the uniform rates. The second reason is that the program is beginning to suffer from reporting abuses. Accounting treatments given certain assets and liabilities can materially overstate equity. For example, in a recent on-site audit, the provider's treatment of certain assets and liabilities resulted in an approximate \$12 million overstatement of equity in fiscal year ending balances of facilities owned, leased, or managed by the provider. The department recommended adoption of the proposal to eliminate as an allowable cost a return on equity.

The department should use the 62nd percentile instead of the 60th percentile if the allowable cost for return on equity is eliminated.

The opportunity for profit would not be significantly diminished by the elimination of a return on equity as an allowable cost. The 1980 cost reports show that 80% of providers reported a profit. The department recommended no change in the use of the 60th percentile.

A 90% occupancy adjustment is unfair, since the department has recently begun a phase-out of the ICF II level of care.

The department was in basic agreement with this position. The proposal to increase the occupancy adjustment percentage from 85% to 90% was deleted.

The occupancy adjustment calculation should use available beds instead of licensed beds.

The purpose of occupancy adjustments is to limit the Texas Medicaid Program's participation in the inefficient use of resources. Budget austerity makes it imperative that the program limit its subsidy of the costs of empty beds and unused capacity. The average occupancy rate reported in 978 cost reports for 1980 was 83.5%. This figure is calculated by averaging the occupancy rates of the 978 facilities. The industry occupancy rate as reported on these same 978 cost reports for 1980 was 82.5%. This figure is calculated by dividing the total days of service reported (28,981,794) by total possible days of service (35,112,938) at the 100% occu-

pancy level. The Texas Department of Health, in its July 15, 1981, Occupancy Report on Long-Term Care Facilities reports an industry occupancy rate of 81.6% for nursing and custodial facilities. The 1980 cost reports reflect that 70% of providers are above the 80% occupancy level; 60% of providers are above the 85% occupancy level; 44% of providers are above the 90% occupancy level; and 23% of providers are above the 95% occupancy level. To use a bed capacity amount which is less than total bed capacity would defeat the purpose of the occupancy adjustment. Facilities unable to use their licensed capacity amount which is less than total bed capacity due to architectural shortcomings are free to reduce their licensed capacity. Lastly, there is no reliable method to verify available beds, since in the absence of burdensome and restrictive regulations, a facility could change the number of available beds at will.

The 1861(j)(1) should not be adopted because it is arbitrary.

The 1861(j)(1) proposal was based upon two studies which were conducted to explore the differences between patient needs and cost area per diem expenses in facilities meeting 1861(j)(1) requirements. The results of these studies provide strong statistical evidence to support the 1861(j)(1) reimbursement class system. There are obvious differences between these two groups. ICFs meeting the 1861(j)(1) requirements (MJ1s) incur higher per diem expenses in the patient care and dietary care cost areas. This situation is attributed to the higher medical needs of patients in MJ1 facilities. ICFs not meeting the 1861(j)(1) requirements (DJ1s) incur higher per diem expenses in facility and administration cost areas. This situation is attributed to lower occupancy rates among DJ1 providers which result in higher per diem expenses for the fixed costs of facility and administration. The average MJ1 facility is smaller than the average DJ1 facility—73.1 licensed beds versus 101.2 licensed beds. The group occupancy rates are 89.9% for MJ1s and 77% for DJ1s. While both groups are earning profits, DJ1s show better profit performance on a per diem basis—\$2.31 versus \$2.09. MJ1s, however, are making most cost-efficient use of fixed costs due to their higher occupancy rates and are out performing DJ1s in profit per bed—\$686 versus \$650. On a comparative basis, MJ1s produce profit by maximizing revenues through higher occupancy rates, while DJ1s produce profits by minimizing expenses in the patient care and dietary care cost areas. In spite of the obvious differences between MJ1 and DJ1 facilities, the department deleted the proposal to create reimbursement classes based upon the 1861(j)(1) designation. The basis for deletion is that only short-term benefits would result and the desired purpose would not be achieved.

The 1861(j)(1) proposal should be adopted since providers giving higher quality care and providers caring for patients with higher medical needs would be rewarded.

As stated above, the department deleted this proposal. Short-term benefits would accrue to facilities caring for patients with higher medical needs. Over the long term, many facilities caring for patients with lower medical needs can become 1861(j)(1) designated. This would defeat the purposes of the proposal.

The department received comments from the Texas Association of Homes for the Aging basically in support of the proposed amendments. Comments were received from the Texas Nursing Home Association in opposition to all proposed amendments. The opposing comments were addressed in the previous paragraphs.

The department hereby certifies that the amendments as adopted have been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

J. B. McReynolds
November 10, 1981

The following amendments are adopted under the authority of the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with authorization to administer public assistance programs.

200. Reimbursement Methodology for Rates for Skilled Nursing Facilities and Intermediate Care Facilities.

(a) General. The Texas Department of Human Resources will reimburse Texas Medicaid long-term care contracted providers for care rendered to recipients in the SNF, ICF, and ICF-II levels of care. Reimbursement rates are determined on a statewide basis using financial and statistical information from annual cost reports which must be submitted by each participating providers.

(1) Uniform rates. Reimbursement rates are uniform statewide for the same class of service.

(2) Class of service. Classes of service are based upon the level of care of the recipient.

(3) Rate period. The rate period is the state fiscal year which is the annual period September 1 through August 31.

(4) Prospective rates. Reimbursement rates are determined prospectively by projecting expenses reported on cost reports for a specific cost report year to the next ensuing rate period.

(5) Frequency of rate determination. Reimbursement rates are determined at least annually.

(b) Cost reporting.

(1) Cost reports. Each provider must submit financial and statistical information at least annually in a cost report prescribed by the department.

(A) Accounting requirements. Financial and statistical information submitted in cost reports must be based upon the accrual method of accounting, except governmental institutions operated on the cash method of accounting. The treatment given any financial or statistical item must reflect the application of the generally accepted accounting principles (GAAP) approved by the American Institute of Certified Public Accountants.

(B) Content of cost report. The cost report will contain financial information such as schedules of revenue, schedules of expense, income statement, schedules of depreciation and amortization, schedules of purchases from related organizations and/or related parties, and balance sheets reflecting the assets, liabilities, and capital for the long-term care facility. The cost report will contain statistical information such as ownership detail and days of service provided.

(C) Chart of accounts. The cost report must be completed in accordance with the department's prescribed chart of accounts for long-term care providers in sufficient detail to substantiate information submitted in the cost report.

(D) Allowable and unallowable costs. The cost report must be completed in accordance with the department's lists of allowable and unallowable costs for long-term care provider reimbursement rate determination.

(E) Reporting period. The cost report must be prepared reflecting the activities of the provider during his fiscal year. Cost reports may be required for other periods to ensure that all periods have been reported, or to ensure that the most complete information is reported for a facility in an exceptional circumstance, such as ownership change, bankruptcy proceeding, etc.

(F) Due date. The cost report must be submitted no later than three months from the end of the provider's fiscal year.

(G) Cost report supplements. Additional financial and statistical information may be required periodically to ensure the fiscal integrity of the Texas Medicaid Long-Term Care Program.

(H) Extension of due date. An extension of a due date may be granted for good cause. Good cause is that cause outside the control of the provider. A request for an extension must be submitted in writing.

(I) Failure to file acceptable cost report. Failure to file a cost report in accordance with all applicable rules and instructions will result in a "hold" on the provider's vendor payments. Such "hold" will be removed when all deficiencies have been corrected.

(J) Cost report certification. Cost reports must bear the following certification:

Misrepresentation or falsification of any information contained in this report may be punishable by fine and/or imprisonment under state or federal law.

I hereby certify that I have read the above statement and, that I have examined the accompanying Texas Medicaid long-term care provider (year) cost report including: general information; patient-day and resident-day statistics; schedules of revenue; schedules of expense; income statement; balance sheets; and, schedules of purchases from related organizations and/or related parties; for the reporting period (beginning date) through (ending date) and that, to the best of my knowledge and belief, the (year) cost report is true, correct, and complete; is prepared in accordance with the department's list of allowable and unallowable costs for long-term care providers; is prepared in accordance with applicable instructions, except as noted; and, is prepared from the books and records of (name of facility).

This certification must be signed by an individual legally responsible for the conduct of the contracted provider such as the owner, a partner, a corporation officer, an association officer, or a government official. Only facility administrators who hold one of these positions are authorized to sign. The cost report certification must be notarized.

(2) Desk verification of cost report. Each cost report is desk verified to ensure that all financial and statistical information submitted in the cost report is in accordance with all applicable rules and instructions. Cost report desk verifications are accomplished within six months of the date the cost report is received. The desk verification procedure includes the adjustment of reported costs to remove any unallowable costs which may be reported.

(3) On-site cost report audits.

(A) Number of on-site audits to be performed. A sufficient number of on-site audits is performed each year to ensure the fiscal integrity of the Texas Medicaid Long-Term

Care Program. The number of on-site audits actually performed each year can vary according to budget constraints, but is not less than the number specified in federal regulations.

(B) On-site auditing standards. On-site report audits are performed in accordance with the generally accepted auditing standards (GAAS) approved by the American Institute of Certified Public Accountants.

(C) Use of on-site audited cost reports. On-site cost report auditing schedules are arranged to maximize the number of on-site audited cost reports available for use in reimbursement rate determination.

(4) Record-keeping requirements. Records must be maintained by each provider for a period of not less than three years following the date of submission of the cost report to the department. Records must be accurate and in sufficient detail to support the financial and statistical information reported in cost reports.

(5) Failure to maintain records. A provider not maintaining adequate records to support the financial and statistical information reported in cost reports, or not maintaining records in accordance with the department's prescribed chart of accounts for long-term care providers will be given 90 days to bring his record-keeping into compliance. Failure to correct deficiencies within 90 days from the date of notification of deficiency can result in the cancellation of the provider's contract for services under the Texas Medical Assistance Plan.

(c) Cost-finding methodology. The cost-finding methodology recasts reported expense data in a consistent manner to determine per diem allowed costs. Certain adjustments are made in allowable costs in the cost-finding process to ensure that costs used for rate setting are costs required for long-term care; are costs derived from the marketplace; and are costs incurred from economic and efficient use of resources.

(1) Cost determination by cost area. Reported expenses are combined into four cost areas.

(A) Patient care cost area. The patient care cost area includes daily service expense; laundry, linen, and housekeeping expense; activity services expense; social service expense; training expense; and consultant expense for direct patient care.

(B) Dietary care cost area. The dietary care cost area includes food and food service expense and dietary consultant expense.

(C) Facility cost area. The facility cost area includes building, equipment, and capital expense; and, operation and maintenance expense.

(D) Administration cost area. The administration cost area includes all administrative expenses.

(2) Exclusion of certain reported expenses. Expenses included in cost-finding and reimbursement rate determination will be in accordance with provisions in the section regarding allowable costs and unallowable costs found elsewhere in these support documents rules.

(3) Adjustment to certain reported expenses.

(A) Non-Medicaid expenses removed.

(i) Expenses incurred to produce revenues for non-Medicaid required services are reduced to an amount which allows for a reasonable profit. Non-Medicaid expenses are defined in the section regarding unallowable costs found elsewhere in these support documents rules.

(ii) Expenses incurred on behalf of Medicaid

recipients which arise as a result of the receipt of gifts, grants, donations, endowments, and trusts are removed.

(B) Interest expenses are reduced by interest revenue not to exceed total reported interest expenses.

(C) Management fees. Expenses for management fees are limited to amounts which exclude expenses which result from any form of profit-sharing.

(D) Services, facilities, and supplies purchased from related organizations. Expenses for services, facilities, and supplies furnished by organizations related to the provider by common ownership or control must not exceed the lower of the cost to the organization or the price of comparable services, facilities, or supplies purchased elsewhere.

(E) Personal services purchased from a related party. Expenses for personal services purchased from a related party are limited to expenses incurred in the open market.

(F) Occupancy adjustment. Facility and administration expenses are lowered to reflect per diem expenses at the 85% rate of occupancy for a provider with an occupancy rate less than 85%.

(4) Projected costs. Adjusted costs are projected from the various reporting periods for the same cost report year to the next ensuing rate period. Cost increase projections are performed so that substantively equitable treatment will be afforded all providers. Cost increase factors appropriate for each expense category are derived from the Bureau of Labor Statistics' consumer and producer price indices, the Bureau of Economic Analysis' implicit price deflators, the Fair Labor Standard Act's minimum wage provisions, the Social Security Administration's scheduled increases in Federal Insurance Contributions Act (FICA) amounts, and others.

(5) Projected cost arrays. Cost area per diem expenses will be rank ordered from low to high to produce projected per diem expense arrays.

(d) Rate-setting methodology. Reimbursement rates for each class of service are determined by selecting the 60th percentile provider per diem expense from each cost area within each class of service and summing the cost area amounts to determine the per diem reimbursement rates.

(1) Classes of service. Reimbursement rates are determined for each class of service based upon the level of care of the recipient:

- (A) SNF,
- (B) ICF,
- (C) ICF-II.

(2) Cost area projected cost arrays. Class rates are determined by selecting the 60th percentile provider per diem expense from projected cost arrays.

(A) Patient care cost area arrays:

- (i) SNF;
- (ii) ICF;
- (iii) ICF-II.

(B) Dietary care cost area arrays.

(C) Facility cost area arrays.

(D) Administration cost area arrays.

(3) Reimbursement rate determination for each class of service. Each rate is determined by summing the four cost area amounts from within each reimbursement class selected from the cost area arrays.

(A) SNF:

- (i) patient care cost area—SNF;
- (ii) dietary care cost area;

- (iii) facility cost area;
- (iv) administration cost area.

(B) ICF:

- (i) patient care cost area—ICF;
- (ii) dietary care cost area;
- (iii) facility cost area;
- (iv) administration cost area.

(C) ICF II:

- (i) patient care cost area—ICF II;
- (ii) dietary care cost area;
- (iii) facility cost area;
- (iv) administration cost area

(4) Exceptions to reimbursement rate determination.

The reimbursement rate in each reimbursement class is lowered to the provider's customary charge, if the provider's customary charge is less than the Medicaid reimbursement rate for the same services.

(e) Appeals procedure. The Department of Human Resources will resolve appeals in accordance with its established administrative procedures.

.203. Allowable Costs. The following described items of expense are not intended to be exhaustive of all possible allowable costs. They are intended to serve only as a general guide. Detailed are many types of costs which can reasonably be anticipated to be incurred in a long-term care facility. The absence of a particular type of cost does not necessarily mean that it is not an allowable cost.

- (1) (No change.)
 - (2) List of allowable costs.
- (A)-(E) (No change.)

.204. Unallowable Costs. The following described items of expense are not intended to be exhaustive of all possible unallowable costs. Rather, they are intended to be a general guide to various unallowable costs which may be encountered in long-term care facilities. The absence of a particular type of cost does not necessarily mean that it is an allowable cost.

- (1) (No change.)
 - (2) List of unallowable costs.
- (A)-(V) (No change.)

(W) Purchases of services, facilities, or supplies from related organizations or related parties. Allowable costs shall not exceed the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere. Allowable costs for personal

services purchased from a related party shall not exceed the price of services purchased elsewhere.

(X)-(CC) (No change.)

Issued in Austin, Texas, on November 10, 1981.

Doc. No. 818148 Marlin W. Johnston
 Commissioner
 Texas Department of Human Resources

Effective Date: December 1, 1981

Proposal Publication Date: June 9, 1981

For further information, please call (512) 441-3355, ext. 2037.

326.33.99.201, .205, .206

The Texas Department of Human Resources adopts the repeal of Rules 326.33.99.201, .205, and .206 without changes to the proposed notice of repeal published in the June 9, 1981, issue of the *Texas Register* (6 TexReg 2060).

The department has revised its proposals regarding amendments to the reimbursement methodology for skilled nursing facilities and intermediate care facilities. Rules 326.33.99.201, .205, and .206 are being repealed because the policies are covered in the reimbursement methodology currently being adopted. The repeal of the rules serves to eliminate duplicate material.

No comments were received regarding adoption of the repeal.

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.

J. B. McReynolds
 November 10, 1981

The rules are repealed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with authorization to administer public assistance programs.

Issued in Austin, Texas, on November 10, 1981.

Doc. No. 818149 Marlin W. Johnston
 Commissioner
 Texas Department of Human Resources

Effective Date: December 1, 1981

Proposal Publication Date: June 9, 1981

For further information, please call (512) 441-3355, ext. 2037.

The Texas Open Meetings Act, Texas Civil Statutes, Article 6252-17, requires that an agency with statewide jurisdiction have notice posted for at least seven days before the day of a meeting. An institution of higher education must have notice posted for at least 72 hours before the scheduled meeting time. Although some notices may be received and filed too late for publication before the meeting is held, all filed notices will be published in the *Register*. Each notice published includes the date, time, and location of the meeting; an agenda or a summary of the agenda as furnished for publication by the agency; where additional information may be obtained; and the date and time of filing.

A political subdivision covering all or part of four or more counties must have notice posted for at least 72 hours before the scheduled meeting time. Each notice published includes the date, time, and location of the meeting and where further information may be obtained. These notices are published under the heading "Regional Agencies," alphabetically by date filed.

Any of the governmental entities named above must have notice of an emergency meeting, or an emergency addition or amendment to an agenda, and the reason for such emergency, posted for at least two hours before the meeting is convened. Emergency notices filed by these entities will be published in the *Register*; however, notices of an emergency addition or amendment to an agenda filed by a regional agency will not be published in the *Register* since the original agendas for these agencies are not published.

All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor in the East Wing of the State Capitol. These notices may contain more detailed agendas than space allows to be published in the *Register*.

Texas Department on Aging

Friday, November 20, 1981, 10 a.m. The Board of the Texas Department on Aging will meet in the first floor conference room, 210 Barton Springs, Austin. Items on the agenda include: approval of minutes of the September 23, 1981, meeting; consideration of adoption of the Texas Department on Aging Fiscal Manual; action taken by the executive director regarding removal of conditions placed on area agency plans; progress report of the negotiations with the Administration on Aging regarding the Nursing Home Ombudsman Program; report of the Citizens Advisory Council; and consideration of the proposed draft of the Texas Long Term Care Plan.

Information may be obtained from Chris Kyker, 210 Barton Springs, fifth floor, Austin, Texas, (512) 475-2717.

Filed: November 12, 1981, 1:44 p.m.
Doc. No. 818174

Texas Department of Agriculture

Tuesday, December 1, 1981, 1 p.m. The Agricultural Protective Act Unit Produce Recovery Fund Board of the Texas Department of Agriculture will conduct a contested case hearing at 3652 North

Dixie, Odessa, to consider allegations of non-payment of produce to E. C. Reinauer, Hereford, by Johnny's Fruit Market, Odessa.

Information may be obtained from Bill B. Quicksall, P.O. Box 12847, Austin, Texas 78711, (512) 475-4304.

Filed: November 12, 1981, 10:03 a.m.
Doc. No. 818160

Interagency Council on Early Childhood Intervention

Tuesday, November 24, 1981, 9 a.m. The Interagency Council on Early Childhood Intervention will meet in Room T-604 of the Texas Department of Health, 1100 West 49th Street, Austin. Items on the agenda summary are as follows: the submission and review process covering grant proposals for programs of intervention services and the establishing of rules for grant proposals, review, and evaluation; public awareness and training; and council and advisory committee operational procedures.

Information may be obtained from James P. Ramin, 1100 West 49th Street, Austin, Texas, (512) 458-7241.

Filed: November 13, 1981, 4:10 p.m.
Doc. No. 818246

Texas Education Agency

Monday, November 23, 1981, 9 a.m. The Select Committee on Public Education, Subcommittee on Construction, Rehabilitation, and Repair, and Capital Debt Financing of the Texas Education Agency will conduct an emergency meeting in the senate finance room, Room 301 of the State Capitol. Items on the agenda include: organizational meeting of the Subcommittee on Construction, Rehabilitation, and Repair, and Capital Debt Financing; staff briefings on issues related to subcommittee charges, i.e., construction, rehabilitation and repair, and capital debt financing; discussion of proposed research design; consideration of work schedule for the committee; and proposed use of staff resources. The meeting will be held on an emergency basis because the subcommittee chairman was unable to confirm scheduling at an earlier date.

Information may be obtained from Cis Myers, 201 East 11th Street, Austin, Texas 78701, (512) 475-4536.

Filed: November 16, 1981, 4:32 p.m.
Doc. No. 818298

Friday, December 4, 1981, 8 a.m. The Apprenticeship and Training Advisory Committee of the Texas Education Agency will meet in the Holiday Inn, 2095 North 11th Street at IH 10, Beaumont. Items on the summarized agenda include: approval of minutes; presentation by the Sabine Area Apprenticeship Programs, Paul Thames, president of the Sabine Area Apprenticeship and Training Association of Texas; Ad Hoc Committee Meetings; reports from Ad Hoc Committee chairpersons, Bylaws Committee, William Hansen, training director of Eastman Company, Longview; Planning Committee, Ronald O'Riley, training director, Dallas Electrical JATC, Dallas; Finance Committee, Cliff

Weaver, associate dean, Technical-Occupational Programs, North Lake College, Irving; and a report by the apprenticeship coordinator.

Information may be obtained from Dan C. Lowe, 201 East 11th Street, Austin, Texas 78701, (512) 475-3129.

Filed: November 16, 1981, 4:32 p.m.
Doc. No. 818299

Texas Employment Commission

Monday, November 16, 1981, 9 a.m. The Texas Employment Commission held an emergency meeting in Room 644 of the Texas Employment Commission Building, 15th and Congress Streets, Austin, for staff presentation of Parts I and III of the agency's report to the Sunset Commission. The emergency meeting was necessary because the commission was required to review the rough draft for Parts I and III of the Sunset Commission report, which must be filed no later than November 30, 1981.

Information may be obtained from Pat Joiner, Texas Employment Commission Building, Room 656, Austin, Texas 78701, (512) 397-4514.

Filed: November 12, 1981, 1:28 p.m.
Doc. No. 818172

Tuesday, November 24, 1981, 9 a.m. The Texas Employment Commission will meet in Room 644, TEC Building, 15th and Congress, Austin. Items on the agenda summary include: prior meeting notes; reports of the general counsel and administrator; status report on fiscal year 1982 funding; E.S. and U.I. activities; discussion of national meeting on skills shortages; review of Sunset Commission report; leases on King Community Center; agenda items for December 8, 1981, meeting; and an executive session on personnel, premises, and litigation.

Information may be obtained from Pat Joiner, TEC Building, Room 656, 15th and Congress, Austin, Texas, (512) 397-4514.

Filed: November 16, 1981, 2:32 p.m.
Doc. No. 818284

Texas Health Facilities Commission

Friday, November 13, 1981, 10 a.m. The Texas Health Facilities Commission met in emergency session in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin, to consider the application of the Sisters of Charity of the Incarnate Word, Houston, for a declaratory ruling that a certificate of need is not required for the transfer of the Public Health Service Hospital at Nassau Bay to the Sisters of Charity of the Incarnate Word, Houston, without the obligation of a capital expenditure by or on behalf of the Sisters of Charity of the Incarnate Word; and for the Sisters of Charity of the Incarnate Word to continue to operate the facility without a change in services or other operational aspects of the facility. The emergency status was necessary in order that the facility, which is presently closed, may be reopened and licensed at the earliest possible date to avoid unnecessary and costly hardships

on the staff of the facility and on the patients in the community to be served by the facility.

Information may be obtained from Linda E. Zatopek, P.O. Box 15023, Austin, Texas 78761, (512) 475-6940.

Filed: November 12, 1981, 2:49 p.m.
Doc. No. 818176

Wednesday, November 25, 1981, 10 a.m. The Texas Health Facilities Commission will meet in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin, to consider the following applications:

Certificate of Need

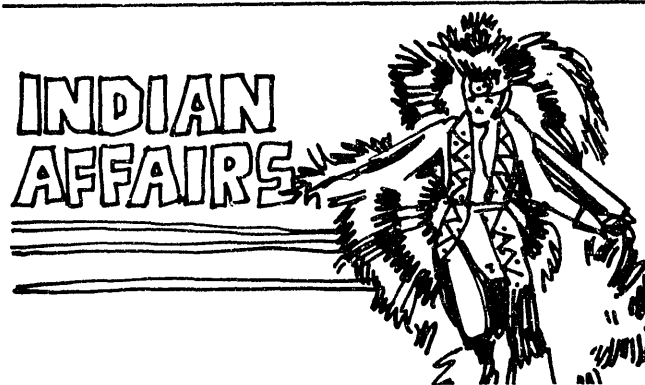
Fort Bend General Hospital, Sugarland
AH81-0205-025

East Fort Bend Community Hospital, Missouri City
AH81-0416-010

Fort Bend Community Health Center, Sugarland
AH81-0327-029

Information may be obtained from Linda E. Zatopek, P.O. Box 15023, Austin, Texas 78761, (512) 475-6940.

Filed: November 16, 1981 4:14 p.m.
Doc. No. 818296



Texas Indian Commission

Monday, November 23, 1981, 1:30 p.m. The Alabama-Coushatta Board of Directors of the Texas Indian Commission will meet in emergency session in the Alabama-Coushatta Tribal Office, 17 miles east of Livingston on U.S. Highway 190. Items on the agenda summary include approval of minutes of the October 12, 1981, meeting; discussion of replacement of the recording secretary; September financial report by Jim Taylor; general reports by Sam Lattimore; board discussion of Neal Spelce Agency's contract; committee reports; board action on old or new business; board directions for activities for December, January, and February; and setting a time for the next meeting. The emergency status was necessary because of the commission's late receipt of the agenda from the board president, and because the meeting could not be rescheduled because of out-of-town board members.

Information may be obtained from Walt W. Broemer, P.O. Box 510, Livingston, Texas 77351, (713) 327-3683.

Filed: November 16, 1981, 9:35 a.m.
Doc. No. 818285

State Board of Insurance

Tuesday, November 24, 1981, 9 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin, to consider a decision on proposed amendments to Rules 059.05.25.003, 059.05.36.001, and 059.05.81.001 relating to elimination of the exclusion for loss due to wind-driven rain. A hearing was held on the proposal on August 25, 1981.

Information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas, (512) 475-2950.

Filed: November 16, 1981, 8:04 a.m.
Doc. No. 818243

Tuesday, November 24, 1981, 10 a.m. The State Board of Insurance made an addition to the agenda of a meeting to be held in Room 414, 1110 San Jacinto Street, Austin, concerning a motion by T.E. Mercer Trucking Company for a rehearing.

Information may be obtained from Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950

Filed: November 16, 1981, 8:05 a.m.
Doc. No. 818244

Tuesday, November 24, 1981. The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 350, 1110 San Jacinto Street, Austin. The times and dockets follow:

1 p.m. Docket 6605—application of Robert Wilson Steakley, Jr., to acquire control of Steakley Life Insurance Company, Waco.

1:30 p.m. Docket 6606—application of Robert Wilson Steakley, Jr., to acquire control of Aerie Life Insurance Company, Dallas.

Information may be obtained from J.C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: November 16, 1981, 1:45 p.m.
Doc. Nos. 818278 and 818279

Wednesday, November 25, 1981, 1:30 p.m. The Fire Marshal's Office of the State Board of Insurance will conduct a hearing in Room 350, 1110 San Jacinto Street, Austin, in Docket FM-013—application of Linda Brink for fire extinguisher company certificate of registration.

Information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: November 16, 1981, 1:45 p.m.
Doc. No. 818280

Monday, November 30, 1981, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a hearing in Room 342, 1110 San Jacinto Street, Austin, in Docket 6617—application for admission of Winona Financial Life Insurance Company, Little Rock, Arkansas.

Information may be obtained from John Brady, 1110 San Jacinto, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: November 16, 1981, 1:46 p.m.
Doc. No. 818281

Monday, November 30, 1981, 10:30 a.m. The Commissioner's Hearing Section of the State Board of Insurance will reopen a public hearing in Room 342, 1110 San Jacinto Street, Austin, concerning Docket 5998—application for original charter of General American Fidelity and Guaranty Corporation, Dallas.

Information may be obtained from J.C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: November 16, 1981, 1:46 p.m.
Doc. No. 818282

Monday, November 30, 1981, 3:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a hearing in Room 342, 1110 San Jacinto Street, Austin, to consider a merger of United Mercantile Life Insurance Company, an Arizona corporation, into United Mercantile Life Insurance Company of Texas, El Paso (Docket 6620).

Information may be obtained from John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: November 26, 1981, 1:46 p.m.
Doc. No. 818283

The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin, on the following dates. According to the submitted agendas, the board will consider the fire marshal's report.

Wednesday, December 2, 1981, 2 p.m.

Wednesday, December 9, 1981, 2 p.m.

Wednesday, December 16, 1981, 2 p.m.

Wednesday, December 23, 1981, 2 p.m.

Wednesday, December 30, 1981, 2 p.m.

Information may be obtained from Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: November 13, 1981, 9:31 a.m.
Doc. Nos. 818188, 818190, 818192, 818194, and 818196

The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin, on the following dates. According to the submitted agendas, the board will discuss the commissioner's report and meet in executive session to discuss personnel matters.

Tuesday, December 1, 1981, 2 p.m.

Tuesday, December 8, 1981, 2 p.m.

Tuesday, December 15, 1981, 2 p.m.

Tuesday, December 22, 1981, 2 p.m.

Tuesday, December 29, 1981 2 p.m.

Information may be obtained from Pat Wagner, 1110 San Jacinto Street, Austin, Texas, (512) 475-2950.

Filed: November 13, 1981, 9:30 a.m.
Doc. Nos. 818187, 818189, 818191, 818193, 818195

Texas Juvenile Probation Commission

Friday, November 20, 1981, 1 p.m. The Texas Juvenile Probation Commission will meet in emergency session in Room 100B of the John H. Reagan Building, 1400 Congress, Austin, to consider matters related to procurement of office space, monthly juvenile probation statistical reporting system, and ranking and distributing unobligated funds. The emergency status was necessary to accom-

modate the schedule of Judge Shackelford, chairman of the commission, and because the agenda was not completed until after the filing period.

Information may be obtained from Willis Whately, P.O. Box 12428, Austin, Texas, 78711, (512) 475-3021.

Filed: November 13, 1981, 9:26 a.m.
Doc. No. 818201

Texas State Board of Medical Examiners

Sunday-Thursday, November 29-December 3, 1981, 8 a.m., daily. The Texas State Board of Medical Examiners will meet at 1101 Camino La Costa, Austin. Items on the agenda include: examinations for licensure; hearing on possible Medical Practice Act violation; consideration of licensure applications; committee meetings and reports; secretary's report; discussion of rules as provided by law; tentative executive session under authority of Texas Civil Statutes, Article 6252-17, as relating to Senate Bill 5, §5.06(e)(1) and Attorney General Opinion H-484, 1974; and other usual and related business relating to requirements and board operations.

Information may be obtained from Jean Davis, 1101 Camino La Costa, Austin, Texas 78701, (512) 475-0741.

Filed: November 13, 1981, 9:25 a.m.
Doc. No. 818186

Texas Merit System Council

Tuesday, November 17, 1981, 9 a.m. The Texas Merit System Council met in emergency session at the Hidalgo County Courthouse, Edinburg, to conduct an appeals hearing. The emergency status was necessary because of a recent resolution of jurisdictional questions.

Information may be obtained from F. Kemp Dixon, P.O. Box 1389, Austin, Texas 78768, (512) 477-9665.

Filed: November 16, 1981, 4:04 p.m.
Doc. No. 818292

Texas Parks and Wildlife Department

Tuesday, December 1, 1981, 2 p.m. The Fisheries Division Resource Protection Branch of the Texas Parks and Wildlife Department will conduct a hearing in Room A-200, 4200 Smith School Road, Austin, concerning an application by Little Riviera Civic Association to remove approximately 2,800 cubic yards of marl (total) from Dickinson Bay by means of backhoe or dragline for the purpose of maintenance dredging an existing channel. The dredged material would be placed on adjacent private property. The work site would be located between Salt Bayou and Little Riviera Canal at the eastern end of Avenue Q, Dickinson, Galveston County (Corps of Engineers Public Notice 14795).

Information may be obtained from Chester Harris, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4864, ext. 2310.

Filed: November 13, 1981, 1:44 p.m.
Doc. No. 818219

Texas Board of Physical Therapy Examiners

Saturday, November 21, 1981, 1 p.m. The Texas Board of Physical Therapy Examiners will meet in Room 218, 8194 Walnut Hill Lane, Dallas, to vote on the adoption of proposed rules and to discuss an exception application request.

Information may be obtained from Lois M. Smith, 5555 North Lamar, Suite H-135, Austin, Texas 78751.

Filed: November 12, 1981, 3:45 p.m.
Doc. No. 818181

Texas State Board of Public Accountancy

Friday and Saturday, November 20 and 21, 1981, 2 p.m. and 10 a.m., respectively. The Texas State Board of Public Accountancy will meet in the following locations: November 20—Suite 500, 3301 Northland Drive, Austin; and November 21—Erwin Special Events Center, Austin. Items on the summarized agenda include approval of minutes, critique of November examination, additional exam sites, fiscal year 1982-1983 appropriation, swearing-in ceremony plans and attendance, and a future meeting schedule.

Information may be obtained from Bob E. Bradley, 3301 Northland Drive, Suite 500, Austin, Texas 78731, (512) 451-0241.

Filed: November 12, 1981, 2:49 p.m.
Doc. No. 818177

Public Utility Commission of Texas

Tuesday, November 24, 1981, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 4173—appeal by S.S.S. Water Systems, Inc., from rates set by the City of Granite Shoals.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 13, 1981, 3:50 p.m.
Doc. No. 818229

Monday, November 30, 1981, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3967—appeals of Gulf States Utilities Company from ratemaking ordinances of the Cities of Roman Forest, et al.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 16, 1981, 9:28 a.m.
Doc. No. 818273

Thursday, December 3, 1981, 2 p.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 4093—application of Central Telephone Company of Texas for

a rate/tariff revision within the Cranfills Gap exchange of the Clifton Telephone Company.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 17, 1981, 9:24 a.m.
Doc. No. 818303

Friday, December 4, 1981, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 4169—complaint of Radian Corporation against Southwestern Bell Telephone Company.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 17, 1981, 9:24 a.m.
Doc. No. 818304

Tuesday, December 8, 1981, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 4164—inquirey into the rate increase of Guadalupe Plaza Utilities.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 13, 1981, 3:50 p.m.
Doc. No. 818230

Friday, December 11, 1981, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Dockets 2782 and 4061—petition of the Woodlands Development Corporation and Mading Fixtures Company, Inc., doing business as Jack Eckerd Drug Company, for amendments to the certificates of convenience and necessity of Conroe Telephone Company and Southwestern Bell Telephone Company, for the establishment of local measured service, and for other relief.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 16, 1981, 9:31 a.m.
Doc. No. 818274

Wednesday, December 16, 1981, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3883—application of Lebanon Water Supply Corporation to amend its certificate of convenience and necessity within Collin and Denton Counties.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 13, 1981, 3:50 p.m.
Doc. No. 818231

Monday, January 11, 1982, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket

4128—application of South Texas Electric Cooperative, Inc., for a rate increase.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 17, 1981, 9:24 a.m.
Doc. No. 818305

Wednesday, January 27, 1982, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 4119—application of Texas Leisure, Inc., for a certificate of convenience and necessity and for authority to increase rates within Cooke and Matagorda Counties.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 16, 1981, 9:26 a.m.
Doc. No. 818198

State Purchasing and General Services Commission

Wednesday, November 25, 1981, 11:15 a.m. The State Purchasing and General Services Commission will meet in Room 916 of the LBJ Building, 111 East 17th Street, Austin. Items on the agenda include: implementation of automated vendor performance; installation of additional computer resources on an interim basis; report on William B. Travis Office Building Project; report on Southwestern Bell rate increase proposal; preliminary review of proposed telecommunications study; an emergency rule concerning restocking charges; report from internal auditor/liason officer; commission monthly reports; and date and time for next regular meeting. The commission will also meet in executive session to consider proposed action for the acquisition of land for the Aircraft Pooling Board.

Information may be obtained from Homer A. Foerster, P.O. Box 13047, Austin, Texas 78711, (512) 475-2211.

Filed: November 17, 1981, 9:27 a.m.
Doc. No. 818302

Railroad Commission of Texas

Monday, November 23, 1981, 9 a.m. The Administrative Services Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 IH 35 South, Austin, to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Information may be obtained from Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1211.

Filed: November 13, 1981, 11:02 a.m.
Doc. No. 818205

Monday, November 23, 1981, 9 a.m. The Automatic Data Processing Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 IH 35 South, Austin, to consider and act on the division director's report on division administration, budget, procedures, and personnel matters. The com-

mission will also consider an interagency contract with the State Property Tax Board.

Information may be obtained from Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204.

Filed: November 13, 1981, 11:04 a.m.
Doc. No. 818206

Monday, November 23, 1981, 9 a.m. The Flight Division of the Railroad Commission of Texas will meet in Room 107, 1124 IH 35 South, Austin, to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Information may be obtained from Ken Fossler, 1124 IH 35 South, Austin, Texas (512) 445-1103.

Filed: November 13, 11:03 a.m.
Doc. No. 818207

Monday, November 23, 1981, 9 a.m. The Gas Utilities Division of the Railroad Commission of Texas will meet in Room 107, 1124 IH 35 South, Austin, to consider Gas Utilities Dockets 2645 consolidated, 3027, 3253, 3258, and 3254, and the director's report on division administration, budget, procedures, and personnel matters.

Information may be obtained from Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas, (512) 445-1126.

Filed: November 13, 1981, 11:07 a.m.
Doc. No. 818208

Monday, November 23, 1981, 9 a.m. The Office of Information Services of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 IH 35 South, Austin, to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Information may be obtained from Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711.

Filed: November 13, 1981, 11:04 a.m.
Doc. No. 818209

Monday, November 23, 1981, 9 a.m. The Liquefied Petroleum-Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 IH 35 South, Austin. According to the agenda, the division will consider for publication in the *Texas Register* §9.21 (051.05.03.019) concerning applications for an exception to a safety rule and §9.30 (051.05.03.310) concerning submission of drawings, plans, reports, and specifications. The division will also consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Information may be obtained from Hugh F. Keepers, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-1301.

Filed: November 13, 1981, 11:06 a.m.
Doc. No. 818212

Monday, November 23, 1981, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 IH 35 South, Austin, to consider various mat-

ters falling within the Railroad Commission's oil and gas regulatory jurisdiction.

Information may be obtained from Jan Burriss, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: November 13, 1981, 11:05 a.m.
Doc. No. 818213

Monday, November 23, 1981, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas made an addition to the agenda of a meeting to be held in the first floor auditorium, 1124 IH 35 South, Austin, concerning consideration of category determinations under §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Information may be obtained from Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas, 78711, (512) 445-1273.

Filed: November 13, 1981, 11:06 a.m.
Doc. No. 818211

Monday, November 23, 1981, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas made an addition to the agenda of a meeting to be held in the first floor auditorium, 1124 IH 35 South, Austin. The addition concerns consideration of the following dockets: 88,966—application by Paul J. Adams Oil Company for an exception to SWR 37, Sherman-Woodson Zone 8 Field, Grayson County; and 89,339—application by Champlin Exploration, Inc., for an exception to SWR 37, Giddings (Austin Chalk-3)(Austin Chalk, Gas)(Buda) and Wildcat Fields, Lee County.

Information may be obtained from Priscilla Hubenak, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1293.

Filed: November 13, 1981, 11:05 a.m.
Doc. No. 818214

Monday, November 23, 1981, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas made an addition to the agenda of a meeting to be held in the first floor auditorium, 1124 IH 35, Austin. The addition concerns consideration of the motion by Humble Exploration, Inc., to set aside and dismiss the interim order entered in Docket 77343—complaint of Joe D. Burtshell with respect to the Humble Exploration Inc.'s Lauren B. Unit Well 1, Giddings (Austin Chalk) Field, Lee County.

Information may be obtained from Sandra B. Buch, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1293.

Filed: November 13, 1981, 11:05 a.m.
Doc. No. 818215

Monday, November 23, 1981, 9 a.m. The Personnel Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 IH 35 South, Austin, to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Information may be obtained from Herman L. Wilkins, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120.

Filed: November 13, 1981, 11:04 a.m.
Doc. No. 818210

Monday, November 23, 1981, 9 a.m. The Office of Special Counsel of the Railroad Commission of Texas will meet in the third floor conference room, 1124 IH 35 South, Austin, to consider and act on the division director's report relating to pending litigation, Sunset Review procedures, and other budget, administrative, and personnel matters.

Information may be obtained from Walter Earl Lilie, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

Filed: November 13, 1981, 11:03 a.m.
Doc. No. 818216

Monday, November 23, 1981, 9 a.m. The Surface Mining and Reclamation Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 IH 35 South, Austin, to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Information may be obtained from J. Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751.

Filed: November 13, 1981, 11:07 a.m.
Doc. No. 818217

Monday, November 23, 1981, 9 a.m. The Transportation Division of the Railroad Commission of Texas will meet in the first floor auditorium, Room 107, 1124 IH 35 South, Austin, to consider various matters falling within the Railroad Commission's transportation regulatory jurisdiction.

Information may be obtained from Owen T. Kinney, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: November 13, 1981, 11:03 a.m.
Doc. No. 818218

Monday, November 23, 1981, 9 a.m. The Transportation Division of the Railroad Commission of Texas made the following additions to the agenda of a meeting to be held in the first floor auditorium, Room 107, 1124 IH 35 South, Austin:

Consideration of oral argument on rulemaking proceedings concerning Rule 051.03.02.027, entitled Common Carrier Obligation of Specialized Motor Carriers, and Rules 051.03.10.001, .003, .005-.008, which concern the leasing of operating rights and equipment.

Docket 012521A5RE—consideration of final order in the application by Hanovice Corporation, doing business as Dispose-All Company, to reinstate contract carrier Permit 12521, which was cancelled on March 14, 1979, for failure to comply with insurance requirements.

Docket 024809ZZT—consideration of an interim order granting temporary approval pending final disposition of Application 81-2 by Mistletoe Express Service of Texas, broadened for consideration of other authorized carriers, to establish rates on express shipments weighing between 101 and 200 pounds in RCT Tariff 31-F.

Docket 024743ZZT—consideration of an interim order granting temporary approval pending final disposition of Application 43 by Texas Motor Express Association to establish rates on express shipments weighing between 101 and 200 pounds in RCT Tariff 31-F.

Docket 000143RICM—consideration of final order in the complaint of Sun Petroleum Products Company against KCS, concerning all kinds of freight, transported from Smiths Bluff to Port Neches (Item 26970-A, SWFB Tariff 60-L).

Information may be obtained from Owen T. Kinney, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: November 13, 1981, 4:37 p.m.
Doc. Nos. 818238-818242

University System of South Texas

Thursday, November 19, 1981, 9:30 a.m. The University System of South Texas Board of Directors made an emergency addition to the agenda of a meeting held in University Hall of Laredo State University, Laredo, concerning the consideration of revision in the tuition scholarship policy. The emergency addition was necessary because the change can be made prior to the spring semester, and this was the last regular meeting of the board of directors prior to that time.

Information may be obtained from William C. English, P.O. Box 1238, Kingsville, Texas 78363, (512) 595-2208.

Filed: November 16, 1981, 9:31 a.m.
Doc. No. 818275

Teachers' Professional Practices Commission

Wednesday, November 18, 1981, 8:30 a.m. The Teachers' Professional Practices Commission held an emergency meeting in Salon F of the Marriott Hotel, 6121 IH 35 at U.S. Highway 290, Austin. Items on the agenda included: progress reports on "Code of Ethics" revision; the use of warn or reprimand, and the method of revision for the code; presentation of the annual report and summary of cases; development of orientation package on commission and code; goals for 1981-1982; and election of officers. The emergency status was necessary so that the organization of the commission may be completed and work for the 1981-1982 year may proceed as scheduled.

Information may be obtained from Harry Griffith, 201 East 11th Street, Austin, Texas 78701, (512) 475-6836.

Filed: November 12, 1981, 4:26 p.m.
Doc. No. 818184

Commission on Standards for the Teaching Profession

Thursday, November 19, 1981, 9 a.m. The Interim Reports Committee of the Commission on Standards for the Teaching Profession made an emergency addition to the agenda of a meeting held in the second floor conference room, 158 East Riverside Drive, Austin. The addition concerned receiving information relative to Texas Womans University refurbishing of chemistry laboratories.

The emergency status was necessary because the information was received too late for inclusion in the original open meeting notice.

Information may be obtained from Dr. Edward Vodicka, 201 East 11th Street, Austin, Texas 78701, (512) 475-0164.

Filed: November 13, 1981, 4:09 p.m.
Doc. No. 818232

Texas A&M University System

Monday, November 23, 1981, 8:30 a.m. The Committee of the Whole of the Texas A&M University System Board of Regents will meet in the MSC Annex, Texas A&M University, College Station. According to the agenda, the committee will consider the following for recommendation to the board: appointment of administrative personnel; special titles; honorary resolutions; appropriation of funds for university reserve (TAMU); acceptance of land (TAES); confirmation of vending machine contract (TSU); extension of easements (TSU); pooling agreement at TAMU plantation; defeasance of bonds (TSU); guidelines for operating budgets; depository bank; license agreement; confirmation of budget and fiscal changes, personnel actions, appointments, promotions, and terminations; acceptance of gifts and grants; lease at Indian Mound Nursery (TFS); appropriation for land appraisals and surveys (TAMU); shuttle bus system (TAMU); establishment of Davidson Chair of Science and Davidson Fellowship Fund (TAMU); and transfer of funds (TVMDL).

Information may be obtained from Robert G. Cherry, Texas A&M University System, College Station, Texas 77843, (713) 845-4334.

Filed: November 16, 1981, 9:32 a.m.
Doc. No. 818276

Tuesday, November 24, 1981, 8:30 a.m. The Board of Regents of the Texas A&M University System will meet in the SMC Annex, Texas A&M University, College Station. According to the agenda summary, the board will consider the following: appointment of administrative personnel, special titles, honorary resolutions, appropriation of funds, approval of contracts, acceptance of land, extension of easements, pooling agreement, confirmation of budget and fiscal changes, personnel actions, appointments, promotions, and terminations; acceptance of gifts and grants; approval of leases; and establishment of special funds.

Information may be obtained from Robert C. Cherry, Texas A&M University, College Station, Texas 78743, (713) 845-4334.

Filed: November 16, 1981, 9:32 a.m.
Doc. No. 818277

University Interscholastic League

Tuesday, November 17, 1981, 1:15 p.m. The State Executive Committee of the University Interscholastic League met in emergency session in the Rusk Room of the Villa Capri, Austin. According to the agenda summary, the committee met to hear eligibility cases from Jefferson-Moore and Academy High Schools and appeals cases from the UIL Realignment Appeals Committee. The emergency status was necessary because of time constraints; the appeals

requests were received on Friday, November 13, 1981, at approximately 4:45 p.m.

Information may be obtained from Bailey Marshall, P.O. Box 8028, Austin, Texas 78712, (512) 471-5883.

Filed: November 16, 1981, 10:19 a.m.
Doc. No. 818272

Veterans Affairs Commission

Wednesday, December 16, 1981, 9 a.m. The Veterans Affairs Commission will meet on the sixth floor of the E.O. Thompson Building, 10th and Colorado Streets, Austin, to consider reports on activities of the commission and to make decisions relative to general administrative matters pertaining to Texas veterans programs.

Information may be obtained from Aubrey L. Bullard, P.O. Box 12277, Austin, Texas 78711, (512) 475-4185.

Filed: November 12, 1981, 3:45 p.m.
Doc. No. 818182

Texas Water Commission

Monday, November 23, 1981, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin, to consider the following: application for bond issue, release from escrow, use of surplus funds, setting of hearing dates for district matters, water quality permits, amendments and renewals, voluntary cancellation of water quality permit, extension of time applications, the filing and setting of hearings dates, and motions for rehearing.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: November 12, 1981, 11:09 a.m.
Doc. No. 818165

Monday, November 23, 1981, 2 p.m. The Texas Water Commission will conduct a hearing in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin, regarding an application by Fan-Reed, Inc., doing business as Hydro-Pressure Systems, Inc., for a temporary order pursuant to §26.0191 of the Texas Water Code, concerning discharge of treated and partially treated domestic sewage effluent, impounded in an effluent storage pond located in Smith County.

Information may be obtained from May Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: November 12, 1981, 11:08 a.m.
Doc. No. 818166

Friday, December 18, 1981, 9 a.m. The Texas Water Commission will conduct hearings in Room 124A, 1700 North Congress, Austin, to receive evidence to determine whether Permits 11675 and 12038 should be revoked. Permit 11675 was issued to Dr. E.K. Franklin, doing business as Dallas East Mobile Home Park, Dallas, for the construction and operation of a sewage treatment system to treat and dispose of approximately 60,000 gallons per day of treated domestic sewage effluent in Kaufman County. Permit 12038 was

issued to Realtex Equities, Inc., of Houston, for the construction and operation of sewage treatment facilities to serve the proposed Hidden Lake Townhouse development in Harris County.

Information may be obtained from Lary R. Soward, P.O. Box 13087, Austin, Texas 78711, (512) 475-1311.

Filed: November 12, 1981, 11:09 a.m.
Doc. Nos. 818167 and 818168

Friday, December 18, 1981, 9 a.m. The Texas Water Commission will conduct a hearing in Room 124A, Stephen F. Austin Building, 1700 North Congress, Austin, to receive evidence to determine whether Permit 12071, issued to Dr. L.F. Schumacher of San Antonio for the construction and operation of sewage treatment and disposal facilities to serve a recreational vehicle campground in Travis County, should be revoked.

Information may be obtained from Larry R. Soward, P.O. Box 13087, Austin, Texas 78711, (512) 475-1311.

Filed: November 12, 1981, 11:10 a.m.
Doc. No. 818169

Tuesday, January 5, 1982, 10 a.m. The Texas Water Commission will conduct a hearing in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin, on Application 4156 of Russell Wiggins doing business as Cade Lake Estates for a permit to maintain three existing reservoirs on an unnamed tributary of Second Davidson Creek and on Second Davidson Creek, a tributary of the Brazos River, Brazos River Basin, Burleson County. The reservoirs will be used for recreational purposes.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: November 13, 1981, 2:58 p.m.
Doc. No. 818226

Thursday, January 7, 1982, 10 a.m. The Texas Water Commission will conduct a hearing in Room 618, Stephen F. Austin Building, Austin, on the following: application by Derwin Lee Nabors for an extension of time of Permit 3331 to extend the time for commencement of construction of repairs to a dam and 450 acre-foot reservoirs on Fade Creek, Brazos River Basin in Comanche County. The applicant is also requesting an extension on the completion date from October 18, 1981, to October 18, 1983; and application 4157 of Kenneth B. Beach and Linda C. Beach for a permit to maintain an existing dam and 4.2 acre-foot capacity reservoir on Caney Creek in the Brazos-Colorado River Basin, and to divert 90 acre-feet of state water for irrigation purposes in Matagorda County.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: November 13, 1981, 2:58 p.m.
Doc. Nos. 818277 and 818228

Texas Department of Water Resources

Tuesday, November 17, 1981, 9 a.m. The Texas Water Development Board of the Texas Department of Water Resources made emergency additions to the agenda of a meeting held in Room 118,

Stephen F. Austin Building, Austin. The additions concerned a briefing on the status of water research and the effects of federal budget reductions on research done by the Texas Water Resources Institute and the centers for water research at various Texas universities, and consideration and discussion of plans for Texas water resources and the need to amend and update the Texas Water Plan. The additions were made on an emergency basis for the following reasons: severe cutbacks in federal funding for water research made it imperative that the board be briefed on the subject to consider at some future meeting alternative methods of funding; and, since the Texas Water Plan, approved by the Texas Water Development Board in 1969, was designed as a flexible guide to the conservation and development of the state's water resources and, in the interim, circumstances have changed drastically, it was necessary for the board to consider as soon as possible the need to amend and update the plan.

Information may be obtained from Harvey Davis, P.O. Box 13087, Austin, Texas, (512) 475-3187.

Filed: November 16, 1981, 3:39 p.m.
Doc. No. 818291

West Texas State University

Tuesday, November 24, 1981, 10 a.m. The West Texas State University Board of Regents will meet in Room 216 of the Activities Center, West Texas State University, Canyon. Items on the agenda include the following: approval of minutes of the August 4, 1981, meeting; business and finance items—budget changes; contract change orders; contracts; contract with Hucker and Parge; bids and contract awards for repair and rehabilitation of the Education Building, elevator installation projects at the Fine Arts Building and the Physical Activities Center, replacement of air conditioning chiller in the Physical Activities Center, construction of new chilled water lines to interconnect the several air conditioning chillers on campus, energy conservation measure project in 11 campus buildings; university investment report for the fourth quarter of 1980-81 and for the Panhandle Plains Historical Museum for the fourth quarter of 1980-81 as filed with the state auditor; annual report on organized research for 1980-81; president's report; executive session as authorized by Article 6252-17, §2(f) and §2(g), Texas Civil Statutes; faculty and staff curriculum items—resignations; employments; approval for Lloyd Hanson to accept assistantship in the area of music; forth class day report, second term, summer session 1981; 12th class day report, fall semester 1981; and faculty workload report, fall semester 1981.

Information may be obtained from Texas Smith, P.O. Box 997, Canyon, Texas 79016, (806) 656-3962.

Filed: November 13, 1981, 9:32 a.m.
Doc. No. 818185

Regional Agencies

Meetings Filed November 12, 1981

The Central Counties Center for MH/MR Services, Board of Trustees, met at 302 South 22nd, Temple, on November 19, 1981,

at 7:45 p.m. Information may be obtained from Steven B. Schnee, Ph.D., P.O. Box 518, Temple, Texas 76503-0518, (817) 778-4841.

The Lower Colorado River Authority, and committees of the authority met at 3700 Lake Austin Boulevard, Austin, on November 18, 1981. Times and committees follow.

9 a.m. Parks and Lands Committee

10 a.m. Water and Flood Control Committee

11 a.m. Audit Committee and Environmental, Safety, and Security Committee

1 p.m. Finance and Administration Committee

2:15 p.m. Personnel, Compensation, Pension Trust, and Benefit Committee

3:30 p.m. Power and Energy Committee

The Board of Directors met in the same location on November 19, 1981, at 9 a.m. Information may be obtained from Elof H. Soderberg, P.O. Box 220, Austin, Texas 78767, (512) 473-3200.

Doc. No. 818161

Meetings Filed November 13, 1981

The Child Study Clinic in Victoria will meet at 2008 North Navarro, Victoria, on December 7, 1981, at 4 p.m. Information may be obtained from Eva Seger, M.D., 2008 North Navarro, Victoria, Texas 77901, (512) 575-0681.

The Comal County Appraisal District, Board of Directors, met at 130 East Mill Street, New Braunfels, on November 16, 1981, at 7 p.m. Information may be obtained from Glenn L. Brucks, P.O. Box 1222, New Braunfels, Texas 78130, (512) 625-8597.

The East Texas Council of Governments, Texas CETA Consortium Board of Directors, met at 3800 Stone Road, Kilgore, on November 17, 1981, at 2 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

The Limestone County Central Appraisal District, Board of Directors, met in Room 6 of the appraisal district office, Mexia City Hall, Mexia, on November 18, 1981, at 7 p.m. Information may be obtained from Clydene Hyden, P.O. Box 266, Mexia, Texas 76667, (817) 562-5385, ext. 35.

The North Central Texas Council of Governments, Executive Board, met in the board room of the North Central Texas Council of Governments offices, Arlington, on November 19, 1981, at 1 p.m. Information may be obtained from Linda Keithley, P.O. Drawer COG, Arlington, Texas 76011-3080, (817) 640-3300.

The Trinity River Authority of Texas, Utility Services Committee, met in the executive conference room of the authority's general office, 5300 South Collins, Arlington, on November 18, 1981, at 10 a.m. Information may be obtained from Geri Elliott, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

The Tri-Region Health Systems Agency, Executive Committee, met at the Kiva Inn, River Oaks I, Abilene, on November 19, 1981, at 1:30 p.m. Information may be obtained from David Jackson, 2642 Post Oak Road, Abilene, Texas 79605, (915) 698-9481.

Doc. No. 818197

Meetings Filed November 16, 1981

The Bastrop County Appraisal District, Appraisal Board, will meet at 705 Spring Street, Bastrop, on November 20, 1981, at 4 p.m. Information may be obtained from James M. Archer, 705 Spring Street, Bastrop, Texas 78602, (512) 321-4316.

The Bexar County Appraisal District, Board of Directors, will meet at 533 South Main, San Antonio, on November 24, 1981, at 5 p.m. Information may be obtained from Bill Burnette, P.O. Box 9497, San Antonio, Texas 78204, (512) 224-8511.

The Blanco County Appraisal District will meet at the Blanco County appraisal office, Johnson City, on December 14, 1981, at 6:30 p.m. Information may be obtained from Kay Wright, P.O. Box 338, Johnson City, Texas 78636, (512) 868-4624.

The Central Plains Comprehensive Community MH/MR Center, Board of Trustees, will meet at 2601 Dimmitt Road, Plainview, on November 24, 1981, at 7 p.m. Information may be obtained from Rick Van Hersh, 2700 Yonkers, Plainview, Texas 79072, (806) 296-2726.

The Deep East Texas Regional MH/MR Services, Board of Trustees, will meet in the Ward R. Burke Community Room of the Day Treatment/Administration Facility, 4101 South Medford Drive, Lufkin, on November 24, 1981, at 5 p.m. Information may be obtained from Wayne Lawrence, Ph.D., 4101 South Medford Drive, Lufkin, Texas 75901, (713) 639-1141.

The Region XVII Education Service Center, Board of Directors, will meet at 4000 22nd Place, Lubbock, on December 1, 1981, at 10 a.m. Information may be obtained from Ray Lanier, 4000 22nd Place, Lubbock, Texas 79410, (806) 792-4000.

The Lee County Appraisal District, Board of Directors, will meet at 218 East Richmond Street, Giddings, on November 24, 1981, at 8:30 a.m. Information may be obtained from James L. Dunham, 218 East Richmond Street, Giddings, Texas 78942, (713) 542-9618.

The Leon County Central Appraisal District, Board of Directors, rescheduled a meeting to be held in the Leon County Courtroom, Centerville, on November 19, 1981, at 6:30 p.m. The meeting was originally scheduled for November 12, 1981. Information may be obtained from Mabel Watson, P.O. Box 536, Centerville, Texas 75833, (214) 536-2911.

The Lower Neches Valley Authority, Board of Directors, will meet in the LNVA office building, 7850 Eastex Freeway, Beaumont, on November 24, 1981, at 10:30 a.m. Information may be obtained from J. D. Nixon, P.O. Drawer 3464, Beaumont, Texas 77704, (713) 892-4011.

The Pecan Valley MH/MR Region, Board of Trustees, met in emergency session in the First United Methodist Church, 204 East Pearl Street, Granbury, on November 18, 1981, at 8 a.m. Information may be obtained from Dr. Theresa Mulloy, P.O. Box 973, Stephenville, Texas, (817) 965-7806.

The Upper Leon River Municipal Water District, Board of Directors, will meet in the general office of the filter plant, Proctor Lake, Comanche County, on November 24, 1981, at 6:30 p.m. Information may be obtained from Lowell G. Pittman, P.O. Box 67, Comanche, Texas 76442, (817) 879-2258.

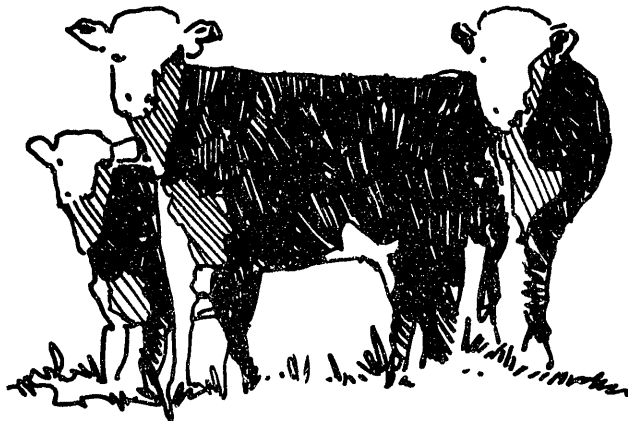
The West Texas Council of Governments, Board of Directors, will meet in Suite 700 of the Mills Building, 303 North Oregon, El Paso, on November 20, 1981, at 9:30 a.m. Information may be obtained from Bernie Guy, 303 North Oregon, Suite 700, El Paso, Texas 79901, (915) 532-2910.

Doc. No. 818267

Meetings Filed November 17, 1981

The South Texas Development Council, Government Application Review Committee, will meet in the Zapata Community Center, Zapata, on November 24, 1981, at 10 a.m. Information may be obtained from Adriana Rodriguez, P.O. Box 2187, Laredo, Texas 78041, (512) 722-3995.

Filed: November 17, 1981, 9:23 a.m.
Doc. No. 818301



The following documents are required to be published in the *Register*: applications to purchase control of state banks filed by the Banking Commissioner of Texas pursuant to Texas Civil Statutes, Article 342-401a(B)(6); changes in interest rate filed by the Savings and Loan Commissioner of Texas pursuant to Texas Civil Statutes, Article 5069-1.07; and consultant proposal requests and awards filed by state agencies, regional councils of government, and the Texas State Library pursuant to Texas Civil Statutes, Article 6252-11c. In order to allow agencies to communicate information quickly and effectively, other information of general interest to the public of Texas is published as space allows.

Texas Air Control Board

Applications for Construction Permits

Notice is given by the Texas Air Control Board of applications for construction permits received during the period of November 2-6, 1981.

Information relative to these applications, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

A copy of all material submitted by the applicant is available for public inspection at the central office of the Texas Air Control Board at the address stated above and at the regional office for the air quality control region within which the proposed facility will be located.

Listed are the name of the applicant and the city in which the facility is located; type of facility; location of the facility (if available); permit number; and type of application—new source or modification.

Week Ending November 6, 1981

Tipperary Gathering Ltd., Moulton; natural gas sweetening plant; FM 532; 8953; new source

Exxon Corp., Gilmer; diethanolamine sweetening, glycol dehydration; Delrose Gas Treating Facility; 8954; new source

Plains Cooperative Oil Mill, Inc., Lubbock; cottonseed delinting and cleaning; 2901 Avenue A; 8955; new source

Hussmann Southwest Fixtures, San Antonio; spray booth; 4400 Tejasco; 8956; new source

Murph Metals, Inc., Dallas; baghouse dust remelt furnace; 2820 North Westmoreland; 8957; new source

White's Mines, Inc., Abilene; crushed stone plant; W. O. Black Lease; 8958; new source

Concrete Recycle Corp., Houston; concrete crusher; 3700 Swingle Road; 8959; new source

Issued in Austin, Texas, on November 9, 1981.

Doc. No. 818199 Ramon Dasch
Director of Hearings
Texas Air Control Board

Filed: November 13, 1981, 9:29 a.m.
For further information, please call (512) 451-5711, ext. 354.

Banking Department of Texas

Applications To Purchase Control of State Banks

Texas Civil Statutes, Article 342-401a, requires any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On November 9, 1981, the banking commissioner received an application to acquire control of Citizens State Bank in Woodville by Walter J. Rusek, trustee of the Mary Hyden Mann Trust, David Wake Mann Trust, and the Allen Barclay Mann Trust, Waco.

Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on November 10, 1981.

Doc. No. 818163 O. A. Cassity
Assistant General Counsel
Banking Department of Texas

Filed: November 12, 1981, 9:42 a.m.
For further information, please call (512) 475-4451.

Comptroller of Public Accounts

Administrative Decision (Sales Tax)

Summary of Administrative Decision 11,350

For copies of the following recent opinion selected and summarized by the administrative law judges, contact the administrative law judges, P.O. Box 13528, Austin, Texas 78711. Copies will be furnished without charge and edited to comply with confidentiality statutes.

Summary of Decision: This case interpreted the agricultural equipment exemption, Article 20.04(N)(6), with respect to two equipment purchases by a cooperative, a computer, and an interpreter-sorter of punched card warehouse receipts for cotton bales that sorts the receipts by member gin. Both purchases occurred during the time that cooperatives were considered to be "original producers," so that hurdle was cleared. However, the statute also requires the equipment to be used exclusively to process, pack, or market the agricultural product. The computer was used to make warehouse receipts and, 5.0% of the time, to write payroll checks. The decision held that exclusive meant exclusive and the computer was disqualified from exemption because it wrote payroll checks. However, the interpreter-sorter was held to be exempt on the basis of being part of the machinery used to "market" the cotton bales.

Issued in Austin, Texas, on November 13, 1981.

Doc. No. 818200 Bob Bullock
Comptroller of Public Accounts

Filed: November 13, 1981, 9:52 a.m.
For further information, please call (512) 475-1938.

Office of Consumer Credit Commissioner

Rate Ceilings

Pursuant to the provisions of the 67th Legislature of Texas, Regular Session, 1981, House Bill 1228, the Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Article 1.04, Title 79, as amended (Texas Civil Statutes, Article 5069-1.04).

Type of Rate Ceiling	Effective Period ⁽¹⁾	Type of Transaction	
		Consumer ⁽²⁾ / Commercial ⁽³⁾ through \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated rate (weekly rate)	11/23/81-11/29/81	22%	22%
Monthly (variable commercial only)	11/1/81-11/30/81	24%	27.56%
Quarterly	10/1/81-12/31/81	24%	28%
Annual ⁽⁵⁾	10/1/81-12/31/81	24%	27.37%

⁽¹⁾ Dates set out above are inclusive.

⁽²⁾ Credit for personal, family, or household use.

⁽³⁾ Credit for business, commercial, investment, or other similar purpose

⁽⁴⁾ Same as ⁽³⁾ above, except excluding credit for agricultural use.

⁽⁵⁾ Only for open end as defined in Texas Civil Statutes, Article 5069-1.01(f).

Issued in Austin, Texas, on November 16, 1981.

Doc. No. 818248 Sam Kelley
Consumer Credit Commissioner

Filed: November 16, 1981, 9:29 a.m.

For further information, please call (512) 475-2111.

Texas Education Agency

Request for Proposals

The Texas Education Agency requests proposals from qualified software vendors and financial institutions for investment accounting software for the State Permanent School Fund. The fund, which has holdings of almost \$3 billion, currently accounts for transactions manually. The agency is seeking a packaged software system which (1) will meet the needs of the fund as described in the RFP; (2) can be implemented without the need for custom design; and (3) will be cost-effective to acquire and use.

The agency recognizes that its requirements may not be fully met by any existing system. Potential bidders are encouraged to bid their predesigned packages and to identify areas in which more work would be needed to meet all the needs of the fund.

The investment office staff will be glad to meet with potential bidders to explain the fund's investment accounting system requirements. Further information may be obtained from Jim Hooks, investment officer, Texas Education Agency, 201 East 11th Street, Austin, Texas 78701, (512) 475-4791.

Bids will be accepted until 5 p.m., December 31, 1981.

Issued in Austin, Texas, on November 10, 1981.

Doc. No. 818183 Raymon L. Bynum
Commissioner of Education

Filed: November 12, 1981, 4:26 p.m.

For further information, please call (512) 475-4791.

Texas Energy and Natural Resources Advisory Council

Consultant Proposal Request

Do-It-Yourself, Solar Water Heater Workshops

The Texas Energy and Natural Resources Advisory Council (TENRAC) invites proposals from colleges and universities in the Dallas/Fort Worth area to pilot a program of do-it-yourself, solar water heater workshops for residential consumers.

These services are funded as part of the Texas Energy Extension Service, under a grant from the U.S. Department of Energy. The Texas Energy Extension Service is a program designed to provide direct, personal, energy information and technical assistance to small energy users, thereby increasing their capability to make informed energy choices.

Respondents must comply with all applicable policies and procedures of TENRAC and the Department of Energy, as well as with all federal laws and regulations regarding grants to states and subgrantees.

Statement of Work. The contractor will establish, promote, and implement a training curriculum to teach homeowners, having little or no technical expertise, to build and install solar water heater systems in their homes.

Curriculum should include instruction on obtaining the necessary local building permits, assembling a solar water heater hardware package, installing the completed collectors and water pump in the home, performing the necessary annual maintenance requirements, and applying for applicable tax credits and other incentives. Workshops should consist of approximately 12 hours of lecture and laboratory instruction and follow a lesson plan established by the contractor and approved by TENRAC.

Contractor will also provide follow up assistance to workshop participants. Contractor will work with TENRAC to design an evaluation methodology to determine the effectiveness of the program. At a minimum, the contractor will collect evaluation questionnaires from each workshop participant at the conclusion of each workshop and will provide names and addresses of workshop participants to be surveyed following completion of the program.

Upon completion of the project, the contractor will prepare a case study of the solar water heater workshop program suitable for distribution to other Texas colleges and universities. The case study will be due 30 days after the termination date of the contract.

Proposal Content. Proposals should include a narrative overview of the manner in which the program will be implemented and promoted, a description of the follow-up technical assistance and the way it will be provided, a timetable

showing milestones to be accomplished (include the number of workshops to be conducted and the anticipated number of workshop participants), the experience and qualifications of the personnel and the institution conducting the workshops, a statement describing the facilities available for the workshop, and a budget which itemizes expenditures by the following categories: salaries and wages, fringe benefits, travel, supplies, indirect, and other.

Selection Criteria. Proposals will be evaluated by staff and an external review committee. Selection will be made based on the following criteria:

- (1) expressed understanding of the program effort and recognition of critical issues involved;
- (2) realistic workplan capable of being accomplished in a quality manner;
- (3) actual experience in providing energy conservation and educational programs concerning renewable resources;
- (4) qualifications and solar-related, technical expertise of the personnel conducting the workshops;
- (5) the existence of solar programs within the institution;
- (6) the existence of facilities suitable for conducting the workshops.

Term of Contract, Proposal Due Date. Contract will begin on the date of contract signing and will continue through August 31, 1982. All contracts are contingent upon continued availability of funding. The contractor will be reimbursed after contract award upon the submission of costs in a manner prescribed by the State of Texas and applicable federal standards.

Each respondent should submit five copies of the proposal. Written proposals should be sent by registered mail or by courier and must arrive no later than 5 p.m., December 14, 1981. Send proposals to TENRAC, 200 East 18th Street, Room 504, Austin, Texas 78701, Attention: Christina E. Roitsch. For further information, please contact Ms. Roitsch at (512) 475-0965.

This request for consulting services is filed pursuant to the provisions of Texas Civil Statutes, Article 6252-11c.

Issued in Austin, Texas, on November 13, 1981.

Doc. No. 818225 Christina E. Roitsch
Program Coordinator, EES Program
Conservation Division
Texas Energy and Natural Resources
Advisory Council

Filed: November 13, 1981, 3:29 p.m.
For further information, please call (512) 475-0414.

Governor's Budget and Planning Office Consultant Contract Award

In compliance with Texas Civil Statutes, Article 6252-11c, the Governor's Budget and Planning Office furnishes this notice of contract award. The request for proposals from consulting firms appeared in the August 28, 1981, issue of the *Texas Register* (6 TexReg 3190).

Description of Work. The contractor will conduct a telephone survey of 2,000 Texans regarding state policy and programming for children and youth. The contractor will perform the following services:

- (1) develop telephone poll questionnaire;

- (2) develop the sampling design;
- (3) develop plan for conducting telephone poll;
- (4) conduct field work,
- (5) perform management and analysis;
- (6) submit progress reports; and
- (7) present final report.

Contractor. The contractor is V. Lance Tarrance and Associates, 3845 West FM 1960, Suite 400, Houston, Texas 77068. Pursuant to §6B of Article 6252-11c, it is noted that Joan Holloway Whitworth, vice president of the Austin office of Tarrance and Associates, has held two positions in state government: director of carrier regulation, Texas Aeronautics Commission, 1971-1980; and interim director, Texas Aeronautics Commission, until April 17, 1980.

Contract Term; Amount; Due Dates for Reports. The total value of the contract is \$51,500. The beginning date of the contract is November 2, 1981, and the ending date of the contract is December 31, 1981. There are no due dates for progress reports. The final report is due December 31, 1981.

Contact. Further information may be obtained from Leon Willhite, Governor's Budget and Planning Office, P.O. Box 13561, Austin, Texas 78711, (512) 475-6156.

Issued in Austin, Texas, on November 9, 1981.

Doc. No. 818173 Jarvis E. Miller
Special Assistant for Planning
Governor's Budget and Planning Office

Filed: November 12, 1981, 1:30 p.m.
For further information, please call (512) 475-6156.

Texas Health Facilities Commission Applications Accepted for Amendment, Declaratory Ruling, and Notices of Intent

Notice is hereby given by the Texas Health Facilities Commission of applications accepted as of the date of this publication. In the following list, the applicant is listed first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling; AMD indicates amendment of previously issued commission order; CN indicates certificate of need; PFR indicates petition for reissuance; NIE indicates notice of intent to acquire major medical equipment; NIEH indicates notice of intent to acquire existing health care facilities; NIR indicates notice of intent regarding a research project; and NIE/HMO indicates notice of intent for exemption of HMO-related project; and EC indicates exemption certificate.

Should any person wish to become a party to any of the above-stated applications, that person must file a proper request to become a party to the application within 15 days after the date of this publication of notice. If the 15th day is a Saturday, Sunday, state or federal holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, state or federal holiday. A request to become a party should be mailed to the chair of the commission at P.O. Box 15023, Austin, Texas 78761, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of request to become party.

The contents and form of a request to become a party to any of these applications must meet the criteria set out in Commission §515.9. Failure of a party to supply the necessary in-

formation in the correct form may result in a defective request to become a party.

Henrietta Care Center, Henrietta
AN81-1109-043

DR—Request for declaratory ruling that Henrietta Care Center, Inc., does not require a certificate of need to close and abandon Henrietta Care Center and that Bur-mont, Inc., does not have to file a notice of intent to acquire an existing health care facility

Issued in Austin, Texas, on November 16, 1981.

Doc. No. 818254 Linda E. Zatopek
Assistant General Counsel
Texas Health Facilities Commission

Filed: November 16, 1981, 9:22 a.m.
For further information, please call (512)475-6940.

Texas Housing Agency

Correction of Error

An open meeting notice submitted by the Texas Housing Agency contained an error as published in the November 17, 1981, issue of the *Texas Register* (6 TexReg 4252). The notice indicated that at its November 18, 1981, meeting, the Texas Housing Agency Board of Directors would issue construction loan notes for construction of multi-family housing units. The board intended to consider a briefing and action related to the issuance of construction loan notes for construction of multi-family housing units.

Texas Department of Human Resources

Public Notice

Regulations were published in the *Federal Register* on October 1, 1981, to implement §2103 of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35). That section prohibits the use of federal funds under the Medicare Part B and Medicaid programs for drugs that the Food and Drug Administration (FDA) has proposed to remove from the market because they are less than effective. The prohibition on payment also applies to drugs which are identical, related, or similar to drugs identified by FDA under §505(e) of the Federal Food, Drug, and Cosmetic Act.

Since such reimbursement is now prohibited, effective December 1, 1981, the department will no longer pay for the drugs covered by §2103 of the Omnibus Budget Reconciliation Act of 1981.

Issued in Austin, Texas, November 10, 1981.

Doc. No. 818147 Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Filed: November 10, 1981, 4:12 p.m.
For further information, please call (512) 441-3355, ext. 2037.

Texas Department of Labor and Standards

Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, the commissioner of the Texas Department of Labor and Standards

requests proposals to perform data-processing system design and programming concerning regulation of the manufactured housing industry.

Proposal Specifications.

- (1) Gather data on system requirements and procedures, identify all input and output requirements, and define data elements and record elements for a comprehensive manufactured housing system.
- (2) Design system showing input, program and file requirements, and output generated.
- (3) Define data base and program specifications for title issuance subsystem.
- (4) Program, test, and debug title issuance subsystem. This subsystem must be implemented no later than March 1, 1982.
- (5) Document user and data entry procedures and train users for title issuance subsystem.
- (6) Document programs for title issuance, monitor title issuance subsystem performance and make necessary modifications.
- (7) Develop program specifications for remainder of Manufactured Housing Division system.
- (8) Program, test, and debug remainder of Manufactured Housing Division system.
- (9) Document user and data entry procedures and train users for remainder of Manufactured Housing Division system.
- (10) Document programs, system, and operation of Manufactured Housing Division system.
- (11) Monitor system performance and make necessary modifications.

Selection Criteria. Proposals will be judged on the following basis:

- (1) Consultant's knowledge of the Texas Department of Labor and Standards, Manufactured Housing Division, operations, procedures, and systems.
- (2) Consultant's qualified personnel to be associated with the project.
- (3) Consultant's ability to perform satisfactory and timely work.
- (4) Consultant's previous experience performing system design and programming.
- (5) Consultant's experience designing and implementing data processing management reporting systems.
- (6) Reasonableness of cost.

The project must be completed by August 1, 1982. The commissioner reserves the right to reject any or all proposals. No verbal proposals will be accepted. The commissioner also reserves the right to enter into competitive negotiations with selected respondents prior to award of the contract.

This is the continuation of a project previously performed by Compton, Rainosek, and Johnson, Inc., Austin. The contract will be awarded to Compton, Rainosek, and Johnson, Inc., unless a better offer is submitted.

Deadline for Proposals. Written proposals should arrive at the Texas Department of Labor and Standards office no later than 5 p.m. on December 4, 1981. Any proposal arriving after that time will not be considered. Proposals shall be addressed to Robert Busse, assistant commissioner, Texas Department of Labor and Standards, 11th floor, E. O.

Thompson Building, P.O. Box 12157, Austin, Texas 78711, (512) 475-3499. For additional information, interested consulting firms should contact Mr. Busse at the above address.

Issued in Austin, Texas, on November 12, 1981.

Doc. No. 818175 Elias J. "Bubba" Steen
 Commissioner
 Texas Department of Labor and
 Standards

Filed: November 12, 1981, 2.08 p.m.
 For further information, please call (512) 475-3499.

Nortex Regional Planning Commission Consultant Contract Award

This statement of award of consultant services by Nortex Regional Planning Commission is filed under the provisions of Texas Civil Statutes, Article 6252-11c. The proposal request for consultant services was published in the September 8, 1981, issue of the *Texas Register* (6 TexReg 3351).

Description of Work. The consultant will audit grants made to subcontractors for CETA by Nortex Regional Planning Commission, the administrative entity for North Texas Planning Region Consortium. The consultant will perform audits in accordance with the U.S. Department of Labor's 1981 CETA audit guide

Name and Address of Consultant. The consultant awarded the contract is the firm of Ernst and Whinney, 2700 Fort Worth National Bank Building, Fort Worth, Texas 76102.

Contract Price and Dates. The total price of the contract is \$25,400. The contract dates are November 15, 1981, through January 31, 1982.

Due Date of Document. Financial statements with comments will be presented by the consultant to this agency on/or before January 31, 1982.

Issued in Wichita Falls, Texas, on November 9, 1981.

Doc. No. 818300 Edwin B. Daniel
 Executive Director
 Nortex Regional Planning Commission

Filed: November 12, 1981, 9 42 a m
 For further information, please call (817) 322-5281.

Railroad Commission of Texas

Public Hearing

The Railroad Commission of Texas will conduct a public hearing regarding possible revisions to the commission's liability and cargo insurance requirements.

The public hearing will be held on December 16, 1981, at 9 a.m., in Room 309 of the Railroad Commission Building, 1124 IH 35 South, Austin. This public hearing will be conducted in compliance with the general and special rules of practice and procedure before the Transportation Division. Cross-examination of witnesses will not be allowed, although the presiding examiner may ask questions of any person testifying.

For further information, please contact Owen T. Kinney, director, Transportation Division, Railroad Commission of

Texas, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1330.

Issued in Austin, Texas, on November 13, 1981.

Doc. No. 818202 Owen T. Kinney
 Director, Transportation Division
 Railroad Commission of Texas

Filed: November 13, 1981, 11.02 a.m.
 For further information, please call (512) 445-1186.

Request for Proposals

The Railroad Commission of Texas (RRC) invites offers for consulting engineering services as described herein. This request is exempted from the requirements of Texas Civil Statutes, Article 6252-11c, which does not apply to the employment of registered professional engineers. The RRC is the designated state rail planning agency and as such it is the recipient of Federal Railroad Administration (FRA) grant funds to be applied on an 80%-20% matching basis towards railroad branch line rehabilitation. The next such rehabilitation project is to be the entire 24.1-mile length of the Texas Central Railroad (TC) between Dublin and Gorman in Erath, Comanche, and Eastland Counties. Texas Central is currently operated in accordance with FRA Track Safety Standards for Class 1 track. The project will upgrade the line for safe and efficient operation at Class 2 standards. Texas Central will be contractually required to maintain the line at no less than Class 2 standards for five years subsequent to completion of the rehabilitation project.

Services Required. The consultant engineer will be required to:

(A) Phase I

(1) Perform a detailed inspection of the entire line using a qualified and experienced track inspector and a railroad bridge engineer.

(2) In coordination with the RRC and TC, prepare specifications and budget estimates for rehabilitation needed to attain Class 2 standards. This should include such factors as vegetation control, subgrade, ballast, ties, rail, and structures. American Railway Engineering Association (AREA) standards shall apply. In the event that estimated costs exceed available funding, the consultant shall be prepared to make budget adjustments accordingly.

(B) Phase II

(1) Advise Railroad Commission as to criteria for selection of a qualified railroad construction firm. Also assist the commission in the preparation and negotiation of a contract. So as to prevent possible conflicts of interest, the track construction firm and the consulting engineer or consulting engineering firm must not be related.

(2) Perform on-site inspections of the in-progress project (estimated at 12 to 18 months), including daily review of construction contractor's material quality and quantities and workmanship quality. Examine field record-keeping and reports filed by subcontractor and by TC to the Railroad Commission.

(3) Submit monthly reports to the commission based on the inspections and other information received to date. At the completion of the project, prepare an engineering recommendation regarding the commission's acceptance of the work. At the end of the contract, prepare a final report.

Response to the Request. In responding to this request, please submit a proposal in four parts as follows.

Part I: Background. A history of the railroad planning and engineering experience of the consultant, particularly in projects involving public funding.

Part II: Technical Proposals and Cost Estimates. Keeping Phases I and II completely separate, a description and schedule of the work tasks to be undertaken, together with estimated costs by work tasks. Include the level and number of personnel to be utilized, travel, and overhead costs.

Part III: Staffing. Biographical summaries, including professional engineering qualifications, of key personnel who would be assigned to the project and estimates of the degree of their participation, their location, and the frequency of on-site inspection.

Part IV: Affirmative Action Program and Minority Business Enterprise Utilization. A statement of the firm's Affirmative Action Program and commitment to the utilization of Minority Business Enterprise (MBE). The firm's commitment should be evidenced by its past and proposed relationship with minority business utilization and a completed, ongoing Minority Business Enterprise plan (See 49 Code of Federal Regulations Part 23). The commission's financial goal for the use of firms owned and controlled by minorities and/or women is 15% of the grant funds allocated to this project.

Contract Term. The contract for these services during Phases I and II shall be for a total of 24 months beginning as soon as possible.

Deadline for Proposals. This proposal request will close at 5 p.m. on December 14, 1981. For further information or, if desired, a scheduled visit to the rehabilitation site, contact Ed Kasparik, project manager, at (512) 445-1359. Proposals should be sent to the following address: Railroad Commission of Texas, Transportation Division, Rail Planning Section, P.O. Drawer 12967, Austin, Texas 78711, Attention: Ed Kasparik, project manager.

The Railroad Commission reserves the right to accept or reject any or all proposals submitted. In the event that RRC selects a contractor to provide the delivery of services described herein, the commission will base its choice on demonstrated competence, qualifications, and the reasonableness of the fee for services.

Issued in Austin, Texas, on November 12, 1981.

Doc. No. 818162 Owen T. Kinney
Director, Transportation Division
Railroad Commission of Texas

Filed: November 12, 1981, 9:22 a.m.
For further information, please call (512) 445-1359.

Each issue of the *Register* includes a conversion table of *Texas Administrative Code* titles affected for that issue. Once a month a guide to agency activity for the previous month is published, as well as a cumulation of TAC titles affected for the previous month. Quarterly and annual indexes to the *Texas Register* are published separately and bound in light blue for distinction.

TAC Titles Affected in This Issue

The following is a list of the chapters of each title of the *Texas Administrative Code* affected by documents published in this issue of the *Register*. The listings are arranged in the same order as the table of contents of the *Texas Administrative Code*.

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Part IV. Office of the Secretary of State

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- 1 TAC §§81.123-81.146..... 4269

Part V. State Purchasing and General Services Commission

- 1 TAC §137 (028.12.01.056)..... 4265, 4270

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

- 4 TAC §§17.51-17.56..... 4271

TITLE 7. BANKING AND SECURITIES

Part III. State Banking Board

- 7 TAC §31.6..... 4284

Part VII. State Securities Board

- 7 TAC §109.4 (065.05.00.009)..... 4284
- 7 TAC §117.1 (065.09.00.001)..... 4285
- 7 TAC §117.4 (065.09.00.004)..... 4285
- 7 TAC §133.29 (065.91.00.013)..... 4273, 4285

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

- 16 TAC §3.37 (051.02.02.037)..... 4273
- 16 TAC §3.39 (051.02.02.039)..... 4285
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Part IV. Texas Department of Labor and Standards

- 16 TAC §§73.1-73.9..... 4275

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Part II. Texas Education Agency

- 19 TAC §§157.91-157.99..... 4266
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(226.71.05.010-.110)..... 4265, 4276

TITLE 22. EXAMINING BOARDS

Part XXVII. Board of Tax Assessor Examiners

- 22 TAC §621.1..... 4286
- 22 TAC §§621.1-621.7 (038.01.00.001-.007)..... 4286
- 22 TAC §623.1 (038.02.00.001)..... 4286
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- 22 TAC §625.1..... 4288
- 22 TAC §§625.1, 625.2 (038.03.00.001, .002)..... 4288
- 22 TAC §§629.1-629.15..... 4289
- 22 TAC §629.16..... 4267, 4277
- 22 TAC §631.1..... 4292

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

- 25 TAC §§313.1-313.12 (201.81.01.009-.020)..... 4277
- 25 TAC §§313.1-313.12..... 4278

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Department of Parks and Wildlife

- 31 TAC §§65.379, 65.382..... 4268

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

- 34 TAC §5.22 (026.03.02.002)..... 4281

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

- 37 TAC §1.91 (201.01.07.001)..... 4282
- 37 TAC §25.19 (201.13.00.019)..... 4282

Part IX. Commission on Jail Standards

- 37 TAC §283.1 (217.18.00.001)..... 4292

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

- Noncodified (326.33.99.200, .203, .204)..... 4293
- Noncodified (326.33.99.201, .205, .206)..... 4297.

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 - TITLE 4. AGRICULTURE
 - TITLE 7. BANKING AND SECURITIES
 - TITLE 10. COMMUNITY DEVELOPMENT
 - TITLE 13. CULTURAL RESOURCES
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