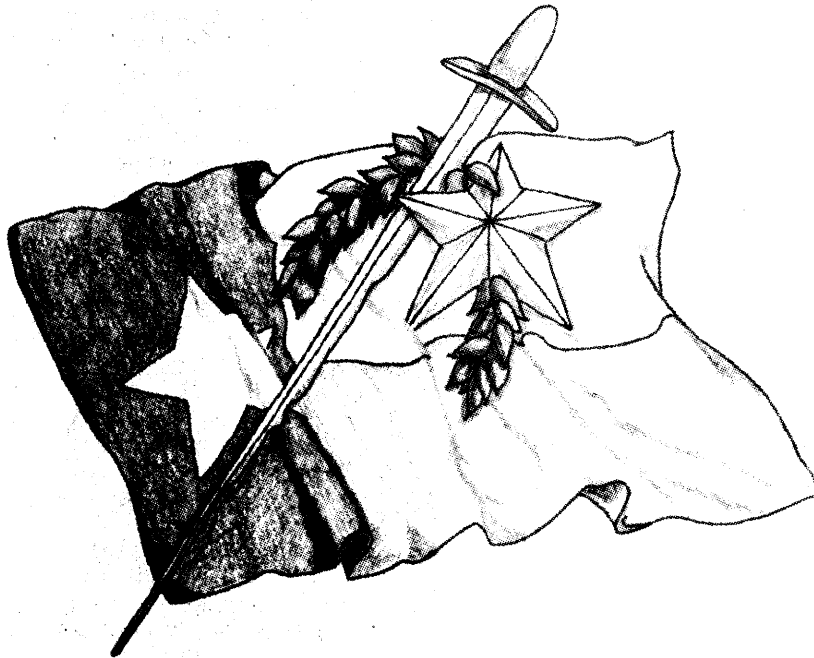


Texas Register

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Highlights

- ★ The Texas State Board of Public Accountancy proposes and adopts amendments to sections concerning continuing education pages 3203 and 3209
- ★ The Texas Water Development Board adopts amendments to sections concerning industrial solid waste page 3213
- ★ Also included in this issue as public information is a press release from the Texas Department of Public Safety regarding traffic safety over the Labor Day weekend page 3230

How To Use the Texas Register

Texas Register

The *Texas Register* (ISSN 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 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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POSTMASTER: Please send Form 3579 changes to the Texas Register Division, P.O. Box 13824, Austin, Texas 78711-3824.

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

- Governor—appointments, executive orders, and proclamations
- Secretary of State—summaries of opinions based on election laws
- 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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register Division six months after proposal publication date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 "6 TexReg 2" (issue date) while on the opposite page, in the lower right hand corner, page 3 is written "6 TexReg 3" (issue date).

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

Latest Texas Code Reporter
(Master Transmittal Sheet): No. 8, February 1982

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The Secretary of State

Under provisions of the Texas Election Code (Article 1.03), the secretary of state, as chief elections officer, is responsible for maintaining uniformity in the application, operation, and interpretation of the election laws, and for advising the state's election officers in this regard. In carrying out this responsibility, the secretary of state is authorized to issue opinions based on the election laws.

These opinions are summarized for publication in the *Register*.

Questions on particular submissions should be addressed to the Office of the Secretary of State, Elections Division, P. O. Box 12887, Austin, Texas 78711, 1 (800) 252-9602 or (512) 475-3091.



Opinion Issued August 20

Election Law Opinion DAD-54. Request from Brad Wright, state representative, Houston, concerning the law regarding a political contribution to a candidate from a specific purpose committee for another candidate.

Summary. A specific purpose political committee for a candidate may make a contribution to another candidate. The committee must make the appropriate disclosures and file the reports required by Chapter 14 of the code.

TRD-826762

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

Requests for opinions, opinions, and open record decisions are summarized for publication in the *Register*.

Questions on particular submissions, or requests for copies of opinion requests should be addressed to Susan L. Garrison, Opinion Committee chairwoman, Office of the Attorney General, Supreme Court Building, Austin, Texas 78711, (512) 475-5445. Published opinions and open records decisions may be obtained by addressing a letter to the file room, fourth floor, P.O. Box 12548, Austin, Texas 78711-2548, or by telephoning (512) 475-3744. A single opinion is free; additional opinions are \$1.00 a copy.

The Attorney General

Requests for Opinions

RQ-908. Request from Wade Adkins, city attorney, Fort Worth, concerning whether birth and death records held by the local registrar are excepted from public disclosure by the Open Records Act, §3(a)(15).

TRD-826750

RQ-909. Request from Henry Wade, Dallas district attorney, Dallas, concerning whether Dallas County may use repurchase agreements as an alternative for short time investment of county funds.

TRD-826751

RQ-910. Request from Henry Wade, criminal district attorney, Dallas, concerning whether two misdemeanor sentences pronounced against a defendant on the same day, one committing the defendant for nonpayment of fine and costs, the other to serve a jail term, run concurrently or consecutively; and whether a jail sentence of 72 hours may be treated like a sentence of three days.

TRD-826752

RQ-911. Request from Tim Curry, district attorney, Tarrant County Courthouse, Fort Worth, concerning whether a contract for the services of a "construction manager" is excepted from the competitive bidding requirement of Texas Civil Statutes, Article 2368a, as a contract for professional services under Texas Civil Statutes, Article 664-4, or any other exception.

TRD-826753

RQ-912. Request from Harvey Davis, executive director, Texas Department of Water Resources, Austin, concerning whether an investigative report on ground-water contamination held by the Texas Department of Water Resources is excepted from public disclosure by the Open Records Act, §3(a)(13).

TRD-826754

RQ-913. Request from Tom Hanna, of Mehaffy, Weber, Keith and Gonsoulin, Beaumont, concerning the following:

(1) Is the confidential information created by the Property Tax Code, §22.27, excepted from the provisions of the Open Records Act, §3(a)(1)?

(2) Are the Multiple Listing Service records obtained voluntarily by the chief appraiser based on his promise that it would be held confidential, and the computer generated schedules and graphs derived from this information, confidential information as defined in the Property Tax Code, §22.27?

(3) How is the "statistical purposes" exception to the confidential information section of the Property Tax Code to be construed? In other words, that exception states that the confidential information may be disclosed "for statistical purposes..." Does this mean that the appraisal district may disclose this information for its own statistical purposes, or for the statistical purposes of anyone who requests the information?

(4) If the answer to question three is that the information may be disclosed to

anyone for statistical purposes in a form that does not identify specific property or a specific property owner, does any of the information submitted herewith fall within that definition? It is the appraisal district's position that the only information which may meet this definition is the following: (1) the last line on the last page of Exhibit "D" showing the total of the sales prices, the total of the valuations, and the percentage; (2) the last page of Exhibit "E" showing a recap of the information in that schedule, which recap does not identify a specific property owner, or a specific sales price; (3) all of the information shown on Exhibit "F."

(5) Would the confidential information exception apply to information received before the effective date of the Property Tax Code, §22.27, if the request for such information was made after the effective date of §22.27? It is our contention that §22.27 and its criminal penalties apply to disclosure and there was no legislative exception provided for information received prior to the effective date. If the legislature had intended to provide such an exception, they could have and would have so stated.

TRD-826755

RQ-914. Request from Joy Fitzgerald, acting administrator, Housing Authority of the City of Houston, concerning whether letters sent by contractor to housing authority are excepted from public disclosure by the Open Records Act, §3(a)(3).

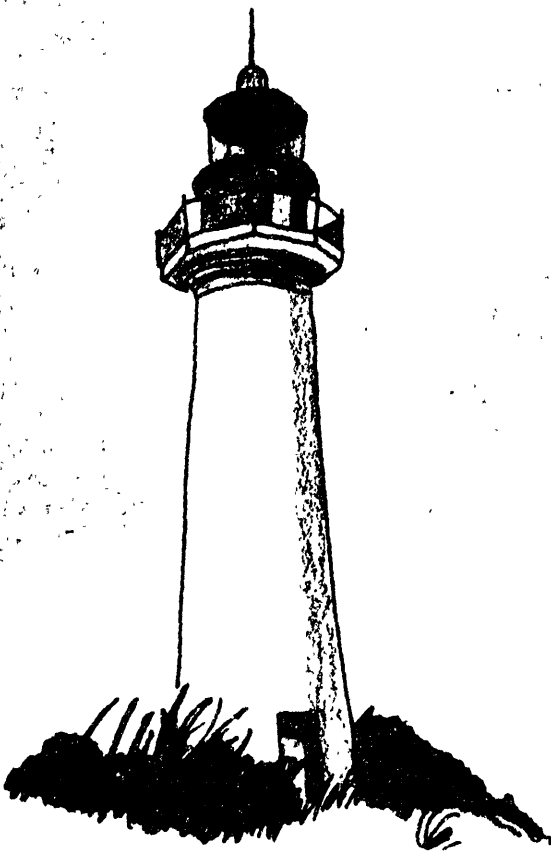
TRD-826756

Emergency Rules

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

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.

Symbolology 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 I. Railroad Commission of Texas

Chapter 5. Transportation Division Subchapter Z. Emergency Authority

16 TAC §5.581

The Railroad Commission of Texas is renewing the effectiveness of the emergency adoption of new §5.581 (051.03.40.001), for a 60-day period, effective August 31, 1982. The text of the new rule, as adopted on an emergency basis, was published in the May 11, 1982, issue of the *Texas Register* (7 TexReg 1806).

Issued in Austin, Texas, on August 26, 1982.

TRD-826772

Jim Nugent, Chairman
Mack Wallace and Buddy
Temple, Commissioners
Railroad Commission of Texas

Effective date: August 31, 1982

Expiration date: October 30, 1982

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

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 number 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 22. EXAMINING BOARDS

Part XXII. Texas State Board of Public Accountancy

Chapter 501. Professional Conduct General Provisions

22 TAC §501.3

The Texas State Board of Public Accountancy proposes an amendment to §501.3, concerning applicability. This amendment is proposed in order to enforce the continuing education reporting requirements for licensees not in public practice found in proposed §501.25 of this title (relating to Mandatory Continuing Education).

Bob F. Bradley, 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.

Mr. Bradley has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be to enable the board to monitor and enforce compliance by licensees not in public

practice with mandatory continuing education reporting requirements.

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

Comments on the proposal may be submitted in writing to Thomas R. Thompson, Legal Counsel, 3301 Northland, Suite 500, Austin, Texas, 78731-4990.

The amendment 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 of professional conduct in order to establish and maintain high standards of competency. Section 6 also authorizes the board to adopt a system of required annual continuing education for licensees.

§501.3. Applicability. All of the rules of professional conduct shall apply to and be observed by licensees engaged in the practice of public accountancy. Notwithstanding anything herein to the contrary, only §501.11 of this title (relating to Independence), §501.12 of this title (relating to Integrity and Objectivity), **§501.25 of this title (relating to Mandatory Continuing Education)**, §501.31 of this title (relating to Confidential Client Information), §501.41 of this title (relating to Discreditable Acts), §501.42 of this title (relating to Acting through Others), and §501.48 of this title (relating

to Responses), shall apply to and be required to be observed by licensees not in public practice.

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

Issued in Austin, Texas, on August 25, 1982.

TRD-826797 Bob E. Bradley
Executive Director
Texas State Board of Public
Accountancy

Proposed date of adoption: October 4, 1982
For further information, please call (512) 451-0241.

Professional Standards

22 TAC §501.25

The Texas State Board of Public Accountancy proposes new §501.25, concerning mandatory continuing education. This new section is proposed in order to enforce the provisions of Chapter 523, relating to mandatory continuing education which requires reporting of CE credit hours as a condition of a 1983 license to practice public accounting and, for those in public practice, attendance at a minimum of hours as a condition for a 1985 or later license.

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 anticipated effect on state government will be an estimated additional cost to the board of \$25,800 in 1982; \$29,600 in 1983; \$32,100 in 1984; \$33,600 in 1985; and \$35,100 in 1986. The estimated increase in revenue to colleges and universities will be \$100,000 for each year of 1982-1986. There is no anticipated 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 benefit anticipated as a result of enforcing the rule as proposed will be to enable the board to take disciplinary action against licensees who fail to comply with continuing education reporting and attendance requirements in order to assure that licensees remain informed of changes in the field of accountancy.

The anticipated economic cost to individuals who are required to comply with the rule as proposed will be: to certified public accountants an estimated \$3,219,000 in 1984, \$7,330,000 in 1985, and \$8,171,000 in 1986; to public accountants an estimated \$116,000 in 1984, \$184,000 in 1985, and \$174,000 in 1986; and to Section 14 licensees an estimated \$8,000 in 1984, \$16,000 in 1985, and \$11,000 in 1986. These cost estimates are for course cost only, based on \$15 per continuing education credit hour, and do not include lost work time, travel expense, or inflation.

Comments on the proposal may be submitted in writing to Thomas R. Thompson, Legal Counsel, 3301 Northland, Suite 500, Austin, Texas 78731-4990.

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 of professional conduct in order to establish and maintain high standards of competency. Section 6 also authorizes the board to adopt a system of required annual continuing education for licensees.

§501.25. *Mandatory Continuing Education.*

(a) A licensee engaged in the practice of public accountancy shall comply with §523.62 of this title (relating to Mandatory Continuing Education Reporting) and §524.63 of this title (relating to Mandatory Continuing Education Attendance).

(b) A licensee not engaged in public practice shall comply with §523.62 of this title (relating to Mandatory Continuing Education Reporting).

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

Issued in Austin, Texas, on August 25, 1982.

TRD-826798 Bob E. Bradley
Executive Director
Texas State Board of Public
Accountancy

Proposed date of adoption: October 4, 1982
For further information, please call (512) 451-0241.

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

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 under which the rule was adopted.

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.

Adopted Rules

TITLE 1. ADMINISTRATION Part V. State Purchasing and General Services Commission Chapter 111. Executive Administration Division Administration

1 TAC §§111.2-111.4

The State Purchasing and General Services Commission adopts new §§111.2-111.4, with changes to the proposed text published in the June 25, 1982, issue of the *Texas Register* (7 TexReg 2428).

These new rules are needed to formalize procedure for the conduct of commission meetings, and for the hearing of appeals and the resolution of disputes. There is also a new rule providing a needed statement on ethical standards for all commission officers and employees. Changes involved deleting the definition of "substantial interest," §111.4(c), and changing the definition of "financial interest" to account for this change. In addition a statement from our policy manual was added to §111.4(e) relating to disclosure of financial interests. The new rules will formalize certain aspects of commission meetings such as agenda development, presentation of appeals, and resolution of disputes. The rule on ethical standards will affect all commission employees, as well as employees of other agencies exercising purchasing functions delegated by the commission.

No comments from parties outside the commission were received, but the commission staff recommended changes which were adopted by the commissioners.

The new sections are adopted pursuant to Texas Civil Statutes, Article 601b, Article 2, and Texas Civil Statutes, Article 601b, §3.19, which authorize the commission to hold meetings, make decisions, hire an executive director, etc., and to provide for ethical standards and establish criteria for determining a breach of such standards.

§111.2. *Commission Meetings.*

(a) Regular meetings of the three-member commission shall be held at least monthly on a date set by the commissioners. The chairman may call for meetings of the commission at other times.

(b) Matters to be considered by the commissioners at these meetings shall be set out in the agenda and proper notice given as required by law.

(c) The executive director shall prepare the agenda and see to its publication in the *Texas Register*.

(1) Emergency additions may not be included on the agenda for a particular meeting unless the executive director secures the approval of the chairman to add them.

(2) To facilitate preparation of the agenda, all matters to be considered for action or discussion by the commission should be presented to the executive director at least 10 days in advance of the commission meeting where the matter is to be considered.

(d) All decisions on agenda items shall be by majority vote of the commissioners present and shall be set out in the formal minutes of the meeting when they were made.

§111.3. *Hearing Appeals/Resolving Disputes.*

(a) Except as provided in subsection (e) of this section, the commissioners will resolve all disputes arising in the following cases:

(1) where the staff has not been able to achieve

agreement between a user agency and a vendor;

(2) where a user agency disagrees with a staff decision;

(3) where there is disagreement between the staff and a vendor; and

(4) where the staff and a using agency and/or a vendor jointly seek the commissioner's determination that a purchasing request is in compliance with the law.

(b) Appeals to the commissioners in any of the matters referred to in subsection (a) of this section shall be presented by the appealing party in writing to the executive director not less than 10 days prior to the commission meeting where the matter will be heard, and notice of the appeal given to the other bidders, the using agency, and other known interested parties. Four copies of the written appeal shall be submitted and shall include at least the following:

(1) a precise statement of the relevant facts;

(2) the issue, or issues, to be resolved;

(3) the decision of the staff, if any, on the stated issues; and

(4) any argument and authorities supporting the appeal.

(c) The staff will present a written response to the appeal within five working days following receipt of the notice of appeal described in subsection (b) of this section. Copies of this response will be sent to the commissioners, the party appealing, the using agency, and any other interested parties.

(d) A duly adopted resolution by the commissioners deciding the appeal shall be set out in the minutes of the meeting and shall be the final administrative action to be taken in the matter in so far as the appeal is concerned.

(e) In the event an appeal as described in the previous subsections in this rule is not filed at least 10 days prior to the commission meeting, and the chairman, after receiving notice of an appeal, does not approve placement of the appeal on the agenda as an emergency matter, the party appealing may be considered to have exhausted all administrative remedies available and may cite this rule for that purpose.

§113.4. Breach of Ethical Standards.

(a) A breach of ethical standards enumerated in subsection (b) of this section shall bar the offending person from receiving a contract which may have been awarded to such person except for the breach. If a contract has already been awarded to the person found guilty of a breach of ethical standards, the commission may decide to cancel the contract, or, where applicable remove the person from commission bidders lists in accord with §113.4 of this title (relating to Bid List; Conditions Applicable to Both Open Market and Contract). An employee who breaches ethical standards as set out in this rule may be either reprimanded, suspended, or dismissed.

(b) A breach of ethical standards may occur in any of the following cases:

(1) conflict of interest (subsection (d) of this section);

(2) failure to disclose financial interests (subsection (e) of this section);

(3) gratuities and kickbacks (subsection (f) of this section);

(4) contingent fees (subsection (g) of this section);

(5) restrictions on employment of commission employees (subsection (h) of this section);

(6) contemporaneous employment prohibited (subsection (i) of this section);

(7) use of confidential information (subsection (j) of this section).

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

(1) Confidential information—Information which is available only because of one's status as a state employee.

(2) Direct or indirect participation—Involvement through decision, approval, disapproval, recommendations, preparation of any contract, or of any part of a procurement process, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity.

(3) Employee—Shall broadly include members, officers, and employees of the commission, as well as members, officers, and employees of other state agencies acting pursuant to delegated authority from the commission, or in connection with any matter involving that agency with the commission.

(4) Financial interest—Shall refer either to a personal receipt, or right to receive, money or other valuable property or benefits under the actual or proposed contract; the holding of a position in a business such as an officer, director, trustee, partner, employee, or the like, or holding any position of management; or the ownership of substantial stock, or other interest in a business. Substantial in this context shall not include token ownership or ownership which would not normally be able to influence the decisions of the business.

(5) Immediate family—Shall include spouses, parents, brothers and sisters, and sons and daughters of the employee.

(6) Person—An individual or a business entity.

(d) Conflict of interest.

(1) It shall be a breach of ethical standards for any employee to participate directly or indirectly in the procurement of any commission contract when the employee knows that:

(A) the employee or any member of the employee's immediate family has a financial interest pertaining to the procurement;

(B) the employee or any member of the employee's immediate family has a financial interest in a business or organization submitting a bid for that contract;

(C) any other person with whom the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

(2) Employee participation in blind trusts, or retirement programs of business entities, submitting bids to the commission shall not be a breach of ethical standards provided disclosure of such participation is made to the commission, and no other conflict is shown.

(e) Failure to disclose financial interests in business entities.

(1) It shall be a breach of ethical standards for an employee to fail to report a financial interest in a procurement, or in a business entity submitting a bid in response to a procurement.

(2) Upon discovery of an actual or potential conflict of interest due to a financial interest in a business entity submitting a bid in response to a procurement, an employee shall promptly file a written statement of disqualification and shall withdraw from further participation in the transaction. The employee may, at the same time, apply to the executive director of the commission for an advisory opinion as to what further participation, if any, the employee may have in the transaction.

(f) Gratuities and kickbacks.

(1) Gratuities. It shall be a breach of ethical standards for any person to offer, give, or agree to give any employee, or for any employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal therefor.

(2) Kickbacks. It shall be a breach of ethical standards for any payment, gratuity, or offer of employment to be made to an employee by or on behalf of a contractor or subcontractor in connection with the award of a contract.

(g) Prohibition against contingent fees.

(1) Contingent fees. It shall be a breach of ethical standards for a person to be retained, or to retain a person, to solicit or secure a contract from the commission upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purposes of securing business.

(2) Representation of contractor. Every person, before being awarded a contract by the commission, shall represent, in writing, that such person has not retained anyone in violation of paragraph (1) of this subsection. Failure to do so is a breach of ethical standards.

(h) Restrictions on recruitment of employees.

(1) No person shall offer an employee of the commission, or of an agency exercising delegated authority from the commission, employment with the offeror, if that employee is involved significantly in the handling of a procurement in which the offeror is interested.

(2) A former employee may not appear before the commission on behalf of any person having business before the commission, if the former employee is paid for such appearance, and the appearance involves a specific transaction the former employee was significantly involved with while an employee. Other than such a situation there are no restrictions on former employees in making appearances before the commission.

(3) It shall be a breach of ethical standards for a business in which an employee has a financial interest knowingly to act as a principal, or as an agent for anyone other than the State of Texas, in connection with any:

(A) judicial or other proceeding, application, request for a ruling, or other determination;

(B) contract;

(C) claim; or

(D) charge or controversy in which the employee either participates personally and substantially through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which is the subject of the employee's official responsibility, where the State of Texas is a party or has a direct and substantial interest.

(i) Contemporaneous employment prohibited. It shall be a breach of ethical standards for any employee who is participating directly or indirectly in the procurement or contracting process to become or be, while such an employee, the employee of any person contracting with the State of Texas.

(j) Use of confidential information. It shall be a breach of ethical standards for any employee knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.

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

Issued in Austin, Texas, on August 26, 1982.

TRD-826757

Homer A. Foerster
Executive Director
State Purchasing and General
Services Commission

Effective date: September 16, 1982

Proposal publication date: June 25, 1982

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

Chapter 113. Central Purchasing Division Purchasing

1 TAC §§113.1-113.3, 113.6, 113.7, 113.10

The State Purchasing and General Services Commission adopts amendments to §§113.1-113.3, 113.6, 113.7, and 113.10, without changes to the proposed text published in the June 25, 1982, issue of the *Texas Register* (7 TexReg 2430).

These amendments to the purchasing rules were generated in part by commission policy statements and a need to address issues raised by application of controlling statutes. Purchasing definitions are clarified, requisition processing criteria are restated, negotiation of purchasing contracts is permitted in certain circumstances, vendor's liability in damages for failure to perform in accord with contract is restated, and a more definitive statement for delegated purchases is given.

No comments were received regarding the adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 601b, Article 3, which authorizes the commission to establish and operate a centralized purchasing system. These amendments to existing rules are in accord with that system.

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

Issued in Austin, Texas, on August 26, 1982.

TRD-826758 Homer A. Foerster
Executive Director
State Purchasing and General
Services Commission

Effective date: September 16, 1982
Proposal publication date: June 25, 1982
For further information, please call (512) 475-5966.

**TITLE 16. ECONOMIC
REGULATION
Part I. Railroad Commission of
Texas
Chapter 5. Transportation Division
Subchapter U. General and Special Rules
of Practice and Procedure**

16 TAC §5.431

The Railroad Commission of Texas adopts amendments to §5.431 (051.03.50.031), with changes to the proposed text published in the June 8, 1982, issue of the *Texas Register* (7 TexReg 2182).

The rule will result in a more equitable distribution of transcript costs in protested proceedings before the Transportation Division. By adopting this amendment with changes, the cost of an original transcript taken by a commercial reporter will be assessed equally among all parties in an authority proceeding, ½ to the applicant and ½ divided equally among all other parties in a rate proceeding, and entirely to the applicant in certain other proceedings.

Written comments were received from two affiliated railway companies, the Southern Pacific Transportation Company and the St. Louis Southwestern Railway Company. The comments received were as follows.

- (1) The cost/benefits ratio of the proposed amendments do not justify adoption.
- (2) No party to a contested case has objected to the existing rule.
- (3) Additional financial burdens should not be placed on railroads simply because they are applicants in most proceedings. The role of "applicant" is forced upon the railroads by the statutory scheme of regulation in this state.
- (4) The statement that the disadvantage to a carrier in one proceeding will be offset by benefits to the carrier in another proceeding is speculative.

(5) All parties to proceedings before the commission should be required to share equally in the payment of transcript cost.

Those making comments in opposition to the amendments were Southern Pacific Transportation Company and St. Louis Southwestern Railway Company. No written comments in opposition to the proposed amendments were received from any other members of the public.

The agency disagrees with the foregoing comments in opposition to the proposed amendments for the following reasons.

- (1) The judgment of the commission is that the aggregate benefits of the proposed amendments exceed the cost to individual parties in individual cases.
- (2) No clear inference can be drawn from the absence of formal complaints about the existing rule. If such an inference could be drawn, one might conclude that, with the exception of two railroads, the public is quite satisfied with the proposed amendments also.
- (3) The proposed amendments would not impose additional burdens on railroads. The proposed amendments simply codify the commission's existing practice with regard to certain proceedings in which railroads may be involved.
- (4) The commission's experience in large numbers of proceedings demonstrates that the additional cost experienced by some parties in individual proceedings would be offset by benefits accrued to the same parties in other proceedings.

The amendments are adopted under Texas Civil Statutes, Article 6252-13a, §13(g), which provides the Railroad Commission of Texas with the authority to assess cost of a transcript to one or more parties.

§5.431 (051.03.50.031). Reporters and Transcript.

- (a) Request for transcript. When a party makes a written request that proceedings be transcribed, the party shall state in writing its election to furnish its own stenographic reporter or to utilize the reporter on the staff of the agency, if the agency has a stenographic reporter available at the time of the request.
- (b) Assessment of costs. In the event the agency does not have a stenographic reporter available at the time of the request, or the party elects to furnish a stenographic reporter, the cost of the original transcript shall be assessed:
 - (1) ½ to the party requesting the transcript, and ½ to the other parties equally, if the case is a rate case, or
 - (2) to all parties equally, in cases other than rate cases, except in cases where the commission may determine that the entire cost of the transcript should be assessed to the applicant. Cases where the entire cost of the original transcript will be assessed to the applicant include, but are not limited to, applications for discontinuance of a railroad agency, applications for authority to deviate from the Texas Clearance Law, and proceedings involving the change or discontinuance of a schedule of motor bus service.
- (c) Transcript charge. The cost of the original

transcript shall not exceed \$2.60 per page plus the cost of postage.

(d) Transcript copies for sale.

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

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

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

Issued in Austin, Texas, on August 23, 1982.

TRD-826771 Jim Nugent, Chairman
Mack Wallace and Buddy
Temple, Commissioners
Railroad Commission of Texas

Effective date: September 16, 1982
Proposal publication date: June 8, 1982
For further information, please call (512) 445-1186.

TITLE 22. EXAMINING BOARDS

Part XXII. Texas State Board of Public Accountancy

Chapter 523. Continuing Professional Education

Mandatory Continuing Education Program

22 TAC §§523.61-523.64

The Texas State Board of Public Accountancy adopts §§523.61-523.64, with changes to the proposed text published in the April 9, 1982, issue of the *Texas Register* (7 TexReg 1448) as 22 TAC §§523.61-523.64, 523.81-523.83, 523.101-523.107, 523.121-523.123, 523.131, 523.141, 523.151, 523.161, 523.181-523.187, 523.191-523.193, 523.201, 523.211, 523.221, 523.231, 523.251-523.257, 523.261-523.263, 523.271, 523.281, 523.291, and 523.301.

The proposed sections were renumbered and reorganized to eliminate unnecessary repetition and to simplify the rules. The changes do not subject new parties to regulation; nor do they impose new subjects of regulation. The reorganization is detailed as follows.

Proposed §523.61 (relating to the Establishment of a Continuing Education Program) has been rephrased and assigned a new reference number. Proposed §523.61 is referenced as adopted §523.61(a).

Proposed §523.62 (relating to Licensee's Responsibilities) is rephrased for clarity, adopted by the board, and assigned a new reference number. Proposed §523.62 now appears as §523.61(d).

Proposed §523.63 (relating to Reporting Period) is rephrased for clarity, adopted by the board, and assigned a new reference number. Proposed §523.63 now appears as §523.61(b)(3).

Proposed §523.64 (relating to CE Credit Hours) is adopted with the addition of the phrase "50 minute contact" to define "hour." Rephrased §523.64 is designated §523.61(b)(2).

Proposed §523.81 (relating to CE Reporting as Condition for Receiving a 1983 License) is adopted with changes. Language urging voluntary attainment of 40 hours is deleted. Additionally, the text as modified makes clear that reporting is mandatory for all licensees as a condition for receiving a 1983 or later license. Modified §523.81 is designated as §523.62(a).

The first four sentences of proposed §523.82 are rephrased for clarity, adopted by the board, and designated as §523.62(b). The remaining text of proposed §523.82 is rephrased for clarity, adopted by the board, and designated as §523.64(b).

Proposed §523.83 (relating to Instructions for CE Reporting) is deleted. The matter is addressed in new §523.62(b), which simply states that appropriate instructions shall accompany the license notices.

Proposed §523.101 (relating to CE Attendance and Reporting as a Condition for a 1984 License), §523.181 (relating to CE Attendance and Reporting as a Condition for a 1985 License), and §523.251 (relating to CE Attendance and Reporting as a Condition for a 1986 or Later License) have been consolidated in adopted §523.63(b)(1)-(4). The timetable for implementation of the mandatory attendance requirements for the respective annual licenses is delayed by one year.

Proposed §§523.102, 523.182, and 523.252, concerning the CE Committee are duplicates. The proposed text is amended adding two licensees who are not board members to the CE Committee. Items (1)-(4) are renumbered (2)-(5) and new text relating generally to the implementation of reporting and attendance guidelines is added under (1). The proposed §§523.102, 523.182, and 523.252 as amended and consolidated are adopted as §523.61(c). Sections 523.103, 523.183, and 523.253 (relating to Exemptions) are duplicates. The proposed text is consolidated without changes and is designated as §523.63(f). Sections 523.104, 523.184, and 523.254 (relating to New Issuances) are consolidated and adopted in part as §523.61(a)(2). The schedules proposed are deleted.

Proposed §§523.105, 523.185, and 523.255 (relating to Reinstatements) are duplicates. The proposed text is amended. The term "former licensee" is substituted for the term "ex-licensee." The phrase

"whether or not in public practice" modifies the word "licensee." Item (2) is deleted and a new sentence is added relating to reinstated licensee's compliance with CE requirements. The amended consolidation is adopted and designated as §523.63(c).

Proposed §§523.106, 523.186, and 523.256 (relating to Reciprocity) are deleted. Applicants for reciprocity are included as initial licensees in §523.63(b).

Proposed §§523.107, 523.187, and 523.257 (relating to Section 14 Registrants) are duplicates. The proposed sections are deleted. Section 14 Registrants are included as initial licensees in §523.63(b).

Proposed §§523.121, 523.191, and 523.261 (relating to Deficiency) are duplicates. The proposed text is amended, substituting "obtain" for "earn." The phrase relating to CE hours taken to make up a deficiency is changed to the imperative ("shall" substitute for "may"). The amended consolidation is adopted and designated as §523.63(d).

Proposed §§523.122, 523.192, and 523.262 (relating to Affidavits for Continuing Education Grace Period) are duplicates. The proposed text is amended to read "Form CE-1." The amended consolidation is adopted and incorporated in §523.63(d).

Proposed §§523.123, 523.193, and 523.263 (relating to Mailing to License Renewal Applicants Whose Notice Indicates CE Noncompliance) are duplicates. The proposed text is amended to read "Form CE-2." The amended consolidation is adopted and designated §523.63(e).

Proposed §§523.131, 523.201, and 523.271 (relating to Transfer of Continuing Education Credits) are deleted. Licensees who obtain CE credits in another jurisdiction have the same responsibility as any other licensee under adopted §523.61(d).

Proposed §§523.141, 523.211, and 523.281 (relating to Reporting) are deleted. The substance of the proposed text is incorporated and adopted in §523.62 pertaining to mandatory CE reporting.

Proposed §§523.151, 523.221, and 523.291 duplicate proposals (relating to Audit of Continuing Education Reports) are amended. The first sentence is changed: "shall, as deemed appropriate" is substituted for "may." The amended consolidation is adopted and designated §523.63(c)-(d).

Proposed §§523.161, 523.231, and 523.301 (relating to Continuing Education Exam) are deleted in response to public comments.

The adopted sections designated 523.61-523.64 (relating to Mandatory Continuing Education) are justified by the public interest in ensuring that licensees remain informed of changes in the field of accountancy towards the end that the public will be provided with a high level of competency in professional accounting services. Studies undertaken by the board have indicated that voluntary participation in continuing education is at an unacceptably low level.

The adopted version of §§523.61-523.64 of this title (relating to Mandatory CE), provide for at least two years of mandatory reporting with no minimum number of hours of attendance required. Provided that a majority of board members certify that the board has an adequately staffed and funded CE Division, mandatory attendance for licensees in public practice will be phased in over a three-year period, with the number of required annual hours increasing from 20 to 40. The adopted sections also provide for a 90-day grace period and exemptions from required attendance by reason of retirement, ill health, military duty, and special circumstances.

The following organizations and associations, through their respective representatives, offered comments for the proposed rules concerning CE, some qualified and others unqualified: Earnst & Whinney; Heathman & Heathman; and Peat, Marwick, Mitchell & Company.

The following organizations and associations, through their respective representatives, offered comments against the proposed rules concerning CE: Clark/Gray & Associates; Grace, Gillam & Company, P.C.; Stewart Information Services; Gerhardt & Puckett; Coopers & Lybrand; Brentwood Properties; Haley, Winfrey & Deppe; Texas Society of Certified Public Accountants; Arthur Young & Company; Houston Lighting & Power; Dailas Chapter, TSCPA's; and Arthur Andersen & Company.

The comments received by the board concerning the proposed CE rules from approximately 35 individuals and/or organizations indicated a high level of interest and provided the board with divergent views on the subject of mandatory continuing education. A public hearing was held on May 13, 1982, to allow public comment. Comments voiced both philosophic and economic considerations. Limitations on the scope of the program proposed by the board were suggested. Alternatives to specific provisions, as well as to the concept of CE itself, were also suggested.

Some commentators took the position that the incidence of substandard financial reporting required the adoption of a mandatory CE program, while others argued that the CE program proposed would not alleviate the problem of substandard reporting. It was argued that the public necessity for CE did not justify the cost to licensees which ultimately would be borne by the public through increased fees for services. Other interested parties disagreed with the board's representations as to fiscal implications.

It was the position of some commentators that the board should not adopt mandatory CE just because other state boards of accountancy had done so. The point was made that other professions in Texas did not require CE (i.e., the medical and legal professions). Other participants voiced a basic opposition to governmental regulation and viewed mandatory CE as an unnecessary burden.

A number of individuals questioned the quality and course selection of CE courses currently available. Further, it was argued that mandatory CE would place

a hardship on smaller firms and sole proprietors who have less scheduling flexibility. A reduced number of required CE hours for members of small firms was urged. Several commentators argued that the reporting period selected by the board conflicted with that adopted by private professional organizations, thus subjecting some licensees to additional costs and scheduling burdens. One commentator suggested that administration of a continuing education exam would be unworkable.

Several suggestions to limit the scope of the CE program proposed by the board were offered, as follows.

- (a) limitation to mandatory reporting only to allow time for study;
- (b) limitation to those in public practice; and
- (c) exemption for CPA's in retired status.

Alternatives suggested as to specific provisions, and to the CE program in general, included the following:

- (a) adoption of curricula;
- (b) use of the same standard for CE obtained out-of-state as that obtained in Texas;
- (c) sanctioning of acceptable courses by the board;
- (d) course content differentiated for CPA's in public practice, and those in government and industry;
- (e) stronger enforcement efforts instead of CE; and
- (f) systematic peer review instead of, or in addition to, CE.

The board concluded that the problem of substandard reporting requires more than remedial measures such as increased enforcement efforts; rather, mandatory continuing education is viewed by the board as a necessary measure to carry out the board's statutory duty to establish and maintain high standards of competency in the practice of public accountancy. However, the board reasoned that the public interest would not necessarily be served by mandating CE attendance for individuals not providing accounting services to the public. Accordingly, in response to public comment the rules adopted by the board in §523.63 of this title (relating to Mandatory CE Attendance) require attendance only for licensees in public practice and exempt licensees in government, in industry, in education, and in retired status, thereby reducing the overall cost to licensees and the public.

Moreover, the timetable for implementation of mandatory CE attendance was modified from the proposed version of §523.101 of this title (relating to CE Attendance and Reporting as a Condition for a 1984 License) by one year to ensure that an adequate number and selection of courses are available. In addition, mandatory attendance is conditioned in adopted §523.61(a)(2) of this title (relating to Establishment of Mandatory CE Program) upon the establishment of a CE Division on the board's staff with adequate qualifications and resources to carry out a positive program of review and enforcement.

In view of the fact that at least 41 other state boards of accountancy have some form of required CE, the board considered it necessary to adopt its CE program

in order to ensure reciprocity for Texas licensees. The lack of CE requirements in other professions in Texas was not considered relevant to the board's decision, in light of the exigencies of the profession and the statutory responsibility of the board to ensure that persons professing to practice public accountancy maintain high standards of competence.

The board did not consider a uniform hourly requirement for all licensees in public practice, regardless of firm size, to be overly burdensome on smaller firms, particularly in light of the flexibility allowed for selection, scheduling, and the availability of self-study programs. The uniform reporting period selected by the board was considered necessary for efficient administration and review. The curricula approach was rejected in favor of allowing licensees flexibility to tailor the courses attended to the specific needs of their practice. The board considered sanctioning particular courses; however, due to inadequate funding at this time, the board opted in adopted §523.61(d) of this title (relating to Establishment of Mandatory CE Program) for a system whereby licensees have the responsibility of ensuring that courses attended conform to the board's guidelines in this chapter (relating to Continuing Professional Education Standards). Out-of-state CE hours are to be reported on the basis as CE obtained in Texas under the rules adopted, as long as the courses conform to the board's guidelines. Accordingly, proposed §§523.131, 523.201, and 523.271 (relating to Transfer of Continuing Education Credits) have been deleted. Systematic peer review is recognized by some members of the board as an effective method of maintaining high standards of competence. Mandatory CE is considered as one element of a program of peer review; however, full implementation of peer review would require legislative changes.

These redesignated sections are adopted under the Public Accountancy Act of 1979, as amended, Texas Civil Statutes, Article 41a-1, §6(a), which provides the Texas State Board of Public Accountancy with the authority to adopt a system of required annual continuing education for licensees to assure that licensees remain informed of changes in the field of accountancy

§523.61. Establishment of Mandatory CE Program.

(a) A mandatory CE program is hereby established pursuant to §6(a) of the Public Accountancy Act of 1979, as amended (Texas Civil Statutes, Article 41a-1), which provides the board with authority to adopt a system of required continuing education for licensees.

(1) All licensees are required to report CE hours accrued during the applicable reporting period as a condition for a 1983 or later license to practice public accountancy.

(2) All licensees in public practice are required to accrue and report a specified number of CE credit hours as a condition for a 1985 or later license to practice public accountancy, except that a program requiring mandatory attendance may not be put into effect until the board, by majority vote, determines that the following condition has been met: the establishment within the

board organization of a CE section, headed by a qualified director and supported by adequate staff and facilities to afford a viable and positive program of review and enforcement, to the end that the program will lead to improved professional competence among persons licensed by the board.

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

(1) Applicable courses—courses which conform to the board's standards, as identified in §§523.21-523.27 of this chapter (relating to Continuing Professional Education Standards).

(2) CE credit hours—50-minute contact hours which conform to the board's standards, as identified in §§523.21-523.27 of this chapter (relating to Continuing Professional Education Standards).

(3) CE reporting period—September 1 through August 31 of the following year.

(c) The board chairman shall appoint a CE Committee consisting of at least three board members and two licensees who are not board members to assist and advise on the following CE matters:

(1) implementation of the reporting and attendance requirements, to include establishment of appropriate staff and facility support functions;

(2) consideration of applications for exemptions and grace period requests;

(3) recommendations regarding disciplinary actions relating to the CE program;

(4) recommendations regarding changes to board rules, reporting forms, and procedures relating to the CE program; and

(5) consideration of other CE matters deemed appropriate by the board.

(d) A licensee shall be responsible for ensuring that CE credit hours claimed conform to the board's standards as outlined in §§523.21-523.27 of this chapter (relating to Continuing Professional Education Standards).

§523.62. *Mandatory CE Reporting.*

(a) The board shall issue licenses to those individuals who pay the required fees. In addition, as a condition for a 1983 or later license, a licensee shall report CE credit hours accrued during the applicable reporting period, even if the number is zero. A licensee who fails to report the CE credit hours accrued may have his/her license cancelled, after notice and hearing, as provided in §21 of the Public Accountancy Act of 1979 (relating to Revocation or Suspension of Certificate or License) and in §523.64 of this chapter (relating to Disciplinary Actions).

(b) A licensee shall report CE credit hours accrued on forms prescribed by the board, to wit: license renewal notices or license notices. License renewal notices are normally mailed in November of each year, and license notices are mailed to those who receive certificates or registrations during the current year. Renewal or initial license notices shall contain a space for reporting the total number of CE credit hours accrued during the reporting period, and a space for entering information relating to the CE credit hours claimed. Appropriate instructions shall accompany the notices.

§523.63. *Mandatory CE Attendance.*

(a) Mandatory CE attendance is required of any licensee engaged to any degree in the practice of public accounting as a condition for a 1985 or later license. The practice of public accounting is defined in the Rules of Professional Conduct at §501.2 of this title (relating to Definitions) as performing or offering to perform for a person, one or more types of services requiring accounting or auditing skills, including the use of such skills in preparing tax returns or providing advice on federal, state, and other tax matters, or performing or offering to perform management advisory or consulting services, or any other service performed by professional accountants for the public.

(b) An annual license is subject to cancellation for an individual in public practice who fails to accrue and report CE hours in accordance with the following schedule:

(1) 1985 license—A minimum of 20 CE credit hours during the period of September 1, 1983-August 31, 1984, or a minimum of 40 CE credit hours during the two-year period of September 1, 1982-August 31, 1984. Exception: an initial licensee is required to accrue 1.66 CE credit hours per month for the months licensed.

(2) 1986 license—A minimum of 40 CE credit hours during the period of September 1, 1984-August 31, 1985, or a minimum of 80 CE credit hours during the three-year period of September 1, 1982-August 31, 1985. Exception: an initial licensee is required to accrue 3.33 CE credit hours per month for the months licensed.

(3) 1987 license—A minimum of 40 CE credit hours during the period of September 1, 1985-August 31, 1986. Exception: an initial licensee is required to accrue 3.33 CE credit hours per month for the months licensed.

(4) 1988 or later license—A minimum of 40 CE credit hours during the current reporting period, or a minimum of 120 CE credit hours during the three most current reporting periods, with at least 20 CE credit hours during the current reporting period. Exception: an initial licensee is required to accrue 3.33 CE credit hours per month for the months licensed.

(c) A former licensee, whether or not in public practice, whose certificate or registration shall have been revoked for failure to pay the annual license fee for three consecutive years and who makes application for reinstatement, shall pay the required fees and penalties and shall accrue a minimum of 120 CE credit hours during the three-year period immediately preceding the date of application for reinstatement. Following reinstatement, a licensee shall conform to mandatory reporting and/or mandatory attendance requirements as outlined herein.

(d) Individuals who do not accrue and report the required minimum CE credit hours may file an affidavit for a 90-day grace period. The board adopts by reference Affidavit Form CE-1. This form is published by and available from the Texas State Board of Public Accountancy, 3301 Northland, Suite 500, Austin, Texas 78731, or from the *Texas Register*, 503E Sam Houston Building, Austin.

(1) If the board determines there is good cause for the deficiency, a licensee shall make up the deficiency during the grace period or have his or her annual license subject to cancellation. Hours accrued for the purpose

of making up a deficiency shall not be counted toward the next period's CE requirement.

(2) If the board determines there is not good cause for the deficiency, a licensee shall be so advised and his or her annual license shall be subject to cancellation after notice and hearing.

(e) The board adopts by reference Non-compliance Form CE-2. This form is published by and available from the Texas State Board of Public Accountancy, 3301 Northland, Suite 500, Austin, Texas 78731, or from the *Texas Register*, 503E Sam Houston Building, Austin. Form CE-2 shall be mailed by the board to individuals whose CE credit hour reports on license renewal forms indicate noncompliance with CE credit hour requirements.

(f) The board may grant exemptions from the mandatory CE attendance requirements as follows:

(1) If a licensee elects to pay the license fee for "retired status" and signs a certificate on the annual renewal notice indicating an age of 66 years or older on January 1 and an intent not to practice public accountancy during the following calendar year;

(2) If a licensee is retired, regardless of age, and completes and forwards to the board an affidavit indicating retirement status and an intent not to practice public accountancy during the following calendar year;

(3) If a licensee shows reasons of health, certified to by a medical doctor, that prevent compliance with the CE requirement. A licensee must petition the board for the exemption and provide documentation that clearly establishes the period of disability;

(4) If a licensee is on extended active military duty, does not practice public accountancy during the reporting period, and files a copy of orders to active military duty with the board; or

(5) If, upon petition to the board, a licensee is granted on an individual case-by-case basis, an exemption from CE attendance for reasons considered by the board to warrant an exemption.

(g) The board may not grant exemptions from the requirement to report CE credit hours accrued. A licensee must report CE credit hours accrued on the annual license renewal form, even if the number reported is zero.

§523.64. Disciplinary Actions Relating to CE.

(a) A licensee who fails to comply with the provisions of §523.62 of this title (relating to Mandatory CE Reporting) or §523.63 of this title (relating to Mandatory CE Attendance) may be subject to disciplinary action under the Public Accountancy Act of 1979, as amended (Texas Civil Statutes, Article 41a-1, §21), for violation of §501.25 of the Rules of Professional Conduct, which requires compliance with §523.62 of this title (relating to Mandatory CE Reporting) and §523.63 of this title (relating to Mandatory CE Attendance) by a licensee in public practice, and compliance with §523.62 of this title (relating to Mandatory CE Reporting) by licensees not in public practice.

(b) A licensee shall retain documents or other evidence supporting CE credit hours claimed for at least three years subsequent to the date the credit hours are reported to the board, but shall submit the supporting evidence to the board only if such data is specifically requested.

(c) The board shall, as deemed appropriate, audit CE data supplied by a licensee and request that all evidence supporting CE credit hours claimed be provided to the board within a reasonable period of time as prescribed by the board.

(d) Evidence of falsification, fraud, or deceit in the CE information or documentation supplied may necessitate disciplinary action as authorized by the Public Accountancy Act of 1979, as amended (Texas Civil Statutes, Article 41a-1, §21(b)(1)).

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

Issued in Austin, Texas, on August 26, 1982.

TRD-826799 Bob E. Bradley
Executive Director
Texas State Board
of Public Accountancy

Effective date: September 16, 1982
Proposal publication date: April 9, 1982
For further information, please call (512) 451-0241.

**TITLE 31. NATURAL RESOURCES
AND CONSERVATION**

**Part X. Texas Water Development
Board**

**Chapter 335. Industrial Solid Waste
Subchapter K. Financial Requirements**

31 TAC §335.232, §335.233

The Texas Department of Water Resources adopts the repeal of §335.232 and §335.233 relating to cost estimates for closure and post-closure care required to be prepared for owners and operators of hazardous waste management facilities, without changes to the proposed text published in the June 22, 1982, issue of the *Texas Register* (7 TexReg 2396).

These sections are being repealed because the requirements to prepare closure and post-closure cost estimates, which were revised by the administrator of the United States Environmental Protection Agency (EPA) on April 7, 1982, (47 FedReg 15032), have been incorporated by the operation of emergency §335.51 as published in the May 7, 1982, issue (7 TexReg 1730). The requirements are further incorporated in proposed permanent amendment to the rules relating to financial requirements, which adopts by reference the provisions of 40 Code of Federal Regulations Part 265, Subpart H, as promulgated at 47 FedReg 15032 (April 7, 1982). The requirements of that subpart include cost estimates for closure and post-closure care.

This will clarify that the requirements to prepare closure and post-closure cost estimates are those as promulgated by the administrator of the Environmental Protection Agency on April 7, 1982.

No comments were received regarding the repeal of these sections.

This repeal 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. This repeal is further adopted under §4(c) of the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, which authorizes the department to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of industrial solid waste. 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.

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

Issued in Austin, Texas, on August 26, 1982.

TRD-826763 M. Reginald Arnold II
General Counsel
Texas Water Development Board

Effective date: September 16, 1982
Proposal publication date: June 22, 1982
For further information, please call (512) 475-7851.

The Texas Department of Water Resources adopts amendments to §335.232 and §335.233, without changes to the proposed text published in the June 22, 1982, issue of the *Texas Register* (7 TexReg 2397).

The amendment to §335.233 is adopted to incorporate by references changes made to 40 Code of Federal Regulations Part 265, Subpart H, on April 7, 1982, (47 FedReg 15032) and April 16, 1982, (47 FedReg 16544) relating to financial assurances for owners and operators of hazardous waste management facilities.

The revised requirements of 40 Code of Federal Regulations Part 265, Subpart H, provide additional options for demonstrating that funds will be available for proper closure of facilities that manage hazardous waste and for post-closure care of hazardous waste

disposal facilities; and demonstrating adequate liability coverage for bodily injury and property damage to third parties resulting from hazardous waste facility operations.

The amendments will assure that funds will be available for the proper closure of facilities that manage hazardous waste and post-closure care of hazardous waste disposal facilities, and that adequate liability coverage for bodily injury and property damage to third parties resulting from hazardous waste facility operations.

No comments were received regarding these amendments.

These amendments are adopted under the authority of §5.131 and §5.132 of the Texas Water Code which provide 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. These amendments are further adopted under §4(c) of the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, which authorizes the department to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of industrial solid waste. 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. Section 4(e)(5) of the Solid Waste Disposal Act directs that financial requirements established by the department shall at a minimum be consistent with the federal requirements established under the federal Solid Waste Disposal Act, as amended by the Resources Conservation and Recovery Act of 1976, 42 United States Code 6901 *et seq.* as amended.

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

Issued in Austin, Texas, on August 26, 1982.

TRD-826764 M. Reginald Arnold II
General Counsel
Texas Department of Water
Resources

Proposed date of adoption: September 16, 1982
For further information, please call (512) 475-7851.

Subchapter V. Permitting Standards for Owners and Operators of Hazardous Waste Storage, Processing, and Disposal Facilities

31 TAC §335.452

The Texas Department of Water Resources adopts an amendment to §335.452, relating to permitting standards for owners and operators of facilities used to manage hazardous waste, without changes to the proposed text published in the June 22, 1982, issue of the *Texas Register* (7 TexReg 2398).

The amendment would amend paragraphs (6), (7), and (10) of the rule to incorporate by reference changes made to 40 Code of Federal Regulations Part 264, Subparts I and L, on November 6, 1981, (46 FedReg 55110), regarding the management of hazardous waste in containers and piles, and changes made to 40 Code of Federal Regulations Part 264, Subpart H, on April 7, 1982, (47 FedReg 15032) and April 16, 1982, (47 FedReg 16544) relating to financial assurances for owners and operators of hazardous waste management facilities. Paragraphs (7) and (10) will reduce substantially the regulatory burden to those who would otherwise have to comply with the requirements that were in effect. These amendments will not reduce the level of production of human health and the environment.

The standards for containers are amended to waive the containment system requirements for wastes that do not contain free liquids, provided the wastes are protected from contact with accumulated liquid. The standards for waste piles are amended to waive the containment system requirements for wastes that do not contain free liquid, provided that the pile is protected from precipitation by a structure and from surface water run-on and wind dispersal of the waste by the structure or some other means.

The revised requirements of 40 Code Federal Regulations Part 264, Subpart H, provide additional options for demonstrating financial assurance that funds will be available for proper closure of facilities that manage hazardous waste and for post-closure care of hazardous waste disposal facilities; and demonstrating adequate liability coverage for bodily injury and property damage to third parties resulting from hazardous waste facility operations. Paragraph (6) will assure that funds will be available for the proper closure of facilities that manage hazardous waste and post-closure care of hazardous waste disposal facilities, and adequate liability coverage for bodily injury and property damage to third parties resulting from hazardous waste facility operations.

No comments were received regarding the adoption of this amendment.

This amendment is adopted under the authority of §5.131 and §5.132 of the Texas Water Code which provide 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. This amendment is further adopted under §4(c) of the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, which authorizes the department to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of industrial solid waste. 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.

Section 4(e)(5) of the Solid Waste Disposal Act directs that financial requirements established by the department shall at a minimum be consistent with the federal requirements established under the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, 42 United States Code 6901 *et seq.* as amended.

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

Issued in Austin, Texas, on August 26, 1982.

TRD-826765 M. Reginald Arnold II
General Counsel
Texas Department of Water
Resources

Effective date: September 16, 1982
Proposal publication date: June 22, 1982
For further information, please call (512) 475-7851.

**TITLE 34. PUBLIC FINANCE
Part I. Comptroller of Public
Accounts
Chapter 3. Tax Administration
Subchapter F. Motor Vehicles
Sales and Use Tax Division**

34 TAC §3.89

The comptroller of public accounts adopts the repeal of §3.89, concerning sales of house trailers, without changes to the proposed text published in the May 28, 1982, issue of the *Texas Register* (7 TexReg 2057).

This section is being repealed so that a substantially revised rule dealing with the same subject may be adopted. The repeal deletes language pertaining to repealed statutes.

No comments were received concerning the adoption of this repeal.

This repeal is adopted under the authority of the Texas Tax Code, § 111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the enforcement and administration of the tax code.

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

Issued in Austin, Texas, on August 30, 1982.

TRD-826810 Bob Bullock
Comptroller of Public Accounts

Effective date: September 20, 1982
Proposal publication date: May 28, 1982
For further information, please call (512) 475-1935.

The comptroller of public accounts adopts §3.89, concerning sales of house trailers, without changes to the proposed text published in the May 28, 1982, issue of the *Texas Register* (7 TexReg 2057).

This new section is adopted to replace §3.89 that is being repealed. The purpose of the new section is to reflect the enactment of the Manufactured Housing Sales and Use Act and concurrent exemption of manufactured housing from the Motor Vehicle Sales Tax Act. The section sets out what types of trailers are still subject to motor vehicle sales tax and what types are subject to other taxes.

No comments were received concerning the adoption of this rule.

This rule is adopted under the authority of the Texas Tax Code, § 111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the enforcement and administration of the tax code.

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

Issued in Austin, Texas, on August 30, 1982.

TRD-826811 Bob Bullock
Comptroller of Public Accounts

Effective date: September 20, 1982
Proposal publication date: May 28, 1982
For further information, please call (512) 475-1935.



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 25. Medicaid Eligibility Subchapter 35. Budgeting for Individuals Related to the SSI Program

40 TAC §15.3411, §15.3412, §15.3414

The Department of Human Resources adopts amendments to §§15.3411 (326.25.35.011), 15.3412 (326.25.35.012), and 15.3414 (326.25.35.014) about budgeting for individuals related to the Supplemental Security Income (SSI) program in its Medicaid Eligibility rules, with changes to the proposed text published in the March 2, 1982, issue of the *Texas Register* (7 TexReg 868). The department adopts a new policy on protected earned income allowance as a part of the personal needs allowance used in determining applied income for eligible individuals receiving ICF-MR care.

The department adopts the policy to encourage and aid recipients of ICF-MR care to achieve the goal of independent or semi-independent living. Recipients living in either a public or private ICF-MR facility may be eligible for the earned income allowance. The allowance is available only to ICF-MR recipients who have monthly gross earned income above \$25.

An ICF-MR recipient with earned income above \$25 is permitted to keep, as a protected earned income allowance, ½ of his gross earnings above \$25, up to a maximum additional allowance of \$50. The total personal needs allowance for an ICF-MR recipient may range from a minimum of \$25 to a maximum of \$75. For example, an ICF-MR recipient with gross monthly earnings of \$100 has a personal needs allowance of \$62.50 (\$25 plus ½ of the excess earnings, or \$37.50 as a protected earned income allowance).

The department received 52 comments in support of the amendments. Most of these came from residents and staff of ICF-MR facilities who feel that the additional income allowance is an incentive to recipients to participate in training in sheltered workshops. The department also received a similar supportive comment from National Living Centers, Inc. In addition to favorable comments, a representative of the West Side Development Center, Corsicana, urged that the maximum protected earned income allowance be increased from the proposed \$75 to \$100. The department, however, has decided to adopt the proposed maximum of \$75. This amount is based on a survey done of several ICF-MR facilities to determine the average amount of mandatory deductions from wages. The average amount was \$50, and that amount has been adopted as the additional maximum allowance.

The department is also adopting §15.3411, concerning additional computation steps relating to a previous-

ly adopted amendment to §15.3110, Use of Other Benefits.

The department revised §15.3412 to eliminate budgeting procedures. The procedures were replaced with formulas for determining applied income. Other editorial changes were made to the proposed text.

The following amendments are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs.

§15.3411. (326.25.35.011) Budget To Determine Eligibility.

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

(d) The caseworker uses the following budget steps to determine eligibility for individuals and couples:

(1) Determine monthly gross earned and unearned income of the eligible individual(s). Deduct aid and attendance benefits and housebound allowances from VA income before computing monthly gross income. For all Type Programs except 51, measure gross income against the federal maximum. If the gross income equals or exceeds the maximum, the individual(s) is ineligible for medical assistance. If gross income is less than the maximum, proceed to the next step.

(2)-(5) (No change.)

(e) (No change.)

§15.3412. (326.25.35.012) Budget To Determine Applied Income.

(a) Individuals living in non-ICF-MR facilities. If an individual living in a non-ICF-MR Title XIX long-term care facility is eligible for medical assistance only, DHR must determine the amount of personal income or applied income the individual(s) must pay for nursing care.

(1) Applied income for individuals and couples:

(A) Combined monthly gross earned and unearned income minus \$25 for an individual equals the applied income.

(B) Combined monthly gross earned and unearned income minus \$50 for a couple, divided by two, equals applied income for each spouse.

(2) Applied income for a companion situation:

(A) For month of separation: combined monthly gross earned and unearned income of the individual and spouse minus \$25 and minus SSI standard payment amount for an individual equals applied income.

(B) For month(s) after month of separation:

(i) If spouse income equals or exceeds the SSI standard payment amount but is less than or equal to the fair standard income level, combined monthly gross earned and unearned income of the eligible individual minus \$25 equals applied income.

(ii) If spouse income is less than the SSI standard payment amount, combined monthly gross earned and unearned income of the individual and spouse minus \$25 and minus the SSI standard payment amount equals applied income.

(iii) If spouse income exceeds the fair standard income level, applied income is determined according to §15.3413 of this title, concerning Fair Standard Contributions from Ineligible Spouse.

(b) Individuals living in ICF-MR facilities. DHR

must determine the applied income for an applicant/recipient living in an approved public or private ICF-MR facility. DHR grants an additional protected earned income allowance to the individual if he has earned income.

(1) Applied income of an applicant/recipient who has an ICF-MR level of care:

(A) Combined monthly gross earned and unearned income minus \$25 and minus ½ gross earnings above \$25 to a maximum of \$50 equals applied income for an individual.

(B) Combined monthly gross earned and unearned income minus \$50 and minus ½ gross earnings above \$25 to a maximum of \$50 for each spouse equals applied income.

(2) Applied income for a companion situation:

(A) For month of separation: combined monthly gross earned and unearned income of an individual and spouse minus \$25, minus protected earned income allowance, minus SSI standard payment amount equals applied income.

(B) For month(s) after month of separation:

(i) If spouse income equals or exceeds the SSI standard payment amount that is equal to or less than the fair standard income level, combined monthly gross earned and unearned income of the individual minus \$25 and minus protected earned income allowance equals applied income.

(ii) If spouse income is less than the SSI standard payment amount, combined monthly gross earned and unearned income, minus \$25, minus protected earned income allowance, minus the SSI standard payment amount equals applied income.

(iii) If spouse income exceeds the fair standard income level, applied income is determined according to §15.3413 of this title concerning Fair Standard Contributions from Ineligible Spouse.

§.15.3414. (326.25.25.014) Budget To Determine the Amount of Fair Standard Contribution.

(a) (No change.)

(b) If a contribution amount results from these steps, the contribution requirement is explained to the spouse and the spouse is requested to sign the Contribution Agreement. If the spouse agrees to make the contribution and signs the agreement, the amount of the contribution is added to the gross income of the eligible individual. This amount, minus the \$25 personal needs allowance (which may include a protected earned income allowance for ICF-MR applicants/recipients), is the applied income.

(c) (No change.)

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

Issued in Austin, Texas, on August 30, 1982.

TRD-826809

Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: October 1, 1982

Proposal publication date: March 2, 1982

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

**Part X. Texas Employment
Commission
Chapter 10. Unemployment
Insurance**

40 TAC §301.20

The Texas Employment Commission adopts the repeal of §301.20 (327.10.00.020), without changes to the proposed text published in the July 16, 1982, issue of the *Texas Register* (7 TexReg 2658).

This rule has been replaced by new §301.20 (327.10.00.020). The new rule contains statutory reference rather than legislative reference. The repeal of this rule will eliminate rule duplication.

No comments were received regarding adoption of this repeal.

The repeal is adopted under Texas Civil Statutes, Article 5221b, which provides the Texas Employment Commission with the authority to adopt, amend, or rescind rules as it deems necessary for the effective administration of the Texas Unemployment Compensation Act.

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

Issued in Austin, Texas, on August 24, 1982.

TRD-826748

Helen S. Anderson
Administrative Assistant
Texas Employment Commission

Effective date: September 15, 1982
Proposal publication date: July 16, 1982
For further information, please call (512) 397-4350.

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. 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

State Aircraft Pooling Board

Tuesday, September 7, 1982, 3 p.m. The State Aircraft Pooling Board rescheduled a meeting to be held in Conference Room G-B, John H. Reagan Building, Austin. According to the agenda, the board will consider the Department of Public Safety's request for the purchase of a replacement helicopter, discuss the Aircraft Pooling Board's rates for the Cessna 414 and 421 for 1983, discuss the hangar project status, and discuss other budget and operational matters. The meeting was originally scheduled for September 3, 1982.

Contact: Fred R. Spies, John H. Reagan Building, Room 200B, Austin, Texas 78711, (512) 475-8301.

Filed: August 27, 1982, 9:13 a.m.
TRD-826805

Texas Animal Health Commission

Wednesday, September 8, 1982, 8 a.m. The Texas Animal Health Commission will meet in Room 100-B, John H. Reagan Building, Austin. Items on the agenda summary include approve minutes of commission meeting of April 28, 1982; approve minutes of emergency commission meeting of June 21, 1982; approve action of executive director from April 28, 1982, to September 7, 1982; discussion of operating budget; pro-

posed amendment to Texas bovine brucellosis regulations; final hearing for adoption of amendment to fever tick regulations; and discussion concerning California's special importation requirements.

Contact: Jo Anne Conner, P.O. Box 12966, Austin, Texas, (512) 475-4111.

Filed: August 26, 1982, 11:24 a.m.
TRD-826788

State Board of Barber Examiners

Tuesday, September 14, 1982, 8 a.m. The State Board of Barber Examiners will meet in Room C-275, 1300 East Anderson Lane, Austin. Items on the agenda include minutes of previous meeting; sign teacher certificates and school permits; interview out-of-state applicants; report to board by executive director; and letters to board. The board will also meet in executive session.

Contact: Mary Jo McCrorey, 1300 East Anderson Lane, C-275, Austin, Texas 78752, (512) 835-2040.

Filed: August 31, 1982, 9:48 a.m.
TRD-826844

Battleship Texas Commission

Thursday, September 2, 1982, 1:30 p.m. The Battleship Texas Commission met in

emergency session at the Houston Center Club, 1100 Caroline, Houston. Items on the agenda included minutes of previous meeting, sesquicentennial, budget, and review ship's hull report by Department of Navy, supervisor of shipbuilding, conversion, and repair, New Orleans, Louisiana. The emergency status was necessary to finalize the budget for the sesquicentennial.

Contact: Ruth Pirtle, 3527 Battleground Road, LaPorte, Texas 77571, (713) 479-2411.

Filed: August 27, 1982, 8:58 a.m.
TRD-826818

Texas Department of Community Affairs

Friday, September 10, 1982, 9 a.m. The Private Industry Council of the Manpower Services Division of the Texas Department of Community Affairs will meet in Big Bend Room A-C, Hyatt Regency Hotel, 208 Barton Springs Road, Austin. Items on the agenda include approval of minutes; fiscal year 1983 Title VII recommendations/decision on BOS contractors; BOS Model Job Search Program recommendations/decision; trade association promotion project recommendation/decision; legislative update; report and discussions on the economic conditions in BOS South Texas area recommendation/decision; decision on Neal Spelce Associates, Inc., proposal; deci-

sion on National Council of La Raza proposal; and a report on extending service area of Nacogdoches County Chamber of Commerce.

Contact: Aurora Carvajal, 210 Barton Springs Road, Austin, Texas, (512) 475-7816.

Filed: August 30, 1982, 10:33 a.m.
TRD-826819

**Texas Department of Corrections
Monday, September 13, 1982, 8 a.m.** The Board of Directors of the Texas Department of Corrections will meet in the Valencia Room, La Posada Motor Hotel, 100 North Main, McAllen. Items on the agenda summary include inmate affairs; medical; personnel; business; agriculture; construction; industries; research, planning, and development; miscellaneous; and the Windham School System. The board will also meet in executive session.

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

Filed: August 30, 1982, 10:52 a.m.
TRD-826820

Interagency Council on Early Childhood Intervention

Wednesday, September 8, 1982, 9:30 a.m. The Interagency Council on Early Childhood Intervention will meet in the fourth floor conference room, East 11th and Trinity, Austin. Items on the agenda include election of Early Childhood Intervention chairman; special presentation from the National Center for Clinical Infant Studies; public comments (no council action required); Early Childhood Intervention staff report; public awareness and training; advisory committee; program evaluation and research; discussion of regional coordination; and fiscal review. The council will also meet in executive session.

Contact: James P. Rambin, 1100 West 49th Street, Austin, Texas, (512) 458-7241.

Filed: August 30, 1982, 4:31 p.m.
TRD-826840

Texas Education Agency

Tuesday, September 7, 1982, 8:30 a.m. The State Textbook Committee of the Texas Education Agency will meet in the board room, Bevington Reed Building, 200 East Riverside Drive, Austin. Items on the agenda include ballot and list textbooks to

be recommended to the commissioner of education for adoption.

Contact: J. Henry Perry, Jr., 201 East 11th Street, Austin, Texas 78701, (512) 475-4676.

Filed: August 26, 1982, 4:08 p.m.
TRD-826801

Tuesday, September 7, 1982, 8:30 a.m. The State Textbook Committee of the Texas Education Agency made an addition to the agenda of a meeting to be held in the board room, Bevington Reed Building, 200 East Riverside Drive, Austin. Items on the agenda include ballot and list textbooks to be recommended to the commissioner of education for adoption. The public should note a change in the location of this meeting from that shown in the textbook proclamation.

Contact: J. Henry Perry, Jr., 201 East 11th Street, Austin, Texas 78701, (512) 475-4676.

Filed: August 30, 1982, 11:16 a.m.
TRD-826821

Friday, September 24, 1982, 8:30 a.m. The Apprenticeship and Training Advisory Committee of the Texas Education Agency will meet in the Quality Inn South, IH 35 at Oltorf, Austin. Items on the agenda include a report on the statewide conference; report by the apprenticeship coordinator; reports from Ad Hoc Committee chairmen, Finance Committee, and Planning Committee; and planning for the December meeting.

Contact: Dan C. Lowe, 201 East 11th Street, Austin, Texas 78701, (512) 834-4207.

Filed: August 26, 1982, 4:08 p.m.
TRD-826802

Employees Retirement System of Texas

Wednesday and Thursday, September 15 and 16, 1982, 9 a.m., daily. The Group Insurance Advisory Committee of the Employees Retirement System of Texas will meet in the fourth floor board room, ERS Building, 18th and Brazos, Austin. Items on the agenda include election of chairperson and vice chairperson effective September 1, 1982; and discussion of all aspects of the Uniform Group Insurance Program effective September 1, 1983.

Contact: Clayton T. Garrison, P.O. Box 13207, Austin, Texas, (512) 476-6431.

Filed: August 26, 1982, 3:59 p.m.
TRD-826800

Office of the Firemen's Pension Commissioner

Wednesday, September 15, 1982, 2 p.m. The Administrative Division of the Office of the Firemen's Pension Commissioner will meet at the Sheraton Safari Inn, Grand Prairie. According to the agenda, the Board of Trustees for the Firefighter's Relief and Retirement Fund of Senate Bill 411, as prescribed by Texas Civil Statutes, Article 6243e.3, will meet to discuss the retirement system.

Contact: Hal H. Hood, 503-F Sam Houston Building, Austin, Texas, (512) 475-5879.

Filed: August 30, 1982, 9:24 a.m.
TRD-826815

Thursday, September 16, 1982, 7 p.m. The Administrative Division of the Office of the Firemen's Pension Commissioner will meet in the theater of the Fire Museum of Texas, 702 Safari Parkway, Grand Prairie. According to the agenda, the division will sponsor a workshop for the North Texas Area Volunteer Firefighters to discuss the Senate Bill 411 pension plan.

Contact: Hal H. Hood, 503-F Sam Houston Building, Austin, Texas, (512) 475-5879.

Filed: August 30, 1982, 9:24 a.m.
TRD-826816

Texas Grain Sorghum Producers Board

Tuesday, September 14, 1982, 1:30 p.m. The Texas Grain Sorghum Producers Board of the Texas Department of Agriculture will meet at the High Plains Research Foundation, Halfway. (Halfway is about 12-15 miles west of Plainview on Highway 70.) Items on the agenda include the financial statement; market development report; and fall collection campaign.

Contact: Elbert Harp, P.O. Box R, Abernathy, Texas 79311, (806) 298-2543.

Filed: August 30, 1982, 2:36 p.m.
TRD-826837

Texas Health Facilities Commission

Friday, September 10, 1982, 9:30 a.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications.

Certificate of Need
Orange Memorial Hospital, Orange
AH81-1221-035

Four Seasons Nursing Center of San Antonio/Pecan Valley, San Antonio AN82-0310-066
Four Seasons Nursing Center of San Antonio/Babcock, San Antonio AN82-0308-032
Four Seasons Nursing Center of El Paso, El Paso AN82-0308-034
Four Seasons Nursing Center of Austin, Austin AN82-0308-040

Motions for Rehearing
Surgi-Center, Inc., Bryan AO81-1030-023
Saint Joseph Hospital, Bryan AH81-1231-056
Bryan Hospital, Bryan AH82-0121-035

A routine business meeting will be held immediately following the open meeting.

Contact: John R. Neel, P.O. Box 15023, Austin, Texas 78761.

Filed: August 30, 1982, 9:38 a.m.
TRD-826814

State Board of Insurance

The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 342, 1110 San Jacinto Street, Austin. The days, times, and dockets follow.

Tuesday, September 7, 1982, 1:30 p.m.
Docket 6910—stock purchase by Tower Life Insurance Company, San Antonio.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: August 30, 1982, 1:03 p.m.
TRD-826826

Tuesday, September 7, 1982, 3 p.m. Docket 6911—application for extension of time within which to sell real estate by Alamo Title Company, San Antonio.

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

Filed: August 30, 1982, 1:03 p.m.
TRD-826827

Wednesday, September 8, 1982, 9 a.m.
Docket 6906—application for approval of the articles of agreement of American Modern Lloyds Insurance Company, Dallas.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: August 30, 1982, 1:03 p.m.
TRD-826828

Wednesday, September 8, 1982, 1:30 p.m.
Docket 6926—application for admission of Pacific American Insurance Company, Wilmington, Delaware.

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

Filed: August 30, 1982, 1:03 p.m.
TRD-826829

Thursday, September 9, 1982, 9 a.m.
Docket 6927—application for charter amendment of American Teachers Life Insurance Company, Houston.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: August 30, 1982, 1:03 p.m.
TRD-826830

Thursday, September 9, 1982, 10 a.m.
Docket 6928—application for original charter of Alico Life Insurance Company, Waco.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: August 30, 1982, 1:03 p.m.
TRD-826831

Texas Advisory Commission on Intergovernmental Relations

Friday, September 10, 1982. A committee of the Texas Advisory Commission on Intergovernmental Relations and the full commission will meet at the Stephen F. Austin Building, 17th and Congress, Austin. The times and agenda summaries follow.

8:30 a.m. Committee on Operations and Funding will meet in Room 119, to consider an operating budget for fiscal year 1983 and projects comprising the 1983 Work Program.

9:30 a.m. The commission will meet in Room 118, to consider the executive director's report; report of the Special Committee on Operations and Funding (consideration of fiscal year 1983 Budget and Work Program); staff report on managing with less; overview of Water District Manual; report on Texas 2000; and status report on new federalism/federal grant changes.

Contact: Jay G. Stanford, 407 Sam Houston Building, 501 East 14th Street, Austin, Texas 78701, (512) 475-3728.

Filed: August 30, 1982, 12:07 p.m.
TRD-826824, 826825

Texas Medical Disclosure Panel
Saturday, September 11, 1982, 9:30 a.m.
The Texas Medical Disclosure Panel will meet in Room T-407, Texas Department of Health, 1100 West 49th Street, Austin.

Items on the agenda include review of July 10, 1982, minutes; and continuation of radiological procedures

Contact: Carroll W. Gregory, M.P.H., 1100 West 49th Street, Austin, Texas 78756, (512) 458-7528.

Filed: August 27, 1982, 9:53 a.m.
TRD-826806

Texas State Board of Medical Examiners

Friday, September 17, 1982, 11 a.m. The Executive Committee of the Texas State Board of Medical Examiners will meet in the Amfac Hotel, Dallas/Fort Worth Regional Airport, Irving. Items on the agenda include discussions on long range planning, board meeting procedures, amendments to the Medical Practice Act, and executive committee functions. The committee will also meet in executive session under authority of Article 6252-17, as related to Article 4495b, §5.06(e)(1) and Attorney General Opinion 1974, H-484.

Contact: Jean Davis, P.O. Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: August 30, 1982, 11:39 a.m.
TRD-826822

State Board of Morticians

Tuesday, September 7, 1982, 9 a.m. The State Board of Morticians made an emergency addition to the agenda of a meeting to be held at 1513 IH 35 South, Austin. According to the agenda summary, the board will consider an application for reciprocal license. The emergency status is necessary because all credentials and information were not received until after final deadline.

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

Filed: August 31, 1982, 9:54 a.m.
TRD-826845

North Texas State University

Friday, August 27, 1982, 10 a.m. The Board of Regents of the Texas College of Osteopathic Medicine of North Texas State University made an emergency addition to the agenda of a meeting held in the board room, North Texas State University, Denton. The addition concerned an adjustment to the athletic budget. The emergency status was necessary because of notification by the auditor that the board needed to approve the adjustment.

Texas Register

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203.

Filed: August 26, 1982, 2:42 p.m.
TRD-826793

The Prosecutor Council

Tuesday, September 7, 1982, noon. The Prosecutor Council will meet in the Antigua Room, Broadway Plaza Hotel, 1111 Northeast Loop, San Antonio. Items on the agenda summary include approval of minutes of July 8, 1982, and August 10, 1982, meetings; presentation of certification of results of the run-off election and the procedure to break the tie; adoption of a recommendation to the Supreme Court regarding a change in the rules for electing prosecutors to the Prosecutor Council; and a resolution authorizing a special election in anticipation of promulgation of the proposed rule change by the Supreme Court of Texas.

Contact: John C. Cook, P.O. Box 13555, Austin, Texas 78711, (512) 475-6825.

Filed: August 26, 1982, 11:50 a.m.
TRD-826789

Public Utility Commission of Texas

The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Dates, times, and dockets are as follows:

Tuesday, September 7, 1982, 10 a.m. A rescheduled hearing on the merits in Docket 4465—application of Day Water Company for a rate increase within Hood and Parker Counties. The meeting was originally scheduled for July 26, 1982.

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

Filed: August 30, 1982, 1:42 p.m.
TRD-826835

Wednesday, September 8, 1982, 9 a.m. The commission will consider final orders in the following Dockets: 4399, 4357, 4347, 4400, 4422, 4506, 3340, 4252, 3878, 4461, 4565, 4568, 4615, 4429, 4485, 4666, 4591, 4644, 4664, 4667, 4453, 4486, 4597, 4598, 4607, 4610, and 4634.

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

Filed: August 26, 1982, 1:39 p.m.
TRD-8266790

Thursday, September 30, 1982, 9 a.m. A hearing on the merits in Docket 4622—ap-

plication of Midwest Electric Cooperative, Inc., for a rate increase to revise its medium commercial rate

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

Filed: August 26, 1982, 2:10 p.m.
TRD-826791

Thursday, September 30, 1982, 9 a.m. A hearing in Docket 4612—application of Lighthouse Electric Cooperative, Inc., for a systemwide rate increase.

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

Filed: August 31, 1982, 9:54 a.m.
TRD-826846

Thursday, October 7, 1982, 10 a.m. A hearing in Docket 4556—application of Terra Southwest, Inc., to amend its certificate of convenience and necessity and to decertify Lebanon Water Supply Corporation from an area within Denton County.

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

Filed: August 31, 1982, 9:56 a.m.
TRD-826847

Friday, October 15, 1982, 9 a.m. A hearing in Docket 4643—application of Erath County Electric Cooperative Association for a systemwide rate increase.

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

Filed: August 31, 1982, 9:55 a.m.
TRD-826848

School Land Board

Tuesday, September 7, 1982, 10 a.m. The School Land Board will meet in Room 831, the General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda include approval of the minutes of the previous board meeting; pooling applications; good faith claimant applications; discussion of terms, conditions, and procedures for a small tract sale; coastal public lands easement applications; cabin permit transfer requests, cabin permit rebuilding request, and a coastal public lands report on cabin permit renewals.

Contact: Linda K. Fisher, Room 835, 1700 North Congress Avenue, Austin, Texas, (512) 475-2071.

Filed: August 30, 1982, 4:25 p.m.
TRD-826841

Railroad Commission of Texas

Monday, August 30, 1982, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas made emergency additions to the agenda of a meeting held in the first floor auditorium, 1124 IH 35 South, Austin. One addition concerned consideration of Docket 8A-78,248: motion for rehearing on application of W. D. Everett and O. D. Jackson for temporary field rules in the Aplark (Spraberry, Lower) Field, in Borden County. The emergency status was necessary because this was the only regularly scheduled meeting of the Railroad Commission of Texas prior to the date on which the motion for rehearing would be overruled by operation of law.

Contact: Felix Dailey, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1292.

Filed: August 26, 1982, 10:31 a.m.
TRD-826773

A second emergency addition concerned consideration of the following dockets: 90005 and 90489; F. G. Woodside's application for an exception to SWR 37, Hobo (Pennsylvanian) and Wildcat Fields, Borden County; and Docket 3-75456: Texaco, Inc.'s, request to void permit, overproduction of gas and condensate; determination of reasonable productive acreage assigned to Tartan Production Co., Magnet Withers (Miocene 4200) Field, Wharton County. These items were properly noticed for the meeting of August 23, 1982, and were passed.

Contact: John W. Camp, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1285.

Filed: August 26, 1982, 10:31 a.m.
TRD-826774

Tuesday, September 7, 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 review bids to provide photographic processing services for the Railroad Commission's Austin office location for the period September 1982 through August 1983. The commission will also 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: August 26, 1982, 10:30 a.m.
TRD-826775

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: August 26, 1982, 10:32 a.m.
TRD-826776

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: August 26, 1982, 10:29 a.m.
TRD-826777

The Gas Utilities Division will meet in Room 107, for consideration of gas utilities Dockets 3538 and 3666, and the director's report.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0461.

Filed: August 26, 1982, 10:30 a.m.
TRD-826778

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: August 26, 1982, 10:33 a.m.
TRD-826779

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.

Filed: August 26, 1982, 10:30 a.m.
TRD-826780

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

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

Filed: August 26, 1982, 10:31 a.m.
TRD-826781

Additions to the above agenda:

Consideration of category determinations

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

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

Filed: August 26, 1982, 10:34 a.m.
TRD-826782

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: August 26, 1982, 10:33 a.m.
TRD-826783

The Office of Special Counsel will meet in the third floor conference room to consider and act on the director's report relating to pending litigation, and other budget, administrative and personnel matters, and will also consider and discuss both the short-term and long-term ramifications to Texas applications pending or in hearing before the Federal Energy Regulatory Commission, and discuss Sunset matters.

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

Filed: August 26, 1982, 10:29 a.m.
TRD-826784

The Surface Mining and Reclamation 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: J. Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751.

Filed: August 26, 1982, 10:34 a.m.
TRD-826785

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

Contact: Sandy Yates, 1124 IH 35 South, Austin, Texas, (512) 445-1330.

Filed: August 26, 1982, 10:34 a.m.
TRD-826786

Thursday, September 16, 1982, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas will meet in Allen Park Inn, 2121 Allen Parkway, Houston. According to the agenda summary, the division will conduct a statewide oil and gas hearing.

Contact: Harriett Trammell, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1297.

Filed: August 26, 1982, 10:32 a.m.
TRD-826787

State Securities Board

Monday, September 13, 1982. The Securities Commissioner of the State Securities Board has rescheduled hearings to be held at 1800 San Jacinto Street, Austin. The hearings were originally scheduled for August 30, 1982. Times and agenda summaries follow.

10 a.m. Determination of whether the application of Stuart Graham Dickinson for registration as a securities salesman should be granted or denied.

3 p.m. Determination of whether a cease and desist order should be issued prohibiting the sale of securities issued by Chromeco, Inc., and High Mesa Mining Corp., and offered through the Garza Corp.

Contact: Sue B. Roberts, 1800 San Jacinto Street, Austin, Texas, (512) 474-2233.

Filed: August 30, 1982, 2:15 p.m.
TRD-826838, 826839

Texas State Soil and Water Conservation Board

Monday, September 13, 1982, 8 a.m. The Texas State Soil and Water Conservation Board will meet at 1006 First National Building, Temple. Items on the agenda include district director appointments; 1982 state meeting; 1982-1983 operating budget; 1982 matching funds, Resource Conservation Act; Public Law 92-500, §208; Public Law 83-566 watershed planning; report on wetlands testing; report on Dow Chemical Company; SWCD fish stocking program; board member's per diem; report on Governor's Task Force on Water; report on Governor's Task Force on Agriculture; 1984-1985 budget request; and the assistant director's report.

Contact: John W. Millican, 1002 First National Building, Temple, Texas, (817) 773-2250, STS 820-1250.

Filed: August 31, 1982, 9:51 a.m.
TRD-826849

Structural Pest Control Board

Thursday, September 16, 1982, 8:30 p.m. The Structural Pest Control Board will meet in Suite 250, 1300 East Anderson Lane, Building C, Austin. Items on the agenda summary include approval of minutes of June 17, 1982, and June 18, 1982, board

meetings; individuals to appear before the board at the board's request for failure to file the required insurance certificate or policy with the board: John Schnieders, John Gaskins, Robert Paige, doing business as Paige's Pest Patrol, Robert Filla, doing business as South Western Exterminators, William R. Ryan, doing business as All-Tex Exterminating Company, Jerry Ford, doing business as J & B Pest Control, Naymond Glover, Robert W. Jenkins, doing business as ABC Pest Control, Inc., and George C. Greer, doing business as A Swat Pest Control By Greer; and discussion of electronic devices.

Contact: Charlie Chapman, 1300 East Anderson Lane, Building C, Suite 250, Austin, Texas 78752, (512) 835-4066.

Filed: August 31, 1982, 9:54 a.m.
TRD-826850

Friday, September 17, 1982, 8:30 a.m. The Structural Pest Control Board will meet at 1300 East Anderson Lane, Building H, Suite 123, Austin. Items on the agenda summary include appearances by Barbara Baird, doing business as AA Exterminators, Inc., and Thomas L. Taylor, doing business as Getz Exterminators of Texas in San Antonio, and discussion of proposed changes in the regulations.

Contact: Charlie Chapman, 1300 East Anderson Lane, Building C, Suite 250, Austin, Texas 78752, (512) 835-4066.

Filed: August 31, 1982, 9:56 a.m.
TRD-826851

Board of Tax Assessor Examiners

The Board of Tax Assessor Examiners will meet in the conference room, 9501 IH 35 North, Austin. The days, times, and agendas follow.

Tuesday, September 14, 1982, 1 p.m. Approval of minutes of June 10, 1982, meeting, registered professional assessor, and of re-applicants; suspension of registrants for non-compliance with educational requirements; contract with State Property Tax Board; contract with hearing officer; discussion on a new complaint pending before the board; date of next board meeting; procedural rules 22 TAC §§629.1-629.16; financial statement; and 1983-1985 proposed budget. The board will also meet in executive session.

Wednesday, September 15, 1982, 9 a.m. The board will resolve a complaint by H. L. Erdman, *et al* vs. David D. Black, assessor/collector for Dallas city and schools.

Contact: Ben H. Tow, 9501 IH 35 North, Austin, Texas, (512) 837-9800 or (800) 252-9304.

Filed: August 31, 1982, 9:55 a.m.
TRD-826852, 826853

Teacher

Retirement System of Texas

Friday, September 10, 1982, 10 a.m. The Board of Trustees of the Teacher Retirement System of Texas will meet in the board room, 1001 Trinity, Austin. Items on the agenda summary include report of Committee for Nomination of Board Officers; approval of minutes; review of investments for quarter and year ending August 31, 1982; review of discussion and recommendations at IAC meeting; appointments to advisory committees; report from Audit Committee; report from actuary; consideration of proposed amendments to rules and regulations; consideration of request from Dickinson Independent School District; approval of legislative program; certification of amount of state contribution for next biennium; consideration of amendment to general provisions of 1982-1983 budget; report of general counsel; and report of Member Benefits Division. The board will also meet in executive session to discuss personnel.

Contact: Mary Godzik, 1001 Trinity, Austin, Texas 78701, (512) 397-6400.

Filed: August 31, 1982, 9:30 a.m.
TRD-826843

Board of

Vocational Nurse Examiners

Monday and Tuesday, September 13 and 14, 1982, 8 a.m., daily. The Board of Vocational Nurse Examiners will meet at the Sunrise Motel, 7622 IH 35 North, Austin. Items on the agenda summary include approval of minutes, report of executive director, report of director of education, special reports, old business, new business; public hearing at 10:30 a.m., September 13 to receive comments on Rule 233.70, concerning Make-Up Time; administrative hearings; announcements; election of officers.

Contact: Waldeen D. Wilson, 1300 East Anderson Lane, Building C-285, Austin, Texas 78752, (512) 835-2071.

Filed: August 27, 1982, 9:54 a.m.
TRD-826807

Texas Water Commission

Tuesday, September 7, 1982, 10 a.m. The Texas Water Commission will meet in

Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will discuss water district bond issues, use of surplus funds, release from escrow, water quality permits, amendments and renewals, voluntary cancellation of water quality permits, final decisions on water right matters, and filing and setting hearing dates.

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

Filed: August 26, 1982, 10:13 a.m.
TRD-826766

Thursday, September 30, 1982, 10 a.m. The Texas Water Commission will meet in Room 124A, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda, the commission will consider the matter of the adjudication of all claims of water rights in the Colorado-Lavaca Coastal Basin to adopt a proposed preliminary determination of rights.

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

Filed: August 26, 1982, 3:04 p.m.
TRD-826794

Friday, October 8, 1982, 9 a.m. The Texas Water Commission will meet in the conference room, High Plains Underground Water Conservation District, 2930 Avenue Q, Lubbock. According to the agenda summary, the commission will consider the application of Texas Tech University, Lubbock County Agriculture Field Laboratory, Animal Science Department, Box 4169, Lubbock, Texas 79409, to the Texas Department of Water Resources for a permit (Proposed Permit 02572) to authorize the disposal of agricultural waste from a confined feeding operation. In addition to the livestock waste, the applicant proposes to route the domestic waste from septic tanks from approximately 10 mobile homes into the same retention facilities. Facilities will be provided to collect and dispose of process wastewater, rainfall runoff from the feeding pens, and associated area and domestic waste generated by employees living in the mobile homes. Facilities will consist of settling ponds, a playa lake, irrigation equipment, and land to be used for the disposal of wastewater and solid waste.

Contact: Kaylene Ray, P.O. Box 13087, Austin, Texas 78711, (512) 475-1339.

Filed: August 26, 1982, 10:13 a.m.
TRD-826767

Friday, October 8, 1982, 9 a.m. The Texas Water Commission will meet in the meeting

room, municipal building, 305 East Mexican, Port Isabel. According to the agenda summary, the commission will consider the application of Sun Harbor Development, Inc., P.O. Box 51, Port Isabel, Texas 78578, to the Texas Department of Water Resources for a permit (Proposed Permit 12540) to authorize the disposal by irrigation of treated domestic sewage effluent at a volume not to exceed an average flow of 22,500 gallons per day. The applicant proposes to provide facilities to treat the domestic wastewater from a resort development.

Contact: David Hume, P.O. Box 13087, Austin, Texas 78711, (512) 475-2711.

Filed: August 26, 1982, 10:15 a.m.
TRD-826768

Tuesday, October 19, 1982 9 a.m. The Texas Water Commission will meet in Room 208, City Hall, 509 East Seventh Avenue, Amarillo. According to the agenda summary, the commission will consider the application of Rusty Tregellas, doing business as Figure 1 Ranch and Feedlot (Swine Operation), Route 2, Box 30, Perryton, Texas 79070, to the Texas Department of Water Resources for a permit (Proposed Permit 02570, which will replace Registration 20017) to authorize the disposal of swine waste and process waste water from a confined feeding operation for swine. The permit specifies that the maximum density of swine shall not exceed 1,030 animal units. The applicant proposes to construct a totally enclosed swine feeding operation, including waste control facilities. The commission will also consider the application of Rusty Tregellas, doing business as Figure 1 Ranch and Feedlot (Cattle Feedlot Operation), Route 2, Box 30, Perryton, Texas 79070, to the Texas Department of Water Resources for an amendment to Permit 02213-01 in order to increase the size of the current cattle feeding operation from 12.9 acres to approximately 43.5 acres and increase the number of animals in confinement from approximately 2,000 animal units to 8,500 animal units.

Contact: James Larkins, P.O. Box 13087, Austin, Texas 78711, (512) 475-1468.

Filed: August 26, 1982, 10:14 a.m.
TRD-826769, 826770

Thursday, October 28, 1982, 10 a.m. The Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress, Austin. The commission will conduct a hearing on Application 4228 of Paul Crawford, Richard Crawford, and Linds Graves for a permit to divert and

use 320 acre-feet of water per annum directly from Bois d'Arc Creek and from the Red River, Red River Basin for irrigation purposes in Lamar County.

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

Filed: August 26, 1982, 3:04 p.m.
TRD-826795

Texas Water Well Drillers Board Tuesday, September 7, 1982. The Texas Water Well Drillers Board will meet in Room 513E, Stephen F. Austin Building, Austin. The times and agendas follow.

9:30 a.m. Consideration of approval of minutes; election of officers; complaint for public hearing for John D. Brief, Melvin E. Cato, Ted B. Dodd, Jay Mack Harvey, Paul R. Hurst, Thomas Max Johnson, Dale R. Jones, Otto Paul Kerman, James T. Marshall, B. J. McCullough, Wayne Morgan, Eugene Poldrack, Louis Smyers, and Ronald Ray Wheeler; certification of applicants; discussion concerning qualifications for licensing with M. Scott Thompson; waiving the annual license fee for Roger E. Niles; registration of drillers; briefing on Water Well Drillers examinations; investigator's activities, and staff reports.

Contact: Jack Overton, P.O. Box 13087, Austin, Texas 78711, (512) 475-3191.

Filed: August 30, 1982, 1:22 p.m.
TRD-826832

1:30 p.m. Consideration of whether to suspend or revoke the registration of John W. Sneed, doing business as J & J Pump Service, 137 West Cactus, Amarillo.

Contact: Patrick Sullivan, P.O. Box 13087, Austin, Texas 78711, (512) 475-6943.

Filed: August 30, 1982, 1:22 p.m.
TRD-826833

2:30 p.m. Consideration of whether to suspend or revoke the registration of Roy Vowell, Sr., P.O. Box 389, Waskom, doing business as Vowell Well Service, 2832 Teague Street, Tyler, Texas 75701.

Contact: Patrick Sullivan, P.O. Box 13087, Austin, Texas 78711, (512) 475-6943.

Filed: August 30, 1982, 1:22 p.m.
TRD-826834

Regional Agencies Meeting Filed August 26

The Gillespie County Appraisal District, Board of Directors, will meet in the district

courtroom, county courthouse, Fredericksburg, on September 8, 1982, at 9 a.m. Information may be obtained from Gary Nefendorf, P.O. Box 111, Fredericksburg, Texas 78624, (512) 997-7521.
TRD-826792

Meetings Filed August 27

The Central Texas Council of Governments, Executive Committee, met at Glaser's Fish Farm, Buckholts, on September 2, 1982, at 6 p.m. Information may be obtained from Walton B. Reedy, P.O. Box 729, Belton, Texas 76513.

The Coryell County Appraisal District, Board of Directors, met in the city council chambers, Copperas Cove, on September 2, 1982, 7 p.m. Information may be obtained from Joan Blanchard, P.O. Box 6, Gatesville, Texas 76528, (817) 865-5412.

The Hickory Underground Water Conservation District 1 met at McCulloch County Electric Cooperative, 209 South Elm, Brady, on September 2, 1982, at 7 p.m. Information may be obtained from Terry R. Norman, P.O. Drawer 789, Brady, Texas 76825-0789, (915) 597-0034.

The Central Appraisal District of Johnson County, Appraisal Review Board, met at 109 North Main Street, Cleburne, on September 2, 1982, and will meet on September 3, 9, and 10, 1982, at 9 a.m. daily. Information may be obtained from Don Gilmore, 109 North Main Street, Cleburne, Texas 76031, (817) 645-3986.

The Tarrant County Appraisal District, Appraisal Review Board, met in Suite 300, 1701 River Run, Fort Worth, on August 30, 1982, at 9 a.m. Information may be obtained from Dr. Nelson Eichman, 1701 River Run, Suite 200, Fort Worth, Texas, 76107, (817) 332-3151.

The Tyler County Tax Appraisal District, Board of Review, will meet at 1004 West Bluff, Woodville, on September 7, 1982, at 9 a.m. Information may be obtained from Leslie J. Silva, P.O. Box 9, Woodville, Texas 75979, (713) 283-3736.

The Wise County Appraisal District, Board of Directors, made an addition to the agenda of a meeting held in the commissioner's courtroom, third floor, Wise County Courthouse, Decatur, on September 2, 1982, at 9:30 a.m. Information may be obtained from Ann Loafman, P.O. Box 509, Decatur, Texas 76234.
TRD-826804

Meetings Filed August 30

The Bosque County Review Board will meet in the appraisal office, Bosque County Courthouse, Meridian, on September 9, 1982, at 9 a.m. The board also rescheduled a meeting to be held at the same location on the same day, at 7 p.m., originally scheduled for September 28, 1982. Information may be obtained from Ralph Roberts, P.O. Box 393, Meridian, Texas 76665.

The Callahan County Appraisal District, Board of Directors, will meet in the courtroom, Callahan County Courthouse, Baird, on September 7, 1982, at 7:30 p.m. Information may be obtained from Jane Ringhoffer, P.O. Box 1055, Baird, Texas 79504, (915) 854-1165.

The Deep East Texas Council of Governments, Regional Alcoholism Advisory Committee, will meet in Suite 301, Nacogdoches Savings and Loan Building, 118 East Hospital, Nacogdoches, on September 7, 1982, at 6 p.m. Information may be obtained from Michael Mohr, P.O. Box 661, Nacogdoches, Texas 75961, (713) 569-0492.

The Dawson County Appraisal District, Appraisal Review Board, will meet at 1806 Lubbock Highway, Lamesa, on September 7, 1982, at 5 p.m. Information may be obtained from Mike Watson, 1806 Lubbock Highway, Lamesa, Texas 79331, (806) 872-7060.

The Central Appraisal District of Erath County, Board of Directors, will meet at 313½ North Belknap, Stephenville, on September 8, 1982, at 10 a.m. Information may be obtained from James Bachus, 313 North Belknap, Stephenville, Texas 76401, (817) 965-7301.

The Gonzales County Appraisal District, Board of Review, met in emergency session at 317 Darst Street, Gonzales, on September 1, 1982, at 6 p.m., and the Board of Directors also met in emergency session at the same location, on September 2, 1982, at 8:30 a.m. Information may be obtained from Nancy Seitz, 317 Darst Street, Gonzales, Texas 78629, (512) 672-2879.

The Hale County Appraisal District met in emergency session at 302 West Eighth, Plainview, on August 30, 1982, at 8 p.m. Information may be obtained from Larry Hamilton, 302 West Eighth, Plainview, Texas.

The Henderson County Appraisal District, Board of Directors, will meet in Room 202, 101 East Corsicana, Athens, on September 14, 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 Hunt County Tax Appraisal District, Board of Directors, met in the board room, 4815-B King Street, Greenville, on September 2, 1982, at 7 p.m. Information may be obtained from Henry J. Popp or Jeanne Penney, 4815-B King Street, Greenville, Texas 75401, (214) 454-3510.

The Interim Regional Transportation Authority (Dallas), Board, met in emergency session in Room 4ES, Dallas City Hall. Information may be obtained from Cinde Weatherby, Lock Box 12, Love Field Terminal Building, Dallas, Texas 78235, (214) 358-3217.

The Upshur County Appraisal District, Appraisal Review Board, will meet at the appraisal district office, Warren and Trinity Streets, Gilmer, on September 3, 1982, at 8 a.m. Information may be obtained from Louise Stracener, P.O. Box 31, Gilmer, Texas 75644, (214) 843-3736.

TRD-826817

Meetings Filed August 31

The Archer County Appraisal District, Board of Directors, will meet in the Archer County Courthouse, Archer City, on September 8, 1982, at 5 p.m. Information may be obtained from Pat Wachsman, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2174.

The Atascosa County Appraisal District, Appraisal Review Board, will meet at 1010 Zanderson, Jourdanton, on September 7, 1982, at 9 a.m. Information may be obtained from Ernest Dunnagan, 1010 Zanderson, Jourdanton, Texas 78026, (512) 769-2730.

The Bexar-Medina-Atascosa Counties Water Control and Improvement District 1, Board of Directors, will meet in the district office, Natalia, on September 7, 1982, at 8 a.m. Information may be obtained from C. A. Mueller, P.O. Box 170, Natalia, Texas 78059, (512) 663-2132.

The Central Appraisal District of Johnson County, Appraisal Review Board, will meet at 109 North Main, Cleburne, on September 7 and 8, 1982, at 9 a.m. daily. Information may be obtained from Don Gilmore, 109 North Main, Cleburne, Texas 76031, (817) 645-3986.

The Coryell County Appraisal District, Review Board, will meet in the Coryell County tax office, county courthouse, Gatesville, on September 3, 1982, at 9 a.m. Information may be obtained from Joan Blanchard, P.O. Box 6, Gatesville, Texas 76528, (817) 865-5412.

The East Texas Council of Governments, Executive Committee, met in emergency session at 3800 Stone Road, Kilgore, on September 2, 1982, at 2 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

The Rusk County Appraisal District, Board of Directors, will meet at 107 North Van Buren, Henderson, on September 9, 1982, at 1:30 p.m. Information may be obtained from Melvin R. Cooper, P.O. Box 7, Henderson, Texas 75652, (214) 657-9697.

The San Patricio County Appraisal District, Board of Directors, will meet in Room 226, Courthouse Annex, Sinton, on September 9, 1982, at 9:30 a.m. Information may be obtained from Bennie L. Stewart, Box 938, Sinton, Texas 78387.

The Wise County Appraisal District, Board of Directors, will meet at 206 South State Street, Decatur, on September 9, 1982, at 9:30 a.m. Information may be obtained from Ann Loafman, P.O. Box 509, Decatur, Texas 76234.

TRD-826854

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 Air Control Board Applications for Construction Permits

Notice is hereby given by the Texas Air Control Board of applications for construction permits received during the period of August 16-20, 1982.

Information relative to the applications listed below, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

A copy of all material submitted by the applicant is available for public inspection at the central office of the Texas Air Control Board at the address stated above, and at the regional office for the Air Quality Control Region within which the proposed facility will be located.

Listed are the names of the applicants and the cities in which the facilities are located; type of facilities; location of the facilities (if available); permit numbers; and type of application—new source or modification.

Exxon Company U.S.A., Baytown; brup boiler, brup (new) furnaces; 2800 Decker Drive; 9164, 1965; new sources

American Petrofina Company of Texas, Port Arthur; atmospheric crude unit, cooling tower, and alkylation unit; Highway 366 and 32nd Street; 9166, 9167, 9168; new sources

Henkel Corp., Kenedy; guar bean splitting and dehulling plant; Flax Plant Road; 9169; new source

Farmer's Co-op Elevator of Muleshoe; grain storage system; (location not available); 9170; new source

W. R. Boyd, Inc., Lone Star; asphalt concrete plant; (location not available); 7825A; new source

Mobil Producing Texas and New Mexico, Inc., Jourdanton; sales gas facility; (location not available); 9171; new source

Issued in Austin, Texas, on August 23, 1982.

TRD-826744

Ramon Dasch
Director of Hearings
Texas Air Control Board

Filed: August 25, 1982

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

Pursuant to the authority provided in the Texas Clean Air Act, Texas Civil Statutes, Article 4477-5, §§3.15-3.17, and the procedural rules of the Texas Air Control Board (TACB), Rules 103.31, 103.41, and 103.81, an examiner for the TACB will conduct a de novo hearing on the appeal of the issuance of Construction Permit C-7565 by the executive director to Diamond Shamrock Corp., hereafter referred to as the company, for a Number Six fuel oil fired boiler located at 1100 Lenway Street, Dallas.

Said company is directed to appear at the time and place shown below and demonstrate by a preponderance of the evidence that the company has satisfied all the requirements of the TACB and the Act for the issuance of Construction Permit C-7565.

The record of this hearing will be submitted to the TACB for a determination whether to affirm, modify, or reverse the decision of the executive director to issue Construction Permit C-7565 pursuant to §3.27 of the Act and Regulation VI of the TACB.

Information regarding the application for the permit and copies of the board's rules and regulations are available for public inspection at the central office of this agency located at 6330 Highway 290 East, Austin, Texas 78723; the regional office of this agency located at 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116; and the Dallas Environmental Health and Conservation Department, Air Pollution Control Section, 1500 West Mockingbird Lane, Dallas, Texas 75235.

The examiner has set the time and place for the hearing on the merits concerning Construction Permit C-7565 for 6 p.m., October 5, 1982, in Room 101 of the Martin Luther King Recreation Center, 2922 Forest Avenue, Dallas, Texas 75215. Prospective parties to the hearing are the staff of the TACB, the company, and the Frederick Douglas Voting Council. Any other persons desiring to be made a party to the hearing must apply to Examiner Ramon Dasch, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723, by written request postmarked no later than September 10, 1982. At the hearing on the merits, only those persons admitted as parties will be permitted to present evidence and argument and to cross-examine witnesses. If any person desires to give testimony at the hearing on the merits but does not desire to be a party, he or she should call the legal division of the TACB, at (512) 451-5711, ext. 358, to determine the names and addresses of all admitted parties. These parties may then be contacted about the possibility of presenting testimony.

Pursuant to the procedural rules of the TACB, Rule 103.46, the examiner has scheduled a prehearing conference for 6 p.m., September 14, 1982, in Room 101 of the Martin Luther King Recreation Center, 2922 Forest Avenue, Dallas, Texas 75215. All persons wishing to be admitted as parties must attend the conference and are required to submit a list of disputed issues for consideration at the hearing on the merits. In addition, any requests for official notice should be made at the prehearing conference. At this conference, a specific date prior to the hearing on the merits will be established for the exchange of witness lists, short summaries of their prospective testimony and copies of written and documentary evidence pursuant to Rule 103.46(2).

Interested members of the general public who plan to attend the hearing are encouraged to telephone the central office of the TACB in Austin, Texas, at (512) 451-5711, extension 358, or the regional office in Fort Worth, Texas, at (817) 732-5531, a day or two prior to the hearing date in order to confirm the setting since continuances are granted from time to time.

Issued in Austin, Texas, on August 24, 1982.

TRD-826743 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Filed: August 25, 1982
For further information, please call (512) 451-5711, ext. 354.

Office of Consumer Credit Commissioner Rate Ceilings

Pursuant to the provisions of House Bill 1228, 67th Legislature of Texas, Regular Session, 1981, the consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Article 1.04, Title 79, as amended Texas Civil Statutes, Article 5069-1.04.

Effective Period ⁽¹⁾	Type of Transaction	
	Commercial ⁽³⁾ Consumer ⁽²⁾ /thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated Rate		
Weekly Rate Ceiling		
09/06/82-09/12/82	19.5%	19.5%
Monthly Rate Ceiling		
(Variable Commercial Only)		
09/01/82-09/30/82	20.1%	20.1%
Quarterly Rate Ceiling		
10/01/82-12/31/82	22.94%	22.94%
Annual⁽⁵⁾ Rate Ceiling		
10/01/82-12/31/82	24%	24.96%

- (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 August 30, 1982.

TRD-826813 Sam Kelly
Consumer Credit Commissioner

Filed: August 30, 1982
For further information, please call (512) 475-2111.

Office of the Governor Correction of Error

An adoption submitted by the Budget and Planning Office of the Office of the Governor, concerning uniform grant and contract management standards for state agencies, contained an error as submitted in the August 31, 1982, issue of the *Texas Register* (7 TexReg 3179). The last number in the last column of Table 1, Indirect Cost Computation Table, should read 4,925 instead of 4,955.

Texas Health Facilities Commission Applications Accepted for Amendment, Declaratory Ruling, and Notices of Intent

Notice is hereby given by the Texas Health Facilities Commission of applications accepted as of the date of this publication. In the following list, the applicant is listed first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling; AMD indicates amendment of previously issued commission order; CN indicates certificate of need; PFR indicates petition for reissuance; NIE indicates notice of intent to acquire major medical equipment; NIEH indicates notice of intent to acquire existing health care facilities; NIR indicates notice of intent regarding a research project; NIE/HMO indicates notice of intent for exemption of HMO-related project; and EC indicates exemption certificate.

Should any person wish to become a party to any of the above-stated applications, that person must file a proper request to become a party to the application within 15 days after the date of this publication of notice. If the 15th day is a Saturday, Sunday, state or federal holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, state or federal holiday. A request to become a party should be mailed to the chair of the commission at P.O. Box 15023, Austin, Texas 78761, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to any of these applications must meet the criteria set out in 25 TAC §515.9. Failure of a party to supply the necessary information in the correct form may result in a defective request to become a party.

B-W Investments, Dilley
AN82-0823-091

NIEH—Request for a declaratory ruling that a certificate of need is not required for B-W Investments (a partnership of J. M. Barton, M.D., 60%; John M. Wade 40%) to acquire by purchase Amistad Nursing Home, an existing 120-bed nursing facility located in Uvalde, from John W. Griffin and Charles V. Griffin, Jr.

Amistad Nursing Home, Inc., Uvalde
AN82-0823-097

NIEH—Request for a declaratory ruling that a certificate of need is not required for Amistad Nursing Home, Inc., to acquire by lease Amistad Nursing Home, an existing 120-bed nursing facility located in Uvalde, from B-W Investments (a partnership of J. M. Barton, M.D., 60%; John M. Wade, 40%).

Sunburst Health Care, Inc., Richardson
AN82-0820-052

NIEH—Request for a declaratory ruling that a certificate of need is not required for Sunburst Health Care, Inc., to acquire by purchase Groesbeck Park Plaza, an existing 90-bed ICF nursing facility located in Groesbeck, from Elenor and A. J. Holmes, Jr.

Issued in Austin, Texas, on August 30, 1982.

TRD-826812 John R. Neel
 General Counsel
 Texas Health Facilities
 Commission

Filed: August 30, 1982
For further information, please call (512) 475-6940.

Texas Department of Human Resources Consultant Proposal Request

In accordance with Texas Civil Statutes, Article 6252-11c, the Department of Human Resources (TDHR) is requesting proposals for consulting services.

Description: TDHR is releasing a Request for Proposal (RFP) to provide classification consultation services to study and make recommendations on: classification of service delivery workers; grade compression problems in the state salary schedule; and classification of secretarial, clerical employees, and program directors. On-site classification audits will be required in areas identified for study.

Agency Contact: For additional information, for a copy of the RFP, or to notify TDHR of your intent to make a proposal, contact D. W. Bond, Jr., Assistant Commissioner for Personnel Management, or Tom Phillips, Personnel Division, Texas Department of Human Resources, P. O. Box 2960, Austin, Texas 78769, (512) 441-3355.

Closing Date: Closing date for offers to provide these services is October 11, 1982.

Effective Date: The project is expected to begin on or about October 25, 1982, and to be completed by March 31, 1983.

Selection Criteria: Proposals presented will be judged on the firm's demonstrated competence in using a point-system classification methodology, knowledge of and experience with TDHR, adequateness of the technical approach in the proposal, soundness of the proposal in terms of overall project management controls, and reasonableness of cost proposed in relation to the work described. Contract award will not necessarily be made to the lowest financial bidder, but to what is determined to be the lowest and best bidder in relation to the evaluation criteria. This award is subject to availability of funds.

Issued in Austin, Texas, on August 30, 1982.

TRD-826808 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Filed: August 30, 1982
For further information, please call (512) 441-3355,
ext. 2037.

Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of August 23-26, 1982.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain (1) the name, mailing address, and phone number of the person making the request; and (2) a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct

a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-2678.

Listed are the names of the applicants and the cities in which the facilities are located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal.

Period of August 23-26, 1982

City of San Antonio; V. H. Braunig Plant; 16120 Streich Road approximately 2.75 miles northwest of the City of Elmendorf, Bexar County; 01515; renewal
Champlin Petroleum Company, Corpus Christi; petroleum refinery; 1801 Nueces Bay Boulevard, Corpus Christi, Nueces County; 00467; amendment

Bethlehem Steel Corp., Beaumont; ship building and repair facilities; 805 Pine Street, Beaumont, Jefferson County; 00838; amendment

Gulf Oil Chemicals Company, Baytown; Cedar Bayou olefin plant; on the west bank of Cedar Bayou, at IH-10, north of the City of Baytown in Harris County; 01006; amendment

Wunderlich-Strack, Houston; apartment complex; approximately 320 feet southeast of the intersection of Wunderlich Road and Strack Road in Harris County; 12594-01; new permit

Stanislaw R. Burzynski doing business as Burzynski Research Institute, Stafford; clinic and research lab; 12707 Trinity Drive in the City of Stafford in Fort Bend County; 02589; new permit

Michael Butler, Houston; office and residential development; on the north bank of Keegans Bayou approximately 500 feet west of the intersection of Keegans Bayou and South Kilcrest Road in Harris County; 12577-01; new permit

Tubular Fiber Glass Company, Inc., Houston; reinforced plastic pipe manufacturing plant; 11811 Proctor Road, approximately 500 feet north of FM Road 149 and approximately 450 feet west of Proctor Road in Harris County; 12581-01; new permit

Airco, Inc., Airco Carbon Division, Seadrift; coke calcining facility; between State Highway 185 and the Victoria Barge Canal south of the intersection of State Highways 185 and 35 near the City of Seadrift in Calhoun County; 02586; new permit

Harris County Municipal Utility District 35, Houston; wastewater treatment facilities; southeast of the intersection of Willow Creek and Kuykendahl Road in north Harris County; 11604-01; renewal

E. I. Du Pont de Nemours and Company, *et al*, doing business as Syngas Company, Deer Park; facility producing synthesis gas and methanol; 11603 Strang Road

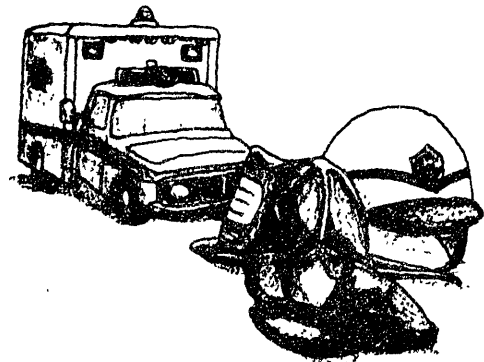
between Miller Cutoff Road and Sens Road in Harris County; 02175; amendment

Gordon J. Neilson, Tyler; proposed subdivision; on the east side of State Highway 155, approximately 1.5 miles southwest of the intersection of State Highway 155 and State Highway Loop 323 southwest of the City of Tyler in Smith County; 12584; new permit

Issued in Austin, Texas, on August 26, 1982.

TRD-826803 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: August 26, 1982
For further information, please call (512) 475-4514.



**Public Information
Texas Department of Public Safety**

Although motor vehicle fatalities are down by 5.0% statewide as compared to the same time last year, the Texas Department of Public Safety is estimating 47 traffic deaths over the forthcoming Labor Day weekend.

Department of Public Safety Director Colonel Jim Adams said he is not optimistic that the holiday period would reflect any fewer deaths than anticipated. However, he said that drivers could help limit the number of fatalities by using seat belts, maintaining a safe speed and refraining from drinking while driving. He said about half of the holiday deaths would probably involve alcohol.

"Some people tend to drink more during the holidays and then attempt to drive. By doing so, they show a low regard for the well being of themselves, their passengers and other motorists. Drunk driving is obviously one of the most dangerous risk factors facing motorists today," he said.

Department of Public Safety statistical reports show 23% of traffic deaths reported last year involved alcohol. However, Adams said, "About 50% or more of the traffic deaths in Texas are alcohol related.

"State law does not provide for mandatory blood alcohol testing on drivers who were believed to have been drinking. When we compare accident reports and national statistics, it is easy to estimate the number of accidents which involve the drinking driver," he said.

Last year during Labor Day, 50 persons were killed in urban and rural traffic accidents. Eight more persons died later as a result of injuries suffered from accidents which occurred during the 78-hour holiday.

At the discretion of command officers, the Department of Public Safety will have extra patrols assigned to areas where heavy volumes of traffic can be anticipated or where drinking drivers can be expected.

"Local highway patrol commanders will assign the additional troopers as they deem appropriate to assist the holiday traveler and to watch for drivers who violate traffic laws," said Adams.

The Labor Day holiday is traditionally one of the last holidays of the summer vacation period and extensive travel and heavy traffic can be expected.

The Department of Public Safety is urging motorists who take long trips to utilize the many rest stops provided by civic and business clubs and the State Highway Department.

Additionally, the Department of Public Safety will conduct Operation Motorcide whereby the city police department, county sheriffs' officers, and troopers report the number of traffic deaths directly to the news media.

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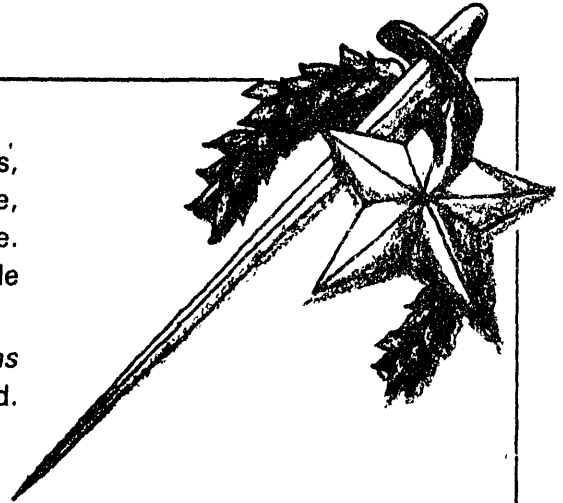
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