

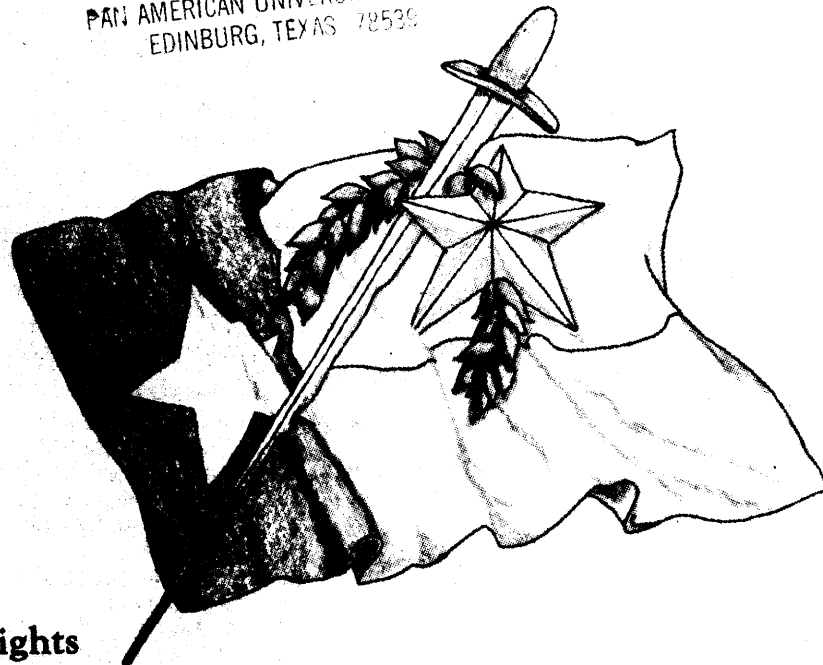
TXD S 500.6 R 263

# Texas Register

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## Highlights

- ★ Texas Department of Labor and Standards adopts, on an emergency basis, amendments to new sections previously adopted on an emergency basis affecting titling in manufactured housing; effective date - March 1 .....page 794
- ★ Texas Education Agency adopts on an emergency basis and simultaneously proposes for permanent adoption a new section concerning comprehensive education as well as new sections and amendments to chapters on the foundation school program, teacher certification, and the rulemaking process; effective date - February 19 ....page 795; proposed date of adoption - April 17 .....page 799
- ★ Texas State Board of Public Accountancy proposes a new section regarding criminal background investigations and adopts repeals and amendments to chapters affecting professional conduct, the board, employees of the board, and certification; proposed date of adoption - March 29 .....page 806  
effective date - April 1 .....page 817

# How To Use the Texas Register

## Texas Register

The *Texas Register* (ISN 0362-4781) is published twice a week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1982 with the exception of January 5, April 27, November 16, November 30, and December 28, by the Texas Register Division, Office of the Secretary of State, 201 East 14th Street, P.O. Box 13824, Austin, Texas 78711-3824, (512) 475-7886

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

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register Division six months after proposal publication date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

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

**How To Cite:** Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which

that document was published. For example, a document published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: page 2 in the lower left-hand corner of this page is written: "7 TexReg 2 issue date," while on the opposite page, in the lower right-hand corner, page 3 is written "issue date 7 TexReg 3"

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

## Texas Administrative Code

The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules currently being published by Shepard's/McGraw-Hill, in cooperation with this office.

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

**1** indicates the title under which the agency appears in the *Texas Administrative Code* (a listing of all the titles appears below);

**TAC** stands for the *Texas Administrative Code*; **§27.15** is the section number of the rule (27 indicates that the rule is under Chapter 27 of Title 1; 15 represents the individual rule within the chapter).

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# Emergency Rules

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

An agency must submit written reasons, published in the *Register*, for emergency action on a rule. The submission must also include a statement of the legal authority under which the emergency action is promulgated and the text of the emergency adoption. Following each published emergency document is certification information containing the effective and expiration dates of the action and a telephone number from which further information may be obtained.

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

## TITLE 16. ECONOMIC REGULATION Part IV. Texas Department of Labor and Standards Chapter 69. Manufactured Housing Titling

16 TAC §§69.204, 69.205

The Texas Department of Labor and Standards adopts on an emergency basis amendments to §69.204 and §69.205 (063.55.10.204 and .205) to comprehensively and effectively implement the titling of manufactured homes sold in Texas. These amendments are to emergency §69.204 and §69.205, which were adopted on an emergency basis and were published in the February 12, 1982, issue of the *Texas Register* (7 TexReg 601).

The 67th Regular Session of the Texas Legislature adopted House Bill 903, effective March 1, 1982. House Bill 903 amends Texas Civil Statutes, Articles 5221f and 6701-1/2, and empowers the commissioner of the Texas Department of Labor and Standards with authority to adopt rules to promote the purpose of the new Act, such purpose being to ensure that all parties associated with the transfer of a title to a manufactured home are protected.

The department finds that an urgent need exists to adopt such rules on an emergency basis in order to implement the Act on its effective date and to thereby have rules in place to permit liens to be recorded and titles to be issued.

Therefore, pursuant to the authority granted in Texas Civil Statutes, Article 5221f, §19, the Texas Department of Labor and Standards adopts the following emergency rules to implement the provisions of House Bill 903.

### §69.204 (063.55.10.004). *Titling Forms.*

#### (a) Manufacturer's certificate of origin.

(1) The manufacturer shall issue a manufacturer's certificate of origin for each new home which is consigned, transferred, or sold to a retailer in this state. The certificate of origin shall contain, at a minimum, but is not limited to, the following information:

(A) (No change.)

(B) The name, address, and registration number of the transferee, as recorded on the retailer's bond on file with the department, transfer date, model designation, number of sections, and total square feet of the home. (If no model designation exists, "none" shall be entered in the space for model designation. **The size of each transportable section of each home shall be the length and width of the outside dimensions (exclusive of the tongue, hitch, or other towing device) measured to the nearest 1/2-foot at the base or lower part of the exterior wall of the section. The square footage of the home shall be determined by multiplying the outside dimensions of the living area of the home when installed at the homesite for occupancy.**)

(C)-(F) (No change.)

(2) (No change.)

(b) Affidavit of disposition, application for issuance of document of title to a manufactured home.

(1) (No change.)

(2) An "X" shall be placed in the appropriate block provided on the form to designate whether or not the affidavit of disposition relates to an application resulting at the first retail sale, or a secondary sale or transfer [between private individuals].

(3) The manufacturer's certificate of origin shall accompany the affidavit of disposition on the first retail [original] sale from retailer to consumer [private individual].

(4) The second block on the affidavit of disposition is for a change [changes] in ownership resulting from a sale or transfer from one person to another when an

**original document of title has been issued** [between private individuals] or for **adding** [recording] a lien when the **previously issued title becomes** [is] security for a credit transaction **without transfer of ownership**. The document of title number must be listed in the space provided and the original document of title must accompany the application.

(5)-(6) (No change.)

(7) Right of survivorship may be used when both husband and wife are purchasers or transferees. The **document of title** [certificate of ownership] shall indicate that the right of survivorship has been elected.

(8)-(9) (No change.)

(c) Manufactured home affidavit of transaction.

(1) (No change.)

(2) The department shall not process an affidavit of transaction, nor issue a **document of title** [certificate of ownership], if the required information or supporting documents are not submitted with the application. The Texas original certificate of ownership, manufactured home document of title must accompany the application.

(3) (No change.)

(4) The form provides for the most common transactions relating to the ownership of a manufactured home and a block to record an "X" indicating the transaction requested. Certain transactions require supporting documents in addition to the **document of title** [certificate of ownership]. The supporting documents required are indicated in the transaction section.

(5) (No change.)

(d) Texas original certificate of ownership, manufactured home document of title.

(1) (No change.)

(2) The **document of title** [certificate of ownership] shall contain the following information:

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

(E) The name and address of the **sellers** [seller] of the home.

(F)-(G) (No change.)

(3)-(5) (No change.)

§69.205 (063.55.10.005). *Titling Transactions.*

(a) Corrected Texas **document of title** [certificate of ownership].

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

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

(d) Release of lien by lienholder.

(1) (No change.)

(2) The lienholder shall deliver the executed affidavit of transaction indicating release of the lien to the **owners(s) of record** [purchaser].

(3) [The release of] A lien recorded on a Texas original certificate of ownership, manufactured home document of title shall be **released** [recorded] by the department upon receipt of an affidavit of transaction properly executed by the lienholder of record **and a new document of title shall be issued to the owner(s) of record**.

(e) Foreclosure or repossession.

(1) In the event of foreclosure or repossession of a manufactured home, the department shall issue a new Texas original certificate of ownership, manufactured home document of title in the name of the lienholder, upon receipt of a properly executed affidavit of transaction containing the following information:

(A) (No change.)

(B) The name and address of the lienholder shall be entered, **and an appropriate repossession affidavit shall be executed and attached**, or [and] if the home was repossessed by operation of law, a certified copy of the order or the bill of sale shall be attached as supporting documentation.

(C) (No change.)

(2) (No change.)

(f) Surrender of title documents for cancellation.

(1) The department shall cancel any outstanding title to a manufactured home upon proper execution of an affidavit of transaction and the surrender of either the original document of title or the manufacturer's certificate of origin. Title documents may be surrendered for cancellation in the following instances:

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

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

(g) Right of survivorship.

(1) If both husband and wife are shown as purchasers or transferees, they may execute the right of survivorship election on the affidavit of disposition. **Such election constitutes an agreement for the right of survivorship**. If the survivorship election is taken, then the department will issue a new document of title to the surviving spouse upon receipt of a copy of the death certificate of the deceased spouse, and a properly executed affidavit of transaction.

(2) (No change.)

Issued in Austin, Texas, on February 22, 1982.

TRD-821659

Lias B. "Bubba" Steen  
Commissioner  
Texas Department of Labor  
and Standards

Effective date: March 1, 1982

Expiration date: June 29, 1982

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

## TITLE 19. EDUCATION

### Part II. Texas Education Agency

#### Chapter 77. Comprehensive Instruction

##### Subchapter B. General Education Program

19 TAC §77.22

The Texas Education Agency adopts on an emergency basis new §77.22, concerning summer school pilot programs. This new rule implements House Bill 603, 67th Legislature, Regular Session. The bill authorizes the establishment of summer school pilot programs for:

(1) elementary and secondary students who do not accomplish designated minimum grade level objectives;

(2) secondary students who do not accomplish designated minimum objectives in a required course during the regular school term, and

(3) elementary and secondary students who are identified as having limited English proficiency.

The proposed rule provides for the establishment of 12 to 15 pilot projects in districts located in various regions of the state and having various concentrations of the types of students described above. It is proposed that priority be given to elementary programs. This new rule is adopted on an emergency basis so that programs may be funded for the summer of 1982.

New §77.22 is adopted on an emergency basis under the authority of Texas Education Code, Chapter 16, Subchapter K, which authorizes the establishment of summer school pilot programs and directs the Central Education Agency to develop a state plan for the establishment and operation of summer school pilot programs.

§77.22. Summer School Pilot Programs.

(a) These rules shall be considered to be the state plan required by Texas Education Code, §16.521(b).

(b) The commissioner of education shall establish from 12 to 15 summer school pilot projects. The purpose of these pilot programs shall be to determine the extent to which various types of summer school programs are successful in remediation of the following types of students:

(1) Elementary or secondary students who have not accomplished minimum objectives for a grade level as designated by the district in reading, mathematics, or writing (composition). Such students may be those retained in a grade, those who have a history of failure in attaining adequate growth in basic skills, or those who would be retained in a grade but show potential for successful completion of grade or course requirements in a summer session.

(2) Secondary students who during the regular school term have not accomplished minimum objectives designated by the district in one or more courses required under §97.115 (d)(1)-(4) of this title (relating to Description of Content in Secondary Grades) for grades 7 and 8 and of §97.116 (b)(1)-(8) of this title (relating to Requirements for High School Graduation) for high school.

(3) Elementary or secondary students who are identified as having limited English proficiency.

(c) A district applying to conduct a pilot program shall submit an application on forms developed by the agency. The application shall contain a description of the program and a budget and shall reflect approaches which show promise for attracting eligible students and meeting program objectives.

(d) Programs approved shall include districts with small, medium, and large concentrations of the types of students described in subsection (b) of this section and districts located in various regions in the state. The commissioner may include two or more districts operating a cooperative pilot program and one or more districts operating in cooperation with an education service center. Elementary and secondary programs shall be included in the pilot effort, but elementary programs shall have priority.

(e) The commissioner shall allocate available funds for pilot programs in amounts not to exceed \$100,000 for any one project. Approval for each program shall be only for one year; however, in the future, strong consideration will be given to continuing projects.

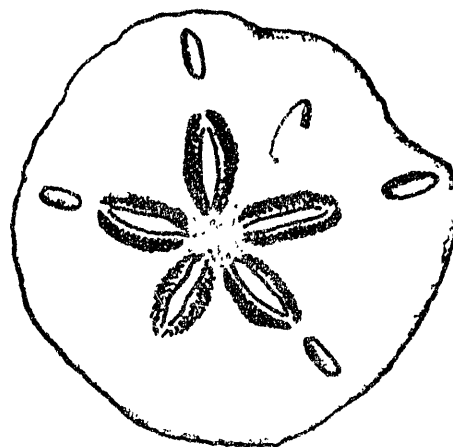
(f) Participating districts shall provide for program operation from funding sources such as federal and state compensatory education funds and other available sources.

(g) A district operating a summer school pilot program shall agree to participate in the evaluation required by §16.524(a) of the Texas Education Code. The evaluation shall include assessment of student achievement, documentation of program characteristics and operation, and cost analysis information.

Issued in Austin, Texas, on February 19, 1982.

TRD-821639 Raymon L. Bynum  
Commissioner of Education

Effective date: February 19, 1982  
Expiration date: June 19, 1982  
For further information, please call (512) 475-7077.



TITLE 22. EXAMINING BOARDS  
Part XIII. Texas Board of Licensure  
for Nursing Home  
Administrators

Chapter 243. Application  
22 TAC §§243.1, 243.2

The Texas Board of Licensure for Nursing Home Administrators is renewing the effectiveness of the emergency adoption of amended §243.1 and §243.2 for a 60-day period effective February 19, 1982. The text of the amended section as adopted on an emergency basis was originally published in the September 8, 1981, issue of the *Texas Register* (6 TexReg 3298).

Issued in Austin, Texas, on February 18, 1982.

TRD-821596 Karl E. Bishop  
Executive Director  
Texas Board of Licensure for  
Nursing Home Administrators

Effective date: February 19, 1982  
Expiration date: April 20, 1982  
For further information, please call (512) 479-0922.

## Chapter 245. Examination

22 TAC §§245.2, 245.3

The Texas Board of Licensure for Nursing Home Administrators is renewing the effectiveness of the emergency adoption of amended §245.2 and §245.3 for a 60-day period effective February 19, 1982. The text of the amended sections as adopted on an emergency basis was originally published in the September 8, 1981, issue of the *Texas Register* (6 TexReg 3299).

Issued in Austin, Texas, on February 18, 1982.

TRD-821597 Karl E. Bishop  
Executive Director  
Texas Board of Licensure for  
Nursing Home Administrators

Effective date: February 19, 1982  
Expiration date: April 20, 1982  
For further information, please call (512) 479-0922.

## Chapter 249. License Certificates

22 TAC §§249.2, 249.3

The Texas Board of Licensure for Nursing Home Administrators is renewing the effectiveness of the emergency adoption of amended §249.2 and §249.3 for a 60-day period effective February 19, 1982. The text of the amended sections as adopted on an emergency basis was originally published in the September 8, 1981, issue of the *Texas Register* (6 TexReg 3299).

Issued in Austin, Texas, on February 19, 1982.

TRD-821598 Karl E. Bishop  
Executive Director  
Texas Board of Licensure for  
Nursing Home Administrators

Effective date: February 19, 1982  
Expiration date: April 20, 1982  
For further information, please call (512) 479-0922.

## Chapter 259. Reciprocity

22 TAC §259.1

The Texas Board of Licensure for Nursing Home Administrators is renewing the effectiveness of the emergency adoption of amended §259.1 for a 60-day period effective February 19, 1982. The text of the amended section as adopted on an emergency basis was originally published in the September 8, 1981, issue of the *Texas Register* (6 TexReg 3299).

Issued in Austin, Texas, on February 19, 1982.

TRD-821599 Karl E. Bishop  
Executive Director  
Texas Board of Licensure for  
Nursing Home Administrators

Effective date: February 19, 1982  
Expiration date: April 20, 1982  
For further information, please call (512) 479-0922.

## Part XXII. Texas State Board of Public Accountancy

### Chapter 511. Certification as CPA CPA Examination

22 TAC §511.88

The Texas State Board of Public Accountancy is renewing the effectiveness of the emergency adoption of new §511.88 for a 60-day period effective March 3, 1982. The text of new section as adopted on an emergency basis was originally published in the November 10, 1981, issue of the *Texas Register* (6 TexReg 4154).

Issued in Austin, Texas, on February 17, 1982.

TRD-821551 Gary McNeil  
Enforcement Coordinator  
Texas State Board of Public  
Accountancy

Effective date: March 3, 1982  
Expiration date: May 2, 1982  
For further information, please call (512) 451-0241.

## Chapter 515. Licenses

22 TAC §515.8

The Texas State Board of Public Accountancy is renewing the effectiveness of the emergency adoption of new §515.8 for a 60-day period effective March 3, 1982. The text of the new section as adopted on an emergency basis was originally published in the November 10, 1981, issue of the *Texas Register* (6 TexReg 4154).

Issued in Austin, Texas, on February 17, 1982.

TRD-821552 Gary McNeil  
Enforcement Coordinator  
Texas State Board of Public  
Accountancy

Effective date: March 3, 1982  
Expiration date: May 2, 1982  
For further information, please call (512) 451-0241.

## Chapter 521. Fee Schedule

22 TAC §521.8

The Texas State Board of Public Accountancy is renewing the effectiveness of the emergency adoption of new §521.8 for a 60-day period effective March 3, 1982. The text of the new section as adopted on an emergency basis was originally published in the November 10, 1981, issue of the *Texas Register* (6 TexReg 4155).

Issued in Austin, Texas, on February 17, 1982.

TRD-821553 Gary McNeil  
Enforcement Coordinator  
Texas State Board of Public  
Accountancy

Effective date: March 3, 1982  
Expiration date: May 2, 1982  
For further information, please call (512) 451-0241.

**TITLE 31. NATURAL RESOURCES  
AND CONSERVATION  
Part X. Texas Water Development  
Board**

**Chapter 321. Grants Administration  
State Project Priority System**

**31 TAC §§321.4, 321.5, 321.6, 321.30, and  
321.33**

*(Editor's note: The text of the following rules repealed on an emergency basis will not be published. The rules may be examined in the offices of the Texas Water Development Board, Stephen F. Austin Building, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.*

The Texas Water Development Board on February 16, 1982, adopted emergency repeals of §§321.4-321.6, 321.30, and 321.33, relating to project priority lists for the fiscal year. An emergency exists because federal funding for the construction of water quality enhancement projects by many political subdivisions in the State of Texas will become unavailable if these rules are not immediately repealed. The board, therefore, finds that an urgent need exists to repeal these rules on an emergency basis in order to continue

providing financial assistance through federal funding to political subdivisions of the State of Texas for projects for the purposes of enhancing the quality of water of the state and that insufficient sources of financial assistance for such projects prevent many political subdivisions from providing them, thereby directly creating conditions of imminent peril to public health, safety, and welfare. The adoption of these rules on fewer than 30 days notice is therefore required.

These rules are repealed under the authority of Texas Water Code, §§5.131 and 5.132.

- §321.4. *Preparation and Submission.*
- §321.5. *Projects Included.*
- §321.6. *Public Hearings.*
- §321.30. *Review of Project Priority List.*
- §321.33. *Additional Allotment.*

Issued in Austin, Texas, on February 19, 1982.

TRD-821655

M. Reginald Arnold II  
General Counsel  
Texas Department of Water  
Resources

Effective date: February 22, 1982  
Expiration date: June 22, 1982  
For further information, please call (512) 475-7845.



Thirty days before an agency intends to permanently adopt a new or amended rule, or repeal an existing rule, it must submit a proposal detailing the action in the *Register*. The 30-day time period gives interested persons an opportunity to review and make oral or written comments on the rule. A public hearing on the proposal may also be granted if such a procedure is requested by a governmental subdivision or agency, or by an association consisting of at least 25 members.

Unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice, the proposal may not be adopted until 30 days after publication. The document, as published in the *Register*, must include a brief explanation of the proposed action; a fiscal statement indicating effect on state or local government; a statement explaining anticipated public benefits and possible economic costs to individuals required to comply with the rule; a request for public comments; a statement of legal authority under which the proposed rule is to be adopted (and the agency's interpretation of the legal authority); the text of the proposed action; and a certification statement. The certification information which includes the earliest possible date that the agency may file notice to adopt the proposal, and a telephone to call for further information, follows each submission.

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

# Proposed Rules

## TITLE 19. EDUCATION Part II. Texas Education Agency Chapter 77. Comprehensive Instruction Subchapter B. General Education Program

19 TAC §77.22

*(Editor's note: The Texas Education Agency 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 Texas Education Agency proposes new §77.22 concerning summer school pilot programs. This proposed new rule implements House Bill 603, 67th Legislature, Regular Session. The bill authorizes the establishment of summer school pilot programs for:

- (1) elementary and secondary students who do not accomplish designated minimum grade level objectives;
- (2) secondary students who do not accomplish designated minimum objectives in a required course during the regular school term; and
- (3) elementary and secondary students who are identified as having limited English proficiency.

The proposed rule provides for the establishment of 12 to 15 pilot projects in districts located in various regions of the state and having various concentrations of the types of students described above. It is pro-

posed that priority be given to elementary programs. This new rule has also been adopted on an emergency basis in this issue.

Richard Bennett, associate commissioner for finance, 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. The effect on state government will be to the extent that the legislature has appropriated \$2 million for the current biennium (1981-1982); the unexpended balance of the current biennium is expected to be used for 1982-1983; and no funds have to date been allocated for 1983-1986. The rule imposes no new costs to local government. Local school districts may provide for program operation from redirected federal and state compensatory education funds.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each year of the first five years the rule as proposed is in effect the public benefits anticipated as a result of enforcing the rule as proposed will be the availability of programs to provide a remediation of the following types of students: elementary or secondary students who have not attained minimum objectives for a grade level in reading, math, or writing; secondary students who have not attained minimum objectives in one or more courses required for secondary grades or high school graduation; or elementary or secondary students who are identified as having limited English proficiency. These programs will help students to suc-

cessfully complete the educational process. There will be no economic costs 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 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.

Raymond L. Bynum  
February 19, 1982

The new section is proposed under the Texas Education Code, Chapter 16, Subchapter K, which authorizes the establishment of summer school pilot programs and directs the Central Education Agency to develop a state plan for the establishment and operation of summer school pilot programs.

Issued in Austin, Texas, on February 19, 1982.

TRD-821640      Raymon L. Bynum  
Commissioner of Education

Proposed date of adoption: April 17, 1982  
For further information, please call (512) 475-7077.

**Chapter 105. Foundation School Program**  
**Subchapter E. Salary Schedule**  
**19 TAC §105.92**

The Texas Education Agency proposes amendments to §105.92 (226.41.05.010), concerning the minimum salary schedule. A companion amendment is being proposed to the rules concerning assignment of teachers which would allow teachers to be assigned to teach aerospace-aviation education if they have a bachelor's degree and a certified flight instructor's license. The amendments to §105.92 place such teachers on pay grade 7 with a bachelor's degree and appropriate certification and on pay grade 8 with a master's degree and appropriate certification.

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 to state or local government as a result of enforcing or administering the rule.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each year of the first five years the rule as proposed is in effect the public benefits anticipated as a result of enforcing the rule will be as follows. Several schools have had difficulty finding people who are qualified to teach in the aerospace-aviation program who also

can meet the present requirement for a secondary teaching certificate. Allowing persons with a bachelor's degree and a certified license to teach will make the program available to more students while still ensuring that all persons assigned to the program have had training in teaching techniques. There will be no economic costs 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 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*.

The 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  
February 19, 1982

The amendments are proposed under the authority of Texas Education Code, §16.056, which establishes the Texas public education compensation plan, directs the State Board of Education to prescribe the duties and required preparation and education for positions listed in the plan, and authorizes the commissioner of education, with the approval of the board, to add additional positions and months of service to the plan.

**§105.92 (226.41.05.010). Minimum Salary Schedule.**

(a) The position descriptions, required certification, and education standards for positions in the public education compensation plan are as follows:

(1)-(14) (No change.)

(15) Pay grade: 7

(A) Number of months paid: 10.

(B) Class title: aerospace-aviation education teacher.

(C) Description of positions assigned to class title: teaches in aerospace-aviation education program.

(D) Required preparation and education: bachelor's degree; certified flight instructor's license, or secondary certification plus one of the following:

(i) private pilot license or higher;

(ii) basic ground instructor license or higher;

(iii) six semester hours or the equivalent in aerospace-aviation education course or workshop.

(16)[(15)] Pay grade: 7.

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

(17)[(16)] Pay grade: 7.

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

(18)[(17)] Pay grade: 7.

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

(19)[(18)] Pay grade: 7.

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

(20)[(19)] Pay grade: 8.

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

(21)[(20)] Pay grade: 8.

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

- (22)[(21)] Pay grade: 8.  
(A)-(D) (No change.)
- (23)[(22)] Pay grade: 8.  
(A)-(D) (No change.)
- (24)[(23)] Pay grade: 8.  
(A)-(D) (No change.)
- (25)[(24)] Pay grade: 8.  
(A)-(D) (No change.)
- (26) Pay grade: 8.  
(A) Number of months paid: 10.  
(B) Class title: aerospace-aviation education teacher.  
(C) Description of positions assigned to class title: teaches in aerospace-aviation education program.  
(D) Required preparation and education: master's degree; certified flight instructor's license, or secondary certification, plus one of the following:
  - (i) private pilot license or higher;
  - (ii) basic ground instructor license or higher;
  - (iii) six semester hours or the equivalent in aerospace-aviation education course or workshop.
- (27)[(25)] Pay grade: 8.  
(A)-(D) (No change.)
- (28)[(26)] Pay grade: 8.  
(A)-(D) (No change.)
- (29)[(27)] Pay grade: 9.  
(A)-(D) (No change.)
- (30)[(28)] Pay grade: 9.  
(A)-(D) (No change.)
- (31)[(29)] Pay grade: 9.  
(A)-(D) (No change.)
- (32)[(30)] Pay grade: 9.  
(A)-(D) (No change.)
- (33)[(31)] Pay grade: 10.  
(A)-(D) (No change.)
- (34)[(32)] Pay grade: 10.  
(A)-(D) (No change.)
- (35)[(33)] Pay grade: 10.  
(A)-(D) (No change.)
- (36)[(34)] Pay grade: 10.  
(A)-(D) (No change.)
- (37)[(35)] Pay grade: 10.  
(A)-(D) (No change.)
- (38)[(36)] Pay grade: 10.  
(A)-(D) (No change.)
- (39)[(37)] Pay grade: 10.  
(A)-(D) (No change.)
- (40)[(38)] Pay grade: 10.  
(A)-(D) (No change.)
- (41)[(39)] Pay grade: 10.  
(A)-(D) (No change.)
- (42)[(40)] Pay grade: 10.  
(A)-(D) (No change.)
- (43)[(41)] Pay grade: 10.  
(A)-(D) (No change.)
- (44)[(42)] Pay grade: 11.  
(A)-(D) (No change.)
- (45)[(43)] Pay grade: 11.  
(A)-(D) (No change.)
- (46)[(44)] Pay grade: 11.  
(A)-(D) (No change.)
- (47)[(45)] Pay grade: 12.  
(A)-(D) (No change.)

- (48)[(46)] Pay grade: 12.  
(A)-(D) (No change.)
- (49)[(47)] Pay grade: 12.  
(A)-(D) (No change.)
- (50)[(48)] Pay grade: 13.  
(A)-(D) (No change.)
- (51)[(49)] Pay grade: 13.  
(A)-(D) (No change.)
- (52)[(50)] Pay grade: 13.  
(A)-(D) (No change.)
- (53)[(51)] Pay grade: 14.  
(A)-(D) (No change.)
- (54)[(52)] Pay grade: 14.  
(A)-(D) (No change.)
- (55)[(53)] Pay grade: 14.  
(A)-(D) (No change.)
- (56)[(54)] Pay grade: 14.  
(A)-(D) (No change.)
- (57)[(55)] Pay grade: 14.  
(A)-(D) (No change.)
- (58)[(56)] Pay grade: 15.  
(A)-(D) (No change.)
- (59)[(57)] Pay grade: 15.  
(A)-(D) (No change.)
- (60)[(58)] Pay grade: 15.  
(A)-(D) (No change.)
- (61)[(59)] Pay grade: 16.  
(A)-(D) (No change.)
- (62)[(60)] Pay grade: 16.  
(A)-(D) (No change.)
- (63)[(61)] Pay grade: 16.  
(A)-(D) (No change.)
- (64)[(62)] Pay grade: 17.  
(A)-(D) (No change.)
- (65)[(63)] Pay grade: 17.  
(A)-(D) (No change.)
- (66)[(64)] Pay grade: 17.  
(A)-(D) (No change.)
- (67)[(65)] Pay grade: 18.  
(A)-(D) (No change.)
- (b)-(h) (No change.)

Issued in Austin, Texas, on February 19, 1982.

TRD-821842 Raymon L. Bynum  
Commissioner of Education

Proposed date of adoption: April 17, 1982  
For further information, please call (512) 475-7077.



**Subchapter U. Special Education  
Funding**

**19 TAC §§ 105.411, 105.414**

The Texas Education Agency proposes amendments to §105.411 (226.41.21.010) and §105.414 (226.41.21.040), concerning special education funding. Senate Bill 630, 67th Legislature, Regular Session, concerning early childhood intervention for developmentally delayed children, repealed Texas Education Code, §16.161. This section of the Code provided for special education services for children with serious visual or hearing handicaps from birth through age 22 inclusive. The bill also amended Texas Education Code, §11.10, concerning children with serious hearing handicaps, and §11.052, concerning children with serious visual handicaps, to provide for services to all children under 21 years of age. The proposed amendments reflect the change in age ranges for visually and hearing handicapped children.

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

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each year of the first five years the rules as proposed are in effect the public benefits anticipated as a result of enforcing the rules as proposed will be a clear definition of the age eligibility for services for the visually or hearing handicapped. There will be no economic costs to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, director for policy development, (512) 475-7077, or by writing 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  
February 19, 1982

The amendments are proposed under the authority of Texas Education Code, §11.10 and §11.052, as amended by Senate Bill 630, 67th Legislature, Regular Session. Senate Bill 630 amended these sections to change the age range for visually and hearing handicapped children's eligibility for special education from "birth through age 22 inclusive" to "under 21 years of age." Senate Bill 630 also repealed Texas Education Code, §16.161, which authorized such services from birth through age 22.

*§105.411 (226.41.21.010). Definition and Purpose.*

(a) [Policy.] Special education funding is the equitable allocation of available state and federal funds to provide a comprehensive special education program for handicapped students ages three through 21 and for students under 21 years of age [ages birth through 22] with serious visual or hearing handicaps or both.

(b) [Administrative Procedure.]

[(1)] School districts and education service centers shall receive allocations for services through state funds (basic program, regional day school program for the deaf, and comprehensive services for the visually handicapped), and federal funds (Education of the Handicapped Act, Part B; Education of the Handicapped Act, Part C; Education of the Handicapped Act, Part D; and Elementary and Secondary Education Act, Title I, Handicapped).

(c)[(2)] State and federal funds are also provided for services for handicapped students placed in the Texas School for the Blind and Texas School for the Deaf, rehabilitation districts for handicapped persons, Department of Corrections, and Texas Department of Mental Health and Mental Retardation: state hospitals, state schools, state centers for human development, community centers, drug centers.

*§105.414 (226.41.21.040). Comprehensive Service for the Visually Handicapped.*

(a) Policy.

(1) Program eligibility and authority. All accredited school districts operating approved special education programs under the Foundation School Program or education service centers are eligible to apply for and receive state funding aid for the provision of educational and related services to visually handicapped students under 21 years of age [ages birth through 22]. (Reference Texas Education Code, §§11.102 and 11.052.)

(2) (No change.)

(b) (No change.)

Issued in Austin, Texas, on February 19, 1982.

TRD-821643

Raymon L. Bynum  
Commissioner of Education

Proposed date of adoption: April 17, 1982  
For further information, please call (512) 475-7077.

**Chapter 141. Teacher Certification  
Subchapter A. Certification of Teachers  
in General**

**19 TAC §141.5**

The Texas Education Agency proposes new §141.5 concerning the issuance of teaching certificates. This proposed new rule implements House Bill 247, 67th Legislature, Regular Session, which permits a licensing authority to suspend, revoke, or refuse to grant a license because of a person's conviction of a felony or misdemeanor if the crime directly relates to the duties and responsibilities of the licensed occupation. The proposed rule authorizes the commissioner of education to refuse to issue a teaching certificate, or



tions to state or local government as a result of enforcing or administering the rule.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each year of the first five years the rule as proposed is in effect the public benefits anticipated as a result of enforcing the rule as proposed will be that individuals will be able to use the teaching field from their all-level certificate as one of the two fields required for a secondary certificate. Requirements and procedures for obtaining the certificate are clarified. The possible economic cost to individuals who are required to comply with the rule as proposed will be that a fee may be charged for the certificate—currently \$10.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, director for policy development, (512) 475-7077, or by writing 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  
February 19, 1982

The amendments are proposed under Texas Education Code, §13.032, which authorizes the State Board of Education to make rules concerning the issuance of teaching certificates.

**§141.141. Requirements for Provisional All-Level Certificate.**

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

(c) **An individual holding an [Secondary teaching fields may be added to] all level certificate [certificates provided that the individual] may qualify [qualifies] for a high school or junior high school certificate by completing at least 12 semester hours of professional education courses of which at least six semester hours, exclusive of student teaching, are in secondary education courses. A second teaching field requirement must be satisfied; however, the all-level academic specialization of art, health and physical education, music, physical education, or speech/drama, inclusive of six semester hours for the elementary level and six semester hours for the secondary level, shall be recognized as the first teaching field.**

(1) **It shall be the responsibility of the recommending institution to verify and maintain documentation of the valid Texas provisional all-level certificate which was used as a basis for its recommendation. [Graduates of Texas colleges/universities will need to be recommended for the additional certification on the basis of having completed approved program requirements.]**

(2) **Individuals evaluated by the Division of Teacher Certification must [will need to] complete six semester hours of secondary education, exclusive of stu-**

**dent teaching, as well as secondary teaching field requirements.**

Issued in Austin, Texas, on February 19, 1982.

TRD-821645

Raymon L. Bynum  
Commissioner of Education

Proposed date of adoption: April 17, 1982  
For further information, please call (512) 475-7077.

## Chapter 173. Rules and the Rulemaking Process Subchapter A. Rules of the Texas Education Agency

### 19 TAC §173.5

The Texas Education Agency proposes amendments to §173.5 (226.93.01.050), concerning rulemaking authority granted to the commissioner of education. At present, §173.5 restricts the rulemaking authority of the commissioner to rules adopted on an emergency basis in cases where there is not time even for emergency action by the State Board of Education. The proposed amendment would allow the commissioner of education limited rulemaking authority when specifically authorized by the board.

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 to state or local government as a result of enforcing or administering the rule.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each year of the first five years the rule as proposed is in effect the public benefits anticipated as a result of enforcing the rule as proposed will be a reduction in unnecessary printing and paperwork during the rulemaking process. There will be no economic costs 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 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  
February 19, 1982

The amendment is proposed under Texas Education Code, §11.24, which authorizes the State Board of Education to enact regulations and establish general rules for carrying out the duties placed on it or on the Central Education Agency by the legislature and Texas

Education Code, §11.52, which gives the commissioner of education the powers necessary to carry out the duties imposed on him by the legislature and the State Board of Education.

§173.5 (226.93.01.050). *Rulemaking Authority Granted to the Commissioner of Education by Statute.* Except for emergency rules adopted under §173.4 (226.93.01.040) of this title (relating to Emergency Rulemaking Authority Delegated to the Commissioner of Education), or other exceptions specifically authorized by the board, all rules of the Texas Education Agency shall be approved by the State Board of Education, including rules in those areas where rulemaking authority has been granted to the commissioner of education by statute.

Issued in Austin, Texas, on February 19, 1982.

TRD-821646      Raymon L. Bynum  
                         Commissioner of Education

Proposed date of adoption: April 17, 1982  
For further information, please call (512) 475-7077.

## **TITLE 22. EXAMINING BOARDS Part XII. Board of Vocational Nurse Examiners**

### **Chapter 235. Licensing Application for Licensure**

#### **22 TAC §235.19**

The Board of Vocational Nurse Examiners proposes new §235.19, concerning licensure of persons with criminal convictions. This rule is written to comply with House Bill 247. The rule states the procedure used to process applications for licensure of candidates or licensed vocational nurses with previous criminal convictions. This rule does not change the procedure for handling these applicants as previously used by the board.

Waldeen D. Wilson, executive director, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications to state or local government 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 the public benefits anticipated as a result of enforcing the rule as proposed will be that if convictions will not effect the health and safety of patients or the public, applications for licensure will be approved and nurses licensed without delay.

The possible economic cost to individuals who are required to comply with the rule as proposed will be approximately \$5.00 for each year in years 1982-1986. The cost consists of the charge for having copies of charges, etc., sent to the board office.

Comments on the proposal may be submitted to Waldeen D. Wilson, R.N., executive director, Texas Board of Vocational Nurse Examiners, 5555 North Lamar,

Building H, Suite 131, Austin, Texas, (512) 458-1203.

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

Waldeen D. Wilson  
February 19, 1982

The new section is proposed under Texas Civil Statutes, Article 4528c, §5(g), which provides the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to govern its procedures and to carry in effect the purposes of the law.

#### **§235.19. Licensure of Persons with Criminal Convictions.**

##### **(a) Exam applicants.**

(1) If a vocational nurse student has had a criminal conviction, a copy of the charges and disposition of the case shall be sent to the board office for evaluation prior to graduation.

(2) If the conviction involved drugs, evidence of rehabilitation, i.e., counseling, drug program, psychiatric treatment, etc., shall be submitted for presentation to the members of the board according to the Administrative Procedure and Texas Register Act.

##### **(b) Endorsement applicants.**

(1) A vocational nurse licensed in another state with a criminal conviction or disciplinary action by a board of nursing shall send a copy of the charges and disposition of the case with the application for licensure by endorsement.

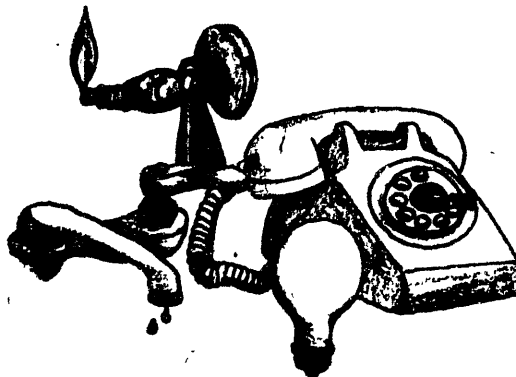
(2) A vocational nurse on probation or with a restricted license will be presented to the board according to the Administrative Procedure and Texas Register Act.

(c) Vocational Nurses. A vocational nurse who has a conviction of a crime of the grade of felony, or a crime of a lesser grade which involves moral turpitude, may be scheduled, for a disciplinary hearing according to Chapter 231 of this title (relating to Disciplinary Action), if the health, safety, and welfare of patients or the public will be in jeopardy.

Issued in Austin, Texas, on February 19, 1982.

TRD-821635      Waldeen D. Wilson, R.N.  
                         Executive Director  
                         Board of Vocational Nurse  
                         Examiners

Proposed date of adoption: March 29, 1982  
For further information, please call (512) 458-1203.



Part XXII. Texas State Board of Public Accountancy  
Chapter 525. Criminal Background Investigations

22 TAC §525.1

Texas State Board of Public Accountancy proposes new §525.1 (401.47.00.100) concerning application for the uniform CPA examination, issuance of the CPA certificate, a license, or renewal of a license for individuals with criminal backgrounds.

Bob E. Bradley, executive director, 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. The effect on state government will be an estimated additional cost of \$1,000 each year for years 1982-1986. There will be no reduction in cost and the estimated loss in revenue is negligible. There will be no effect on local government.

Mr. Bradley has also determined that for each year of the first five years the rule as proposed is in effect the public benefits anticipated as a result of enforcing the rule as proposed will be insuring that individuals who receive the CPA certificate or who are issued a license to practice public accountancy are qualified to do so, as specified in §§1, 6, 12, 13, 15, and 21 of the Public Accountancy Act of 1979, as amended, Texas Civil Statutes, [Article 41a-1]. 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 Gary McNeil, enforcement coordinator, 3301 Northland Drive, Suite 500, Austin, Texas 78731.

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

Bob E. Bradley  
February 17, 1982

The new section is proposed under Texas Civil Statutes, Article 41a-1, §6, which provides the Texas State Board of Public Accountancy with the authority to promulgate rules to insure that the conduct and competitive practices of licensees serve the purposes of this Act and the best interests of the public.

*§525.1. Applications for the Uniform CPA Examination, Issuance of the CPA Certificate, a License, or Renewal of a License for Individuals with Criminal Backgrounds.*

(a) The board may not examine a CPA candidate, issue the CPA certificate, issue an initial license, or renew a license if the board finds that the individual applying has been convicted of a felony or misdemeanor offense which directly relates to the practice of public accountancy. In determining whether the felony or misdemeanor conviction directly relates to such duties and responsibilities, the board shall consider:

- (1) the nature and seriousness of the crime;
- (2) the relationship of the crime to the board's

statutory responsibility to ensure that persons professing to practice public accountancy maintain high standards of competence and integrity in light of the reliance of the public, and the business community in particular, on the reports and other services provided by accountants;

(3) the extent to which a license to practice public accountancy might offer an opportunity to engage in further criminal activity of the same type as that in which the individual was previously involved; and

(4) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of a certified public accountant or public accountant.

(b) In addition to the factors stated in subsection (a) of this section, the board shall consider the following evidence in determining the present fitness of a candidate who has been convicted of a crime:

(1) the extent and nature of the individual's past criminal activity;

(2) the age of the individual at the time of the commission of the crime;

(3) the amount of time which has elapsed since the individual's last criminal activity;

(4) the conduct and work activity of the individual, prior to and following the criminal activity;

(5) evidence of the individual's rehabilitation or rehabilitative effort while incarcerated or following release; and

(6) other evidence of the individual's present fitness, including letters of recommendation from prosecution, law enforcement, and correction officers who prosecuted, arrested, or had custodial responsibility for the individual, the sheriff, and chief of police in the area where the individual resides, and any other persons in contact with the individual; it shall be the responsibility of the individual to the extent possible to secure and provide to the board the recommendation of the prosecution, law enforcement, and correctional authorities as required under this rule; the individual shall also furnish proof to the board that he or she has maintained a record of steady employment and has supported his or her dependents and has otherwise maintained a record of good conduct and has paid all outstanding court costs, supervision fees, fines, and restitution as may have been ordered in all criminal cases in which he or she has been convicted.

(c) Because an accountant is often placed in a position of trust with respect to client funds; and the public in general, and the business community in particular, rely on the reports and other services of accountants, the Texas State Board of Public Accountancy considers that the following crimes directly relate to the practice of public accountancy:

(1) any felony or misdemeanor of which fraud or deceit is an essential element;

(2) any felony or misdemeanor conviction which results in the suspension or revocation of the right to practice before any state or federal agency for a cause which in the opinion of the board warrants its action; and

(3) any crime involving moral turpitude.

(d) The following procedures shall apply in the processing of an application to sit for the uniform CPA examination:



(1) The candidate will be asked to respond, under penalty of perjury, to the question if he or she has ever been arrested or convicted of any crime.

(2) The board will submit identifying information to the Department of Public Safety on board letterhead requesting conviction records on all initial examination candidates and on those re-examination candidates about whom the executive director finds evidence to warrant a record search.

(3) The board will review the conviction records of candidates and will approve or disapprove applications as the evidence warrants. If the requested information is not provided by the Department of Public Safety at least 10 days prior to the examination, a candidate may be permitted to sit for the uniform CPA examination, with his or her grades subject to being voided. A candidate may have his or her grades voided or may be denied the opportunity to sit for the uniform CPA examination on the basis of a prior conviction pursuant to a hearing as provided for in §22 of the Public Accountancy Act of 1979, as amended (Texas Civil Statutes, Article 41a-1).

(e) The following procedure shall apply in the processing of an application for issuance of the CPA certificate.

(1) The individual will be asked to respond, under penalty of perjury, to the question if he or she has ever been arrested or convicted of any crime.

(2) The board will submit identifying information to the Department of Public Safety on board letterhead requesting conviction records on individuals requesting issuance of the CPA certificate.

(3) The board will review the individual applications and the conviction records of applicants and will approve or disapprove applications as the evidence warrants. No CPA certificate or initial license may be issued to an individual whose application for a CPA certificate has been denied. The board may disqualify a person from receiving a CPA certificate or initial license on the basis of a prior conviction pursuant to a hearing as provided for in §22 of the Public Accountancy Act of 1979, as amended (Texas Civil Statutes, Article 41a-1).

(f) The following procedure shall apply when renewing a license annually:

(1) Each licensee will be asked to respond, under penalty of perjury, to the question if he or she has ever been convicted of any crime of which the board has not previously been informed. If the licensee responds in the negative and pays the required license fee, a renewal license will be issued in accordance with established procedures. If the licensee responds affirmatively and pays the required license fee, the board may submit identifying information on board letterhead to the Department of Public Safety requesting conviction records on the individual.

(2) The board will review the conviction records and either approve or deny the application for a renewal license as the evidence warrants. The board will refund any renewal license fee submitted if the application is denied. The board may suspend or revoke or refuse to renew an annual license on the basis of a prior conviction pursuant to a hearing as provided for in §22 of the Public Accountancy Act of 1979, as amended (Texas Civil Statutes, Article 41a-1).

(g) In the event the board suspends or revokes a valid license or denies a person a license or certificate or the opportunity to sit for the uniform CPA examination or voids the grades of a candidate because of a person's prior conviction of a crime and the relationship of the crime to the license and certificate pursuant to a hearing as provided for in §22 of the Public Accountancy Act of 1979, as amended (Texas Civil Statutes, Article 41a-1), the board shall notify the person in writing:

(1) of the reasons for the suspension, revocation, denial, or disqualification;

(2) that the person, after exhausting administrative appeals, may file an action in district court in Travis County, Texas, for review of the evidence presented to the board and its decision in accordance with §22 of the Public Accountancy Act of 1979, as amended (Texas Civil Statutes, Article 41a-1);

(3) that a person must begin the judicial review within 30 days after the board's decision is final and appealable; and

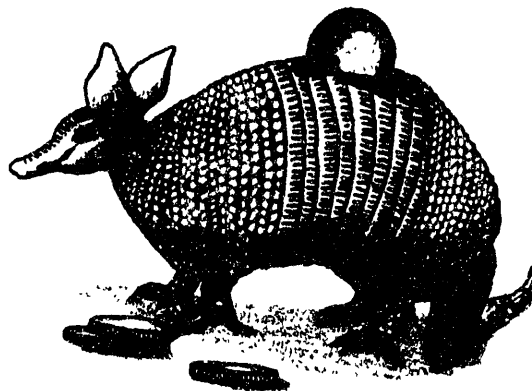
(4) that the earliest date a person may appeal is when a motion for rehearing is denied or when the time for filing a motion for rehearing is denied or when the time for filing a motion for rehearing has expired and no motion has been filed.

Issued in Austin, Texas, on February 17, 1982.

TRD-821567

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

Proposed date of adoption: March 29, 1982  
For further information, please call (512) 451-0241.



**TITLE 25. HEALTH SERVICES**  
**Part I. Texas Department of Health**  
**Chapter 145. Long-Term Care**  
**Subchapter M. Minimum Licensing**  
**Standards for Adult Day Care and**  
**Adult Day Health Care Facilities**

**25 TAC §§145.191, 145.192, 145.194,**  
**145.195**

The Texas Department of Health proposes amendments to §§145.191, 145.192, 145.194, and 145.195 (301.54.13.001, .002, .004, and .005) con-

cerning minimum licensing standards for adult day care and adult day health care facilities.

Stephen Seale, chief accountant III, has determined that for the first five-year period the rule will be in effect there will not be fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Seale has also determined that for each year of the first five years the rule as proposed is in effect the public benefits anticipated as a result of enforcing the rule as proposed will be protection of the safety and assurance of proper sanitation for clients of adult day care and adult day health care facilities. The revisions make the rules less stringent on the facilities while not diminishing the safety of clients. Particularly, many of these facilities already operating and becoming providers in this program are having undue difficulties in complying with some of the physical plant requirements, such as toilets, bathing units, emergency lighting, kitchen construction, heating systems, and fire alarm systems.

The amendments provide reduced requirements in those areas, some for all facilities, new or existing, and others for only certain existing facilities where otherwise conformance would create a hardship. Some of the amendments also provide clarification or more explicit information described in a general way in the Life Safety Code. The amendments now more accurately reflect the conditions of clients to be cared for in these facilities, being ambulatory and semiambulatory clients and not nonambulatory clients. The amendments also include amendments to the Adult Day Care Act passed by the 67th Legislature.

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 Cesar M. Elizondo, M.D., chief, Bureau of Long-Term Care, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Public comments will be received until March 31, 1982. A hearing will be conducted on March 22, 1982, at 10:00 a.m., in the auditorium of the Texas Department of Health building at the above address.

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

Robert A. MacLean, M.D.  
February 18, 1982

The amendments are proposed under Texas Civil Statutes, Article 4442a-1, §5, which provides the Texas Department of Health with the authority to promulgate standards to provide licensing procedures and a safe and sanitary environment for clients of adult day care and adult day health care facilities.

**§145.191. Introduction.**

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

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

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

(4) **Ambulatory**—Mobility not relying on walker, crutch, cane, other physical object, or use of wheelchair.

(5)[(4)] **Client**—A person who receives the services of an adult day care facility or an adult day health care facility.

(6)[(5)] **Director**—Person responsible for the overall operation of a facility.

(7)[(6)] **Elderly Person**—A person 65 years of age or older.

(8)[(7)] **Existing Building**—In these standards, except where defined otherwise, a building either occupied as an adult day care facility or an adult day health care facility at the time of initial inspection by the licensing agency or converted to occupancy as an adult day care facility or an adult day health care facility.

(9)[(8)] **Handicapped Person**—A person whose [physical or mental] functioning is sufficiently impaired to require frequent medical attention, counseling, physical therapy, therapeutic or corrective equipment, or another person's attendance and supervision.

(10)[(9)] **Licensing Agency**—The Texas Department of Health.

(11)[(10)] **Safety**—Action taken to protect from injury or loss of life due to such conditions as fire, electrical hazard, unsafe building or site conditions, and the presence of hazardous materials.

(12)[(11)] **Sanitation**—Action taken to protect from illness, the transmission of disease or loss of life due to unclean surroundings; the presence of disease-transmitting insects or rodents, unhealthful conditions or practices in the preparation of food and beverage or the care of personal belongings.

(13) **Semiambulatory**—Mobility relying on walker, crutch, cane, other physical object, or independent use of wheelchair.

**§145.192. Licensing Procedures.**

(a) General requirements.

[(1)] Approval from the Texas Health Facilities Commission is not necessary to acquire or construct a new building or to acquire or modify an existing building for the purpose of providing adult day care services. Expansion of service of an adult day care facility licensed under Texas Civil Statutes, Article 4442a-1, is not subject to approval of the Texas Health Facilities Commission.

[(2)] Approval from the Texas Health Facilities Commission is necessary to acquire or construct a new building or to acquire or modify an existing building for the purpose of providing adult day health care services. Expansion of services of an adult day health care facility licensed under Texas Civil Statutes, Article 4442a-1, is subject to approval of the Texas Health Facilities Commission.

[(3)] Copies of these rules and the Texas Department of Human Resources' minimum standards for adult day activity services, Rule 326.64.90.026, or for minimum standards for day activity and health services, Chapter 326.49, as appropriate, shall be made available to all facility personnel and to clients and/or clients' responsible parties. Personnel shall be instructed on the requirements of the law and regulations pertaining to their respective duties.

(b) (No change.)

**§145.194. Safety.**

(a) Environmental safety.

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

(3) The handicap features of the physical plant must comply with applicable federal, state, and local requirements. [The safety features of the physical plant must comply with §504 of the Rehabilitation Act of 1973. Facilities that receive payment other than federal funds need only comply with §§21, 22, and 23 of the Act.]

(4) There shall be provided not less than 35 square feet for each ambulatory client and not less than 50 square feet for each semiambulatory [nonambulatory] client. This space shall be exclusive of the kitchen and food service area, rest rooms, bath areas, offices, corridors, stairways, storage areas, and outdoor space.

(5) The jurisdiction of the licensing agency will extend beyond the licensed facility when the licensed area is only a part of a building or floor that is not fire separated in accordance with §6-1 of the Life Safety Code.

(6) The manual fire alarm system and automatic smoke detection system shall be installed in accordance with NFPA Number 72 series and state fire marshal licensing requirements.

(7)[(5)] Requirements for a facility which is part of a licensed nursing home or custodial care home building.

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

(8)[(6)] Requirements for a facility in a free-standing or detached building or in a building fire section separate from a licensed nursing home or custodial care home.

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

(C) Exceptions to Life Safety Code, 1976, §9-5.3.

(i) Automatic transmission of fire alarm to the fire department serving the facility will not be required.

(ii) The required smoke detection system will be powered by the facility electrical system and be interconnected with the fire alarm system.

(iii) Exception number 2 under §9-5.3.3.3.2, Life Safety Code, does not apply to adult day care or adult day health care facilities.

(iv) The manual fire alarm system is not mandatory for an existing detached single story building with less than 30 clients which is in operation as an adult day care facility or adult day health care facility at the time of first application for licensure under this program. As a minimum for such facility, battery-type smoke detectors will be required in specified areas.

(v) Reference to apartment buildings in Life Safety Code, 9-5.3.1.1.5(b), shall be deleted. Any floor above or below the floor of exit discharge which is used by semiambulatory clients or those whose handicap prevents them from taking appropriate action for self-preservation in emergency will be provided with smoke compartmentation as approved by the licensing agency. [Sections specifically pertaining to age under three years do not apply.]

(vi) Emergency lighting is not required for means of egress if the facility operation is during day light

hours and if natural light, direct or borrowed, is provided so that means of egress is usable in emergency.

(vii)[(iii)] Special protective electrical receptacle covers will not be required.

(viii) Where kitchen provisions consist of serving kitchens only, and cooking equipment is used only to warm food, prepare hot drinks, or provide similar food service, the kitchen need not be considered a hazardous area under Life Safety Code, §9-5.3.3.5.

(ix)[(iv)] National Fire Protection Association Number 96 publication is not applicable if the facility has residential type cooking equipment.

(x) Public corridors shall not be used for return or supply air systems in any adult day care or adult day health care facility.

(xi) Residential type heating units or heating units designed for attic installations are not considered to be units requiring furnace room construction as specified under Life Safety Code, §9-5.3.3.5.

(xii)[(vi)] New additions or remodeling shall be as required for new construction, unless approved otherwise by the licensing agency.

(D)-(J) (No change.)

(b) (No change.)

**§145.195. Sanitation.**

(a) General.

(1)-(7) (No change.)

(8) There shall be complete and separate rest-room facilities for men and women. Toilets shall be provided as necessary to meet the needs of the clients; however, there [Bathing and hand washing facilities, including hot and cold water, soap, and individual towels, shall be provided. There] shall be not less than one toilet and one lavatory for every 15[10] clients or fraction thereof. Multiple toilets shall be compartmented. All toilets shall be equipped with grab bars. Lavatories shall be provided with hot and cold water, soap, and individual towels. A minimum of one bathing unit shall be provided. In an existing facility operating as an adult day care facility or an adult day health care facility at time of initial licensure and which does not have a bathing unit, means acceptable to the licensing agency shall be provided for assuring necessary personal hygiene of the clients.

(9) All bathrooms, toilet rooms, and other odor-producing rooms or areas for soiled and insanitary operations shall be ventilated to the exterior for odor control; the use of windows is not permissible. In existing facilities operating as adult day care facilities or adult day health care facilities at time of initial licensure, the requirements for ventilation shall be considered per individual facility.

(10) (No change.)

(b) Kitchen.

(1) (No change.)

(2) Food preparation kitchens [For kitchens] serving 10 or more clients shall have separate handwashing fixtures including hot and cold water, soap, and individual towels, preferably paper towels, [shall be provided in kitchen areas] in accordance with the rules on food service sanitation of the Texas Department of Health.

(3) Where kitchen provisions consist of serving kitchens only, and cooking equipment is used only to warm food, prepare hot drinks, or provide similar food

service, the kitchen need not have separate handwashing fixtures.

Issued in Austin, Texas, on February 18, 1982.

TRD-821634

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



Proposed date of adoption: March 29, 1982  
For further information, please call (512) 458-7706.

An agency may withdraw proposed action or the remaining effectiveness of emergency action on a rule by filing a notice of withdrawal with the Texas Register Division. The notice is generally effective immediately upon filing with the division.

If a proposal is not adopted or withdrawn within six months after the date of publication in the *Register*, it will automatically be withdrawn by the Texas Register Division. Notice of the withdrawal will appear in the next regularly scheduled issue of the *Register*. The effective date of the automatic withdrawal will appear immediately following the published notice.

No further action may be taken on a proposal which has been automatically withdrawn. However, this does not preclude a new proposal or an identical or similar rule following normal rulemaking procedures.

# Withdrawn Rules

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Resources Pharmacy Services Reimbursement 326.40.08

The Texas Department of Human Resources has withdrawn from consideration for permanent adoption proposed amendments to 326.40.08.001(f), concerning pharmacy services. The text of the amended rule as proposed appeared in the December 8, 1981 issue, of the *Texas Register* (6 TexReg 4538).

Issued in Austin, Texas, on February 18, 1982.

TRD-821602      Susan L. Johnson  
Administrator  
Policy Development Support  
Division  
Texas Department of Human  
Resources

Filed: February 19, 1982  
For further information, please call (512) 441-3355,  
ext. 2037.

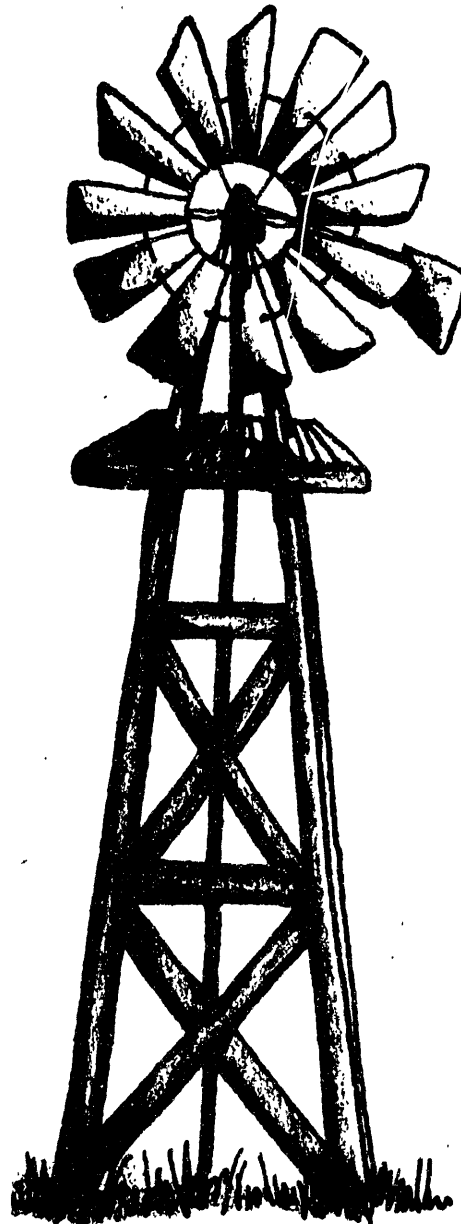
### Limitations 326.40.09

The Texas Department of Human Resources has withdrawn from consideration for permanent adoption proposed amendments to 326.40.09.003, concerning pharmacy services. The text of the amended rule as proposed appeared in the December 8, 1981, issue of the *Texas Register* (6 TexReg 4538).

Issued in Austin, Texas, on February 18, 1982.

TRD-821601      Susan L. Johnson  
Administrator  
Policy Development Support  
Division  
Texas Department of Human  
Resources

Filed: February 19, 1982  
For further information, please call (512) 441-3355,  
ext. 2037.



# Adopted Rules

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

The document, as published in the *Register*, must indicate whether the rule is adopted with or without changes to the proposal. The notice must also include paragraphs which: explain the legal justification for the rule; how the rule will function; contain comments received on the proposal; list parties submitting comments for and against the rule; explain why the agency disagreed with suggested changes; and contain the agency's interpretation of the statute it adopted the action under.

If an agency adopts the rule without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. The text of the rule, as appropriate, will be published only if final action is taken with alterations to the proposal. The certification information, following the submission, contains the effective date of the final action, the proposal's publication date, and a telephone number to call for further information.

## TITLE 19. EDUCATION Part II. Texas Education Agency Chapter 53. Regional Education Service Centers Subchapter R. Administration and Operation

### 19 TAC §53.26

The Texas Education Agency adopts the repeal of §53.26 (226.21.02.025) without changes to the proposed notice of repeal published in the November 27, 1981, issue of the *Texas Register* (6 TexReg 4359).

The Statewide Advisory Committee for Computer Services advised the Texas Education Agency on all aspects of the statewide program of computer services. However, this committee has not met since July 1980. The functions of the advisory committee will be absorbed by the Texas Education Computer Cooperative. This group will be composed of the executive directors of the eight regional and multiregional processing centers. In the new committee, leadership for the statewide system of education computer services will be placed in the hands of the educational administrators who operate and use the system. Both administrative and instructional uses of data processing should be improved. Rules for the Texas Education Computer Cooperative will be proposed at a later date.

The agency received no comments 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.

Raymon L. Bynum  
February 19, 1982

The repeal is adopted under Texas Education Code, §11.25(f), which provides the State Board of Education with the authority to authorize the commissioner of education to appoint official commissioners to advise the commissioner of education in the discharge of his duties.

Issued in Austin, Texas, on February 19, 1982.

TRD-821647 Raymon L. Bynum  
Commissioner of Education

Effective date: March 12, 1982  
Proposal publication date: November 27, 1981  
For further information, please call (512) 475-7077.

## Chapter 77. Comprehensive Instruction Subchapter I. Allocation of Funds for Supportive Purposes

### 19 TAC §77.173

The Texas Education Agency adopts the repeal of §77.173 (226.32.36.030) without changes to the proposed notice of repeal published in the November 27, 1981, issue of the *Texas Register* (6 TexReg 4380).

Under this section, equipment had to be purchased with funds from local or other sources. Proposed new §77.173 provides for the allocation of \$5 million ap-

propriated by the 67th Legislature, Regular Session, for funding equipment in secondary vocational programs for the biennium beginning September 1, 1981.

A new rule will be adopted under which districts may seek state funds for the purchase of equipment for vocational programs.

The agency received no comments 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.

Raymon L. Bynum  
February 19, 1982

The repeal is adopted under the authority of the General Appropriations Act 1981, 67th Legislature, Regular Session, Article III, Item 15(a)(2), which provides the Texas Education Agency with the authority to use \$5 million for the biennium for equipment for vocational programs in secondary schools, and Texas Education Code, §11.24, which makes the State Board of Education the State Board for Vocational Education and authorizes the board to adopt rules and regulations for carrying out the duties placed on it by the legislature.

Issued in Austin, Texas, on February 19, 1982.

TRD-821648      Raymon L. Bynum  
Commissioner of Education

Effective date: March 12, 1982  
Proposal publication date: November 27, 1981  
For further information, please call (512) 475-7077.

The Texas Education Agency adopts new §77.173 without changes to the proposed text published in the November 27, 1981, issue of the *Texas Register* (6 TexReg 4361).

The 67th Legislature, Regular Session, appropriated \$5 million for funding equipment in secondary vocational programs for the biennium beginning September 1, 1981. This new section provides for the allocation of these funds. The funds will be available for the purchase of equipment in new or redirected regular pre-employment laboratory teacher units in specific occupational areas having a labor shortage, as identified by current localized supply/demand information. Eligible school districts may receive reimbursement for approved equipment in an amount not to exceed \$30,000 per unit.

School districts eligible for funding will be able to use state funds to purchase equipment which will enable them to offer vocational programs in occupational areas for which there is a labor shortage. Previously, such equipment had to be purchased with funds from local or other sources. Training leading to gainful employment should become available to more secondary school students through the use of these funds.

The agency received no comments regarding adoption of the new 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.

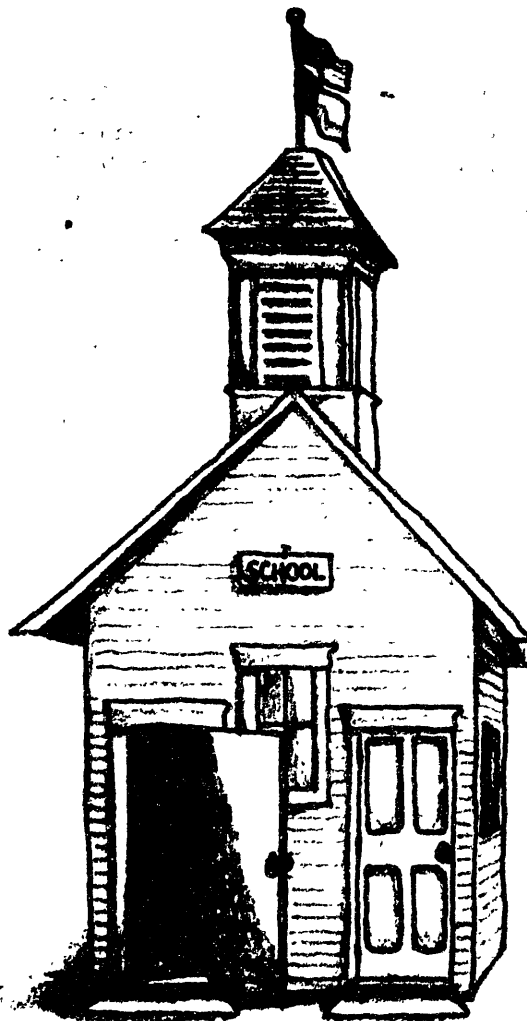
Raymon L. Bynum  
February 19, 1982

The new section is adopted under the authority of the General Appropriations Act 1981, 67th Legislature, Regular Session, Article III, Item 15(a)(2), which provides the Texas Education Agency with the authority to use \$5 million for the biennium for equipment for vocational programs in secondary schools, and Texas Education Code, §11.24, which makes the State Board of Education the State Board for Vocational Education and authorizes the board to adopt rules and regulations for carrying out the duties placed on it by the legislature.

Issued in Austin, Texas, on February 19, 1982.

TRD-821649      Raymon L. Bynum  
Commissioner of Education

Effective date: March 12, 1982  
Proposal publication date: November 27, 1981  
For further information, please call (512) 475-7077.



**Chapter 89. Adaptations for Special  
Populations  
Subchapter E. General Educational  
Development**

**19 TAC §§89.111-89.115**

The Texas Education Agency adopts the repeal of §§89.111-89.115 (226.35.44.010-.050) without changes to the proposed notice of repeal published in the November 27, 1981, issue of the *Texas Register* (6 TexReg 4362).

Sections 89.111-89.115 reflected the requirements for the General Educational Development Program. New §§89.111-89.119 have been adopted to replace §§89.111-89.115. The repeal of old rules and the adoption of new rules resolves an inconsistency between the requirements of the Board of Nurse Examiners and those of the Texas Education Agency.

The new sections permit graduates of foreign high schools or domestic unaccredited high schools to take the GED. The new sections also provide for retesting for persons who have failed the examination, for testing the handicapped, and for administration of tests in correctional facilities and health facilities. The Board of Nurse Examiners requires foreign nurses to take either the GED or the test of English as a foreign language given by the Educational Testing Service.

The agency received no comments 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.

Raymon L. Bynum  
February 19, 1982

The repeal is adopted under Texas Education Code, §11.35, which provides the State Board of Education with the authority to provide for the administration of high school equivalency examinations.

Issued in Austin, Texas, on February 19, 1982.

TRD-821650      Raymon L. Bynum  
Commissioner of Education

Effective date: March 12, 1982  
Proposal publication date: November 27, 1981  
For further information, please call (512) 475-7077.

**19 TAC §89.111-89.119**

The Texas Education Agency adopts new §§89.111-89.119 with changes to the proposed text published in the November 27, 1981, issue of the *Texas Register* (6 TexReg 4362). In the published version of §89.117(b), the word "the" was added in front of test scores. The word "the" has been removed in the final version.

Under the new rules, graduates of foreign high schools or domestic unaccredited high schools are permitted to take the GED. The Board of Nurse Examiners re-

quires foreign nurses to take either the GED or the test of English as a foreign language given by the Educational Testing Service. However, previous Texas Education Agency rules did not permit foreign graduates to be tested. The new rules remove this inconsistency between the requirements of the Board of Nurse Examiners and those of the Texas Education Agency. Students from unaccredited high schools also often request permission to take the GED, since their high school credentials are not acceptable to some institutions of higher education. Under the new rules, they are eligible to be tested. The new rules also provide for retesting for those who do not achieve a passing score, for testing the handicapped, and for testing at correctional facilities and health facilities. Reports of results for all persons who pass the test will be forwarded by the test center to the Texas Education Agency. Under the previous rules, scores were reported only upon request of the individual being tested. The subchapter title has been changed from General Education to General Educational Development.

The agency received no comments regarding the adoption of these new 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.

Raymon L. Bynum  
February 19, 1982

The new sections are adopted under the authority of Texas Education Code, §11.35, which provides the State Board of Education with the authority to provide for the administration of high school equivalency examinations.

**§89.111. Policy.** The Texas Education Agency shall be the only agency in Texas authorized to issue a certificate of high school equivalency on the basis of the general educational development (GED) tests. Tests shall be administered by authorized contracted testing centers in accordance with applicable state law, and rules of the American Council on Education and the State Board of Education.

**§89.112. Official Testing Centers.**

(a) When authorized by the Texas Education Agency official testing centers shall be established by annual contract with an accredited school district or institution of higher education. The center must be located at a high school in an accredited district, an adult learning center, or an accredited institution of higher learning. The chief administrative officer of a school or institution desiring to provide the GED testing service to residents in the community must request authorization to do so from the Texas Education Agency. If the need for a testing center in the location exists, the appropriate agency official, in writing, shall inform the American Council on Education that the establishment of an official testing center is authorized at that particular institution. The center will be sent four copies of an annual contract by the American Council on Education, together with order forms and other material relating to the operation of the testing



center. The contract forms must be signed by the chief administrative officer of the school or institution.

(b) The chief administrative officer of the school or institution at which an official testing center is established must agree to maintain test records permanently and to provide appropriate storage for restricted test materials and a suitable place for administering the test. Each center is responsible for selection and ordering of test materials.

(c) The administrative officer of a school district must designate a certified counselor and the officer of an institution of higher education must designate a professional person with a background in testing and counseling to serve as chief examiner. The person designated chief examiner shall not be involved in the preparation of persons for the examinations. The chief administrative officer must obtain prior authorization from the Texas Education Agency to change the chief examiner or the location of a testing center.

(d) Testing centers may transport restricted test material to county, state, or municipal correctional and health facilities if authorization to do so has been obtained. The chief administrative officer of an institution housing an official testing center and the administrator of the correctional or health facility must request authorization to provide the testing services from the Texas Education Agency. Only the exact number of tests needed at a test session may be transported, and the scoring and reporting of test results must be done at the official test center site. Testing services at correctional or health facilities shall be limited to inmates or patients of the facility, and the tests must be administered by an employee of the school district or institution of higher learning housing the test center.

(e) The authorization to function as an official testing center may be withdrawn by the Texas Education Agency when a center has failed to maintain the integrity of the testing program. The agency may suspend testing at a center if restricted test material is reported missing or if the test center does not properly identify applicants to be tested.

(f) Official testing centers may charge a fee for test administration. The amount of the fee shall be determined by the administration or by the board of the school district or institution.

**§89.113. Eligibility for a Texas Certificate of High School Equivalency.**

(a) The requirements which applicants for certificates of high school equivalency shall meet are as follows:

(1) **Residence.** Must be a resident of the state or a member of the United States armed forces stationed at a Texas installation when tested.

(2) **Age.** Must be 18 years old. A 17 year old is eligible with parental or guardian consent. Seventeen year olds must present written permission signed by their parent or guardian. Seventeen year olds who are married, who have entered military service, who have been declared adults by the court, or who have otherwise legally severed the child/parent relationship are not required to present parent or guardian permission to be tested.

(3) **Educational status.** Must be officially

withdrawn from school and must not have received a high school diploma from an accredited high school in the United States. Test centers shall require that 17 year old applicants present proof of withdrawal from the last school attended.

(4) **Minimum test scores.** Must achieve a standard score of 40 or above on each of the five parts of the test or achieve an average standard of 45 on all five parts of the test. Persons who achieved scores of 35 on the five tests prior to January 1, 1959, may be issued certificates.

(b) Test centers shall verify that persons being tested meet the eligibility requirements in this section.

**§89.114. Identification.** Test centers shall require examinees to present a driver's license or Texas Department of Public Safety identification card, or a notarized statement bearing the examinee's name, date of birth, recent photograph, and signature.

**§89.115. Retesting.**

(a) Examinees who fail to achieve a minimum passing score on one or more of the tests may retest on the tests which they failed. Persons desiring to retest must wait six months to do so unless they present a letter from an adult preparation program or a certified teacher verifying that the individual is prepared to retest. Each retest must be on a different form of the test.

(b) Retests may not be administered to an individual who has achieved at least the minimum acceptable scores for issuance of the Texas certificate of high school equivalency.

**§89.116. Testing the Handicapped.**

(a) Physically disabled persons who are unable to mark an answer sheet may be assisted by the chief examiner or proctor. The examinee must read the questions without assistance and indicate the answer for the proctor to mark.

(b) Severely handicapped or ill persons who cannot travel to the test center may be administered the tests at home. Prior approval to transport the tests shall be requested from the Texas Education Agency by the chief examiner.

(c) Applicants who are unable to take the printed form of the test may be administered a taped version of the test upon written authorization of the Texas Education Agency. A request by the chief examiner must be accompanied by certification by a physician that verifies a medical diagnosis of the disability which renders the potential examinee unable to take the printed form of the test.

(d) Applicants who are visually handicapped may take the test in a braille, large print, or taped version. Versions of the test in these forms are available from the Texas Education Agency.

**§89.117. Reporting Test Scores.**

(a) Test centers shall send a report of test results to the Texas Education Agency for all persons who pass the test.

(b) Written confirmation of test scores shall be provided to examinees as soon as possible after testing.

(c) The official report of test results, a signed GEDTS Form 30, shall be used only to report scores to

an official test center, to the Texas Education Agency, or to another state department of education.

**§89.118. Issuance of the Certificate.**

(a) Test scores shall be accepted as official only when reported directly by official testing centers, the defense activity for nontraditional education support, directors of Veterans Administration hospitals, and, in special cases, by the General Educational Development Testing Service.

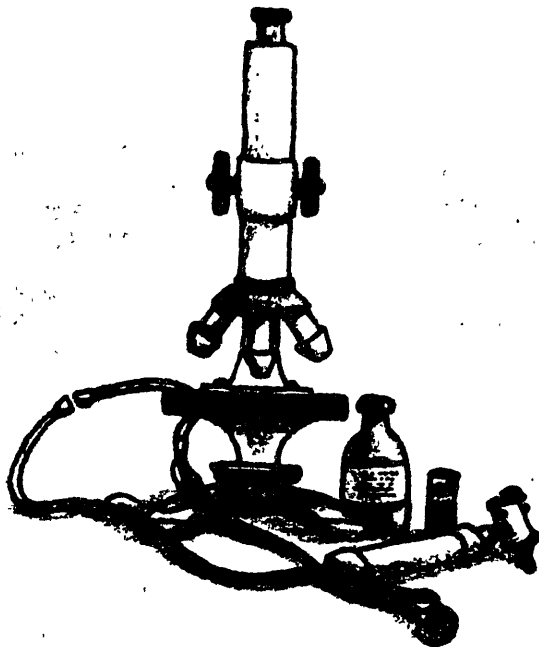
(b) Following review for eligibility and approval, certificates will be issued directly to clients. No fee will be assessed for issuance or reissuance of certificates. A permanent file will be maintained for all certificates issued.

**§89.119. State Administrator.** The commissioner of education shall designate the state administrator of the general educational development (GED) testing and certificate of high school equivalency programs.

Issued in Austin, Texas, on February 19, 1982.

TRD-821651 Raymon L. Bynum  
Commissioner of Education

Effective date: March 12, 1982  
Proposal publication date: November 27, 1981  
For further information, please call (512) 475-7077.



**TITLE 22. EXAMINING BOARDS  
Part XVI. Texas State Board of  
Physical Therapy Examiners  
Chapter 323. Powers and Duties of  
the Board**

**22 TAC §323.1**

The Texas State Board of Physical Therapy Examiners adopts amendments to §323.1 without changes to the proposed text published in the January 15, 1982, issue of the *Texas Register* (7 TexReg 185).

The wording of the rule is amended to comply with the Physical Therapy Act. The rule also gives in-

terested persons information relating to the board examination and board investigation procedures.

No comments were received regarding adoption of the amendment.

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.

Lois M. Smith  
February 17, 1982

The amendment is adopted under the authority of Texas Civil Statutes, Article 4512e, §3(e), which allows the board to adopt rules consistent with the Act to carry out its duties in administering the Act.

Issued in Austin, Texas, on February 17, 1982.

TRD-821568 Lois M. Smith  
Executive Director  
Texas State Board of Physical  
Therapy Examiners

Effective date: March 11, 1982  
Proposal publication date: January 15, 1982  
For further information, please call (512) 475-7956.

**Part XVIII. Texas State Board of  
Podiatry Examiners  
Chapter 371. Examinations**

**22 TAC §371.2, 371.10**

The Texas State Board of Podiatry Examiners adopts amendments to §371.2 and §371.10 (396.15.00.002 and .010) without changes to the proposed text published in the December 11, 1981, issue of the *Texas Register* (6 TexReg 4605).

The amendments to the rule are necessary in order to delete obsolete language and update the current fee examination schedule. The amendments also inform all candidates for licensure rules of examination.

No comments were received regarding adoption of these 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.

J. C. Littrell, D.P.M.  
February 5, 1982

The amendments are adopted under the authority of Texas Civil Statutes, Article 4569(b), (f), and (g), which provides the Texas State Board of Podiatry Examiners with the authority to adopt and enforce rules of procedure for administering the article.

Issued in Austin, Texas, on February 5, 1982.

TRD-821582 Roxanne Caperton  
Assistant Attorney General  
Texas State Board of Podiatry  
Examiners

Effective date: March 11, 1982  
Proposal publication date: December 11, 1981  
For further information, please call (512) 475-3131.

**Part XXII. Texas State Board of  
Public Accountancy**  
**Chapter 501. Professional Conduct**  
**Client Records**  
**22 TAC §501.31**

The Texas State Board of Public Accountancy adopts amendments to §501.31 (401.33.00.301) without changes to the proposed text published in the December 8, 1981, issue of the *Texas Register* (6 TexReg 4508).

This rule allows licensees to disclose information received from clients for the purpose of quality control reviews of professional services performed by licensees and thereby insures that high standards of competency and integrity are maintained in the practice of public accounting.

This amendment allows a licensee to disclose information pertaining to a client obtained in the course of performing professional services for the purpose of quality control reviews of audits, reviews, and compilations of financial statements conducted in accordance with board rules, without waiving the accountant-client privilege.

No comments were received regarding the adoption of the amendment.

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.

Bob E. Bradley  
February 17, 1982

The amendment is adopted under the authority of Texas Civil Statutes, Article 41a-1, §6(a), which provides the board with the authority to adopt rules deemed necessary and advisable to effectuate the Act, as amended.

Issued in Austin, Texas, on February 17, 1982.

TRD-821554      Bob E. Bradley  
Executive Director  
Texas State Board of Public  
Accountancy

Effective date: April 1, 1982  
Proposal publication date: December 8, 1981  
For further information, please call (512) 451-0241.

**22 TAC §501.49**

The Texas State Board of Public Accountancy adopts the repeal of §501.49 (401.33.00.409) without changes to the proposed notice of repeal published in the August 25, 1981, issue of the *Texas Register* (6 TexReg 3131).

The board determined that the sign was not an effective method of protecting consumers, was unduly costly, and was unnecessarily large in size. The rule no longer requires a sign informing consumers that complaints can be directed to the board.

No comments were received regarding the adoption of this 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.

Bob E. Bradley  
February 17, 1982

This repeal is adopted under the authority of Texas Civil Statutes, Article 41a-1, §10, which gives the board discretion whether or not to require the sign.

Issued in Austin, Texas, on February 17, 1982.

TRD-821555      Bob E. Bradley  
Executive Director  
Texas State Board of Public  
Accountancy

Effective date: April 1, 1982  
Proposal publication date: August 25, 1981  
For further information, please call (512) 451-0241.

**Chapter 505. The Board**  
**22 TAC §505.1**

The Texas State Board of Public Accountancy adopts amendments to §505.1 (401.42.00.100) without changes to the proposed text published in the December 8, 1981, issue of the *Texas Register* (6 Tex-Reg 4508).

This rule updates the board's regulations to reflect the current headquarters of the Texas State Board of Public Accountancy.

No comments were received regarding the adoption of the amendment.

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.

Bob E. Bradley  
February 17, 1982

The amendment is adopted under the authority of Texas Civil Statutes, Article 41a-1, §6(a), which provides the Texas State Board of Public Accountancy with authority to adopt rules necessary to effectuate the Act.

Issued in Austin, Texas, on February 17, 1982.

TRD-821556      Bob E. Bradley  
Executive Director  
Texas State Board of Public  
Accountancy

Effective date: April 1, 1982  
Proposal publication date: December 8, 1981  
For further information, please call (512) 451-0241.

**Chapter 507. Employees of the Board**  
**22 TAC §507.2**

The Texas State Board of Public Accountancy adopts amendments to §507.2 (401.43.00.200) without changes to the proposed text published in the December 8, 1981, issue of the *Texas Register* (6 TexReg 4508).

This rule reflects the board's delegation of the responsibility for personnel decisions to the executive director, subject to the board's statutory authority and duty.

No comments were received regarding the adoption of the amendment.

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.

Bob E. Bradley  
February 17, 1982

The amendment is adopted under the authority of Texas Civil Statutes, Article 41a-1, §5(a)(4), which authorizes the Texas State Board of Public Accountancy to employ personnel and independent contractors necessary to assist in the performance of its duties.

Issued in Austin, Texas, on February 17, 1982.

TRD-821557      Bob E. Bradley  
Executive Director  
Texas State Board of Public  
Accountancy

Effective date: April 1, 1982  
Proposal publication date: December 8, 1981  
For further information, please call (512) 451-0241.

## Chapter 511. Certification as CPA CPA Examination

### 22 TAC §511.76

The Texas State Board of Public Accountancy adopts amendments to §511.76 (401.45.04.500) without changes to the proposed text published in the December 8, 1981, issue of the *Texas Register* (6 Tex-Reg 4508).

Previously only exam candidates who established hardship cases could obtain a refund of the examination fee. The amendment permits a refund to candidates who withdraw and notify the board prior to the deadline for submitting an application for the examination, as the board has not incurred expenses related to conducting the exam.

An exam candidate will notify the board in writing prior to the application deadline that he or she will be withdrawing from the exam or after the deadline, the candidate will submit documentation to the board establishing an extreme hardship case in order to obtain a refund of the exam fee.

No comments were received regarding the adoption of the amendment.

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.

Bob E. Bradley  
February 17, 1982

The amendment is adopted under the authority of Texas Civil Statutes, Article 41a-1, §15, which provides the Texas State Board of Public Accountancy

with the authority in its discretion to refund any examination fee where an applicant shows a satisfactory reason for not attending an exam.

Issued in Austin, Texas, on February 17, 1982.

TRD-821558      Bob E. Bradley  
Executive Director  
Texas State Board of Public  
Accountancy

Effective date: April 1, 1982  
Proposal publication date: December 8, 1981  
For further information, please call (512) 451-0241.

## Experience Requirements

### 22 TAC §511.121

The Texas State Board of Public Accountancy adopts amendments to §511.121 (401.45.05.100) without changes to the proposed text published in the December 8, 1981, issue of the *Texas Register* (6 Tex-Reg 4508).

This rule enables the board to process applications for approval of experience for candidates after the candidates have met the examination requirement for receiving a certificate as a CPA. Previously the board was processing the experience form for candidates before they took the exam. Some candidates did not pass the exam and therefore the work done on them was unnecessary. The rule requires candidates to submit the application for approval of experience as an attachment to the application for the CPA certificate after completion of the examination requirement.

No comments were received regarding the adoption of the amendment.

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.

Bob E. Bradley  
February 17, 1982

The amendment is adopted under the authority of Texas Civil Statutes, Article 41a-1, §12, which provides the Texas State Board of Public Accountancy with the authority to grant a CPA certificate to any person who meets the requirements of that section, including the applicable experience.

Issued in Austin, Texas, on February 17, 1982.

TRD-821559      Bob E. Bradley  
Executive Director  
Texas State Board of Public  
Accountancy

Effective date: April 1, 1982  
Proposal publication date: December 8, 1981  
For further information, please call (512) 451-0241.

### 22 TAC §511.122

The Texas State Board of Public Accountancy adopts amendments to §511.122 (401.45.05.200) with changes to the proposed text published in the December 8, 1981, issue of the *Texas Register* (6 Tex-Reg 4508).

This rule improves the quality of work experience of candidates. The candidate will have to document for the board that any nonpublic accounting experience was under the direct supervision of a person licensed by a state board of accountancy.

No comments were received regarding the adoption of the amendment.

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.

Bob E. Bradley  
February 17, 1982

The amendment is adopted under the authority of Texas Civil Statutes, Article 41a-1, § 12, which provides the Texas State Board of Public Accountancy with authority to grant a certified public accountant certificate to any person who meets the requirements of that section, including applicable experience requirements.

§511.122 (401.45.05.200). *Acceptable Experience.*

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

(c) The experience requirements of the Act may be satisfied by accounting experience of a nonroutine nature which continually requires independent thought and judgment on important accounting matters and which is comparable to accounting experience in the public practice under the supervision of a certified public accountant or public accountant if approved by the board. The nonpublic accounting experience obtained after the effective date of this rule must be under the direct supervision of a person licensed by a state board of accountancy.

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

Issued in Austin, Texas, on February 17, 1982.

TRD-821560      Bob E. Bradley  
Executive Director  
Texas State Board of Public  
Accountancy

Effective date: April 1, 1982  
Proposal publication date: December 8, 1981  
For further information, please call (512) 451-0241.

22 TAC §511.123

The Texas State Board of Public Accountancy adopts amendments to §511.123 (401.45.05.300) without changes to the proposed text published in the December 8, 1981, issue of the *Texas Register* (6 Tex-Reg 4508).

This rule establishes standards for evaluating nonpublic accounting experience and allows the board to verify such experience. The rule also provides for the submission to the board of nonpublic accounting experience and the documentation of such experience by informing the board of one or more certified public accountants or public accountants having knowledge of the applicant's accounting experience.

No comments were received regarding the adoption of the amendment.

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.

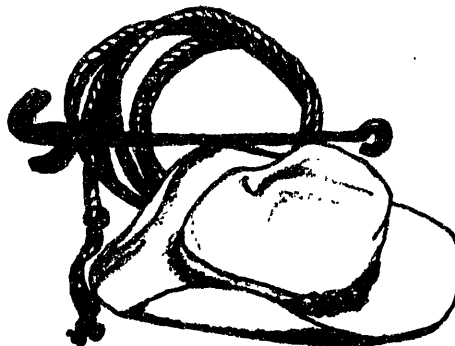
Bob E. Bradley  
February 17, 1982

The amendment is adopted under the authority of Texas Civil Statutes, Article 41a-1, § 12, which provides the Texas State Board of Public Accountancy with the authority to grant a certified public accountant certificate to any person who meets the requirements of that section, including the applicable experience.

Issued in Austin, Texas, on February 17, 1982.

TRD-821561      Bob E. Bradley  
Executive Director  
Texas State Board of Public  
Accountancy

Effective date: April 1, 1982  
Proposal publication date: December 8, 1981  
For further information, please call (512) 451-0241.



Certification

22 TAC §511.161

The Texas State Board of Public Accountancy adopts amendments to §511.161 (401.45.07.100) without changes to the proposed text published in the December 8, 1981, issue of the *Texas Register* (6 Tex-Reg 4508).

This rule insures that a candidate for a CPA certificate executes an oath before he or she can receive a certificate so that the candidate will be aware of his or her professional responsibilities prior to beginning the practice of public accountancy.

The rule requires that a candidate who has successfully completed the requirements for certification as a CPA submit an application for certification and that the candidate execute an oath before receiving a certificate. The rule allows a candidate to execute an oath at the swearing-in ceremony rather than requiring that the oath be mailed with the application.

No comments were received regarding the adoption of the amendment.

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.

Bob E. Bradley  
February 17, 1982

The amendment is adopted under the authority of Texas Civil Statutes, Article 41a-1, §12, which provides the Texas State Board of Public Accountancy with the authority to require an oath of persons who meet the requirements for the CPA certificate in that section.

Issued in Austin, Texas, on February 17, 1982.

TRD-821562      Bob E. Bradley  
Executive Director  
Texas State Board of Public  
Accountancy

Effective date: April 1, 1982  
Proposal publication date: December 8, 1981  
For further information, please call (512) 451-0241.

## 22 TAC §511.165

The Texas State Board of Public Accountancy adopts amendments to §511.165 (401.45.07.500) without changes to the proposed text published in the December 8, 1981, issue of the *Texas Register* (6 TexReg 4508).

The requirement that those who have resigned or surrendered a certificate file an application for a new certificate is imposed upon the board by virtue of an amendment to Texas Civil Statutes, Article 41a-1, §21(a).

No comments were received regarding the adoption of the amendment.

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.

Bob E. Bradley  
February 27, 1982

The amendment is adopted under the authority of Texas Civil Statutes, Article 41a-1, §21(a), which provides that persons who have resigned or surrendered a certificate must file an application for a new certificate.

Issued in Austin, Texas, on February 17, 1982.

TRD-821563      Bob E. Bradley  
Executive Director  
Texas State Board of Public  
Accountancy

Effective date: April 1, 1982  
Proposal publication date: December 8, 1981  
For further information, please call (512) 451-0241.

## 22 TAC §511.166

The Texas State Board of Public Accountancy adopts amendments to §511.166 (401.45.07.600) without changes to the proposed text published in the December 8, 1981, issue of the *Texas Register* (6 TexReg 4508).

The requirement that those persons who have resigned or surrendered their registration file an application for a new registration is imposed upon the board by virtue of an amendment to Texas Civil Statutes, Article 41a-1, §21(a).

No comments were received regarding the adoption of the amendment.

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.

Bob E. Bradley  
February 17, 1982

The amendment is adopted under the authority of Texas Civil Statutes, Article 41a-1, §21(a), which provides that persons who have resigned or surrendered their registration must file an application for a new registration.

Issued in Austin, Texas, on February 17, 1982.

TRD-821564      Bob E. Bradley  
Executive Director  
Texas State Board of Public  
Accountancy

Effective date: April 1, 1982  
Proposal publication date: December 8, 1981  
For further information, please call (512) 451-0241.

## Chapter 521. Fee Schedule

### 22 TAC §521.1

The Texas State Board of Public Accountancy adopts amendments to §521.1 (401.51.00.100) without changes to the proposed text published in the December 8, 1981, issue of the *Texas Register* (6 TexReg 4508).

This rule provides a more equitable license fee for new licensees by tying the fee to the time when a licensee obtains a certificate. The rule also allows the board to collect a prorated initial license fee from a licensee at such time as the licensee obtains a certificate.

No comments were received regarding the adoption of the amendment.

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.

Bob E. Bradley  
February 17, 1982

The amendment is adopted under the authority of Texas Civil Statutes, Article 41a-1, §9(a), which provides the Texas State Board of Public Accountancy with the authority to charge licensee fees.

Issued in Austin, Texas, on February 17, 1982.

TRD-821565      Bob E. Bradley  
Executive Director  
Texas State Board of Public  
Accountancy

Effective date: April 1, 1982  
Proposal publication date: December 8, 1981  
For further information, please call (512) 451-0241.

### 22 TAC §521.6

The Texas State Board of Public Accountancy adopts amendments to §521.6 (401.51.00.600) without changes to the proposed text published in the

December 8, 1981, issue of the *Texas Register* (6 TexReg 4508).

The rule provides that the person making the request or demand for any document, record, or action of the board which the board is required to provide by law or rule will reimburse the board for the actual costs of duplication of such document, record, or action.

No comments were received regarding the adoption of the amendment.

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.

Bob E. Bradley  
February 17, 1982

The amendment is adopted under the authority of Texas Civil Statutes, Article 41a-1, §6(a), which provides the Texas State Board of Public Accountancy with the authority to adopt rules deemed necessary or advisable to effectuate the Public Accountancy Act of 1979.

Issued in Austin, Texas, on February 17, 1982.

TRD-821566      Bob E. Bradley  
Executive Director  
Texas State Board of Public  
Accountancy

Effective date: April 1, 1982  
Proposal publication date: December 8, 1981  
For further information, please call (512) 451-0241.

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part II. Texas Parks and Wildlife Department

#### Chapter 65. Wildlife

#### Subchapter A. Statewide Hunting and Fishing

#### 31 TAC §65.62

The Texas Parks and Wildlife Commission adopted in a public hearing held January 21, 1982, an amendment to §65.62 without changes to the proposed text published in the December 18, 1981, issue of the *Texas Register* (6 TexReg 4720). The amendment was approved by the Commissioner's Court of Grayson County as required by Texas Parks and Wildlife Code, §61.202.

The amendment liberalizes daily bag and possession limits for striped bass in Lake Texoma which will prevent waste of the fisheries resource. The amendment allows fishermen to retain additional striped bass.

No comments were received regarding the adoption of the amendment.

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.

Boyd M. Johnson  
February 16, 1982

The amendment is adopted under the authority of the Texas Parks and Wildlife Code, Chapter 61, which provides the Texas Parks and Wildlife Commission with authority to provide wildlife resource regulations in counties to which the Uniform Wildlife Regulatory Act applies.

Issued in Austin, Texas, on February 17, 1982.

TRD-821573      Maurine Ray  
Administrative Assistant  
Texas Parks and Wildlife  
Department

Effective date: March 11, 1982  
Proposal publication date: December 18, 1981  
For further information, please call (512) 479-4806.

### Subchapter Q. Furbearers

#### 31 TAC §§65.379, 65.382

The Texas Parks and Wildlife Commission adopts amendments to §65.379 and §65.382 in a public hearing held January 21, 1982. No changes were made to the proposed text published in the November 27, 1981, issue of the *Texas Register* (6 TexReg 4367).

The Texas Parks and Wildlife Commission by proclamation may regulate the taking, possession, propagation, transportation, exportation, importation, sale, and offering for the sale of fur-bearing animals, pelts, and carcasses as the commission considers necessary to manage fur-bearing animals or to protect human health or property.

The adopted amendments permit the use of artificial lights to take fur-bearing animals and provide the executive director with authority to prescribe necessary information and permit form required to import living fur-bearing animals into this state.

No comments were received regarding the adoption of the amendments.

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

Boyd M. Johnson  
February 16, 1982

The amendments are adopted under the authority of the Texas Parks and Wildlife Code, Chapter 71, which provides the commission with the authority to adopt fur-bearing animal regulations which the commission considers necessary to manage furbearers or to protect human health or property.

Issued in Austin, Texas, on February 17, 1982.

TRD-821574      Maurine Ray  
Administrative Assistant  
Texas Parks and Wildlife  
Department

Effective date: March 13, 1982  
Proposal publication date: November 27, 1981  
For further information, please call (512) 479-4973.

## Part X. Texas Water Development Board

### Chapter 341. Consolidated Permits Actions, Notice, and Hearing

#### 31 TAC §341.287

The Texas Department of Water Resources adopts new §341.287 with changes to the proposed text published in the October 23, 1981, issue of the *Texas Register* (6 TexReg 3906).

The rule provides an additional mechanism whereby notice of permit applications involving hazardous waste may be given to persons in the affected area. The radio broadcast of such notices is required by the §7004(b)(2) of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 United States Code §6901 et seq., and the incorporation of that requirement into the state hazardous waste program is necessary in order for the state program to be approved under §3006(c) of the Resource Conservation and Recovery Act.

The rule provides that the Texas Water Commission will provide summaries of public notices to local radio stations for broadcast as a public service. The rule also encourages the radio stations to broadcast the summaries to assist the department in informing local, affected communities of pending applications.

No public comments were received regarding the adoption of the new section. The Texas Water Development Board, in adopting the rule, clarified the final sentence concerning jurisdiction by specifying that failure to mail the summary of the notice, the failure to show evidence of radio broadcasts, or the failure to broadcast the summary would not affect the validity or effectiveness of any order, permit, or other order issued by the commission.

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.

Paul A. Seals  
February 18, 1982

The new section is adopted under the authority of §5.131 and §5.132 of the Texas Water Code, which provides the Texas Water Development Board with the authority to make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of the state and to establish and approve all general policy of the Texas Department of

Water Resources. The new section is further adopted under subsections 4(e)(4) and 4(f)(2) of the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, which gives the Texas Department of Water Resources the authority to adopt rules establishing procedures for public notice and any public hearing authorized by those subsections. Under §3(b) of the Solid Waste Disposal Act, the Texas Department of Water Resources is designated as the state solid waste agency with respect to the management of industrial solid waste and is required to seek the accomplishment of the purposes of the Act through the control of all aspects of industrial solid waste management by all practical and economically feasible methods consistent with the powers and duties given it under the Act and other existing legislation. Section 3(b) grants to the department the powers and duties specifically prescribed in the Act and all other powers necessary or convenient to carry out its responsibilities.

§341.287 (156.25.36.027). *Radio Broadcasts.* For an application to store, process, or dispose of hazardous waste under Texas Civil Statutes, Article 4477-7, the commission shall mail a summary of the public notice prepared by the commission to one or more local radio stations listed in the latest edition of the Texas Broadcasters Directory in the affected area to be available to such stations for broadcast as a public service. For purposes of this rule, affected area is an area to be determined by the commission on each application which includes the county in which the site is to be located and may include contiguous counties at the discretion of the commission. Local radio stations are encouraged to broadcast the summary of the notice to assist the department in informing the affected community of the pending hazardous waste application. The failure to mail the summary of the notice, the failure to show evidence of radio broadcasts, or the failure of a radio station to broadcast the summary of the notice will not affect the commission's jurisdiction to consider the application, and will not affect the validity or effectiveness of any order, permit, or other ruling issued by the commission.

Issued in Austin, Texas, on February 18, 1982.

TRD-821575 M. Reginald Arnold II  
General Counsel  
Texas Department of Water  
Resources

Effective date: March 11, 1982  
Proposal publication date: October 23, 1981  
For further information, please call (512) 475-7845.



Agencies with statewide jurisdiction must give a least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. Although some notices may be received too late for publication before the meeting is held, all those filed are published in the *Register*. Notices concerning state agencies, colleges, and universities must contain the date, time, and location of the meeting, and an agenda or agenda summary. Published notices concerning county agencies include only the date, time, and location of the meeting. These notices are published alphabetically under the heading "Regional Agencies" according to the date on which they are filed.

Any of the governmental entities named above must have notice of an emergency meeting, or an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published. However, notices of emergency additions or revisions to a regional agency's agenda will not be published since the original agenda for the agency was not published.

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

# Open Meetings

**Governor's Committee on Aging**  
**Tuesday, March 2, 1982, 2 p.m.** The Citizens Advisory Council of the Governor's Committee on Aging will meet in the Convention Center, 100 Washington, Waco. Items on the agenda include: approval of minutes of November 19, 1981 meeting; announcement of Texas senior games; long-term care plan report; subcommittee reports; budget update regarding program development and Title V Employment Program; consideration of plan for evaluation of area agencies on aging using advisory council members; and consideration of Post White House Conference on Aging priorities for the eighties.

**Contact:** Chris Kyker, 210 Barton Springs Road, Austin, Texas, (512) 475-2717.

**Filed:** February 22, 1982, 4:57 p.m.  
TRD-821678

**Texas Department of Agriculture**  
**Thursday, March 4, 1982.** The Seed Division of the Texas Department of Agriculture will meet at 2935 Westhollow Drive, WHB Plaza, Houston. According to the agenda summary, the division will consider alleged violations of §61.017, Texas Agriculture Code (1981), relating to the labeling of seed and tolerances set by the department as respects germination and purity of seeds sold within the boundaries of this state by:

10 a.m. Automatic Distributing Corporation  
Houston

11 a.m. Modern Farmers Co-op  
El Campo

1 p.m. Dannevang Farmers Co-op  
Dannevang

**Contact:** Steve Haley, P.O. Box 12847, Austin, Texas 78711, (512) 475-1572.

**Filed:** February 18, 1982, 3:04 p.m.  
TRD-821579

**Friday, March 5, 1982, 9 a.m.** The Seed Division of the Texas Department of Agriculture will meet at 3385 Laurel, Beaumont. According to the agenda, the division will consider the alleged violation of §61.017, Texas Agriculture Code (1981), relating to the labeling of seed and tolerances set by the department as respects germination and purity of seeds sold within the boundaries of this state by American-Rice Growers, Devers.

**Contact:** Steve Haley, P.O. Box 12847, Austin, Texas 78711, (512) 475-1572.

**Filed:** February 18, 1982, 3:04 p.m.  
TRD-821580

## Texas Amusement Machine Commission

**Monday, March 8, 1982, 9:30 a.m.** The Texas Amusement Machine Commission will meet in the second floor conference

room, Twin Towers Office Building, 1106 Clayton Lane, Austin. Items on the agenda summary include the following: report and discussion on Attorney General Opinion MW-365 regarding commissioners' per diem and expenses; report and discussion on Article 13.02, amount of tax; report and discussion on obtaining felony records from the Texas Department of Public Safety; report and discussion on the licensing periods for 1982; report and discussion on the first six months of fiscal year 1982; report and discussion on personnel and changes in staff assignments; report, discussion, and action on administrative hearing; report and discussion on the request from Dallas County to administer tax requirements; report on current operations and report and recommendations of advisory committee members.

**Contact:** Jackie L. Vaughan, P.O. Box 13226, Austin, Texas 78711, (512) 475-5651.

**Filed:** February 23, 1982, 8:56 a.m.  
TRD-821687

## Automated Information Systems Advisory Council

**Monday, March 8, 1982, 4:15 p.m.** The Automated Information Systems Advisory Council will meet in the El Dorado Room, Marriott Inn, at Market Hall, Stemmons Freeway (IH 35), Dallas. According to the agenda, the board will consider adoption of rules.

**Contact:** John C. Musgrove, John H. Reagan Building, Room 419, Austin, Texas, (512) 475-2362.

**Filed:** February 19, 1982, 3:34 p.m.  
TRD-821652

**State Board of Barber Examiners**

**Tuesday, March 9, 1982, 8 a.m.** The State Board of Barber Examiners will meet in Suite H-111, 5555 North Lamar, Austin. Items on the agenda include the following: minutes of previous meeting; sign teachers' licenses and school permits; interview out-of-state applicants; adoption of the repeal of 22 TAC §51.82 (378.01.03.033) concerning late renewals of teachers licenses; proposal of a rule concerning licensing of felons; and reports and letters to the board. The board will also meet in executive session.

**Contact:** Mary Jo McCrorey, 5555 North Lamar, Suite H-111, Austin, Texas 78751, (512) 458-2241.

**Filed:** February 23, 1982, 8:56 a.m.  
TRD-821688

**Texas Department of Corrections**

**Monday, March 8, 1982, 8 a.m.** The Texas Department of Corrections will meet in the Evergreen Room of the Houstonian, 111 North Post Oak Lane, Houston. According to the agenda summary, the board will consider the following: matters relating to inmate affairs, medical, personnel, business, agriculture, construction, industries, legal, research, planning, and development, miscellaneous, and Windham school system.

**Contact:** W. J. Estelle, Jr., P.O. Box 99, Huntsville, Texas, 77340, (713) 295-6371, ext. 160.

**Filed:** February 19, 1982, 1:33 p.m.  
TRD-821653

**East Texas State University**

**Thursday, February 25, 1982, 1 p.m.** The Board of Regents Standing Committees of the East Texas State University met in the Board of Regents Conference Room, Commerce. According to the agenda, the following committees met: Executive Committee, Academic Programs Committee, Campus and Building Committee, and Finance Committee. The committees reviewed items

contained on the board agenda and no action was scheduled to be taken.

**Contact:** Charles Morrow, Commerce, Texas 75428, (214) 886-5024.

**Filed:** February 18, 1982, 1:40 p.m.  
TRD-821572

**Friday, February 26, 1982, 9 a.m.** The Board of Regents of the East Texas State University will meet in the Board of Regents Conference Room, Commerce. Items on the agenda summary include: approval of board of regents minutes, October 23, 1981, and November 6, 1981; report by the president; authorization to make additions and transactions to ETSU at Commerce and ETSU at Texarkana 1981-1982 operating budget; approval of president's recommended ETSU at Commerce and ETSU at Texarkana salary budget for summer 1982; approval of small class report for ETSU at Commerce and ETSU at Texarkana; approval of faculty workload report for ETSU at Commerce and ETSU at Texarkana; discussion of tentative statement of purpose; authorization to delete surplus equipment; authorization to transfer funds between accounts; authorization to allocate Sikes Hall; approval of university housing rates; discussion of organizational structure; authorization to delete the name of F. H. McDowell and add the name of Charles J. Austin to sign vouchers; authorization to negotiate a contract with Gordon Sibeck and Associates for architectural services; and authorization to employ Gordon Sibeck to assist the university in conducting a study of its renovation needs; and approval of president's recommendations for off-campus programs for 1982-1983. The board will also meet in executive session to discuss personnel, contractual, and legal matters.

**Contact:** Charles Morrow, Commerce, Texas 75428, (214) 886-5024.

**Filed:** February 18, 1982, 1:40 p.m.  
TRD-821571

**Texas Employment Commission**

**Friday, February 19, 1982, 9 a.m.** The Texas Employment Commission met in emergency session in Room 644, TEC Building, 15th and Congress, Austin. Items on the agenda summary included the following: reports of administrative staff regarding the amount of funding restored to the agency for staffing, nonpersonal services, and other expenses; recommendations on reopening of offices, staffing, and related issues with restoration of funds, and

staff travel; reconsideration of reduction-in-force of February 1982; public presentations; official action on office reopenings; and report from regional administrator on fiscal year 1982 funding, prospects for fiscal year 1983 funding, and issues affecting state employment security agencies through legislation and administrative channels. An executive session was also held to consider personnel matters relating to restaffing local offices, status of litigation on outstanding suits, and attorney general opinion requests. The emergency status was necessary to reconsider reduction-in-force of February 1982 and to consider reopening of offices due to recent restoration of federal funding.

**Contact:** Paul Joiner, Room 656, Austin, Texas, (512) 397-4514.

**Filed:** February 18, 1982, 10:18 a.m.  
TRD-821550

**Finance Commission of Texas**

**Wednesday, March 3, 1982, 10 a.m.** The Savings and Loan Section of the Finance Commission of Texas will meet at 1004 Lavaca Street, Austin. Items on the agenda include the following: reports on study committee, computer expansion, proposed legislation; committee reports; and personnel.

**Contact:** L. Alvis Vandygriff, 1004 Lavaca Street, Austin, Texas, (512) 475-7991.

**Filed:** February 19, 1982, 10:17 a.m.  
TRD-821608

**Texas Board of Examiners  
in the Fitting and Dispensing  
of Hearing Aids**

**Friday, February 19, 1982, 5 p.m.** The Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids met in emergency session in Lanai Room, El Tropicano Hotel, 111 Lexington, San Antonio. An executive session was held to discuss personnel pursuant to Texas Civil Statutes, Article 6252-17. The emergency status was necessary because the matter was not known prior to this time and had to be discussed immediately by the board.

**Contact:** R. B. Hall, Penthouse Apartments, Suite 105, 1212 Guadalupe, Austin, Texas, (512) 475-3429.

**Filed:** February 18, 1982, 12:48 p.m.  
TRD-821569

### Texas Health Facilities Commission

**Friday, March 5, 1982, 10 a.m.** The Texas Health Facilities Commission will meet in the Jefferson Building, Suite 305, 1600 West 38th Street, Austin. Items on the agenda include the following applications.

#### Certificate of Need

The Institute for Rehabilitation and Research, Houston  
AH81-0526-001

Grand Prairie Community Hospital,  
Grand Prairie  
AH81-0824-019

Surgimed Care Center, Dickinson  
AO-0616-016

Winnsboro Memorial Hospital,  
Winnsboro  
AH81-0930-001;

Parkland Memorial Hospital  
Chronic Dialysis Center, Dallas  
AH81-0710-010

Notice of Intent to Acquire an  
Existing Health Care Facility  
Beverly Enterprises, Fort Smith,  
Arkansas  
AN82-0120-029

Forfeiture of Exemption Certificate  
El Paso Del Norte Hospital, El Paso  
AH75-0616-005(112581)

**Contact:** Linda E. Zatopek, P.O. Box  
15023, Austin, Texas 78761, (512) 475-6940.

**Filed:** February 22, 1982, 9:53 a.m.  
TRD-821658

### University of Houston System

**Monday, March 1, 1982.** The University of Houston System Board of Regents and committees of the board will meet in the board room at 220 Ezekiel Cullen Building on the central campus of the University of Houston, at the following times as indicated.

**9 a.m.** The Facilities Planning and Building Committee will discuss and/or approve the following: UH/CC: EMECS, Phase II B construction contract; UH/CC: resolution to encourage establishment of a fraternity/sorority complex; UH/DC: MEP Contract-UH/downtown college center; UH/VC: lease approval for petroleum institute; UH/System: award of construction contract-transmitter building, KUHT-TV; construction status reports: December 1981 and January 1982;

financial status of construction projects: December 1981 and January 1982; information items: Robertson Stadium Bid Package 4; UH/DC: MR and R Phase III-Bid Package 1; and other business.

**11:15 a.m.** The Broadcasting, Development, and Public Affairs Committee will meet to discuss and/or approve the following: broadcasting report; KUHT-TV quarterly report; development report; public affairs: report on formula funding; and other business. The board will also meet in executive session.

**2 p.m.** The Board of Regents will discuss and/or approve the minutes of January 11, 1982 meeting; reports from the following committees: Executive Committee, Investment Committee, Audit Committee, Broadcasting Committee, Budget and Finance Committee, Campus, Faculty, and Academic Affairs Committee; Facilities Planning and Building Committee; and the president's report. The board will also meet in executive session.

**Contact:** Deborah Selden, 4600 Gulf Freeway, Suite 500, Houston, Texas 77023, (713) 749-7545.

**Filed:** February 19, 1982, 9:16 a.m.  
TRD-821613-821615

### Texas Department of Human Resources

**Wednesday and Thursday, March 3 and 4, 1982, 1 p.m.** The Advisory Committee on Child Care Facilities of the Texas Department of Human Resources will meet in the Governor's Room at Ramada Inn Town Lake, 1001 IH 35 South at Riverside, Austin. According to the agenda summary, the board will consider the following: director's report; election of officers; status report on the general licensing handbook; status report on autistic, drop-in care, and registered family home standards; advisory committee role regarding DHR budget; and Houston area day care study by Art Owsijuk.

**Contact:** Doug Sanders, P.O. Box 2960, Austin, Texas, 78769, (512) 441-3355, ext. 6039.

**Filed:** February 19, 1982, 1 p.m.  
TRD-821616

### State Board of Insurance

**Wednesday, March 3, 1982, 9 a.m.** The State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin, to consider the appeal of the Council of Co-Owners of Saida Towers I Condominium Association from the decision of the Texas Catastrophe Property Insurance Association.

**Contact:** Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, (512) 475-2950.

**Filed:** February 19, 1982, 9:17 a.m.  
TRD-821582

**Wednesday, March 3, 1982, 9 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 350, 1110 San Jacinto Street, Austin, in Docket 6711—application for original charter of Southwest Associated Home Insurance Company, Houston.

**Contact:** J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

**Filed:** February 22, 1982, 11:23 a.m.  
TRD-821662

**Wednesday, March 3, 1982, 10 a.m.** The State Board of Insurance made an addition to the agenda of a meeting to be in Room 414, 1110 San Jacinto Street, Austin. The addition concerns consideration of the Commercial Lines Manual—Division Six, general rules revision for the other than professional subdivision.

**Contact:** Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

**Filed:** February 19, 1982, 9:17 a.m.  
TRD-821583

**Wednesday, March 3, 1982, 2 p.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 350, 1110 San Jacinto Street, Austin, in Docket 6725—application of Keith A. Wood to acquire control of Summit Life Insurance Company, Houston.

**Contact:** J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

**Filed:** February 22, 1982, 11:23 a.m.  
TRD-821663

**Thursday, March 4, 1982, 9 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 350, 1110 San Jacinto

Street, Austin, in Docket 6731—the application for admission—American National General Insurance Company, Springfield, Missouri.

**Contact:** J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

**Filed:** February 22, 1982, 11:23 a.m.  
TRD-821664

**Thursday, March 4, 1982, 9 a.m.** The State Board of Insurance will meet in the hearing room, DeWitt Greer Building, 11th and Brazos, Austin. According to the agenda, the board will consider the following: commercial (including general rules, public, garage, nonowned, and miscellaneous classes and coverages), automobile casualty insurance rating plans, manual rules and policy forms for both voluntary and Texas Auto Insurance Plan policies, physical damage rating plans, manual rules and policy forms and rates incidental thereto; and commercial (including rates applicable to public, garage, nonowned, and miscellaneous classes and coverages) automobile insurance rates and rating plans.

**Contact:** Pat Wagner, 1110 San Jacinto, Austin, Texas, (512) 475-2950.

**Filed:** February 23, 1982, 8:57 a.m.  
TRD-821691

**Friday, March 5, 1982, 1:30 p.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 350, 1110 San Jacinto Street, Austin, in Docket 6723—application for admission—Fire Insurance Company of Quaker City, Chicago, Illinois.

**Contact:** J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

**Filed:** February 22, 1982, 11:23 a.m.  
TRD-821665

**Friday, March 5, 1982, 2 p.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 350, 1110 San Jacinto Street, Austin, in Docket 6724—application for approval of articles of agreement of United Lloyds Insurance Company, Dallas.

**Contact:** J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

**Filed:** February 22, 1982, 11:23 a.m.  
TRD-821666

**Monday, March 8, 1982, 9 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto

Street, Austin, in Docket 6730—renewal of Group I insurance license regarding C. L. Hatcher.

**Contact:** J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

**Filed:** February 22, 1982, 11:23 a.m.  
TRD-821667

**Tuesday, March 9, 1982, 2 p.m.** The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin, to consider the commissioner's report; fire marshal's report; and personnel matters. The board will also meet in executive session.

**Contact:** Pat Wagner, 1110 San Jacinto Street, Austin, Texas, (512) 475-2950.

**Filed:** February 19, 1982, 9:15 a.m.  
TRD-821584

**Monday, March 15, 1982, 9 a.m.** The State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto, Austin, to consider the appeal of Glenn McGehee doing business as Ocean Palm Center and Ocean Palm International, Inc. from the decision of the Texas Catastrophe Property Insurance Association.

**Contact:** Pat Wagner, 1110 San Jacinto, Austin, Texas, (512) 475-2950

**Filed:** February 19, 1982; 9:18 a.m.  
TRD-821585

**Tuesday, March 16 and March 23, 1982, 2 p.m.** The State Board of Insurance will meet in Room 414, 1110 San Jacinto, Austin, to consider the commissioner's report and fire marshal's report. The board will also meet in executive session to consider personnel matters.

**Contact:** Pat Wagner, 1110 San Jacinto, Austin, Texas, (512) 475-2950.

**Filed:** February 19, 1982, 9:15 a.m.  
TRD-821586, 821587

**Monday, March 29, 1982, 9 a.m.** The State Board of Insurance will conduct a public hearing in Room 414, 1110 San Jacinto, Austin, to consider the appeal of the Council of Co-Owners of Saida Towers II Condominium Association from the decision of the Texas Catastrophe Property Insurance Association.

**Contact:** Pat Wagner, 1110 San Jacinto, Austin, Texas, (512) 475-2950.

**Filed:** February 19, 1982, 9:18 a.m.  
TRD-821588

**Tuesday, March 30, 1982, 2 p.m.** The State Board of Insurance will meet in Room 414,

1110 San Jacinto, Austin, to consider the commissioner's report and fire marshal's report. The board will also meet in executive session to consider personnel matters.

**Contact:** Pat Wagner, 1110 San Jacinto, Austin, Texas, (512) 475-2950.

**Filed:** February 19, 1982, 9:15 a.m.  
TRD-821589

### **Texas Advisory Commission on Intergovernmental Relations**

**Friday, March 12, 1982, 8:30 a.m.** The Committee on Operations and Funding of the Texas Advisory Commission on Intergovernmental Relations will meet in Room 119, Stephen F. Austin Building, 17th and Congress, Austin. The committee will consider fiscal year 1982 revenue and expenditure projections for agency operations and review potential new projects for the current work program.

**Contact:** Jay Stanford, 407 Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 475-3728.

**Filed:** February 22, 1982, 10:37 a.m.  
TRD-821660

**Friday, March 12, 1982, 9:30 a.m.** The Texas Advisory Commission on Intergovernmental Relations will meet in Room 118, Stephen F. Austin Building, 17th and Congress, Austin. According to the agenda summary, the commission will consider the following topics: the executive director's report; report of the special committee on operations and funding; staff reports on changes in federal grants/new federalism initiatives and on the water task force planning; progress reports on long-term local government debt, and on other commission projects; special report on Texas 2000; and new business.

**Contact:** Jay G. Stanford, 407 Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 475-3728.

**Filed:** February 22, 1982, 10:37 a.m.  
TRD-821661

### **Commission on Jail Standards**

**Wednesday, February 24, 1982, 8:30 a.m.** The Commission on Jail made emergency additions to the agenda of a meeting held in Room 206, Texas Law Center, 1414 Colorado, Austin. According to the summarized agenda, the commission considered the following additions: 37 TAC §265.13 (217.09.00.013), concerning record of injuries rule change, Young County variance, and Tarrant County construction. The emergency status was necessary due to

recent meetings and inspections, and delay until the next scheduled meeting would have created economic hardships and would have delayed jail certification action.

**Contact:** Robert O. Viterna, 411 West 13th, Austin, Texas, (512) 475-2716.

**Filed:** February 19, 1982, 12:22 p.m.  
TRD-821617

### State Board of Morticians

**Monday, February 22, 1982 9 a.m.** The State Board of Morticians met in emergency session via conference call, originating from 1513 IH 35 South, Austin. According to the agenda summary, the board will consider the following: discussion of examination applications filed by persons convicted of felony and granted full pardon, and update of consumer brochure. The board also held an executive session to discuss hiring of a person for Investigator II position. The emergency status was necessary because the examination application must be approved as soon as possible in order to be scheduled for March 10 examination, and the need to fill the Investigator II position in order that complaints may be investigated in northern Texas.

**Contact:** John W. Shocklee, 1513 IH 35 South, Austin, Texas, 78741, (512) 442-6721.

**Filed:** February 19, 1982, 9:29 a.m.  
TRD-821590

### Texas Motor Vehicle Commission

**Thursday, March 18, 1982, 9 a.m.** The Texas Motor Vehicle Commission will meet in Room 100-B, John H. Reagan Building, 14th Street and Congress, Austin. According to the agenda, the commission will receive comments and consider and act on proposed 16 TAC §105.20 and §105.21, regarding manufacturer and distributor rebates and rebate advertising by dealers.

**Contact:** Russell Harding, P.O. Box 2293, Austin, Texas 78768, (512) 476-3587.

**Filed:** February 23, 1982, 8:36 a.m.  
TRD-821686

### Natural Fibers and Food Protein Commission

**Monday, March 29, 1982, 9 a.m.** The Natural Fibers and Food Protein Commission will meet at Texas A&M Research and Extension Center, 17360 Coit Road, Dallas. According to the summarized agenda, the

Industry Advisory Committee will meet with the research project personnel to review research projects and election of officers and committee members.

**Contact:** Robert N. Manley, 17360 Coit Road, Dallas, Texas 75252, (214) 231-0852 or 231-5362, ext. 254.

**Filed:** February 22, 1982, 3:09 p.m.  
TRD-821673

### North Texas State University

**Friday, February 26, 1982, 8 a.m.** The Role and Scope Committee, Board of Regents, of the North Texas State University/Texas College of Osteopathic Medicine will meet in the board room, Denton. Items on the North Texas State University agenda include: professor emeritus recommendation; faculty workload report, fall 1981; amendment to honorary degree policy; change in the faculty senate bylaws; human subjects research policy; and presentation by weekend college (oral). Items on the Texas College of Osteopathic Medicine agenda include: personnel transactions; affiliation agreement between Texas College of Osteopathic Medicine and the University of Texas Health Science Center at Dallas; and contract between Texas College of Osteopathic Medicine and the County of Tarrant.

**Contact:** Jan Dobbs, P.O. Box 13108, Denton, Texas 76203.

**Filed:** February 19, 1982, 10:47 a.m.  
TRD-821604

**Friday, February 26, 1982, 9 a.m.** The Budget and Finance Committee, Board of Regents, of the North Texas State University/Texas College of Osteopathic Medicine will meet in the board room, Denton. According to the agenda, the North Texas State University will consider bank depository agreement. Also, the Texas College of Osteopathic Medicine will consider reallocation of state appropriations and budget supplement for various departments.

**Contact:** Jan Dobbs, P.O. Box 13108, Denton, Texas 76203.

**Filed:** February 19, 1982, 10:47 a.m.  
TRD-821605

**Friday, February 26, 1982, 9:15 a.m.** The Facilities Committee, Board of Regents, of the North Texas State University/Texas College of Osteopathic Medicine will meet in the board room, Denton. According to

the agenda, North Texas State University will consider the following: energy conservation analysis; energy conservation project—business administration, language, physics, industrial arts, and Kerr Hall; energy conservation project—Willis Library, music practice, and student union; approval of request for Lake Grapevine land; and project status report. The Texas College of Osteopathic Medicine will also consider an option to purchase one parcel of land and repair and rehabilitation of the Institute of Forensic Medicine Facilities.

**Contact:** Jan Dobbs, P.O. Box 13108, Denton, Texas 76203.

**Filed:** February 19, 1982, 10:47 a.m.  
TRD-821606

**Friday, February 26, 1982, 10 a.m.** The Board of Regents of North Texas State University/Texas College of Osteopathic Medicine will meet in the board room, Denton. According to the agenda, North Texas State University will consider the following: approval of minutes; executive session (Texas Civil Statutes, Article 6252-17, §2, paragraphs (e), legal; (f), real estate; and (g), personnel); approval of committee recommendations; and other business. Texas College of Osteopathic Medicine will also consider the following: approval of minutes; approval of committee recommendations; and other business.

**Contact:** Jan Dobbs, P.O. Box 13108, Denton, Texas 76203.

**Filed:** February 19, 1982, 10:47 a.m.  
TRD-821607

### Pan American University

**Tuesday, March 2, 1982, 9:30 a.m.** The Board of Regents' Buildings and Grounds Committee of the Pan American University will meet in the conference room, Edinburg. According to the agenda, the committee will consider the following: change proposal 34—new administration building; change proposal 37—new administration building; biology annex; and informational items.

**Contact:** Migual A. Nevarez, Pan American University, Edinburg, Texas, (512) 381-2101.

**Filed:** February 19, 1982, 10:50 a.m.  
TRD-821609

**Tuesday, March 2, 1982, 10 a.m.** The Board of Regents' Finance Committee of the Pan American University will meet in the conference room, Edinburg. According to the agenda, the committee will consider the

following: funds transfer; budget changes; and informational items.

**Contact:** Migual A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2101.

**Filed:** February 19, 1982, 10:50 a.m.  
TRD-821610

**Tuesday, March 2, 1982, 10:45 a.m.** The Academic and Developmental Affairs Committee of the Pan American University will meet in the conference room, Edinburg. According to the agenda, the committee will consider the following: reorganization of Behavioral Sciences Department; personnel—employment (executive session); and informational items.

**Contact:** Migual A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2101.

**Filed:** February 19, 1982, 10:51 a.m.  
TRD-821611

**Tuesday, March 2, 1982, 1 p.m.** The Board of Regents of the Pan American University will meet in the conference room, Edinburg. Items on the agenda include: minutes of the previous meeting; reports of Buildings and Grounds Committee, Academic and Developmental Affairs Committee, Finance Committee, and committee of the whole—appointment of William Cameron to the Business Advisory Council; a Higher Education Management Institute System; policy regarding sponsored activities; grants, donations, and gifts; and president's informational items.

**Contact:** Migual A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2101.

**Filed:** February 19, 1982, 10:49 a.m.  
TRD-821612

### **Board of Pardons and Paroles**

**Monday-Friday, March 8-12, 1982, 9 a.m., daily.** The Board of Pardons and Paroles will meet at 711 Stephen F. Austin Building, Austin. Items on the agenda include: review cases of inmates for parole consideration; act on emergency reprieve requests and other acts of executive clemency; review reports regarding persons on parole; review procedures affecting the day-to-day operation of support staff; review and initiate needed rule changes relating to general operation, executive clemency, parole and all hearings conducted by this agency; and to take action upon gubernatorial directives.

**Contact:** Ken Casner, 711 Stephen F. Austin Building, Austin, Texas, (512) 475-3363.

**Filed:** February 22, 1982, 4:22 p.m.  
TRD-821679

### **Texas Parks and Wildlife Department**

**Wednesday, March 3, 1982, 7 p.m.** The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at the Driskill Hotel, Austin. According to the summarized agenda, members of the Parks and Wildlife Commission plan to have dinner at 7 p.m., March 3, 1982. Although this function is primarily a social event and no formal action is planned, the commission may discuss items on the public hearing agenda scheduled for 9 a.m., March 4, 1982.

**Contact:** Maurine Ray, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4806.

**Filed:** February 22, 1982, 3:27 p.m.  
TRD-821674

**Thursday, March 4, 1982, 9 a.m.** The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet in Building B, 4200 Smith School Road, Austin. Items on the agenda include: approval of January 21, 1982 public hearing court reporter minutes; presentation of retirement certificates and service plaques; nontoxic shot zone for waterfowl hunting; Taylor Bayou drainage and floor control project—murphree wildlife management area; predator control by use of aircraft; South Llano River State Park site master plan and budget, Kimble County; concession contract renewal, Texas State Railroad Historical Park, Anderson and Cherokee Counties; state park rules; request for funding local parks; commercial reporting requirements; fiscal year 1982 boat ramp construction program; and right-of-way land

acquisition, Guadalupe River State Park, Comal County.

**Contact:** Maurine Ray, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4806.

**Filed:** February 22, 1982, 3:28 p.m.  
TRD-821675

**Thursday, March 4, 1982, 9 a.m.** The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet in Building B, 4200 Smith School Road, Austin. According to the agenda, the commission will consider proposed statewide hunting and fishing regulations 1982-1983.

**Contact:** Maurine Ray, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4806.

**Filed:** February 22, 1982, 3:27 p.m.  
TRD-821676

**Thursday, March 4, 1982, noon.** The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet in executive session, in Building B, 4200 Smith School Road, Austin. Items on the agenda include: discussion of potential donations, acquisitions, and/or land offers regarding historic sites or state parks; and discussion of settlement of pending litigation matters.

**Contact:** Maurine Ray, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4806.

**Filed:** February 22, 1982, 3:28 p.m.  
TRD-821677

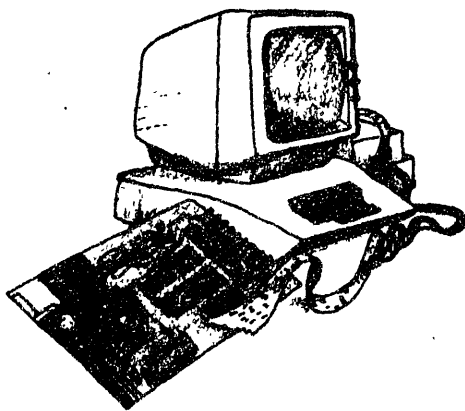
### **Public Utility Commission of Texas**

**Friday, February 26, 1982, 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 4324—complaint of James Richard Pugh against General Telephone Company of the Southwest.

**Contact:** Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** February 18, 1982, 3:15 p.m.  
TRD-821577

**Wednesday, March 3, 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



4259—application of Fort Belknap Electric Cooperative, Inc. for a rate/tariff revision (electric).

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: February 23, 1982, 8:57 a.m.  
TRD-821689

Friday, March 5, 1982, 10:30 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 4145—appeals of Texas-New Mexico Power Company from the ratemaking ordinances of Darrouzett, et al.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: February 23, 1982, 8:57 a.m.  
TRD-821690

Monday, March 8, 1982, 9:30 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 4184—application of Lower Colorado River Authority for relief and enforcement of existing rate order.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: February 19, 1982, 1:53 p.m.  
TRD-821633

Tuesday, March 9, 1982, 9 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, will consider in Docket 4300—objections to requests for information, petition of General Telephone Company of the Southwest for authority to change rates.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: February 19, 1982, 9:18 a.m.  
TRD-821591

Tuesday, March 16, 1982, 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 4149—application of the City of Midlothian to secure a water utility certificate of convenience and necessity within Ellis County.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: February 18, 1982, 3:42 p.m.  
TRD-821581

Monday, April 12, 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 4089—petition of Houston Lighting and Power Company for review of rate ordinances of the cities of Pasadena, et al (electric).

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: February 19, 1982, 9:19 a.m.  
TRD-821592

Tuesday, April 13, 1982, 9 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 4300—objections to requests for information and petition of General Telephone Company of the Southwest for authority to change rates.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-1000.

Filed: February 19, 1982, 9:18 a.m.  
TRD-821593

Thursday, April 15, 1982, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing on the merits in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 4300—petition of General Telephone Company of the Southwest for authority to change rates.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-1000.

Filed: February 19, 1982, 9:18 a.m.  
TRD-821594

Monday, April 19, 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 4291—application of Lone Wolf Electric Cooperative, Inc. for a rate increase.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-1000.

Filed: February 19, 1982, 9:14 a.m.  
TRD-821595

Thursday, April 22, 1982, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing on the merits in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 4299—application of Dickens County Electric Cooperative, Inc. for authority to increase rates.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: February 19, 1982, 1:53 p.m.  
TRD-821636

### Railroad Commission of Texas

Monday, February 22, 1982, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas met in emergency session in the first floor auditorium, 1124 IH 35 South, Austin, to consider Docket 7C-76475—application of J. L. McGill, salt water disposal, Benedum (Spraberry) Field, Upton County. This item was properly noticed for the meeting of February 16, 1982 and was passed. Consideration on less than seven days notice was required as a matter of urgent public necessity.

Contact: Sandra B. Buch, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1292.

Filed: February 19, 1982, 12:55 p.m.  
TRD-821618

Monday, February 22, 1982, 9 p.m. The Surface Mining and Reclamation Division of the Railroad Commission of Texas met in emergency session in Room 107, 1124 IH 35 South, Austin, to consider awarding a consultant contract for studies pertaining to the suitability of mining operations in a certain portion of Bastrop County. The reason for the emergency meeting was required as a matter of urgent public necessity because a statutorily imposed deadline for completion of suitability studies compelled the commission to act immediately in order to assure the public welfare.

Contact: J. Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751.

Filed: February 19, 1982, 12:55 p.m.  
TRD-821619

Monday, March 1, 1982, 9 a.m. The following divisions of the Railroad Commission of Texas will meet at 1124 IH 35

South, Austin. The agendas and meeting rooms follow.

The Administrative Services Division will meet in the first floor auditorium to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1211.

**Filed:** February 19, 1982, 12:59 p.m.  
TRD-821620

The Automatic Data Processing Division will meet in the first floor auditorium to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204.

**Filed:** February 19, 1982, 12:59 p.m.  
TRD-821621

The Flight Division will meet in Room 107 to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Ken Fossler, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1103.

**Filed:** February 19, 1982, 12:56 p.m.  
TRD-821622

The Gas Utilities Division will meet in Room 107 to consider Gas Utilities Dockets 3251, 3387, 3388, 3389, 3390, 3391, 3392, 3393, 3394, 3395, 3396, 3397, 3398, 3399, 3400, 3401, 3403, 3404, 3405, 3406, 3408, and the director's report.

**Contact:** Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas, (512) 475-0461.

**Filed:** February 19, 1982, 12:55 p.m.  
TRD-821623

The Office of Information Services will meet in the first floor auditorium to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711.

**Filed:** February 19, 1982, 12:56 p.m.  
TRD-821624

The Liquefied Petroleum-Gas Division will meet in the first floor auditorium to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Hugh F. Keepers, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-1301.

**Filed:** February 19, 1982, 12:54 p.m.  
TRD-821625

The Oil and Gas Division will meet in the first floor auditorium to consider various matters falling within the Railroad Commission's oil and gas regulatory jurisdiction.

**Contact:** Jan Burris, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

**Filed:** February 19, 1982, 12:59 p.m.  
TRD-821626

Additions to the above agenda: Category determinations under §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108 of the Natural Gas Policy Act of 1978.

**Contact:** Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas, 78711, (512) 445-1273.

**Filed:** February 19, 1982, 12:57 p.m.  
TRD-821628

Consideration of bypasses on gas meter runs.

**Contact:** Bob R. Harris, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

**Filed:** February 19, 1982, 12:58 p.m.  
TRD-821627

The Personnel Division will meet in the first floor auditorium to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Herman L. Wilkins, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120.

**Filed:** February 19, 1982, 12:58 p.m.  
TRD-821629

The Office of Special Counsel will meet in the third floor conference room to consider and act on the division director's report relating to pending litigation, Sunset Commission review procedures, and other budget, administrative, and personnel matters.

**Contact:** Walter Earl Lillie, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

**Filed:** February 19, 1982, 12:59 p.m.  
TRD-821630

The Surface Mining and Reclamation Division will meet in Room 107 to consider final adoption of regulations affecting proper

plugging and closure of test holes drilled in connection with uranium ore exploration; and the division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** J. Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751.

**Filed:** February 19, 1982, 12:54 p.m.  
TRD-821631

The Transportation Division will meet in the first floor auditorium, Room 107, to consider various matters falling within the Railroad Commission's transportation regulatory jurisdiction.

**Contact:** Owen T. Kinney, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

**Filed:** February 19, 1982, 12:57 p.m.  
TRD-821632

### **School Land Board**

**Tuesday, March 2, 1982, 10 a.m.** The School Land Board will meet in Room 831, Stephen F. Austin Building, 1700 North Congress, Austin. Items on the agenda include: approval of the minutes of the previous board meeting; application for lease suspensions; pooling applications; good faith claimant application; final approval of second half of Harper Ranch land trade, Duval and McMullen Counties; coastal public lands—easement application; cabin permit alteration request; cabin permit rebuilding requests; cabin permit terminations; and cabin permit transfer request.

**Contact:** Linda K. Fisher, 1700 North Congress, Austin, Texas, (512) 475-2071.

**Filed:** February 22, 1982, 3:08 p.m.  
TRD-821672

### **Texas Sesquicentennial Museum Board**

**Monday, March 8, 1982, 10 a.m.** The Texas Sesquicentennial Museum Board will meet in Room 346, State Capitol. Items on the agenda include: report on museum location; analysis/study—museum impact; committee reports; exempt status report—administrative assistant search; and items for general discussion.

**Contact:** Lawrence Wood, P.O. Box AA, Refugio, Texas 78377.

**Filed:** February 19, 1982, 10:47 a.m.  
TRD-821603



Meetings Filed February 19

**Texas Water Commission**

**Monday, February 22, 1982, 10 a.m.** The Texas Water Commission met in emergency session in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin, to consider an application of Old River Company for an emergency permit to divert, not to exceed 62 acre-feet of water, within a 30-day period from Intracoastal Waterway/Freeport Harbor, Brazos River Basin, Brazoria County, for hydrostatic testing of tanks. Inasmuch as the applicant was unaware of the permitting requirement and had already commenced with the testing process, it was a necessity that the commission consider the application as soon as possible to prevent any problems.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

**Filed:** February 19, 1982, 3:01 p.m.  
TRD-821638

**Monday, March 1, 1982, 10 a.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the summarized agenda, the commission will consider the following: water district bond issues; release from escrow; use of surplus funds; filing and setting of a hearing date regarding creation of district, water quality permits, revocations, amendments, and renewals; voluntary cancellation of water quality permit; final decision on water rights matters; voluntary withdrawal and dismissal of water right matter; withdrawal and cancellation of claim; approval of revised plans; and specifications regarding water right matter; and filing and setting of hearing dates.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

**Filed:** February 18, 1982, 3:00 p.m.  
TRD-821578

**Regional Agencies**

Meetings Filed February 18

**The Bandera County Tax Appraisal District** met in the commissioner's courtroom, County Courthouse, Bandera County, on February 25, 1982, at 10 a.m. Information may be obtained from Sam L. Darden, P.O. Box 518, Bandera, Texas 78003, (512) 796-3728.

**The Brazos Valley Regional Mental Health and Mental Retardation Center, Board of**

Trustees, met in emergency session in Building E, 707 Texas Avenue South, College Station, on February 25, 1982, at 1:30 p.m. Information may be obtained from Ann Pye-Shively, Ph.D., Suite 225-C, 707 Texas Avenue South, College Station, Texas 77840.

**The Lubbock Regional Mental Health and Mental Retardation Center** met at 3800 Avenue H, Lubbock, on February 23, 1982, at 4:30 p.m. Information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, (806) 763-4213.

**The Nolan County Central Appraisal District, Board of Directors**, met in Suite 305B, Nolan County Courthouse, Sweetwater, on February 24, 1982, at 1:30 p.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas, (915) 235-8421.

**The Northeast Texas Health Systems Agency, Executive Committee**, will meet in Suite 201, Travis Terrace Building, 505 East Travis Street, Marshall, on March 2, 1982, at 7 p.m. Information may be obtained from Bayard S. Galbraith, Suite 201, 505 East Travis Street, Marshall, Texas 75670, (214) 938-8331.

**The Panhandle Health Systems Agency, Joint Meeting of the Review Committee and Administrative Committee**, met at the Northwest Texas Hospital, 1501 Coulter Drive, Amarillo, on February 25, 1982, at 1:30 p.m. Information may be obtained from Linda Maxey, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-3381.

**The Panhandle Health Systems Agency, Plan Development Committee**, met at the Northwest Texas Hospital, 1501 Coulter Drive, Amarillo, on February 25, 1982, at 1:30 p.m. Information may be obtained from Linda Maxey, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-3381.

**The South Texas Development Council, Government Application Review Committee**, will meet at the Zapata Community Center, Zapata, on February 26, 1982, at 10 a.m. Information may be obtained from Adriana Rodriguez, P.O. Box 2187, Laredo, Texas 78041, (512) 722-3995.

**The Trinity River Authority of Texas, Board of Directors**, revised the agenda of a meeting held in the board room, 5300 South Collins, Arlington, Tarrant County, on February 24, 1982, at 10:30 a.m. Information may be obtained from Geri Elliott, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

TRD-821570

**The Amarillo Mental Health and Mental Retardation Center, Executive Committee** of the Board of Trustees, met in Room G-14, Psychiatric Pavilion, 7201 Evans Street, Amarillo, on February 25, 1982, at noon. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79106, (806) 353-7235.

**The Amarillo Mental Health and Mental Retardation Center, Board of Trustees**, met in Room J-13, Psychiatric Pavilion, 7201 Evans Street, Amarillo, on February 25, 1982, at 1 p.m. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79106, (806) 353-7235.

**The Brown County Appraisal District** will meet at 400 South Broadway, Brownwood, on March 1, 1982, at 7 p.m. Information may be obtained from Alvis Sewalt, 400 South Broadway, Brownwood, Texas, (915) 643-5676.

**The Coastal Bend Council of Governments, Executive Board**, will meet at the Nueces Club, Guaranty Bank Plaza, Corpus Christi, on February 26, 1982, at 11:45 a.m. Information may be obtained from John Buckner, P.O. Box 9909, Corpus Christi, Texas 78408, (512) 883-5743.

**The Coastal Bend Council of Governments, membership**, will meet in the central jury room, County Courthouse, Corpus Christi, on February 26, 1982, at 2 p.m. Information may be obtained from John Buckner, P.O. Box 9909, Corpus Christi, Texas 78408, (512) 883-5743.

**The Dallas County Appraisal District, Board of Directors**, met in the board room, 2601 Live Oak, Dallas, on February 24, 1982, at 7:30 p.m. Information may be obtained from Jerry Yeatts, 2601 Live Oak, Dallas, Texas 75204, (214) 826-0030.

**The East Texas Council of Governments, Board of Directors**, held a meeting originally scheduled for February 16, 1982, at the Stoneridge Plaza Office Building, Kilgore, on February 24, 1982, at 2 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

**The Golden Crescent Council of Governments, Board of Directors**, met in the La Salle Room, Victoria Bank and Trust, Building 120, South Main, Victoria, on February 24, 1982, at 5 p.m. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587.

**Meetings Filed February 22**

**The Gonzales County Appraisal District**, Board of Directors, will meet at 926 Saint Lawrence Street, Gonzales, on March 4, 1982, at 8:30 a.m. Information may be obtained from Nancy Seitz, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

**The Gray County Appraisal District** made an addition to the agenda of a meeting held at the Carver Center, 321 West Albert Street, Pampa, on February 25, 1982, at 5 p.m. Information may be obtained from R. D. (Jimmy) Wilkerson, P.O. Box 2141, Pampa, Texas 79065, (806) 665-5123.

**The Harris County Appraisal District**, Board of Directors, met at 3737 Dacoma, Houston, on February 22, 1982, at 2 p.m. Information may be obtained from Searcy German, P.O. Box 10975, Houston, Texas 77292, (713) 683-9200.

**The North Central Texas Council of Governments**, Executive Board, met in the board room, Arlington, on February 25, 1982, at 12:30 p.m. Information may be obtained from Linda Keithley, P.O. Drawer COG, Arlington, Texas 76011-3080, (817) 640-3360.

**The South Plains Health Provider Organization, Inc.**, Board of Directors, met at 715 Amarillo Street, Plainview, on February 23, 1982, at 8 p.m. Information may be obtained from Sue Terry, 706 Canyon, Plainview, Texas 79072, (806) 293-8561.

**The South Texas Health Systems Agency**, Coastal Bend Subarea Health Advisory Council Nominating Committee, will meet at Greenwood Senior Community Center, 4040 Greenwood Road, Corpus Christi, on March 3, 1982, at 6:45 p.m. Information may be obtained from Mario L. Vasquez, P.O. Box 2378, Kingsville, Texas 78363, (512) 595-5545.

**The South Texas Health Systems Agency**, Coastal Bend Subarea Health Advisory Council, will meet at 4040 Greenwood Center, Corpus Christi, on March 3, 1982, at 7 p.m. Information may be obtained from Mario L. Vasquez, P.O. Box 2378, Kingsville, Texas 78363, (512) 595-5545.

**The West Central Texas Council of Governments**, Executive Committee, met at 1025 East North 10th Street, Abilene, on February 24, 1982, at 12:45 p.m. Information may be obtained from Bobbie T. Gallagher, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

TRD-821637

**The Austin-Travis County Mental Health and Mental Retardation Center**, Board of Trustees Personnel Committee, met in the executive director's conference room, 1430 Collier Street, Austin, on February 25, 1982, at 5:30 p.m. Information may be obtained from Cynthia C. Garcia, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141, ext. 30.

**The Austin-Travis County Mental Health and Mental Retardation Center**, Operations and Planning Committee, met in the board room, 1430 Collier Street, Austin, on February 25, 1982, at 6:30 p.m. Information may be obtained from Debbie Sandoval, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141.

**The Austin-Travis County Mental Health and Mental Retardation Center**, Board of Trustees, met in the board room, 1430 Collier Street, Austin, on February 25, 1982, at 7:30 p.m. Information may be obtained from Debbie Sandoval, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141, ext. 27.

**The Blanco County Central Appraisal District** held an emergency meeting at the Blanco County Courthouse Annex, Johnson City, on February 24, 1982, 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 Appraisal District of Johnson County**, Board of Directors, held an emergency meeting at 109 North Main, Cleburne, on February 24, 1982, at 7:30 p.m. Information may be obtained from Don Gilmore, 109 North Main, Cleburne, Texas 76031, (817) 645-3987.

**The Gregg County Appraisal District** will meet at 2010 Gilmer Road, Longview, on March 2, 1982, at 7 p.m. Information may be obtained from William T. Carroll, P.O. Box 6700, 2010 Gilmer Road, Longview, Texas 75608, (214) 759-0015.

**The Henderson County Appraisal District**, Board of Directors, will meet in Room 202, 101 East Corsicana, Athens, on March 4, 1982, at 7:30 p.m. Information may be obtained from A. K. Monroe, P.O. Box 430, Athens, Texas 75751, (214) 675-9296.

**The Lower Rio Grande Valley Development Council**, Board of Directors and Annual Membership, met at the Harlingen Chamber of Commerce, Harlingen, on February 25, 1982, at 1 p.m. Information may be obtained from Robert A. Chandler,

First National Bank Building, Suite 207, McAllen, Texas 78501, (512) 682-3481.

**The Mental Health and Mental Retardation Regional Center of East Texas**, Board of Trustees, met in the board room, 2323 West Front Street, Tyler, on February 25, 1982, at 4 p.m. Information may be obtained from Richard J. DeSanto, P.O. Box 4359, Tyler, Texas 75712, (214) 597-1351.

**The Panhandle Regional Planning Commission**, 208 Water Quality Planning Advisory Committee, will meet in the first floor conference room, Gibraltar Building, Amarillo, on March 1, 1982, at 7 p.m. Information may be obtained from Polly Jennings, P.O. Box 9257, Amarillo, Texas 79105.

**The South Texas Development Council**, Government Application Review Committee, met in the Roma Conference Room, City Hall, Roma, on February 26, 1982, at 10 a.m. Information may be obtained from Adriana Rodriguez, P.O. Box 2187, Laredo, Texas 78041, (512) 722-3995.

**The South Texas Development Council**, Board of Directors, will meet at the Roma City Hall, Roma, on February 26, 1982, at 11 a.m. Information may be obtained from Julie Saldana, P.O. Box 2187, Laredo, Texas 78041, (512) 722-3995.

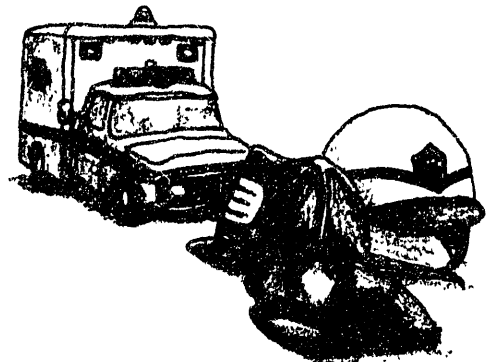
**The Tyler County Tax Appraisal District**, Board of Directors, will meet at 1004 West Bluff, Woodville, on March 2, 1982, at 7 p.m. Information may be obtained from Leslie J. Silva, P.O. Drawer 9, Woodville, Texas 75979, (713) 283-3736.

TRD-821654

**Meetings Filed February 23**

**The Edwards Underground Water District**, Executive Committee, will meet at 1200 Tower Life Building, San Antonio, on March 4, 1982, at 10 a.m. Information may be obtained from Thomas P. Fox, 1200 Tower Life Building, San Antonio, Texas 78205, (512) 222-2204.

TRD-821692



The Register is required by statute to publish applications to purchase control of state banks (filed by the banking commissioner); notices of rate ceilings (filed by the consumer credit commissioner); changes in interest rate and applications to install remote service units (filed by Texas Savings and Loan commissioner); and consultant proposal requests and awards (filed by state agencies, regional councils of government, and the Texas State Library and Archives Commission).

In order to aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows. This often includes applications for construction permits (filed by the Texas Air Control Board); applications for amendment, declaratory ruling, and notices of intent (filed by the Texas Health Facilities Commission); applications for waste disposal permits (filed by the Texas Water Commission); and notices of public hearing.

# In Addition

## Texas Commission on Alcoholism Request for Proposals

The Texas Commission on Alcoholism (TCA), under the authority of Texas Civil Statutes, Article 5561C, §18, is soliciting proposals for community-based projects in Texas that will provide intervention services. Public or private nonprofit organizations, institutions, or agencies may apply.

A total of \$200,000 is designated for screening and referral services for patients in hospitals, public health departments, or other medical settings. A total of \$104,000 is designated for family education programs to serve family members of problem drinkers. A total of \$100,000 is designated for case-finding services for special populations, which include women, minority ethnic groups, and youth.

Approved projects will be funded for the period July 1, 1982, through June 30, 1983, or a maximum amount of \$50,000 per project. Contractor cash match will be required at a minimum of 5.0% of the TCA amount requested.

The deadline for proposal submission is 5 p.m. on April 16, 1982.

To obtain a packet or more information, contact the Regional Alcoholism Services director serving your region:

Sue Smith, RASD  
Region 7

P.O. Box 3195  
Abilene, Texas 79604  
(915) 672-8544

Wayne Hughes, RASD  
Region 1  
Box 9257

Amarillo, Texas 79105  
(806) 372-3381

Kathy Morgan, RASD  
Region 4

P.O. Drawer COG  
Arlington, Texas 76011  
(817) 640-3300

Manuel Fernandez, RASD  
Region 12  
2520 IH 35 South, Suite 100  
Austin, Texas 78704  
(512) 443-7653

Anne Thomas, RASD  
Region 13  
P.O. Drawer 4128  
Bryan, Texas 77801  
(713) 822-7421

Ramon Johnston, RASD  
Region 24  
P.O. Box 702  
Carrizo Springs, Texas 78834  
(512) 876-3533

Cora Graham, RASD  
Region 20  
P.O. Box 9909  
Corpus Christi, Texas 78408  
(512) 883-5743

Bobbie Newsom, RASD  
Region 22  
10,000 Grayson Drive  
Denison, Texas 75020  
(214) 786-2955

Tayomi Adeogba, RASD  
Region 8  
303 North Oregon, 700  
El Paso, Texas 79901  
(915) 532-2910

Virginia Young, RASD  
Region 16  
P.O. Box 22777  
Houston, Texas 77027  
(713) 627-3200

Julie Saldana, RASD  
Region 19  
Box 2187  
Laredo, Texas 78041  
(512) 722-3995

Terry Hockenberry, RASD  
Region 6  
1101 East Birdsong

Longview, Texas 75602  
(214) 753-7633

Arlene Miller, RASD  
Region 2  
1709 26th Street  
Lubbock, Texas 79411  
(806) 762-8721

Susan McElroy, RASD  
Region 21  
First National Bank Building, 207  
McAllen, Texas 78501  
(512) 682-3481

Cathy Clayton, RASD  
Region 9  
P.O. Box 6391  
Midland, Texas 79701  
(915) 563-1061

Michael Mohr, RASD  
Region 14  
P.O. Box 661  
Nacogdoches, Texas 75961  
(713) 569-0492

Jane Fones, RASD  
Region 15  
P.O. Drawer 1387  
Nederland, Texas 77627  
(713) 727-2384

Gayle Arnn, RASD  
Region 10  
5002 Knickerbocker  
San Angelo, Texas 76901  
(915) 944-9666

Martha Reyes, RASD  
Region 18  
400 Three Americas Building  
San Antonio, Texas 78205  
(512) 225-2501

Don Norman, RASD  
Region 23  
P.O. Box 203  
Temple, Texas 76501  
(817) 773-3722

John Davidson, RASD  
Region 5  
P.O. Box 5307  
Texarkana, Texas 75501  
(501) 774-3481

Joe Atkinson, RASD  
Region 17  
P.O. Box 2028  
Victoria, Texas 77901  
(512) 578-1587

K. Paul Holt, RASD  
Region 11  
320 Franklin Avenue  
Waco, Texas 76701  
(817) 756-6631

Marie Tinlin, RASD  
Region 3  
2101 Kemp Boulevard

Wichita Falls, Texas 76309  
(817) 322-5281

Issued in Austin, Texas, on February 18, 1982.

TRD-821576      Ross Newby  
Executive Director  
Texas Commission on  
Alcoholism

Filed: February 18, 1982, 11:09 a.m.  
For further information, please call (512) 475-2577.

## Comptroller of Public Accounts Administrative Decision 10,474 (Sales Tax)

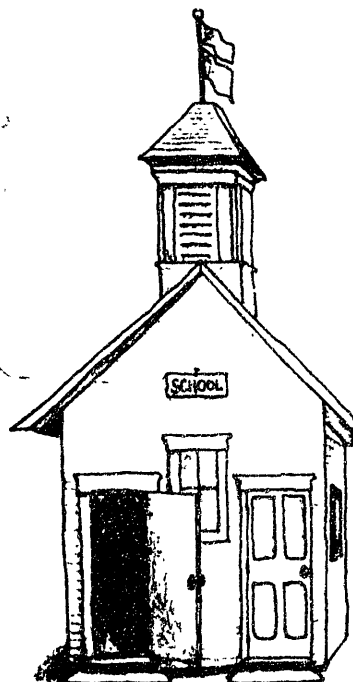
For copies of the following opinion selected and summarized by the administrative law judges, contact the administrative law judges, P. O. Box 13528, Austin, Texas 78711. Copies will be furnished without charge and edited to comply with confidentiality statutes.

**Summary of Decision.** The obligation upon an out-of-state seller to collect any use tax which may be due from the purchaser is triggered once that seller is engaged in business in this state. Texas Taxation-General Annotated, Article 20.031 (Vernon 1969). A seller is not relieved of this responsibility by failure to obtain a certificate of registration and authorization to collect the Texas use tax, nor may a seller contract away or avoid its duty to collect the tax from purchasers and thereby force the state to look only to the purchaser to receive its taxes. National Geographic v. California Equalization Board, 430 U.S. 551, 555 (1977).

Issued in Austin, Texas, on February 19, 1982.

TRD-821657      Bob Bullock  
Comptroller of Public Accounts

Filed: February 22, 1982, 9:51 a.m.  
For further information, please call (512) 475-1938.



**Office of Consumer Credit  
Commissioner  
Rate Ceilings**

Pursuant to the provisions of House Bill 1228, 67th Legislature of Texas, 1981, the consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the form class and methods described in Texas Civil Statutes, Article 1.04, Title 79, as amended Texas Civil Statutes, Article 5069-1.04.

Effective Period(1)	Type of Transaction	
	Commercial(3) Consumer(2)/thru \$250,000	Commercial(4) over \$250,000
<b>Indicated Rate</b>		
<b>Weekly Rate Ceiling</b>		
03/01/82-03/07/82	24%	25.50%
<b>Monthly Rate Ceiling</b> (Variable Commercial Only)		
03/01/82-03/31/82	24%	27.44%
<b>Quarterly Rate Ceiling</b>		
01/01/82-03/31/82	24%	26.37%
<b>Annual(5) Rate Ceiling</b>		
01/01/82-03/31/82	24%	28%

- (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 February 22, 1982.

TRD-821656 Sam Kelly  
Consumer Credit Commissioner

Filed: February 22, 1982, 9:25 a.m.  
For further information, please call (512) 475-2111.

**Texas Department of Health  
License Amendment**

Notice is hereby given that License 9-3024 issued to Tenneco Uranium, Inc. for the West Cole Project located 1.5 miles north of Bruni, Webb County, has been amended to the following.

Change the address of the licensee to 5262 South Staples, Suite 300, Corpus Christi, Texas 78411. Authorize mining operations in Well Field II subject to the posting of additional financial security for the decontamination, decommissioning, restoration, and reclamation of Well Field II following mining operations.

This notice affords the opportunity for a public hearing upon the written request, within 30 days, by an affected person, as required by Texas Civil Statutes, Article 4590(f), §11, as amended.

Additional information may be obtained from David K.

Lacker, chief, Bureau of Radiation Control, 1100 West 49th Street, Austin, Texas 78756.

Issued in Austin, Texas, on February 11, 1982.

TRD-821529 Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed: February 17, 1982, 11:48 a.m.  
For further information, please call (512) 458-7236.

**Office of the Secretary of State  
Correction of Error**

An adoption submitted by the Office of the Secretary of State contained errors as published in the February 19, 1982, issue of the *Texas Register*. A corrected version of §91.26 and §91.27 as adopted appears in its entirety below.

**§91.26. Procedure for Filing Proposals.**

(a) Thirty days' notice. Prior to the adoption of a proposal, an agency shall give at least 30 days' notice of its intended action.

(b) Adoption by reference. The Texas Register Division of the Office of the Secretary of State adopts by reference the proposed preamble form which shall be used when submitting proposals. Copies of this form may be obtained from the Office of the Secretary of State, Texas Register Division, P.O. Box 13824, Capitol Station, Austin, Texas 78711-3824.

(c) Exceptions. If the proposed preamble form does not suit the needs of the agency by not allowing for adequate space and/or not addressing specifics that would only apply to the particular agency, the agency may design its own form. The agency must ensure that all of the information listed in paragraphs (1)-(5) of this subsection is included in the following order.

(1) Introduction. A statement in layman's terms explaining the agency's purpose for the proposal.

(2) Fiscal note. A fiscal note containing one of the following.

(A) A listing of the fiscal implications for enforcing or administering the rule as proposed for each year of the first five years it is in effect. The listing should include:

(i) The name and title of the individual responsible for preparing or approving the fiscal note.

(ii) The effect on state government:

- (I) estimated additional costs;
- (II) estimated reduction in costs; and
- (III) estimated loss or increase in revenue.

(iii) The effect on local government:

- (I) estimated additional costs;
- (II) estimated reduction in costs; and
- (III) estimated loss or increase in revenue;

or

(B) A statement from the person approving or preparing the proposal, stating the name and title of the individual and that there will be no fiscal implications to the state or local government.

(3) Public benefit/cost note. A public benefit/cost note containing the following:

(A) The name and title of the individual responsible for preparing or approving it.

(B) The public benefits to be anticipated for each year of the first five years the rule will be in effect. If no dollar amount can be determined then this may be set out in narrative form.

(C) The possible economic cost to persons who are required to comply with the rule. This should include the specific areas that apply to the agency in which this proposal will have an effect for each year of the first five years the rule will be in effect.

(4) Request for public comment. The request for public comment should contain the name, address, and/or telephone number of the contact person to which an interested individual or party may submit comments.

(5) Statutory requirements. A statement containing the statute (article and section) or other authority under which the proposal is submitted. The agency must also explain how it interprets the provisions as authorizing or requiring the rule as proposed.

(d) Text. The text of the proposal shall be formatted according to the provisions set forth in §91.53 of this title (relating to Format for Emergency and Proposed Repeal Action) and §91.56 of this title (relating to Typography).

(e) Certification. Following the text of the rule, the agency must provide a certification as set out in §91.58 of this title (relating to Certification).

(f) Proposed effective date. In calculating the proposed date of adoption, "day one" of the 30-day period begins on the day after the date of publication in the *Register* and continues for 30 full calendar days before the day the rule may be submitted for adoption. Therefore, the earliest date the rule may be submitted for adoption is the 31st day after publication of the proposal.

#### §91.27. Procedure for Filing Adoptions.

(a) Thirty days' notice. Under normal rulemaking procedures at least 30 days must elapse between the publication of the proposal in the *Register* and filing of the adoption.

(b) Adoption by reference. The Texas Register Division of the Office of the Secretary of State adopts by reference the adoption preamble form which shall be used when submitting adoptions. Copies of this form may be obtained from the Office of the Secretary of State, Texas Register Division, P.O. Box 13824, Capitol Station, Austin, TX 78711-3824.

(c) Exceptions. If the adoption preamble form does not suit the needs of the agency by not allowing for adequate space and/or not addressing specifics that would only apply to the particular agency, the agency may design its own form. The agency must ensure that all of the information listed in paragraphs (1)-(7) of this subsection is included in the following order:

(1) the board, agency, or commission issuing the adoption, TAC section and/or *Texas Register* rule code number; whether the adoption is with or without changes to the proposed text; date of the issue in which the proposal was published; and the *Texas Register* citation;

(2) reasoned justification of the rule;

(3) restatement of factual bases (i.e., how the rule will function);

(4) summary of comments received regarding proposal, or a statement that no comments were received (if no comments were received, omit paragraphs (5) and (6) of this subsection;

(5) list of groups or associations for and against the rule;

(6) reasons why the agency disagrees with comments; and

(7) a statement containing statute (article and section) or other authority explaining agency's interpretation of the provisions of this particular authority, and how it authorizes or requires the rule.

(d) Text. The document must contain the text of the rule being submitted for adoption. The text shall be formatted according to the provisions set forth in §91.54 of this title (relating to Format for Final Repeal Action) and §91.55 of this title (relating to Format for Adopted Text).

(e) Certification. Following the text of the rule, the agency must provide a certification as set out in §91.58 of this title (relating to Certification).

(f) Effective date of adoption. The adoption shall take effect 20 full calendar days after filing of the notice of final action with the Texas Register Division unless a later date is specified. In calculating the effective date, "day one" shall be the first calendar day after filing, therefore, the earliest date the rule or section may become effective is the 21st calendar day after filing.

### Texas Register Division Schedule Variation

In observance of Texas Independence Day on March 2, the deadline schedules for the March 5 issue of the *Texas Register* have been changed. As previously published, deadlines for submission of documents are 10 a.m. Friday, February 26 (all documents except notices of open meetings), and 10 a.m. Monday, March 1 (open meeting notices). However, the division's office will be open on March 2 to accept documents and to answer any questions. The regular publication schedule resumes with the March 9 issue.

