

TEXAS REGISTER

In This Issue...

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Texas Department of Human Resources adopts on an emergency basis new rules concerning social work certification; effective date—November 2 4155

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State Property Tax Board proposes new rules to chapters on tax record requirements, valuation procedure, and practice and procedure; proposed date of adoption—December 11 4172

Texas Aeronautics Commission adopts amendments to chapters on practice and procedure, air carriers, and aviation facilities development and financial assistance; effective date—November 20 4178



Office of the Secretary of State

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

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

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

1 is the title (agencies grouped together by subject title which are arranged alphabetically)

TAC is the *Texas Administrative Code*

§27.15 is the section number (27 represents the chapter number and 15 represents the individual rule within the chapter)

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

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

TEXAS REGISTER

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Secretary of State

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Appointments

October 20, 1981

Texas State Board of Examiners of Professional Counselors

Pursuant to Senate Bill 606, 67th Legislature, to represent private practice members for a term to expire February 1, 1983:

Curtis E. Wills
6350 Arrowhead
Beaumont, Texas 77706

Pursuant to Senate Bill 606, 67th Legislature, to represent counselor-educator members for a term to expire February 1, 1985:

Julian Biggers, Jr.
6103 Lynnhaven Drive
Lubbock, Texas 79413

Pursuant to Senate Bill 606, 67th Legislature to be a citizen member for a term to expire February 1, 1985:

Marian Edith Cleary
3405 Centenary Drive
Dallas, Texas 75225

Pursuant to Senate Bill 606, 67th Legislature, to represent private practice members for a term to expire February 1, 1987:

Stephen A. Haberman
Route 4, Box 1
Canton, Texas 75103

Pursuant to Senate Bill 606, 67th Legislature, to be a public member for a term to expire February 1, 1987:

Yvonne L. Kohutek
13123 Country Trail
San Antonio, Texas 78216

Issued in Austin, Texas, on October 20, 1981.

Doc. No. 817859 William P. Clements, Jr.
Governor of Texas

For further information, please call (512) 475-3021.

October 22, 1981

Texas Aeronautics Commission

For a six-year term to expire December 31, 1986:

Jack H. McCreary
510 West 15th
Austin, Texas 78701

Mr. McCreary is being reappointed.

Texas Commission on Alcoholism

For a six-year term to expire June 8, 1987:

Margaret Ellen Brown Sharpe
3736 Potomac
Dallas, Texas 75205

Ms. Sharpe will be replacing Bill Masterson of Odessa, Ector County, whose term expired.

Texas Animal Health Commission

To represent the feedlot industry for a six-year term to expire September 6, 1987:

Charles Koontz
Box 390
Olton, Texas 79064

Mr. Koontz is being reappointed.

Battleship Texas Commission

Pursuant to Senate Bill 514, 67th Legislature, to be chairman:

Lawrence N. Smith
Kerrville
Kerr County

Coordinating Board, Texas College and University System

For a six-year term to expire August 31, 1987:

William R. Patterson, D.D.S.
1490 Pine Road
Texarkana, Texas

Dr. Patterson is replacing R. Paul Teague, Sr., of Texas City, Galveston County, whose term expired.

Criminal District Court 1

Effective November 2, 1981, to be judge of Tarrant County, until the next general election and until his successor shall be duly elected and qualified:

Marvin L. Collins
1766 Oak Hill Road
Fort Worth, Texas 76112

Mr. Collins will be filling the unexpired term of Judge Byron Matthews of Fort Worth, Tarrant County, who resigned.

Criminal Justice Coordinating Council

Pursuant to Senate Bill 1021, 67th Legislature, for a term at the pleasure of the governor:

Nancy E. Judy
3346 Mayhew
Dallas, Texas 75228

Interstate Oil Compact Commission

To be a member of the Regulatory Practices Committee for a term at the pleasure of the governor:

Jack Morgan, manager, Regulatory Affairs
U.S. Operating, Inc.
16800 Dallas Parkway, Suite 200
Dallas, Texas 75248

Interstate Parole Compact

To be administrator effective immediately:

Johnny R. McCollum
1211 Dove Haven
Pflugerville, Texas 78660

Mr. McCollum will be replacing John E. Clark of San Antonio, Bexar County, who resigned.

48th Judicial District Court of Texas

Effective immediately to be judge of Tarrant County, until the next general election and until his successor shall be duly elected and qualified:

William Lee Hughes, Jr.
1809 Woods Drive
Arlington, Texas 76010

Mr. Hughes will be replacing Justice Walter E. Jordan of Fort Worth, Tarrant County, who was elevated to the Second Court of Appeals.

297th Judicial District Court of Texas

Pursuant to House Bill 958, 67th Legislature, to be effective January 1, 1982, to be judge of Tarrant County, until the next general election and until his successor shall be duly elected and qualified:

Rufus James Adcock
4628 Barwick
Fort Worth, Texas 76132

Texas State Board of Examiners of Professional Counselors

Pursuant to Senate Bill 606, 67th Legislature, to be a public member for a term to expire February 1, 1983:

Raul Castillo
816 Sue
Houston, Texas 77009

Pursuant to Senate Bill 606, 67th Legislature, to represent counselor members for a term to expire February 1, 1985:

Edward C. Bonk
400 Jagoe
Denton, Texas 76201

Pursuant to Senate Bill 606, 67th Legislature, to represent counselor members for a term to expire February 1, 1987:

Betty Whitney
3620 Springbrook
Dallas, Texas 75205

Office of the Secretary of State

Effective 3:30 p.m. on Thursday, October 22, 1981, to be secretary of state during the term of service of the governor:

David A. Dean
607 Kessler Lake
Dallas, Texas, 75208

Texas Surplus Property Agency

For a six-year term to expire March 19, 1987:

Jess M. Irwin, Jr.
4 Westgate Circle
Austin, Texas 78746

Mr. Irwin is being reappointed.

Texas Woman's University

To be a member of the Board of Regents for a six-year term to expire January 10, 1987:

Karl Rove
3903 Seiders, Apartment 208
Austin, Texas 78746

Mr. Rove is replacing Dr. Lauro G. Guerra of McAllen, Hidalgo County, whose term expired.

Issued in Austin, Texas, on October 22, 1981.

Doc. No. 817860 William P. Clements
Governor of Texas

For further information, please call (512) 475-3021.

October 23, 1981

Committee To Study the Development of Texas Beaches

Pursuant to Texas Civil Statutes, Article 5415(d), §7, to be a citizen member for a two-year term to expire October 15, 1983:

Jack Best, D.D.S.
225 Bayshore
Corpus Christi, Texas 78412

State Board of Veterinary Medical Examiners

Pursuant to Senate Bill 232, 67th Legislature, to be a public member for a term to expire August 26, 1985:

A. C. "Buck" Hughes
2504 Washington
Commerce, Texas 75428

Pursuant to Senate Bill 232, 67th Legislature, for a six-year term to expire August 26, 1987:

Edward S. Murray, D.V.M.
Spur Veterinary Hospital
P.O. Box 277
Spur, Texas 79370

Dr. Murray is being reappointed.

Issued in Austin, Texas, on October 23, 1981.

Doc. No. 817861 William P. Clements, Jr.
Governor of Texas

For further information, please call (512) 475-3021.

October 27, 1981

Capitol Centennial Committee

To represent the governor:

Rita Clements
106 Sam Houston Building
Austin, Texas 78711

Hilary Doran, executive assistant
Governor's Office
Austin, Texas 78711

Jim Sanders, director
Legislative Reference Library
Austin, Texas 78711

State Board of Dental Examiners

Pursuant to Senate Bill 335, 67th Legislature, to be a public member for a term to expire May 10, 1985:

Joseph E. Gardner, Jr.
P.O. Box 6217
Corpus Christi, Texas 78411

Pursuant to Senate Bill 335, 67th Legislature, to be a public member for a term to expire May 10, 1983:

Mary Ellen Jericho
3805 Potomac
Dallas, Texas 75205

Board of Pardons and Paroles

Pursuant to Senate Bill 125, 67th Legislature, to be chairman:

Ruben M. Torres
136 Sally Lane
Brownsville, Texas 78521

Pursuant to Senate Bill 125, 67th Legislature, to be vice chairman:

Dr. George G. Killinger
Stephen F. Austin Building, Room 711
Austin, Texas 78711

State Board of Pharmacy

Pursuant to House Bill 1628, 67th Legislature, to be public members for terms to expire August 31, 1987, and August 31, 1985, respectively:

Virginia Marie Bauman
1905 Green Oaks Drive
Irving, Texas 75061

Judy Taylor
Route 4, Box 15A
Yorktown, Texas 78164

Issued in Austin, Texas, on October 27, 1981.

Doc. No. 817862 William P. Clements, Jr.
Governor of Texas

For further information, please call (512) 475-3021.

October 28, 1981

White House Conference on Aging

Pursuant to Public Law 95-478 for a term as delegate through the end of the activities of the conference:

Suzanne Harris
414 Castano Avenue
San Antonio, Texas 78209

Ms. Harris will be replacing W. L. "Pup" Kindle of Austin, who is deceased.

Issued in Austin, Texas, on October 28, 1981.

Doc. No. 817863 William P. Clements, Jr.
Governor of Texas

For further information, please call (512) 475-3021.

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

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

Requests for Opinions

Summary of Request for Opinion RQ-729

Request from Ray Farabee, chairman, State Affairs Committee of the Texas Senate, Austin.

Summary of Request: What is the meaning of the term "unmarried surviving spouses of veterans who died in the line of duty" in the Texas Constitution, Article III, §49-b? Specifically, if a veteran died from a service-connected disability after his honorable discharge from the armed service and at the time of death he was qualified to make application for a loan under the Veteran's Land Program, is his unmarried surviving widow then qualified to apply for a loan?

Issued in Austin, Texas, on October 29, 1981.

Doc. No. 817828 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

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

Summary of Request for Opinion RQ-730

Request from Philip D. Creer, FAIA, executive director, Texas Board of Architectural Examiners, Austin.

Summary of Request: May an individual licensed by the Texas State Board of Registration for Professional Engineers but not licensed by the Texas Board of Architectural Examiners use the title "Architectural Engineer?"

Issued in Austin, Texas, on October 29, 1981.

Doc. No. 817829 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

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

Summary of Request for Opinion RQ-731

Request from G. Dwayne Pruitt, county attorney, Terry County.

Summary of Request:

(1) May two judicial districts located in different counties

have a single probation department to serve both of them?

(2) May one judicial district contract with another judicial district to provide probation services for both districts?

Issued in Austin, Texas, on October 29, 1981.

Doc. No. 817830 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

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

Summary of Request for Opinion RQ-732

Request from Jack G. Willingham, district attorney, Anson.

Summary of Request: Can the co-guardians create a trust out of the ward's entire estate for the benefit of the minor child, appointing themselves co-trustees and insulate the minor's estate from liability for support payments while he is in a state school as provided under the Texas Mentally Retarded Persons Act?

Issued in Austin, Texas, on October 29, 1981.

Doc. No. 817831 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

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

Summary of Request for Opinion RQ-733

Request from Sam Kelley, consumer credit commissioner, Austin.

Summary of Request: In enforcing Texas Credit Code provisions or refund of unearned insurance premiums, should the Consumer Credit Commission follow minimum refund provisions found in various sections of Texas Civil Statutes, Article 5069, those found in Article 3.53 of the Insurance Code as amended by House Bill 2198 of the 67th Session, or those found in Article 3.53 as amended by House Bill 2388?

Issued in Austin, Texas, on October 29, 1981.

Doc. No. 817832 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

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

Summary of Request for Opinion RQ-734

Request from Earl Luna, attorney for Garland ISD, Dallas.

Summary of Request: Is information considered by school board at its meetings, including superintendent's recommendations, proposed resolutions, and proposed expenditures, available to the public prior to the meeting?

Issued in Austin, Texas, on October 29, 1981.

Doc. No. 817833 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

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

Summary of Request for Opinion RQ-735

Request from John F. Perry, county attorney, Hopkins County.

Summary of Request: Mr. Perry asked 12 questions relating to the Property Tax Code, §11.16.

(1) Should the term "implements" be construed so as to include any and all types of equipment or machinery that could be used in an agricultural environment?

(2) Would a dairy operation be entitled to an exemption from taxation for all types of equipment and machinery used in such operation, including, but not limited to, milking, storage, feed, and sanitation equipment?

(3) Would vehicles utilized in agricultural products, such as trucks and trailers, be included in this exemption?

(4) Would equipment used to obtain water from wells or for irrigation be exempt?

(5) Would permanent structures such as silos or feed bins and tanks utilized for the production of forage and feed for livestock and poultry and used exclusively by the producer to feed his own stock be exempt?

(6) Could other structures such as barns or sheds used for storage of forage and feed be considered implements?

(7) Would the term "individual" as used in the amendment be limited or defined to include only persons in the agricultural business that have sole or complete ownership of all the property necessary for pursuit of said business?

(8) Would an individual or single person who has incorporated be entitled to an exemption?

(9) Would a partnership of any nature, including family partnerships, be excluded from the benefits of this exemption?

(10) Would an individual who is a citizen of a foreign country be eligible for the exemption?

(11) Do the limits shown in the personal property provisions exempt from satisfaction of liabilities under Texas Civil Statutes, Article 3836, apply to §11.16 as amended?

(12) Would an individual holding equipment and machinery in an agricultural area in which he is not currently engaged, even though he still pursues another type of agricultural usage be entitled to an exemption?

Issued in Austin, Texas, on October 29, 1981.

Doc. No. 817834 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

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

Summary of Request for Opinion RQ-736

Request from Edward H. Perry, assistant city attorney, Dallas.

Summary of Request: May information concerning activities causing air pollution which a lead company submitted to the City of Dallas be withheld from public disclosure under the Open Records Act, §§3(a)(4) or (10)?

Issued in Austin, Texas, on October 29, 1981.

Doc. No. 817835 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

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

Summary of Request for Opinion RQ-737

Request from Chris Kyker, executive director, Texas Department on Aging, Austin.

Summary of Request: Does Texas Civil Statutes, Article 44-2c, §9, preclude a long-term care ombudsman from unilaterally, and without health department sponsorship, investigating complaints as contemplated by the Older Americans Act?

Issued in Austin, Texas, on October 29, 1981.

Doc. No. 817836 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

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

Summary of Request for Opinion RQ-738

Request from Bob Bullock, comptroller of public accounts, Austin.

Summary of Request: Is a list of all corporations who filed franchise tax returns under the county assessed value method of taxation (Texas Taxation—General Annotated, Article 12.01(1)(b), for the years 1976 through 1980, subject to disclosure under the Open Records Act?

Issued in Austin, Texas, on October 29, 1981.

Doc. No. 817837 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

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

Summary of Request for Opinion RQ-739

Request from John R. MacLean, district attorney, and Dan M. Boulware, county attorney, Johnson County.

Summary of Request: May the city council of a general law city refuse to accept two resignations of city councilmen at the same time in order to avoid holding a special election?

Issued in Austin, Texas, on October 29, 1981.

Doc. No. 817838 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

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

Summary of Request for Opinion RQ-740

Request from Oscar H. Mauzy, chairman, Committee on Jurisprudence, Texas Senate, Austin.

Summary of Request: Under the state law, would electronic devices currently sold in Texas be considered "primarily designed or used for the nonconsensual interception of wire or oral communications?" If so, why? If not, why not?

Issued in Austin, Texas, on October 29, 1981.

Doc. No. 817839 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

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

Summary of Request for Opinion RQ-741

Request from Lauro Cavazos, Ph.D., president, Texas Tech University, Lubbock.

Summary of Request:

(1) What statute controls the tuition rate to be charged a Texas Tech University Health Sciences Center School of Nursing student; and,

(2) May Texas Tech University receive credit hours for formula generation purposes as consideration for the teaching services rendered under the proposed contract?

Issued in Austin, Texas, on October 29, 1981.

Doc. No. 817840 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

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

Summary of Request for Opinion RQ-742

Request from Truett Latimer, executive director, Texas Historical Commission, Austin.

Summary of Request:

(1) Does this item of appropriation (a specific museum grant) violate Article 16, §6, and Article 3, §61 and §52, of the Texas Constitution?

(2) If it is the opinion of the Office of the Attorney General that this does not violate the Texas Constitution, is it the opinion of the Office of the Attorney General that the Texas Historical Commission can allocate the \$50,000 only to the Fire Museum of Texas located in Grand Prairie? This is owned and operated by the State Firemen's and Fire Marshal's Association of Texas?

(3) If it is the opinion of the Office of the Attorney General that we do not have to allocate this appropriation only to the Fire Museum of Texas, can we also allocate monies to other museums in Texas that might have exhibits honoring firefighters and their work?

(4) If all or a portion of the \$50,000 appropriation is granted to the Fire Museum of Texas and/or other museums honoring firefighters and their work, can the commission require some type of stewardship, such as providing that the state would be reimbursed for any grants made in case the institution(s) closed within a specified period of time?

Issued in Austin, Texas, on October 29, 1981.

Doc. No. 817841 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

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

Summary of Request for Opinion RQ-743

Request from Warren G. Harding, state treasurer, Austin.

Summary of Request:

(1) Under provisions of Texas Civil Statutes, Article 5190.6, and Senate Bill 978 of the Texas State Legislature, is there authorization for the issuance of an industrial development bond registered as to interest only and principal being in bearer form?

(2) Under provisions of Texas Civil Statutes, Article 5190.6, and Senate Bill 978 of the Texas State Legislature, would an industrial development bond issued with a floating

interest rate and being registered as to interest only, principal being in bearer form, be eligible as collateral for state funds?

Issued in Austin, Texas, on October 29, 1981.

Doc. No. 817842 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

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

Summary of Request for Opinion RQ-744

Request from Stan Schlueter, chairman, Committee on Financial Institutions, Texas House of Representatives, Austin.

Summary of Request:

(1) May securities pledged to secure public deposits pursuant to House Bill 1208 be pledged to the full extent of market value?

(2) Are fully-registered bonds registered as to principal only, and bonds registered as to interest only eligible to secure deposits under House Bill 1208?

Issued in Austin, Texas, on October 29, 1981.

Doc. No. 817843 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

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

Summary of Request for Opinion RQ-745

Request from Fred Toler, executive director, Texas Commission on Law Enforcement Officer Standards and Education, Austin.

Summary of Request:

(1) What persons are contemplated by Texas Code of Criminal Procedure, Article 2.12, §8, and must these persons be licensed as peace officers pursuant to Texas Civil Statutes, Article 4413(29aa)?

(2) May a district court or a county-at-law utilize Texas Code of Criminal Procedure, Article 2.12, §8, to appoint and commission a person to serve as a peace officer and to execute all criminal process issued by the criminal courts of a county, and if so, must that person so appointed be licensed as a peace officer pursuant to Texas Civil Statutes, Article 4413(29aa)?

Issued in Austin, Texas, on October 29, 1981.

Doc. No. 817844 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

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

Summary of Request for Opinion RQ-746

Request from William P. Clements, Jr., governor of the State of Texas, Austin.

Summary of Request:

(1) Assuming that there has been an increase in the salary of an office during the 67th Legislative Session, does the rider effectively negate the pay raise and render a member of the 67th Legislature eligible to such office by election or appointment prior to the end of the legislative term?

(2) If the first question is answered in the affirmative, for what period of time should the member of the 67th Legis-

lature who assumes such office be compensated at the September 1980 rate of pay?

(3) Does it continue to be the opinion of the Office of the Attorney General that a member of the legislature may not be appointed to another office for which senate confirmation is required until after the expiration of his legislative term of office?

(4) Does it continue to be the opinion of the Office of the Attorney General that a member of the legislature is ineligible for appointment to an office to be assumed prior to the end of his elected term although there are no plans to call a special session?

(5) Does it continue to be the opinion of the Office of the Attorney General that a judicial appointment by the governor requires confirmation by the Texas Senate?

Issued in Austin, Texas, on October 29, 1981.

Doc. No. 817845 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

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

Summary of Request for Opinion RQ-747

Request from Don Henderson, chairman, Transportation and Government Organization Committees, Texas House of Representatives, Austin.

Summary of Request:

(1) Is there a statutory or judicial prohibition against the writing of group fixed annuities through financial institutions with the financial institution acting as group contract holder?

(2) Is the writing of group fixed annuities through financial institutions with the financial institution serving as group contract holder permitted in Texas?

(3) Is the opinion of the State Board of Insurance, written on May 4, 1977, valid on October 7, 1981?

Issued in Austin, Texas, on October 29, 1981.

Doc. No. 817846 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

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

Summary of Request for Opinion RQ-748

Request from Bob McFarland, chairman, Constitutional Amendments, House of Representatives, Austin.

Summary of Request:

(1) Is a nonprofit corporation, organized or reorganized under the Texas Education Code, §53.47(e), limited in its financing of the acquisition of student loan notes to the issuance of revenue bonds?

(2) May such a corporation enter into a credit arrangement (letter of credit, contractual commitment, reimbursement agreement, open line of credit, bank loan, or other similar arrangement) to obtain funds to acquire student loan notes on the secondary market, where it is not in connection with the issuance of revenue bonds, and the governing body of the corporation has determined such method of financing is an appropriate procedure for obtaining funds?

(3) If the answer to question two is yes, is such power founded upon the Texas Education Code, Article 1396-2.02(a), §53.45, or implied power of the corporation to accomplish the purposes for which it was organized?

(4) If the answer to question two is yes, would it be possible for the contractual obligation to be refunded under Texas Civil Statutes, Article 717k3, assuming the attorney general's office determined the contractual obligation was valid?

(5) If the answer to question two is yes, would present law require the approval of the credit arrangement by the attorney general's office?

(6) Does the language "the custody of student loan notes, purchased by the bank on behalf of the authority, shall be held by a bank with trust powers located with this state" as contained in the Texas Education Code, §53.47(c), require the trustee bank to have physical custody or only control over student loan notes acquired by the authority?

Issued in Austin, Texas, on October 29, 1981.

Doc. No. 814847 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

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

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

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

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

CODIFIED

TITLE 22. EXAMINING BOARDS

Part XXII. Texas State Board of Public Accountancy

Chapter 511. Certification as CPA

CPA Examination

The Texas State Board of Public Accountancy adopts on an emergency basis new §511.88 (401.45.04.401) concerning positive identification of candidates sitting for the uniform CPA examination. The emergency rule will require a candidate to bring at least two picture identification cards to the examination. One of the cards must be the board-issued laminated identification card. This rule is necessary to maintain the security and integrity of the examination process and is filed on an emergency basis as an examination will be conducted from November 4 to November 6, 1981, which is prior to the date a proposed rule would become effective.

The new section is adopted under Texas Civil Statutes, Article 41a-1, §15, which provides the Texas State Board of

Public Accountancy with the authority to adopt a system for the maintenance of the security and integrity of the examination process.

§511.88 (401.45.04.401). *Positive Identification*. Candidates are required to have in their possession positive identification, such as a current driver's license, and to display the board-issued laminated identification card during the course of the examination.

Issued in Austin, Texas, on October 29, 1981.

Doc. No. 817883 Bob E. Bradley
Executive Director
Texas State Board of Public
Accountancy

Effective Date: November 2, 1981

Expiration Date: March 2, 1982

For further information, please call (512) 451-0241.

Chapter 515. Licenses

The Texas State Board of Public Accountancy adopts on an emergency basis new §515.8 (401.48.00.101) concerning the retired status of individuals licensed by the board. The emergency rule sets forth the requirements for retired status licenses and the requirements for return to public practice. This rule is remedial in nature and is intended to further the welfare of those individuals who are eligible to be licensed with this board on a "retired status." It is filed on an emergency basis so that eligible individuals may elect retired status for the 1982 license year.

The new section is adopted under Texas Civil Statutes, Article 41a-1 §9(c), which provides the Texas State Board of Public Accountancy with the authority to adopt a system by which individuals over age 65 may qualify for a reduced license fee.

§515.8 (401.48.00.101). *Retired Status*. An individual who holds a current license issued by the board, who has reached his or her 66th birthday, and who will not be in public practice may be granted a "retired" status. An annual fee of \$10 shall be payable to the board in lieu of the license fee otherwise payable.

(1) The licensee seeking retired status must timely file a request on a form prescribed by the board which shows date of birth and contains a certified statement that the individual is no longer in public practice and will not be in public practice on January 1 of the year following the 66th birthday.

(2) Retired status becomes effective on January 1 only.

(3) An individual with retired status who wishes to return to public practice must adhere to the following:

(A) pay the annual license fee established by the board;

(B) complete the form prescribed by the board for renewal of an annual license;

(C) meet the continuing education requirements (if any); and

(D) surrender the retired status.

(4) All board rules and all provisions of the Public

Accountancy Act apply to a licensee in either an active or retired status unless specifically exempt by board rule or the Act.

Issued in Austin, Texas, on October 29, 1981.

Doc. No. 817884 Bob E. Bradley
Executive Director
Texas State Board of Public
Accountancy

Effective Date: November 2, 1981

Expiration Date: March 2, 1982

For further information, please call (512) 451-0241.

Chapter 521. Fee Schedule

The Texas State Board of Public Accountancy adopts on an emergency basis new §521.8 (401.51.00.101) concerning retired status license fees. The emergency rule will provide for payment of reduced annual license fees by individuals electing retired status under §515.8 (401.48.00.101) of this title (relating to Retired Status). This is filed on an emergency basis in order to permit eligible individuals to benefit from the reduced license fee for the 1982 license year.

The new section is adopted under Texas Civil Statutes, Article 41a-1 §9(c), which provides the Texas State Board of Public Accountancy with the authority to adopt a system of reduced annual license fees for individual licensees having retired status.

§521.8 (401.51.00.101). Retired Status. The annual license fee for an individual in retired status shall be \$10.

Issued in Austin, Texas, on October 29, 1981.

Doc. No. 817885 Bob E. Bradley
Executive Director
Texas State Board of Public
Accountancy

Effective Date: November 2, 1981

Expiration Date: March 2, 1982

For further information, please call (512) 451-0241.

NONCODIFIED

Texas Department of Human Resources

General Licensing Procedures

Social Work Certification 326.92.61

The Texas Department of Human Resources adopts on an emergency basis the following new rules concerning social work certification. These rules are added to the chapter on general licensing procedures. Chapter 50 of the Human Resources Code which became effective September 1, 1981, requires that under specified circumstances, social workers in Texas be certified. The statute provides for issuance of

certification without examination for applicants who apply prior to August 31, 1982.

It is the department's responsibility to provide full opportunity for potential applicants to take advantage of this legislative privilege. To accomplish this objective, the department must file emergency rules and begin accepting applications as soon as possible. Failure to adopt these rules immediately will delay implementation of the law thereby creating imminent peril to the public health, safety, and welfare. The following rules and procedures identify categories and minimum requirements for certification and orders of recognition for private practice. Also included are the rules for certification process, fees for certification, and administrative actions.

These rules are adopted under the authority of the Human Resources Code, Title 2, Chapter 50 with the approval of the Texas Board of Human Resources.

.001. General Rule. Individuals identifying themselves to the public as social workers as defined in Chapter 50, Human Resources Code, are required to be certified in accordance with the law and under the rules and procedures of the Texas Department of Human Resources.

.002. Categories of Certification.

(a) The term "certificate holder" refers to persons certified or certified with an order of recognition under Chapter 50, Human Resources Code.

(b) Certificates.

(1) Social work associate. Minimum qualifications: education—high school diploma or its equivalent; experience—persons with bachelors degrees must have one year of social work experience; those with associate degrees must have three years of experience; those with high school diplomas must have five years of experience. No new social work associate certificates will be granted after August 31, 1983.

(2) Social worker. Minimum qualifications: education—bachelor of social work from a program accredited by the Council on Social Work Education or an equivalent program.

(3) Certified social worker. Minimum qualifications: education—masters degree in social work from a program accredited by the Council on Social Work Education.

(c) Persons certified as a social work associate, social worker, or certified social worker may use their title of certification in the provision of social work services within a social services agency or under the supervision of an individual certified for private independent practice.

.003. Orders of Recognition/Private Practice.

(a) The following areas of independent private practice are established. Any person engaging in practice and using any of these names, titles, or related designations is prohibited under Chapter 50, Human Resources Code, until the person has received an order of recognition from the department. A person meeting the requirements for recognition as a private practitioner may be recognized by the department even though he is not engaged in private practice.

(b) Clinical social work is the practice of providing direct, diagnostic, preventive, or clinical services to individuals, families, and groups where functioning is threatened or affected by social or psychological stress or health impairment.

(c) A private practitioner is a social worker who has responsibility for his own practice, establishes his own conditions of exchanges with his clients, and identifies himself as a social work practitioner in offering services.

(d) Advanced clinical practitioner is a clinical social worker who meets the following requirements.

(1) Is a certified social worker under Chapter 50 of the Human Resources Code.

(2) Has two years or 3,000 hours of post-masters clinical social work practice under the supervision of a masters degree level social worker who has had at least an equivalent amount of supervision. Until August 31, 1983, supervision by another appropriate mental health professional (approved by the department) may be substituted for social work supervision. In addition, individuals seeking recognition as advanced clinical practitioners must document continued participation in the social work profession.

(3) Has five years of clinical social work practice beyond the masters degree in social work as approved by the department.

(e) Individuals not meeting the requirements for recognition as an advanced clinical practitioner may apply to the department for recognition as a clinical associate until August 31, 1984. After August 31, 1984, individuals seeking recognition in clinical private practice must meet the requirements for an advanced clinical practitioner.

(f) Clinical associate is a clinical social worker who meets the following requirements.

(1) Meets requirements of subsection (d)(1) and (2) of this section of the advanced clinical practitioner.

(2) Meets the following experience requirements:

(A) until August 31, 1982, recognition may be made based on two years of clinical social work experience;

(B) after August 31, 1982, until August 31, 1983, recognition may be made based on three years of clinical social work experience;

(C) after August 31, 1983, until August 31, 1984, recognition may be made based on four years of clinical social work experience.

(g) Provide the department evidence annually (beginning September 1, 1982), of having received 50 hours per year of supervision from a social worker certified as an advanced clinical practitioner.

.004. Exemptions. Individuals may provide social work services without being certified as long as they do not represent or hold themselves out to the public as certified under Chapter 50, Human Resources Code or use any name, title, or designation indicating they are certified under this chapter. Employees of public agencies are exempted from the certification requirement.

.005. Fees.

(a) The following fees must be paid to achieve and maintain certification:

(1) application fee—\$15;

(2) examination fee—\$50;

(3) certification and official roster fees

(A) social work associate—\$15,

(B) social worker—\$25,

(C) certified social worker—\$35,

(D) advanced clinical practitioner—\$65 plus the initial certification fee,

(E) clinical associate—\$50 plus the initial certification fee.

(b) Renewal fee for the advanced clinical practitioner is \$50. All other renewal fees are the same as the certification and roster fee.

(c) Reciprocity fee is the same as the fee for certification in the category for which reciprocity is sought.

(d) Fees must be paid by check or money order made payable to the Texas Department of Human Resources. All fees are nonrefundable.

.006. Certification Process. The certification process begins when the department receives a completed application for one of the categories of certification identified in the law. If the department is informed that an individual is or plans to be engaged in an activity requiring certification, and that individual has not been certified, the department will notify the individual in writing of the requirements of Chapter 50, Human Resources Code, and will provide application materials.

.007. Application. An applicant's eligibility will be determined based on an assessment of his qualifications, which includes, but is not restricted to, the following items:

(1) Education. Applicants will contact the school from which they received their last degree and request that their educational credentials be sent to the department. Applicants with social work degrees from schools not accredited by the Council on Social Work Education or with baccalaureates in a field other than social work who have completed additional social work-related curriculum, may be required to furnish the department with additional information from the school involved.

(2) Experience. Social work experience is defined as paid employment by a firm, partnership, association, corporation, public agency, or other professional entity for work-related assignments that involve social work services as defined herein. Applicants may be required to supply the department with the following information concerning their experience in social work:

(A) names and addresses of employers;

(B) dates of employment;

(C) job descriptions;

(D) approximate hours per week involved in social work activities.

(3) Supervision. If required, an individual must supply evidence of having received supervision acceptable to the department.

(4) References. All applications for first time certification must be accompanied by references from three individuals who are familiar with the applicant's professional qualifications and who will attest that the applicant is worthy of the public trust and confidence.

(5) Felony conviction statement. Applicants must submit a statement regarding prior felony convictions or pending criminal charges.

(6) Additional information.

(A) If the department needs information from the applicant to make a determination concerning the application for certification or recognition, it may so request and may limit the time in which this material is to be returned. If the additional material is not provided within the time specified, all application materials will be returned to the applicant.

(B) Falsification or misrepresentation by an applicant or certificate holder of his qualifications or of any of the

information requested is grounds for denial or revocation of the certification.

.008. Examinations.

(a) After August 31, 1982, applicants for certification may be required to take an examination. If the applicant provides documentation of having successfully completed an equivalent examination, the director may exempt the applicant from taking the examination. The department will notify those applicants for whom an examination is required. Upon receipt of the examination fee, the department will contact the applicant to arrange the date, time, and location for the examination to be taken. Examinations will not be scheduled until the examination fee is received by the department. If the examination is administered in a regional personnel office, it will be forwarded to the director for processing.

(b) The applicant will be provided written notification of the results of the examination. If the applicant does not pass the examination, he may obtain an analysis of his performance by making a written request for that information. The law provides that an applicant may be re-examined only three times for the same certificate.

.009. Reciprocity.

(a) Reciprocity may be requested by applicants who are currently certified or licensed outside the state.

(b) Reciprocity will be granted when the department receives documentation that:

(1) requirements that have been met in the other jurisdiction are substantially equivalent to or greater than those in Texas; and

(2) applicable fees have been paid.

.010. Renewal.

(a) Certificate holders and those holding orders of recognition must apply annually for renewal of their certificate and provide documentation of acceptable continuing education. Continuing education includes courses, workshops, seminars, conferences, lectures, and staff development activities which are oriented towards the enhancement of social work practice, values, skills, and knowledge. This definition does not preclude cross-disciplinary training if it is clearly related to the enhancement of social work practice, values, skills, and knowledge.

(b) Continuing education requirements will increase during the period 1983-1986, and may be met by completing the required number of continuing education units (C.E.U.'s), actual hours of training, or a combination of these. However, beginning in 1987, only C.E.U.'s will be accepted as meeting the requirement.

Year	C.E.U.'s	Actual Hours
1983	3.0	30
1984	4.0	40
1985	5.0	50
1986	6.0	60

(c) The certificate holder must apply for renewal on the form supplied by the department and include:

(1) documentation of continuing education credits;

(2) documentation of acceptable supervision if required;

(3) payment of all applicable fees.

(d) Sixty days before the expiration of the certification,

the director notifies the certificate holder in writing of the requirement for renewal.

(e) If the request for renewal is not received within 10 days of the expiration date, the certificate holder will be required to reapply for certification.

.011. Denial. Applicants who are not certified are sent a letter from the director which includes:

(1) A statement that the application is denied including any of the reasons stated in the Human Resources Code, §50.21, or failure to meet any of the requirements for certification.

(2) Information regarding their right to appeal the action to deny certification within 30 days of the notice by the department. If no appeal is requested, the action is final at the end of the 30-day period.

(3) A copy of the appeal procedures.

.012. Request for Reconsideration. An applicant may request reconsideration of his application when a determination has been made that he fails to meet requirements for certification or recertification. A request for reconsideration of an application does not negate or replace the applicant's right to appeal. The director reviews all materials originally submitted and any additional documentation provided to establish an applicants' or certificate holders' qualifications for certification or recertification. The applicant or certificate holder will be notified in writing of the decision following reconsideration of the application. A request for reconsideration must be made before the convening of the appeal board.

.013. Variances.

(a) A variance is an alternative to an established requirement which meets the intent of the requirement and is approved by the director of social work certification. The director may not approve a variance of a law.

(b) Applicants or certificate holders who want to request a variance of a department requirement must make a written request to the department and provide the following information:

(1) the specific requirement for which the variance is requested;

(2) the reason(s) why the requirement cannot be met;

(3) what alternative to the requirement is proposed;

(4) an explanation of how the proposed alternative meets the intent of the requirement;

(5) the time period for which the variance is requested.

(c) The director will review the variance request and approve or deny the request in keeping with Chapter 50, Human Resources Code, and the regulations for social work certification. The applicant or certificate holder will be notified in writing of the director's decision.

.014. Revocation and Suspension.

(a) Certification may be revoked or suspended when it is verified that the holder has violated one or more of the provisions of Chapter 50, Human Resources Code, the regulations of the department, or has been convicted of a felony.

(b) Conviction of a crime directly related to the provisions of social work services is grounds for denial or revocation of the certification. Certificate holders are required to notify the department in writing within 30 days of conviction of a felony.

(c) The director makes the decision regarding suspen-

sion or revocation on the basis of the findings of an investigation in accordance with Chapter 50, Human Resources Code, and notifies the certificate holder by certified letter of the decision. If the decision is to suspend or revoke the certificate, the certificate holder is:

(1) Informed that the certificate is suspended or revoked and informed of the reason for the action. If suspended, the period of suspension is stated.

(2) Advised of the right to appeal the action to revoke or suspend the certificate within 30 days of the notice by the department. If no appeal is requested, the action is final at the end of the 30-day period.

(3) Provided a copy of the appeal procedures.

.015. Probation.

(a) Probation is a procedure which, if granted, allows certificate holders whose certification is suspended or revoked to maintain their certified status under agreed terms for a specified time period.

(b) Certificate holders whose social work certification is suspended or revoked may request that the decision to suspend or revoke be probated. The request must be made in writing to the director of social work certification and may include, but is not limited to, the following information;

(1) the certificate holder's history of good conduct;

(2) names of individuals or other social work certificate holders who will attest to the certificate holder's good character;

(3) written statements supporting probation rather than suspension or revocation;

(4) information to substantiate the certificate holder's intent to comply with all requirements if probation is granted.

(c) The director will review the request and determine the appropriateness of probating the decision. The certificate holder will be notified of the director's decision in writing by certified mail.

(d) If the director's decision is to grant the request for probation, the terms and time period of the probation will be included in the written agreement. The agreement will include a statement that any violation by the certificate holder of the terms of the agreement or of any provisions of Chapter 50, Human Resources Code, or the regulation promulgated for its implementation during the probationary period is justification for rescission of probation and enforcement of the decision to suspend or revoke the certification.

(e) Two copies of the probation agreement will be sent to the certificate holder by certified letter. The certificate holder must indicate acceptance of the terms of the probation by signing and returning one copy of the agreement to the director. If a signed copy of the agreement is not received by the director within 30 days of the certificate holder's receipt of the agreement, the decision to suspend or revoke certification becomes effective.

(f) Certificate holders on probation will be provided written notification of the intent to rescind probation and deny or revoke the certificate by the director and will be given an opportunity to show why such action should not be taken.

.016. Procedures for Establishing Proof of Rehabilitation.

(a) Applicants who have been denied certification because of prior felony convictions, have an opportunity to establish proof of rehabilitation to qualify for eligibility requirements. Requests to establish proof of rehabilitation are

made in writing by the applicant or certificate holder to the director of social work certification. The director is responsible for processing the request through the office of the assistant commissioner for licensing. Information documenting rehabilitation may include, but is not limited to:

(1) a copy of the record of conviction;

(2) information related to the terms and conditions of probation if the individual was given a probated sentence;

(3) if the individual was incarcerated

(A) a copy of the local, state, or federal release order,

(B) information related to the amount of time that has elapsed since release from a correctional facility without conviction of a crime, and

(C) information related to the terms and conditions of parole.

(b) Information concerning proof of rehabilitation is considered by a committee composed of legal, medical, and program staff. In addition to review of information supplied by the applicant, the committee may also consider the following.

(1) The nature and seriousness of the crime.

(2) The extent and nature of the person's past criminal activity.

(3) The age of the person at the time of commission.

(4) The amount of time that has elapsed since the person's last criminal activity.

(5) Evidence of rehabilitative effort during and following incarceration.

(6) The conduct and work activity of the person before and after the criminal activity.

(7) Other evidence of the person's present fitness, including letters of recommendation from: those who prosecuted, arrested, or had custodial responsibility for the person; the sheriff and chief of police in the community where the person resides; and any other persons in contact with the convicted person.

(8) Documentation substantiating that the applicant has maintained a record of steady employment and has supported his dependents and has otherwise maintained a record of good conduct and has paid all outstanding court costs, supervision fees, fines, and restitution as may have been ordered in all criminal cases in which he has been involved.

(c) The director forwards the request and supporting documentation to the assistant commissioner for licensing. Following receipt of the request, the assistant commissioner for licensing contacts the office of the investigator general to ask that a criminal background check be performed on the individual for whom rehabilitation is to be established. The director is notified when the criminal background check is completed and assumes responsibility for arranging a meeting of the rehabilitation committee.

(d) The director is responsible for arranging to copy and distribute the written request and supporting documentation to members of the rehabilitation committee. If additional information is needed regarding the ex-offender, the director serves as a contact person with him.

(e) Once a disposition has been made concerning the request, the assistant commissioner for licensing notifies the applicant or certificate holder in writing of the decision. If proof of rehabilitation is established, the applicant's request for certification is favorably considered.

.017. Appeals. Procedures for appeals are in Rules 326.92.41.012-.026. The following variations to these procedures are needed for appeals by applicants for or holders of social work certificates.

(1) The review board is comprised of three members: the deputy commissioner for programs; the deputy commissioner for field management; and the deputy commissioner for support operations or their designees. The review board is chaired by an attorney appointed by the general counsel. The chairman will not vote in the proceedings.

(2) The chairman of the review board notifies all parties involved of the decision.

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

Doc. No. 817864 Marlin W. Johnston
 Commissioner
 Texas Department of Human Resources

Effective Date: November 2, 1981

Expiration Date: March 2, 1982

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



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

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

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

CODIFIED

TITLE 19. EDUCATION

Part I. Coordinating Board, Texas College and University System

Chapter 5. Program Development

Subchapter A. General Provisions

The Coordinating Board, Texas College and University System proposes an amendment to §5.3 (251.02.02.003) concerning uniform grade point calculation for admission to graduate and professional schools. The amendment will enable institutions to base grade point averages on the more representative period of a student's advanced study and will more accurately reflect achievement and preparedness for advanced study. The change will comply with a request by

public universities to improve their ability to calculate averages in a more effective manner.

David T. Kelly, assistant commissioner for community colleges and continuing education, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications as a result of enforcing or administering the rule.

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

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be a uniform grade point calculation used for admission to graduate and professional school. The average would be based on the last 60 hours of undergraduate study or any graduate work completed, and therefore, more accurately reflect a student's ability to do advanced study.

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

Comments on the proposal may be submitted to Kenneth H. Ashworth, commissioner, Coordinating Board, Texas College and University System, P.O. Box 12788, Austin, Texas 78711.

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

James McWhorter
October 30, 1981

The amendment is proposed under Texas Education Code, §61.074, which provides the Coordinating Board, Texas College and University System with the authority to establish a mandatory method of calculating official grade point averages.

§5.3 (251.02.02.003). *Uniform Grade-Point Calculation for Graduate and Professional Schools.* Procedures for calculating the grade-point average for students seeking admission to a graduate or post-baccalaureate professional school of an institution of higher education will be as follows.

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

(3) All grades assigned for academic course work will be used in calculating the grade-point average, except that *an institution may base the calculation on the last 60 semester credit hours (or equivalent) of undergraduate work and any previous work in a graduate or professional school.* [only the final grade will be included for courses which have been repeated.]

(4)-(8) (No change.)

Issued in Austin, Texas, on October 30, 1981.

Doc. No. 817899

James McWhorter
Secretary
Coordinating Board, Texas College
and University System

Proposed Date of Adoption: December 11, 1981
For further information, please call (512) 475-2033.

Chapter 21. Student Services

Subchapter C. Hinson-Hazlewood College Student Loan Program: All Loans Made for or After Fall Semester, 1971, Subject to the Federally Insured Student Loan Program

The Coordinating Board, Texas College and University System proposes amendments to §§21.57, 21.61, and 21.65 concerning rules and regulations of the Hinson-Hazlewood College Student Loan Program. The proposed amendments are intended to bring the regulations of the state's student loan program into compliance with recent changes in the federal program of guaranteed student loans.

Mack C. Adams, assistant commissioner for Student Services, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications as a result of enforcing or administering the rule.

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

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be that persons qualifying for Hinson-Hazlewood college student loans will be eligible to have the interest on the loans paid by the federal government provided the loans are made in compliance with federal requirements.

(B) The possible economic cost to individuals who are required to comply with the rule as proposed will be \$200 each year. The \$200 will pay an insurance premium of 1.0% of the loan per year while the student remains in school and an origination fee of 5.0% of the amount of the loan.

Comments on the proposal may be submitted to Kenneth H. Ashworth, commissioner, Coordinating Board, Texas College and University System, P.O. Box 12788, Austin, Texas 78711.

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

James McWhorter
October 30, 1981

The amendments are proposed under Texas Education Code, Chapter 52, which provides the Coordinating Board, Texas College and University System with the authority to administer the Hinson-Hazlewood College Student Loan Program and adopt rules and regulations necessary for participation in the federal guaranteed loan program provided by the Higher Education Act of 1965, (Public Law 98-329).

§21.57. Amount of Loan.

(a) Limit on reasonable expenses. The maximum amount of loan to any qualified applicant in a fiscal year is dependent upon the applicant's level of study [and in the case of an undergraduate student, the applicant's personal circumstances. An undergraduate student who is dependent upon his or her parents for support]. **Qualified undergraduate applicants** may borrow up to \$2,500 in a fiscal year. [An undergraduate student who is self-supporting may borrow up to \$3,000 in a fiscal year.] Qualified applicants enrolled in graduate or post-baccalaureate professional school may borrow a maximum of \$5,000 in a fiscal year. A supplemental loan guarantee through the Health Education Assistance

Loan Program provides a maximum principal amount of \$7,500 in a fiscal year for qualified students in pharmacy and a maximum principal amount of \$10,000 in a fiscal year for qualified students enrolled in medicine, osteopathic medicine, dentistry, veterinary medicine, optometry, and public health. The amount of loan shall not exceed the amount that the student needs in order to meet reasonable expenses as a student. A change in either financial resources or reasonable expenses of the student which results in an increase in the financial need of the student may make the student eligible for additional loans. A change in either financial resources or reasonable expenses of the student which results in a decrease in the financial need of the student shall make the student responsible for the immediate repayment of any overcommitment of loan funds. Repayment may be restored to the fund by a cash payment or by the reduction of any pending loan disbursement to the student. Prior to recommending the loan, the Hinson-Hazlewood College Student Loan Program officer at the institution shall make certain that the student is properly utilizing his or her eligibility for the Basic Educational Opportunity Grant and all other forms of student assistance including a reasonable amount to be earned from employment during the period of the loan.

(b) Aggregate maximum of loan. The total outstanding principal balance for an undergraduate student [who is dependent upon his or her parents] may not exceed \$12,500. [Self-supporting undergraduate students may not have an outstanding principal balance of more than \$15,000.] Students enrolled in graduate or post-baccalaureate professional school may not have a principal balance of more than \$25,000 (including amounts borrowed at the undergraduate level). Aggregate principal amounts for supplemental loans guaranteed through the Health Education Assistance Loan Program may not exceed \$37,500 for qualified pharmacy students and \$50,000 for qualified students in medicine, osteopathic medicine, dentistry, veterinary medicine, optometry, and public health.

§21.61. *Payments to Student.* No payment shall be made to any student until he or she has executed a promissory note payable to the Texas Opportunity Plan Fund for the full amount of any authorized loan plus interest, [and] applicable insurance charges *and other fees* as set forth in Title IV, Part B of the Higher Education Act of 1965, as amended, and the regulations thereof (45 Code of Federal Regulations, Part 177), or in the case of The Health Education Assistance Loan Program, Title VII, Part C, Subpart 1 of The Public Health Service Act, as amended, and the regulations thereof (45 Code of Federal Regulations, Part 126). The original of such executed promissory note shall be forwarded to the commissioner immediately and a copy shall be retained by the eligible institution. For the purposes of any contract executed by him or her, the defense that he or she was a minor at the time he or she executed a note shall not be available to him or her in any action arising on said note. No funds shall be distributed to an eligible institution except to make payments to a student under a loan authorized by the Act.

§21.65. Repayment of Loans.

(a) Although a loan may be prepaid at any time without penalty, repayment of the loan shall begin as provided in §21.62 of this title (relating to Period of Loans), and shall extend over such period as authorized therein. The minimum annual repayment is \$600 [\$360] on all loans received by the

student during his school years. [and which are made or insured under the provisions of Title IV, Part B, of the Higher Education Act.] The board will, however, provide a repayment schedule of not less than five years unless the minimum annual repayment of \$600 [\$360] is applicable.

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

[(1)] The commissioner shall postpone required periodic installments of principal during any period authorized by applicable federal law. For loans guaranteed through the Guaranteed Student Loan Program, postponement periods are those described in Title IV, Part B, of the Higher Education Act of 1965, as amended, and the regulations thereof (45 Code of Federal Regulations, Part 177) and, for loans guaranteed through the Health Education Assistance Loan Program, postponement periods are those described in Title VIII, Part C, Subpart 1 of the Public Health Service Act, as amended, and the regulations thereof (45 Code of Federal Regulations, Part 126). Any such period shall not be included in determining the 10-year period or the 15-year period provided in §21.62 of this title (relating to Period of Loans). Interest on loans guaranteed through the Guaranteed Student Loan Program shall accrue during periods of postponement and be paid by the Federal Interest Subsidy Program; interest on loans guaranteed through the Health Education Assistance Loan Program shall accrue during such periods and be paid by the borrower.

[(A) during which the borrower is pursuing a full-time course of study at an eligible institution;

[(B) not in excess of three years during which the borrower is a member of the Armed Forces of the United States;

[(C) not in excess of three years during which the borrower is in service as a volunteer under the Peace Corps Act.

[(2) In addition, the commissioner shall postpone required periodic installments of principal on loans guaranteed through the Guaranteed Student Loan Program during any period:

[(A) not in excess of three years during which the borrower is in service as a full-time volunteer under Title VIII of the Economic Opportunity Act of 1964;

[(B) not in excess of one year during which the borrower is unemployed, on a one-time basis only: and the commissioner shall postpone required periodic installments principal on loans guaranteed through the Health Education Assistance Loan Program during any period;

[(C) not in excess of three years during which the borrower is a participant in an accredited internship or residency program;

[(D) not in excess of three years during which the borrower is a member of the National Health Service Corps;

[(E) not in excess of three years during which the borrower is a full-time volunteer under Title I of the Domestic Volunteer Service Act of 1973. Any such period shall not be included in determining the 10-year period or the 15-year period provided in §21.62 of this title (relating to Period of Loans). Interest on loans guaranteed through the Guaranteed Student Loan Program shall accrue during periods of postponement and be paid by the Federal Interest

Subsidy Program; interest on loans guaranteed through the Health Education Assistance Loan Program shall accrue during such periods and be paid by the borrower.]

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

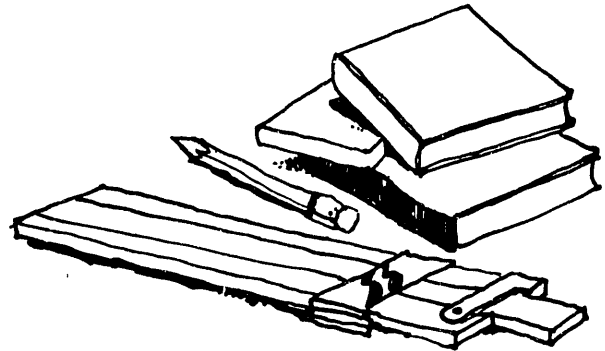
Issued in Austin, Texas, on October 30, 1981.

Doc. No. 817900

James McWhorter
Secretary
Coordinating Board, Texas College
and University System

Proposed Date of Adoption: December 11, 1981

For further information, please call (512) 475-2033.



TITLE 22. EXAMINING BOARDS

Part XXII. Texas State Board of Public Accountancy

(Editor's note: The Texas State Board of Public Accountancy proposes for permanent adoption the following three proposals which it adopts on an emergency basis in this issue. The text of the rules appears in the Emergency Rules section.)

The Texas State Board of Public Accountancy proposes new §511.88 (401.45.04.401), §515.8 (401.48.00.101), and §521.8 (401.51.00.101) concerning identification of candidates for examination, retired status of licenses, and retired status license fees.

Comments on the proposals may be submitted to Gary McNeil, Texas State Board of Public Accountancy, 3301 Northland Drive, Suite 500, Austin, Texas 78731.

Chapter 511. Certification as CPA

Proposed §511.88 (401.45.04.401) will require a candidate to bring at least two picture identification cards to the examination. One of the cards must be the board-issued laminated identification card. This rule is necessary to maintain the security and integrity of the examination process.

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.

(A) Effect on state government:

	1982	1983	1984	1985	1986
Estimated additional cost	\$5,000	\$3,600	\$4,000	\$4,000	\$4,000

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

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

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be an increase in security of the examination for the certificate of "Certified Public Accountant" and reduction of the possibilities of cheating.

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

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

Bob E. Bradley
October 29, 1981

The new section is proposed under Texas Civil Statutes, Article 41a-1, §15, which provides the Texas State Board of Public Accountancy with the authority to adopt a system for the maintenance of the security and integrity of the examination process.

Issued in Austin, Texas, on October 29, 1981.

Doc. No. 817886 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Proposed Date of Adoption: December 11, 1981
For further information, please call (512) 451-0241.

Chapter 515. Licenses

The Texas State Board of Public Accountancy proposes new §515.8 (401.48.00.101) concerning the retired status of individuals, licenses by the board. The proposed section sets forth the requirements for retired status licenses and returning to public practice. The rule is remedial in nature and is intended to further the welfare of those individuals who are eligible to be licensed with this board on a "retired status."

Bob E. Bradley, executive director, has determined that for the first five-year period the rule will be in effect, there will also be fiscal implications as a result of enforcing or administering the rule.

(A) Effect on state government:

	1982	1983	1984	1985	1986
Estimated loss in revenue	\$4,920	\$9,840	\$14,760	\$19,680	\$24,600

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

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

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be financial relief to retired licensees.

(B) The economic cost to individuals who are required to comply with the rule as proposed will be reduced \$20 each year per individual.

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

Bob E. Bradley
October 29, 1981

The new section is proposed under Texas Civil Statutes, Article 41a-1, §9(c), which provides the Texas State Board of Public Accountancy with the authority to adopt a system by which individuals over age 65 may qualify for a reduced license fee.

Issued in Austin, Texas, on October 29, 1981.

Doc. No. 817887 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Proposed Date of Adoption: December 11, 1981
For further information, please call (512) 451-0241.

Chapter 521. Fee Schedule

The Texas State Board of Public Accountancy proposes new §521.8 (401.51.00.101) concerning retired status license fees. The proposed section will provide for payment of reduced annual license fees by individuals electing retired status under §515.8 (401.48.00.101) of this title (relating to Retired Status).

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.

(A) Effect on state government:

	1982	1983	1984	1985	1986
Estimated loss in revenue	\$4,920	\$9,840	\$14,760	\$19,680	\$24,600

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

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

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be a provision for financial relief to retired citizens.

(B) The economic cost to individuals who are required to comply with the rule as proposed will be reduced by \$20 each year per individual.

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

Bob E. Bradley
October 29, 1981

The new section is proposed under Texas Civil Statutes, Article 41a-1, §9(c), which provides Texas State Board of Public Accountancy with the authority to adopt a system of reduced annual license fees for individual licensees having retired status.

Issued in Austin, Texas, on October 29, 1981.

Doc. No. 817888 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Proposed Date of Adoption: December 11, 1981
For further information, please call (512) 451-0241.

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 339. Toxicology

The Texas Department of Health proposes new §§339.1-339.6 (301.84.01.001-.006) concerning the Veterans Agent Orange Assistance Program. The purpose of the rules is to administer a program assisting veterans who have been exposed to certain chemical defoliants of herbicides or other causative agents, including agent orange.

Stephen Seale, chief accountant III, Program Budgetary Services Division, has determined that for the first five-year period the rule will be in effect, there will be fiscal implications as a result of enforcing or administering the rule.

(A) The estimated additional cost to state government will be \$200,000 in 1982, and \$300,000 in 1983, 1984, 1985, and 1986. (B) There will be no effect on local government.

George R. Anderson, M.D., department consultant for occupational medicine and toxicology, has determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be that Vietnam-era veterans who were exposed to certain chemical defoliants of herbicides or other causative agents, including agent orange, and believe they have medical conditions resulting from such exposure will be provided genetic screening and fat biopsy to establish possible cause/effect and will be provided genetic counseling if indicated.

(B) The possible economic cost to individuals who are required to comply with the rule as proposed will be as follows:

	1982	1983	1984	1985	1986
Veteran travel to physician	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00
Veteran cost of physician visit	\$15	\$15	\$15	\$15	\$15
Lost wages of veteran to visit doctor	\$12	\$12	\$12	\$12	\$12
Physician hospital report form: handling and postage	\$0.78	\$0.78	\$0.78	\$0.78	\$0.78

Comments on the proposal may be submitted to George R. Anderson, M.D., department consultant for occupational medicine and toxicology, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Comments will be accepted for 30 days after publication of this proposal.

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

Robert A. MacLean, M.D.
November 2, 1981

The new sections are proposed under Texas Civil Statutes, Article 4447w, §7(b), which provides the Texas Department of Health with the authority to adopt rules to administer an agent orange assistance program.

§339.1 (301.84.01.001). Introduction. The department has adopted these rules to administer a program to assist veterans who have been exposed to certain chemical

defoliants or herbicides or other causative agents, including agent orange.

§339.2 (301.84.01.002). Definitions. The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise:

Agent orange—The herbicide composed primarily of trichlorophenoxyacetic acid and dichlorophenoxyacetic acid.

Commissioner—Texas Commissioner of Health.

Department—Texas Department of Health.

Program—The program to assist veterans who have been exposed to certain chemical defoliants or herbicides or other causative agents, including agent orange.

Veteran—A person who was a resident of this state at the time of his induction into the armed forces of the United States of America, or was a resident of this state as of March 31, 1981, who served in Vietnam, Cambodia, or Laos during the Vietnam conflict.

§339.3 (301.84.01.003). General Description of Program.

(a) A veteran who believes he may have been exposed to agent orange or other chemical agent is reported by a physician or hospital to the department on a form provided by the department. Veterans reported are provided a questionnaire by the department to be returned to the department.

(b) The department and the health science centers and other medical facilities of the University of Texas System are cooperating to refer veterans for the purpose of filing claims to remedy medical and financial problems caused by the veterans' exposure to chemical defoliants or herbicides or other causative agents, including agent orange; and to provide veterans with fat tissue biopsies, genetic counseling, and genetic screening.

(c) The department, in consultation and cooperation with a board-certified medical toxicologist, designated by the commissioner, prepares reports and conducts epidemiological studies on veterans who have cancer or other medical problems associated with exposure to chemical defoliants or herbicides or other causative agents, including agent orange.

(d) The commissioner is the chief administrative officer for the program. In his absence, for any cause, the deputy commissioner for professional services has the duties assigned to the commissioner.

(e) An individual from each health science center and other medical facilities of the University of Texas System, designated by the vice-chancellor for health affairs of the University of Texas System, works with the department in the development and implementation of a cooperative program by coordinating the following:

(1) develop a list of agencies and procedures to be used in referring veterans for the purpose of filing claims to remedy medical and financial problems caused by the veterans' exposure to chemical defoliants or herbicides or other causative agents, including agent orange;

(2) genetic screening protocols and standardized fat biopsy site and laboratory methodology;

(3) genetic counseling appropriate to the medical problem identified;

(4) minimum data to be acquired for use in epidemiological studies by the department;

(5) agreement as to which veterans are referred by the department to which medical facility for genetic screening, fat tissue biopsies, and genetic counseling;

(6) administrative procedures for orderly and effective management of veterans' records and reports; and

(7) implementation of the legislative intent that state agencies bearing the responsibility for veterans services and state agencies involved in genetic screening coordinate their activities and expenditure of funds to assist in the implementation of the program.

(f) The department shall report to the executive and legislative budget offices on the implementation of the coordinated effort among the various state agencies at the close of each fiscal year.

§339.4 (301.84.01.004). Confidentiality and Consent.

(a) The department, upon receipt of a report prepared by and filed by the department entitled "Physician or Hospital Report of Veteran to Agent Orange Assistance Program," which follows this section, from a physician or hospital, shall provide the veteran a questionnaire prepared by and filed by the department entitled "Veteran's Agent Orange Questionnaire," which follows this section, to be submitted. This questionnaire shall contain detailed information in establishing possible exposure as well as medical, family, and occupational history. The identity of the veteran reported and submitting the completed questionnaire may not be disclosed unless the veteran consents to the disclosure.

(b) The identity of a veteran reported to the department by a physician or hospital may not be disclosed without the written consent of the veteran on a form entitled "Consent to Disclosure of Veteran's Identity Under the Agent Orange Assistance Program," which follows this section, which is prepared by and filed by the department.

(c) The inclusion of a veteran in the epidemiological studies conducted by the department must be consented to in writing by the veteran on a form entitled "Consent Form for Epidemiological Studies Under the Agent Orange Assistance Program," which follows this section, which is prepared by and filed by the department.

(d) All military and medical records pertaining to a veteran shall be disclosed to individuals or parties on a "need to see" basis only. The commissioner and/or his designee shall grant a "need to see" request only when the best interests of the veteran are to be served.

(e) Statistical information which contains no individual identifiers collected under these sections is public information.

§339.5 (301.84.01.005). Role of the Attorney General of Texas. The Attorney General of Texas has authority under Texas Civil Statutes, Article 4447w, to sue in certain instances for the release of information and medical records pertaining to the veterans. As such, the department will keep the attorney general informed if the department, in assisting veterans, has difficulty securing the release of information or medical records.

§339.6 (301.84.01.006). Physician and Hospital Immunity from Liability. The department, in collecting information under these rules, recognizes the legal immunity from liability that physicians and hospitals have for providing the information.

(Editor's note: See slicks pages 4166-4171)

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

Doc. No. 817889 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Proposed Date of Adoption: January 15, 1982
For further information, please call (512) 458-7378.

PHYSICIAN OR HOSPITAL REPORT OF VETERAN TO AGENT ORANGE ASSISTANCE PROGRAM

Submit to:
Texas Department of Health
Veterans Agent Orange
Assistance Program
1100 West 49th Street
Austin, Texas 78756

At the request of the following named veteran, claiming exposure to chemical defoliants or herbicides or other causative agents, including Agent Orange while serving in Vietnam, Cambodia, or Laos during the Vietnam conflict, this report is submitted.

NAME _____
PRINT CLEARLY

ADDRESS _____
City State Zip

SYMPTOMS: _____

DIAGNOSIS: _____

TREATMENT: _____

(signed) _____
Physician or Hospital

Address

Date: _____
- Month Day Year

A physician or a hospital in providing the above information may not be held civilly or criminally liable in complying with the veteran's request.

At my request, the above report is being submitted. I understand that my identity may not be disclosed without my consent.

(signed) _____

Date: _____
Month Day Year

VETERANS AGENT ORANGE QUESTIONNAIRE

(USE BACK OF FORM FOR ADDITIONAL COMMENTS)

Submit to:

ALL INFORMATION SUBMITTED IS CONFIDENTIAL AND WILL NOT BE USED IN A MANNER WHICH MAY IDENTIFY THE INDIVIDUAL.

Texas Department of Health
Veterans Agent Orange
Assistance Program
1100 West 49th Street
Austin, Texas 78756

Claiming exposure to chemical defoliants or herbicides or other causative agents, including Agent Orange, while serving in Vietnam, Cambodia, or Laos during the Vietnam conflict, the following information is submitted. If other exposure occurred, state below.

Date Month Day Year

Name

PRINT CLEARLY

Address

Telephone: City County State Zip Home Office

Social Security No.

Military Service No.

Date of Birth Month Day Year

Sex: Male Female

Race: White Black Hispanic Other (Specify)

Country Served In: Dates of Service in Each Country:

Vietnam

Cambodia

Laos

Other (Specify)

Branch of Service: Army Navy Air Force Marines

Military Unit

In-country Area of Assignment

Military Duty Specialty: Infantry Pilot Air Crew Member

Other (Describe)

Were you involved in application of defoliants? Air Ground Boat Dates

Were you involved in the mixing or preparation of defoliants? Dates

VETERANS AGENT ORANGE QUESTIONNAIRE

Exposure to Agent Orange or other chemical agents. Name agent with dates and place to best of your knowledge. Indicate type of exposure and to what extent. _____

Indicate whether eating utensils or drinking water were contaminated by Agent Orange or other chemicals. _____

Symptoms at time of exposure. _____

Symptoms which developed later, with dates. _____

Indicate whether you saw a military doctor concerning any symptoms while still in service. If possible, give date, place, names, etc. _____

Have you been examined at a Veterans Administration hospital or clinic for any symptoms which you believe are related to Agent Orange? If yes, give dates and locations. _____

What were your occupations (kinds of work) before you entered military service? Name each with months or years employed and city and state. _____

What occupations (kinds of work) have you had since discharge? Name each with months or years employed and city and state. Indicate your present occupation. _____

Does your present job or previous job expose you to chemicals which you believe are toxic or hazardous? Name each, if possible. _____

Are you the parent of children born since you returned from southeast Asia? If yes, indicate age, sex, and any birth defects or medical problems child may have. _____

VETERANS AGENT ORANGE QUESTIONNAIRE

Have any pregnancies in which you were the parent resulted in miscarriage or infant born dead since return from southeast Asia? _____

If living, do your mother, father, brothers, or sisters have cancer? If dead, state cause of death.

	Cancer		Cause of death
	yes	no	
Mother	_____	_____	_____
Father	_____	_____	_____
Brother(s) and Sister(s)	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Does or did any grandparent have cancer? _____

Have you been treated for any of the following conditions?

	No	Yes	If yes, indicate date
Cancer	_____	_____	_____
Chloracne (skin condition)	_____	_____	_____
Headache	_____	_____	_____
Blood Disorders	_____	_____	_____
Gastrointestinal disorders	_____	_____	_____
Liver problems	_____	_____	_____
Nerve problems (numbness, tingling, etc.)	_____	_____	_____
Reproductive problems	_____	_____	_____
Emotional problems	_____	_____	_____

Do you have any military or medical records in your possession? _____

Do you still have a copy of your DD 214, Report of Separation--Active Duty? _____
Attach a copy if available.

Any other information, explanations, or comments in your own words which you feel adds to this questionnaire. _____

How did you find out about the Veterans Agent Orange Assistance Program? _____

I was a resident of Texas at the time of my induction into the armed forces of the USA or was a resident of Texas as of March 31, 1981 and served in Vietnam, Cambodia, or Laos during the Vietnam conflict.

(signed) _____

CONSENT FORM FOR EPIDEMIOLOGICAL STUDIES
UNDER THE AGENT ORANGE ASSISTANCE PROGRAM

Submit to:
Texas Department of Health
Veterans Agent Orange
Assistance Program
1100 West 49th Street
Austin, Texas 78756

I, the undersigned veteran, give my consent to be included in epidemiological studies conducted by the Texas Department of Health as part of the Department's Agent Orange assistance program.

I understand that the Department shall compile and evaluate information obtained from the epidemiological studies into a report to be distributed annually to the Texas Legislature, the Veterans Administration, the Veterans Affairs Commission, and other veterans groups. The report shall contain current research findings on the effects of exposure to chemical defoliants or herbicides or other causative agents, including Agent Orange, and statistical information compiled from reports submitted by hospitals or physicians. The report shall not contain my name or identity without my consent.

PRINTED NAME

SIGNATURE

Address

City, State

Zip

Date Month Day Year

CONSENT TO DISCLOSURE OF
VETERAN'S IDENTITY UNDER
AGENT ORANGE ASSISTANCE PROGRAM

Submit to:
Texas Department of Health
Veterans Agent Orange
Assistance Program
1100 West 49th Street
Austin, Texas 78756

I, the undersigned veteran, give my consent to the disclosure of my
identity under the Veterans Agent Orange Assistance Program.

PRINTED NAME

SIGNATURE

Address: _____

City _____

State _____

Zip _____

Date: _____

Month

Day

Year

TITLE 34. PUBLIC FINANCE

Part VII. State Property Tax Board

Chapter 155. Tax Record Requirements

The State Property Tax Board proposes new §155.34 (237.03.00.034) concerning the notice of exemption application requirements to accompany all application forms for exemptions that must be applied for annually.

Brian Brown, office of general counsel, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications as a result of enforcing or administering the rule.

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

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be the creation of a notice that will aid the public in applying for available property tax exemptions that require an annual application.

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

Comments on the proposal may be submitted to H. Jack Woods, general counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

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

Kenneth E. Graeber
October 30, 1981

The new section is proposed under Texas Property Tax Code, §5.07(a), which provides the State Property Tax Board with the authority to prescribe the contents of all forms necessary for the administration of the property tax system, and §11.44(c) (as amended by House Bill 30, 1981), which provides the board with the authority to prescribe by rule the content of the explanation required for the notice of exemption application requirements.

§155.34 (237.03.00.034). Notice of Exemption Application Requirements.

(a) Notice of explanation to accompany all application forms for exemptions that must be applied for annually.

(1) Before February 1 of each year, the chief appraiser shall deliver an appropriate exemption application form to each person who in the preceding year was allowed an exemption that must be applied for annually.

(2) The exemptions which require an annual application are the exemptions required by Texas Property Tax Code, §11.161 (implements of farming or ranching); §11.17 (cemetaries); §11.22 (disabled veterans); §11.23 (miscellaneous); §11.24 (historic sites); and §11.27 (solar or wind-powered energy devices).

(b) With each of these exemption applications, a brief explanation containing the following information shall be included:

(1) a statement that the exemption claimed in the previous year must be applied for annually;

(2) a statement that the applicant must file the application before May 1 of the tax year and must furnish the information required on the application for the application to be valid;

(3) a statement that the chief appraiser, for good cause, may extend the deadline once for a period up to 60 days;

(4) a statement that if the application is not timely filed the exemption must be denied; and

(5) a statement that the chief appraiser is required to cancel a granted exemption if he discovers any reason that the exemption should not have been granted, and in such an event, the chief appraiser will deliver a written notice to the taxpayer within five days after the date he makes the cancellation.

Issued in Austin, Texas, on October 30, 1981.

Doc. No. 817873 Kenneth E. Graeber
Executive Director
State Property Tax Board

Proposed Date of Adoption: December 11, 1981

For further information, please call (512) 837-8622.

The State Property Tax Board proposes new §155.35 (237.03.00.035) concerning the adoption by reference of the following forms:

(1) application for land designated for agricultural use (1-d agricultural land);

(2) open-space land application (1-d-1 agricultural land);

(3) open-space land application (1-d-1 timberland);

(4) open-space land application (1-d-1 ecological laboratory land);

(5) application for recreational, park, and scenic land; and

(6) application for public airport access property.

Copies of these forms are available for inspection at the office of the *Texas Register* or can be obtained upon request from Brian Brown, office of general counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

Brian Brown, office of general counsel, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications as a result of enforcing or administering the rule.

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

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be the creation of forms that will aid the public in obtaining special use valuation for property tax purposes.

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

Comments on the proposal may be submitted to H. Jack Woods, general counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

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

Kenneth E. Graeber
October 30, 1981

The new section is proposed under Texas Property Tax Code, §5.07(a), which provides the State Property Tax Board with the authority to prescribe the contents of all forms necessary for the administration of the property tax system, and

§§23.43(d), 23.54(b), 23.75(b), 23.84(f), and 23.94(f) which specifically provide that the board shall prescribe the content of these application forms.

§155.35 (237.03.00.035). Special Use Application Forms.

(a) In applying for special use valuation under Chapter 23 of the Texas Property Tax Code, the applicant shall use a form provided by the appraisal office. The appraisal office shall use the model form adopted by the State Property Tax Board which is appropriate to the special use type, or use a form containing information which is in substantial compliance with the model form adopted by the board.

(b) The following model application forms are adopted by the State Property Tax Board by reference. Copies of these forms are available for inspection at the office of the *Texas Register*, or can be obtained upon request from the office of general counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

(1) Application for land designated for agricultural use (1-d agricultural land), State Property Tax Board Special Use Form 23.43.

(2) Open-space land application (1-d-1 agricultural land), State Property Tax Board Special Use Application Form 23.54.

(3) Open-space land application (1-d-1 timberland), State Property Tax Board Special Use Form 23.75.

(4) Open-space land application (1-d-1 ecological laboratory land), State Property Tax Board Special Use Application Form 23.51.

(5) Application for recreational, park, and scenic land, State Property Tax Board Special Use Application Form 23.84.

(6) Application for public access airport property, State Property Tax Board Special Use Application Form 23.94.

Issued in Austin, Texas, on October 30, 1981.

Doc. No. 817874 Kenneth E. Graeber
Executive Director
State Property Tax Board

Proposed Date of Adoption: December 11, 1981
For further information, please call (512) 837-8622.

The State Property Tax Board proposes new §155.36 (237.03.00.036) concerning the exemption for solar or wind-powered energy devices.

Brian Brown, office of general counsel, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications as a result of enforcing or administering the rule.

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

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be the creation of forms that will aid the public in obtaining an exemption for solar or wind-powered energy devices.

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

Comments on the proposal may be submitted to H. Jack Woods, general counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

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

Kenneth E. Graeber
October 30, 1981

The new section is proposed under Texas Property Tax Code, §5.07(a), which provides the State Property Tax Board with the authority to prescribe the contents of all forms necessary for the administration of the property tax system, and §11.43(f), which provides that the board shall prescribe the contents of the application form for each kind of exemption.

§155.36 (237.03.00.036). Exemption for Solar or Wind-Powered Energy Devices.

(a) All appraisal offices and all tax offices appraising property for purposes of ad valorem taxation shall prepare and make available applications for the exemption for solar or wind-powered energy devices.

(b) All application forms for exemption for solar or wind-powered energy devices shall make provision for the following information:

(1) a statement indicating that the application must be filed annually between January 1 and May 1;

(2) the year for which the exemption is claimed;

(3) the name of any taxing units for which the application is made;

(4) identification of the applicant (name and address);

(5) the description and location of the device(s) against which the exemption is claimed;

(6) a statement of what supporting documents, if any, will be required of the applicant to prove eligibility for the exemption;

(7) a statement indicating whether each solar or wind-powered energy device described is used primarily for the production and distribution of energy for on-site use;

(8) the name and address of a person to contact for additional information;

(9) the date of the application;

(10) the signature of the applicant; and

(11) the definitions of "solar energy device" and "wind-powered energy device" as set forth in Texas Property Tax Code, §11.27.

(c) All application forms for exemption for solar or wind-powered energy devices shall contain the following affirmations:

1. I hereby designate that this described property, which _____ owned on January 1 of this year, as the property against which the solar or wind-powered energy device exemption may be claimed in Texas.

2. I certify that the information given on this form is true and correct.

(d) All application forms for exemption for solar or wind-powered energy devices shall contain the following statement:

Any person who makes a false entry upon the foregoing record shall be subject to one of the following penalties:

(1) imprisonment of not more than 10 years nor less than two years and/or a fine of not more than \$5,000 or both such fine and imprisonment.

(2) confinement in jail for a term up to one year or a fine not to exceed \$2,000 or both such fine and imprisonment as set forth in Texas Penal Code, §37.10.

(e) The application form shall be printed and prepared:
 (1) as a separate form from any other form; or
 (2) on the front of the form if the form also provides for other information.

(f) An applicant may receive this exemption by signing an affidavit indicating that the information contained in the affidavit signed in the previous year is still true and correct.

(g) An applicant's eligibility for any exemption is determined as of January 1 of the tax year for which the exemption is being claimed.

(h) Determination of eligibility is based on the provisions of Property Tax Code, §11.27.

Issued in Austin, Texas, on October 30, 1981.

Doc. No 817875 Kenneth E. Graeber
 Executive Director
 State Property Tax Board

Proposed Date of Adoption: December 11, 1981
 For further information, please call (512) 837-8622.

The State Property Tax Board proposes new §155.37 (237.03.00.037) concerning the content of current and delinquent tax receipts.

Brian Brown, office of general counsel, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications as a result of enforcing or administering the rule.

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

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be the creation of current and delinquent tax receipts which contain the items of information set forth in the rule.

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

Comments on the proposal may be submitted to H. Jack Woods, general counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

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

Kenneth E. Graeber
 October 30, 1981

The new section is proposed under Texas Property Tax Code, §5.07(a), which provides the State Property Tax Board with the authority to prescribe the contents of all forms necessary for the administration of the property tax system.

§155.37 (237.03.00.037). *Current and Delinquent Tax Receipts.*

(a) All offices collecting taxes for purposes of ad valorem taxation shall prepare and issue current and delinquent tax receipts, as applicable, for the payment of current and delinquent taxes.

(b) Current tax receipts for the payment of current taxes shall make provision for the following items of information:

- (1) the name and address of the collecting office and the name of the taxing unit(s) for which that office collects;
- (2) the name and address of the property owner;

- (3) the description of the property;
- (4) the account number of the property;
- (5) the year for which the taxes are paid;
- (6) the value of the property which is certified;
- (7) the kind and amount of any partial exemption applied against the value of the property, if any;
- (8) the amount of taxes due;
- (9) the amount of taxes paid, including a breakdown of taxes collected for each taxing unit;
- (10) the amount(s) of discount, if any, for early payment of taxes;
- (11) the date the taxes are paid;
- (12) the identification of tax office personnel issuing tax receipt, either by initials, signature, code, etc.; and
- (13) in cases of split payment, indication that the amount paid is a split payment.

(c) Delinquent tax receipts for the payment of delinquent taxes shall make provision for the following items of information:

- (1) all paragraphs included under subsection (b) of this section, except paragraphs (10) and (13);
- (2) the amount of penalty and interest collected, including a breakdown for each taxing unit; and
- (3) at the option of the collecting office, more than one year of delinquent taxes paid may appear on one delinquent tax receipt.

(d) County tax offices may continue to use the following special tax receipts in their offices, if desired. However, these forms will no longer be provided by the State of Texas. Use of the following special tax receipts is optional by the county tax office, effective January 1, 1982. Those special tax receipts include:

- (1) corrections receipt, Form 2P40-2.122;
- (2) corrections receipt, Form 2P40-2.116;
- (3) insolvent receipt, Form 2P40-2.24;
- (4) cancellation receipt, Form 2P40-7.99;
- (5) judgment receipt, Form 2P40-7.29;
- (6) supplemental receipt, Form 2P40-2.25; and
- (7) redemption receipt, Form v-2.333 or 2P40-7.333.

(e) Collecting offices failing to prepare current and delinquent tax receipts as required above may be judged to be in compliance upon a showing to the board that current and delinquent tax receipts substantially equivalent to that required above have been prepared.

Issued in Austin, Texas, on October 30, 1981.

Doc. No. 817876 Kenneth E. Graeber
 Executive Director
 State Property Tax Board

Proposed Date of Adoption: December 11, 1981
 For further information, please call (512) 837-8622.

Chapter 161. Valuation Procedure

The State Property Tax Board proposes an amendment to §161.4 (237.08.00.004) concerning the nature of good cause required to extend the reporting deadline for the central appraisal of transportation business intangible property.

Brian Brown, office of general counsel, has determined that for the first five-year period the rule will be in effect, there

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

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

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be to provide reporting companies additional time to file their property information reports where such time is needed.

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

Comments on the proposal may be submitted to H. Jack Woods, general counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

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

Kenneth E. Graeber
October 30, 1981

The amendment is proposed under Texas Property Tax Code, §24.10 (1979), which provides the board with the authority to adopt rules to implement this subchapter. The rules shall prescribe among other matters the nature of good cause required to extend the reporting deadline.

§161.4 (237.08.00.004). The Nature of Good Cause Required To Extend the Reporting Deadline for the Central Appraisal of Transportation Business Intangible Property. For good cause shown, the board may extend the filing deadline by written order for a single period not to exceed 60 [30] days. Inability on the part of the reporting companies to provide or compile the evidence or information as required on the property information report constitutes good cause, if, in the judgment of the State Property Tax Board, such extension will provide the reporting companies sufficient time to provide the requisite information.

Issued in Austin, Texas, on October 30, 1981.

Doc. No. 817877 Kenneth E. Graeber
Executive Director
State Property Tax Board

Proposed Date of Adoption: December 11, 1981
For further information, please call (512) 837-8622.

Chapter 165. Practice and Procedure

The State Property Tax Board proposes new §165.141 (237.09.08.001) concerning requirements for appraisal review board record of its hearings and proceedings.

Brian Brown, office of general counsel, 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 estimated additional cost to local government is \$19,025 in 1982, \$6,290 in 1983, \$2,359 in 1984, \$2,595 in 1985, and \$27,846 in 1986. There will be no fiscal effect on state government.

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

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

forcing the rule as proposed will be the promotion of due process procedures for the appraisal review board.

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

Comments on the proposal may be submitted to H. Jack Woods, general counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

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

Kenneth E. Graeber
October 30, 1981

The new section is proposed under Texas Property Tax Code, §41.68, which provides the State Property Tax Board with the authority to prescribe the form and manner of the record to be kept by the appraisal review boards.

§165.141 (237.09.08.001). Appraisal Review Board Record Requirement.

(a) Each appraisal review board shall establish by rule the procedures for hearings that the board conducts. Such rules shall contain as a minimum the requirements set forth in subsections (b)-(f) of this section.

(b) The following requirements shall be met by appraisal review boards in the conduct of hearings and proceedings, and the record kept by the board shall contain the following items:

- (1) names of the board members present and the date of the hearing or proceeding;
- (2) the name and resident address of the protesting property owner and that owner's agent, if any, or challenging taxing unit;
- (3) a description of the property subject to the protest;
- (4) a summary of the nature of the protest;
- (5) a summary of the chief appraiser's testimony;
- (6) any documentary or physical evidence admitted for consideration by the board or the reference number of the evidence if applicable;
- (7) the names and resident address of every witness and the fact that the witness testified under oath;
- (8) a notation of any formal motions made and the ruling thereon;
- (9) the final order of the board or a reference to the written order number; and
- (10) the date of any final order and the date the notice is placed in the mail.

(c) The chief appraiser or his authorized designee shall be present at all proceedings to represent the appraisal district. If hearing panels are used pursuant to §41.45(d) of the Property Tax Code, then a formal rule should be adopted by the board for that purpose. The rule shall provide for a due process appeal of any contested matter to the board as a whole.

(d) Should a property owner or taxing unit file a protest or challenge petition after the deadline provided by statute, then good cause for late filing shall be considered only by formal motion.

(e) The board shall deliver by certified mail a notice of the issuance of any final order along with a copy of the order to the property owner or the taxing unit as applicable. Copies of the notice and order shall be furnished to the office of the chief appraiser.

(f) A permanent file shall be maintained when an order of the appraisal review board is appealed to district court. This file shall contain:

- (1) the notice of appeal with the filing date noted thereon;
- (2) copies of notices required by Article 42.06(c), Property Tax Code; and
- (3) chief appraiser entries on the appraisal record, as provided for in Article 42.06(d), Property Tax Code.

Issued in Austin, Texas, on October 30, 1981.

Doc. No. 817878 Kenneth E. Graeber
Executive Director
State Property Tax Board

Proposed Date of Adoption: December 11, 1981
For further information, please call (512) 837-8622.

The State Property Tax Board proposes new §165.142 (237.09.08.002) concerning notice of protest to appraisal review boards and the adoption by reference of a model notice of protest form. Copies of this form are available for inspection at the office of the *Texas Register* or can be obtained upon request from Brian Brown, office of the general counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

Brian Brown, office of general counsel, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications as a result of enforcing or administering the rule.

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

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be providing a model form to facilitate property owners' rights to protest to the appraisal review board.

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

Comments on the proposal may be submitted to H. Jack Woods, general counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

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

Kenneth E. Graeber
October 30, 1981

The new section is proposed under Texas Property Tax Code, §41.44(c), which provides the State Property Tax Board with the authority to prescribe a form that provides for more detail about the nature of the protest.

§165.142 (237.09.08.002). Notice of Protest.

(a) To be entitled to a hearing and determination of a protest by an appraisal review board, a property owner initiating the protest must file a written notice of the protest with the appraisal review board having authority to hear the matter protested.

(b) A notice of protest is sufficient if it:

- (1) identifies the protesting property owner,
- (2) identifies the property that is the subject of the protest, and
- (3) indicates apparent dissatisfaction with some determination of the appraisal office.

(c) The notice of protest need not be on an official form. The protesting property owner may use the model form adopted by, and available from, the State Property Tax Board, or any other form or notice which contains the information set forth in subsection (b) of this section.

(d) The model notice of Protest Form 41.44 is adopted by the State Property Tax Board by reference. Copies of this form are available for inspection at the office of the *Texas Register*, or can be obtained upon request from the office of general counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

Issued in Austin, Texas, on October 30, 1981.

Doc. No. 817879 Kenneth E. Graeber
Executive Director
State Property Tax Board

Proposed Date of Adoption: December 11, 1981
For further information, please call (512) 837-8622.

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

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

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

CODIFIED

TITLE 19. EDUCATION

Part I. Coordinating Board, Texas College and University System

Chapter 5. Program Development

Subchapter A. General Provisions

The Coordinating Board, Texas College and University System adopts new §5.4 (251.02.02.004) with changes to the

proposed text published in the July 24, 1981, issue of the *Texas Register* (6 TexReg 2624).

This rule will improve the board's ability to assist institutions, counselors, and students in transferring credit among public institutions of higher education. The word "core" has been changed to "transfer" in the rule to more accurately convey the intent of the rule and its statutory authorization.

This rule will allow for separate publication and frequent updating of a document designed for clarity and efficient utilization by administrators and educators who use the board's rules on transfer curricula and transfer of credit for students.

No comments were received regarding adoption of this rule.

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

James McWhorter
October 30, 1981

The new section is adopted under the authority of Texas Education Code, §61.051(g), which requires the coordinating board to develop and promulgate a basic core of courses to be freely transferable among all public institutions of higher education in Texas.

§5.4 (251.02.02.004). *Transfer Curricula for Public Junior/Community Colleges.* The transfer curricula for public junior/community colleges shall be as prescribed by the current issue of the coordinating board's guide to transfer curricula and transfer of credit.

Issued in Austin, Texas, on October 30, 1981.

Doc. No. 817901 James McWhorter
Secretary
Coordinating Board, Texas College
and University System

Effective Date: November 25, 1981
Proposal Publication Date: July 24, 1981
For further information, please call (512) 475-2033.

Subchapter K. Private Degree-Granting Institutions Operating in Texas

The Coordinating Board, Texas College and University System adopts amendments to §5.216 (251.02.20.006) without changes to the proposed text published in the July 24, 1981, issue of the *Texas Register* (6 TexReg 2624).

The rule provides a procedure and basis for considering applications from private nonexempt institutions of higher education to create new degree-granting colleges or universities. Prior to adoption of this rule, the board's rules did not provide for the establishment of a new private degree-granting institution.

The rule requires an institution to have been in operation at least two years as a nondegree-granting school as a means of establishing its qualifications for consideration of degree-granting status.

No comments were received regarding adoption of these amendments.

This agency hereby certifies that the rule as adopted has

been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

James McWhorter
October 30, 1981

These amendments are adopted under authority of the Texas Education Code, Title 3, Subtitle B, Chapter 61, §311, which provides authorization for the board to promulgate standards, rules, and regulations governing the issuance of certificates of authority.

Issued in Austin, Texas, on October 30, 1981.

Doc. No. 817902 James McWhorter
Secretary
Coordinating Board, Texas College
and University System

Effective Date: November 25, 1981
Proposal Publication Date: July 24, 1981
For further information, please call (512) 475-2033.

Subchapter F. Core Curricula

The Coordinating Board, Texas College and University System adopts the repeal of §§9.131-9.136 (251.02.05.001-.006) without changes to the notice of repeal published in the July 24, 1981, issue of the *Texas Register* (6 TexReg 2625).

The repeal of these rules will permit the board to provide more timely and accurate data on transfer curricula to assist institutions, counselors, and students in transferring credit. Since the board will be publishing an up-to-date document, it will be designed for better clarity and more efficient utilization by administrators and educators who use the board's rules on transfer curricula and transfer of credit for students.

No comments were received regarding adoption of this repeal.

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

James McWhorter
October 30, 1981

The repeal is adopted under authority of Texas Civil Statutes, §61.051(g) which authorizes the board to promulgate freely transferable courses among public institutions of higher education. That responsibility will be improved by new §5.4 replacing these being repealed.

Issued in Austin, Texas, on October 30, 1981.

Doc. No. 817903 James McWhorter
Secretary
Coordinating Board, Texas College
and University System

Effective Date: November 25, 1981
Proposal Publication Date: July 24, 1981
For further information, please call (512) 475-2033.

Chapter 21. Student Services

Subchapter B. Determining Residence Status

The Coordinating Board, Texas College and University System adopts amendments to §21.22 (251.05.03.002) with-

out changes to the proposed text published in the July 24, 1981, issue of the *Texas Register* (6 TexReg 2625).

The rule is to implement the provisions of Senate Bill 957, 67th Legislature, Regular Session. The rule provides procedures for re-establishment of residence for a person who has resided in Texas for at least five years prior to moving from the state and who returns to Texas to live before having lived out of the state for more than a year.

Institutions of higher education must assign a residency classification to all applicants for admission. This rule will allow persons within its parameter to be classified as residents of Texas and to be eligible to pay resident tuition.

No comments were received regarding adoption of these amendments.

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

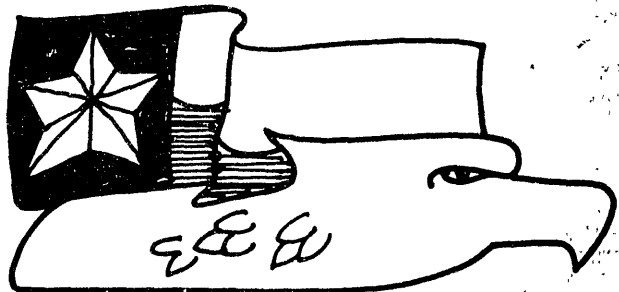
James McWhorter
October 30, 1981

These amendments are adopted under authority of the Texas Education Code, Chapter 54, which provides that the coordinating board will promulgate rules and regulations for determining residence status by institutions of higher education.

Issued in Austin, Texas, on October 30, 1981.

Doc. No. 817904 James McWhorter
Secretary
Coordinating Board, Texas College
and University System

Effective Date: November 25, 1981
Proposal Publication Date: July 24, 1981
For further information, please call (512) 475-2033.



TITLE 43. TRANSPORTATION

Part III. Texas Aeronautics Commission

Chapter 61. Practice and Procedure

The Texas Aeronautics Commission adopts an amendment to §61.64 without changes to the proposed text published in the August 21, 1981, issue of the *Texas Register* (6 TexReg 3089).

The rule is changed to lessen the regulatory burden on an applicant for carrier certification; eliminate unnecessary book-keeping procedures by the commission; and accelerate payment of fees generated by agency hearing.

The rule requires an applicant for an air carrier certificate to pay the reporter for a transcript of the hearing directly upon receipt of a bill, rather than paying through the commission as was previously required. This procedure will speed receipt of payment for services by the reporter without the use of the commission as an intermediate channel.

No comments were received regarding the proposed amendment to the rule.

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

Thomas L. Butler
October 29, 1981

The amendment is adopted under Texas Civil Statutes, Article 46c-6, subdivision 3(a), which gives the commission authority to promulgate rules concerning air carriers, including all regulations necessary to effectuate its certification. The rules of practice and procedure and subsequent amendments to them have been adopted to facilitate performance of the commission's duties to hold hearings for air carrier certification.

Issued in Austin, Texas, on October 22, 1981.

Doc. No. 817788 Thomas L. Butler
 Staff Attorney
 Texas Aeronautics Commission

Effective Date: November 20, 1981
Proposal Publication Date: August 21, 1981
For further information, please call (512) 476-9262.

Chapter 63. Air Carriers

The Texas Aeronautics Commission adopts new §63.17 and amendments to §§63.11, 63.16, 63.22, and 63.29 without changes to the proposed text published in the August 28, 1981, issue of the *Texas Register* (6 TexReg 3172).

The rules submitted herein are changed to lessen the regulatory burden on air carriers found to be unnecessary in certain instances; to clarify certain certification requirements for applicants to become air carriers; and to comply with recommendations made by the Sunset Commission during a recent review.

Section 63.11 changes the title of the head of the Air Carrier Division of the Texas Aeronautics Commission from administrator to director as recommended by the Sunset Commission; §63.16 adds the requirement of compliance with increased minimum capitalization for carrier certification; §63.17 increases the minimum capitalization requirement from \$50,000 to \$100,000 for an air carrier certificate; §63.22 limits suspension of a point by a carrier to six months and reduced the notice time for termination of a service to a point from 60 to 30 days; and §63.29 no longer requires tariff filings by certain classes of carriers.

No comments regarding the proposed amendments and addition were received.

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.

Thomas L. Butler
October 29, 1981

The amendments and new section are adopted under Texas Civil Statutes, Article 46c-6, subdivision 3(a), which provides that the Texas Aeronautics Commission has the authority to promulgate and administer economic rules and regulations over air carriers.

Issued in Austin, Texas, on October 22, 1981.

Doc. No. 817789 Thomas L. Butler
 Staff Attorney
 Texas Aeronautics Commission

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For further information, please call (512) 475-9262.

Chapter 65. Aviation Facilities Development and Financial Assistance Rules

The Texas Aeronautics Commission adopts amendments to §§65.1, 65.3, 65.9, 65.11-65.17, 65.19, and 65.20 with changes to the proposed text published in the August 21, 1981, issue of the *Texas Register* (6 TexReg 3090).

The 67th Legislature amended the Texas Aeronautics Act, Texas Civil Statutes, Article 46c-1, et seq., to authorize a revolving loan fund and loan program for construction of airport improvements. The aviation facilities development Chapter Rules, which govern the details of all airport grant and loan programs, are changed to enable the commission to implement the loan program authorized by the legislature.

The rules will now provide the details for application, acceptance, compliance, and termination of all financial assistance by the commission to airports in the state. Interest rates, duration, and terms of loan as well as grant agreements are now covered by the rules. In most instances, the rules are amended to add the loan program to the requirements previously applied only to grants.

No comments were received from the public regarding the adoption of the amendments. However, the third sentence of §65.5(b), Loans, and new §65.22 are not being adopted because of a determination by staff that the rules were not within the agency's statutory authority.

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.

Thomas L. Butler
October 29, 1981

These amendments are adopted under the authority of the Texas Aeronautics Act, Article 46c-6., subdivision 10(a), which authorizes the Texas Aeronautics Commission to provide funds through loans or grants to improve aeronautical facilities in this state, and to promulgate rules and regulations governing the expenditures of these funds. This provision is the statutory authority under which the aviation facilities development rules are adopted and under which the amendments to the rules are also adopted.

§65.1. Purpose of Rules. The purpose of these rules is to set forth in a clear and concise manner the procedures, guidelines, and standards utilized to administer the Texas Financial Assistance Program. These rules shall be construed liberally, with a view toward the purpose for which they were adopted.

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

The Act—The Texas Aeronautics Act, Texas Civil Statutes, Article 46c-1, et seq., as amended.

Engineer-director of airports—The member of the staff responsible for administering the details of the program.

Grant contract application—A formal written application for state aid which imposes certain obligations on the applicant if a grant offer is later accepted.

Grant contract—A formal written agreement between a sponsor and the agency which imposes certain obligations on both the sponsor and the agency.

Loan application—A formal written application on a state loan which imposes certain obligations on the applicant if a loan offer is later accepted.

Loan agreement—A loan from the agency to a sponsor for airport improvements which imposes certain obligations on both the sponsor and the agency.

Program—The Texas Financial Assistance Program.

Project—Construction, enlargement, repair, or planning of an airport or air navigational facility as part of the program.

Request for aid—A preliminary statement submitted by an applicant to indicate the applicant's desire to be included in the program and to provide a basis for programming available funds and approving grant contracts or loans.

Sponsor—An applicant who has accepted a grant contract or loan offer from the agency and has executed a grant contract or loan agreement.

Staff—employees of the agency.

§65.4. Eligibility.

(a) Political subdivisions. Any city, town, county, community, or other governmental entity in the State of Texas is eligible for financial assistance through loan agreements or grant contracts

(b) (No change.)

§65.5. Amount of Grant Contract or Loan.

(a) Grant contracts. The commission may award grant contracts of up to 90% of the cost of a project with a maximum limit at any one location being that set by the legislature in its biennial appropriation bill. However, if federal funds are used on the project, the commission may participate by funding up to 50% of the applicant's share of the total project funding. For example, if federal funds account for 80% of a project's cost, the commission may fund up to 1/2 of the remaining 20% or 10% of the total project cost. The total cost of the project, the amount of need of the applicant, and sources of other funds (e.g. federal assistance) may be used to determine the percentage of the project to be funded by the commission. An applicant's contribution may be in cash, in kind, or a combination of both.

(b) Loans. The commission may make a loan of up to 90% of the cost of a project with a maximum loan limit of \$50,000. All loans shall bear interest at the rate of at least 3.0% per annum and have a term of not longer than 20 years. Loans shall be made in lieu of grant contracts whenever feasible, and in particular in lieu of grant contracts for revenue-producing improvements.

§65.6. Requests for Aid. Prior to the approval of any grant contract or loan by the commission, the applicant shall sub-

mit a request for aid in the form promulgated by the staff. The submission of a request for aid neither ensures inclusion of the proposed project in the program nor obligates the applicant to perform any service or to expend any funds. A request for aid indicates an applicant's desire to be included in the program and provides a basis for programming available funds and approving grant contracts or loans. Requests for aid remain current for an indefinite period unless the applicant indicates it no longer seeks state funds. New or updated requests for aid may be submitted at any time.

§65.7. Evaluation and Determination of Need. Upon receipt of a request for aid, the staff shall initiate an investigation to evaluate all facts pertinent to the proposed project. After such investigation, the staff shall make a preliminary determination as to whether the proposed project should be included in the aviation facilities capital improvement program. That determination shall be based on: the following priority schedule for individual projects; the overall needs of the state as specified in the Texas airport system plan (TASP); and the timing of the proposed project in relation to requests by other applicants.

(1) Maintenance and reconstruction needed to preserve the functional integrity or operational safety of existing portions of the airport required for current design use.

(2) Development required to bring the airport up to recommended standards for current design use.

(3) Expansion of an existing airport or construction of a new airport to relieve congestion on the airport or in a specific geographic area.

(4) Development of an existing airport to accommodate longer haul lengths for existing aircraft or larger or higher performance aircraft.

(5) Construction of a new airport that will be the only TASP airport serving a community.

§65.8. Programming. Prior to any commission meeting at which the allocation of program funds and the approval of grant contracts and loans will be considered, the staff shall provide to the commission:

(1) a current capital improvement program; and

(2) the staff recommendations as to the allocation of funds and approval of grant contracts and loans shall be made upon the aviation facilities capital improvement program and in accordance with priorities under §65.7 of this title (relating to Evaluation and Determination of Need).

§65.9. Approval of Grant Contracts or Loans, Allocation of Funds, and Grant Contracts and Loan Applications.

(a) A 2/3 vote of the entire commission is required for the approval of a grant contract and a majority vote for the approval of a loan under the Act. Once a grant contract or loan has been approved, the funds for such grant contract or loan will be encumbered until disbursed to the sponsor or until the grant contract or loan is canceled. After a request for aid has been approved by the commission, the staff shall send each selected applicant an application for grant contract or loan in the form promulgated by the staff. Applicant shall complete and return said grant contract application to the agency within 90 days. Upon a showing of good cause, the engineer-director of airports may allow the applicant time to complete and return said grant contract or loan application.

(b) The grant contract or loan application shall contain convenants that the applicant agrees:

(1) that the airport or air navigational facility will

remain under applicant's control for at least 20 years;

(2) that at least 10% of the total project cost will be provided from sources other than the State of Texas; and

(3) that the applicant has the ability to finance and operate the airport or air navigational facility. Additionally, the grant contract or loan application shall include a general description of the proposed project, the amount of state aid requested, the estimated date that the project will commence and will be completed, the estimated total cost of the project, the source and availability of funds, and a general description of land involved for the project, including present ownership and the expected means of acquisition if not presently owned.

§65.11. Grant Contracts and Loan Agreements.

(a) Procedure.

(1) After a grant contract or loan application has been completed and returned to the agency and all requirements imposed on the applicant have been satisfied, including the submission and approval of plans and specifications, a grant contract or loan offer will be issued by the executive director. Prior to the disbursement of any funds by the agency, the applicant must accept the grant contract offer. Acceptance shall be in the manner provided by law for entering into binding contractual agreements.

(2) Upon execution by the applicant, the offer and acceptance shall constitute a grant contract or loan agreement between the agency and the sponsor. The agency and the sponsor shall be bound by all of the terms and conditions of the grant contract agreement. The executed grant contract or loan agreement and certified proof of lawful acceptance shall be returned to the agency.

(b) Terms and conditions. In addition to all other requirements imposed by law or by these rules, all grant contracts or loans by the commission shall be subject to the following terms and conditions and any additional terms and conditions necessary to effectuate the program.

(1) The period of the grant contract or loan agreement shall be 20 years from the date of a sponsor's acceptance.

(2) The airport or navigational facility shall remain under sponsor's control during the period of the grant contract or loan agreement.

(3) The airport or navigational facility shall be maintained by sponsor in a safe and serviceable condition during the period of the grant contract or loan agreement.

(4) Consistent with safety and security requirements, a sponsor shall make the airport or navigational facility available to all types, kinds, and classes of aeronautical use without discrimination between such types, kinds, and classes and shall provide adequate public access during the period of this grant contract or loan agreement.

(5) (No change.)

(6) Land identified in a sponsor's grant contract or loan application and attorney's certificate of title shall be pledged to airport use and shall not be removed from such use without prior written approval by the commission.

(7)-(8) (No change.)

(9) All fees collected for use of an airport or navigational facility constructed with funds provided under the program shall be reasonable and nondiscriminatory. The proceeds of such fees shall be used solely for the development, operation, and maintenance of the airport or navigational facility. Sponsor, however, shall not be required to pledge income received from the mineral estate to airport use unless

state funds were used to acquire the mineral estate or any interest thereof.

(10)-(12) (No change.)

(13) Sponsor shall adopt and enforce comprehensive zoning regulations to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities compatible with normal airport operations. Sponsor shall also acquire and retain aviation easements or other interests in or rights to the use of land or airspace unless sponsor can show the acquisition and retention of such interest will be impractical or will result in undue hardship to sponsor. No sponsor shall be eligible for a subsequent grant contract or loan under the program unless sponsor has adopted and passed an airport hazard zoning ordinance/order.

(c) Amendments and cancellation. A major amendment to or cancellation of a grant contract or loan agreement requires a 2/3 vote of the entire commission. A major amendment to or cancellation of a loan agreement requires a majority vote of the entire commission. Minor amendments to a grant contract or loan agreement may be made by the director at his discretion. The director shall determine what constitutes a major or minor amendment. A sponsor may appeal the director's determination to the commission by filing with the director a written statement of its specific objections. The director shall forward the statement of appeal to the commissioners.

§65.12. *Public Hearings on the Project in the Local Community.* Prior to accepting any grant contract or loan offer issued by the agency and after sufficient notice of the time and place of such hearing, an applicant shall conduct a public hearing in the community where a project is proposed. Such hearing will afford interested parties an additional opportunity to be heard concerning a proposed project. The staff may be represented at the hearing. Proof that the hearing was held shall be maintained in the agency's files.

§65.13. *Supplemental Grant and Loans.* All airport development funds appropriated by the legislature for any fiscal year or carried forward from any previous fiscal year, and not encumbered by specific grant contract or loans approved by the commission, shall be available to supplement existing grant contracts or loans to meet unforeseen cost overruns. The engineer-director of airports may authorize supplemental grant contracts or loans to cover cost overruns not exceeding 15% of the total grant contract or loan approved by the commission. The director may authorize supplemental grant contracts or loans to cover cost overruns not exceeding 25% of the total grant contract or loan approved by the commission. In no event shall the total amount of the grant contract or loan plus supplements exceed the maximum amount set by the legislature in its biennial appropriation bill in any one fiscal year.

§65.14. *Eligible Costs.* Only costs necessary and proper for completion of a project will be eligible for reimbursement under a grant contract or loan approved by the commission. The staff shall make a preliminary determination as to the allowability of payments for eligible costs. Such determination of allowability shall be final unless appealed by the sponsor to the commission. An appeal shall be filed in writing with the director who shall forward same to the commission for its consideration. Unless specifically authorized by the commission or by these rules, no costs incurred prior to the approval of a grant contract or loan will be eligible for reimbursement.

§65.15. Grant Contract and Loan Payments. Grant contract and loan payments to the sponsor may be authorized upon application to the agency. Such payments will be in proportion to the amount of the project satisfactorily completed at the time of the payment application. No more than 90% of the total grant contract or loan will be paid prior to the completion of the project. The last 10% of the grant contract or loan will be paid only after the staff has inspected and approved the completed project and the sponsor has complied with the zoning requirements of §65.16 of this title (relating to Airport Hazard Zoning and Compatible Land Use).

§65.16. Airport Hazard Zoning and Compatible Land Use. The sponsor shall adopt and enforce comprehensive zoning regulations to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities compatible with normal airport operations. The sponsor shall also acquire and retain aviation easements or other interests in or rights to the use of land or airspace, unless the sponsor can show that acquisition and retention of such interest will be impractical or will result in undue hardship to the sponsor. To assist the sponsor in implementing these measures, the agency, upon request from a sponsor, will provide assistance with respect to airport hazard zoning pursuant to the Texas Airport Zoning Act, Texas Civil Statutes, Article 46e-1 et seq., including:

- (1) preparation of a zoning map;
- (2) providing a model zoning ordinance/order and procedures for the community to pass such ordinance/order; and
- (3) acting as an airport zoning commission. No sponsor shall be eligible for a subsequent grant contract or loan under the program unless the sponsor has adopted and passed an airport hazard zoning ordinance/order.

§65.17. Land.

(a) Minimum requirements. No construction project will be considered for a grant contract or loan unless the applicant can assure the acquisition of sufficient land for development, operation, and maintenance of the airport or air navigational facility. This requirement shall include the amount of land needed for construction of necessary runways, taxiways, aircraft parking areas, and for initial and future construction of necessary structures, such as hangars. All land adjacent to or in the immediate vicinity of the airport must be clear of obstructions hazardous to aviation or the sponsor shall provide proof that such obstructions will be removed within the time allotted for completion of the project.

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

§65.19. Compliance.

(a) If, after all reasonable attempts to assure compliance have failed, the commission finds that a sponsor is unwilling or unable to comply with any of the terms and conditions of the grant contract or loan agreement, the commission will:

- (1) require a pro rata refund of money issued with a grant contract or loaned to the sponsor or immediate payment of any outstanding loan made to the sponsor by the commission;
- (2) deny sponsor's future requests for state aid; or
- (3) advise the attorney general to bring suit seeking reimbursement of amounts paid or loaned to the sponsor by the state pursuant to the grant contract or loan agreement.

(b) To insure that a sponsor is in compliance with the terms and provisions of a grant contract or loan agreement, the staff will make periodic inspections at the project site and shall immediately report to both the sponsor and the commission any noncompliance with or violation of the terms and provisions of the grant contract or loan agreement.

§65.20. Planning Grant Contracts. Grant contracts for planning shall also be available to eligible parties under the Texas Financial Assistance Program. The primary purpose of such planning shall be to determine the facilities required to meet a community's short, intermediate and long-term aviation needs. The need for a planning grant will be evaluated in light of the overall needs of the state as specified in the Texas airport system plan with due emphasis placed on complex situations such as:

- (1) providing service to more than one community or region;
- (2) unresolved questions concerning site selection or airspace limitations;
- (3) unique environmental conditions;
- (4) unusual or unique aviation needs; and
- (5) an apparent surplus of facilities and/or land.

Issued in Austin, Texas, on October 22, 1981.

Doc. No. 817790 Thomas L. Butler
Staff Attorney
Texas Aeronautics Commission

Effective Date: November 20, 1981

Proposal Publication Date: August 21, 1981

For further information, please call (512) 476-9262.

NONCODIFIED

Texas Department of Human Resources

Nursing Facility Administration

Payments to Nursing Homes 326.33.03

The Texas Department of Human Resources adopts amendments to Rule 326.33.03.010 concerning vendor payment to nursing homes, with changes to the proposed text published in the July 14, 1981, issue of the *Texas Register* (6 TexReg 2443). The policy change allows the department to reimburse the facility for the day of a recipient's departure when departure is because of the recipient's death.

It is necessary for the department to adopt the amendment based on the following considerations:

The nursing facility must provide additional services on the day of death, such as preparing the body for the funeral home, notifying family members, doing an inventory of the recipient/patient's possessions, and making arrangements with the family for disposition of those possessions. These costs should be paid. Duplicate payment is not an issue.

The rule change about day of death will function by allowing payment for services already rendered and for which facilities have not been paid in the past.

Only one comment was received after the comment period ended on August 13, 1981. The comment from Susan Kelly, attorney at law, Senior Citizens Project, expressed opposition to implementation of the rule. The opposition was based on the belief that the proposed regulations would violate Rider 55 of the Appropriations Bill which does not allow for the promulgation of new rules or regulations that would increase the costs of providing the required services or would increase the number of required personnel in nursing facilities. The department, in response to Ms. Kelly's opposition, has determined that the rule change to allow payment for the day of death does not increase the cost of providing the required services in nursing facilities nor does it require increasing the number of staff. Rider 55 of the Appropriations Bill refers to changes that would have the effect of increasing the costs of providing care.

Editorial changes were made to the proposed version of the amendment for the sake of clarity.

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

J. B. McReynolds
October 26, 1981

The following amendments are adopted under the Human Resources Code, Title 2, Chapter 32, which provides the department with authorization to provide medical assistance on behalf of needy individuals. The amendments have been approved by the Texas Board of Human Resources.

.010. Vendor Payment Information.

(a)-(d) (No change.)

(e) Days are defined as 24-hour periods extending from midnight to midnight. Payment will be computed in terms of whole days, even though the recipient may have been in a nursing home only a fractional part of the day of entrance. Vendor payment to nursing facilities will be made for the day of entrance, but not the day of departure with the following exceptions:

(1) entrance and departure occurred on the same day, and in this event payment will be made for one whole day;

(2) departure is the result of death.

(f) (No change.)

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

Doc. No. 817872

Marlin W. Johnston
Commissioner

Texas Department of Human Resources

Effective Date: November 23, 1981

Proposal Publication Date: July 14, 1981

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

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

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

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

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

Texas Adult Probation Commission

Friday, November 13, 1981, 9 a.m. The Texas Adult Probation Commission will meet in the Trellis Room, Hilton Hotel, Lorraine and Wall Streets, Midland. Items on the agenda include: amendments to minutes of August 13, 1981, meeting; financial report; executive director's report; program services report; Audit Review Committee report; special program funding applications; waiver of experience; statistical information; supplemental grant awards; consideration of budget adjustments to supplemental funding and special program funding requests; and selection of a time and place for next meeting.

Information may be obtained from Sharon Hull, 812 San Antonio, Suite 400, Austin, Texas 78701, (512) 475-1374.

Filed: November 2, 1981, 11:07 a.m.
Doc. No. 817867

Automated Information Systems Advisory Council

Thursday, November 12, 1981, 1:30 p.m. The Board of the Automated Information Systems Advisory Council will meet in Room 100-D of the John H. Reagan Building, 15th and Congress

Streets, Austin. Items on the agenda include a presentation by Tom Meadows and Peat, Marwick, and Mitchell; remarks by Representative Presnel, author of House Bill 1463, 67th Legislature, and Paul Wrotenbury, Office of Planning and Budget of the Office of the Governor; and consideration of documentation review, MH/MR, procurement, staff recruitment, office and physical facilities, and planning focus. The board will also meet in executive session to consider personnel matters.

Information may be obtained from John A. Lovelady, Sam Houston Building, Room 607, Austin, Texas 78711, (512) 475-7881.

Filed: November 4, 1981, 4:02 p.m.
Doc. No. 817923

State Bar of Texas

Thursday, November 12, 1981, 9 a.m. The Executive-Budget Committee of the State Bar of Texas will meet in the president's room of the Texas Law Center, 1414 Colorado Street, Austin. Items on the summarized agenda include: reports of the president, president-elect, board chairman, executive director, and general counsel; approval of a deferred compensation contract with the executive director; possible amendments to the 1981-82 budget; possible approval of capital expenditure items; consideration of a request to invest State Bar of Texas funds in Texas Lawyers Credit Union certificates of deposit; discussion of possible referendum of members in Spring 1982; report of 1982 convention; and concerns of black lawyers.

Information may be obtained from Evelyn Avent, 1414 Colorado Street, Austin, Texas, (512) 475-4746.

Filed: November 4, 1981, 3:32 p.m.
Doc. No. 817922

Texas Commission for the Deaf

Wednesday, November 11, 1981, 8 a.m. The Board for Evaluation of Interpreters of the Texas Commission for the Deaf will meet in emergency session at the Texas School for the Deaf, 1102 South Congress, Austin. Items on the agenda include: review of evaluation procedures and score sheets; discussion of the certification incentive program; chairman's report; and establishment of time lines for the certification program. The board will also meet in executive session to develop a written test and review evaluation materials. The emergency status is necessary because evaluation materials must be finalized as soon as possible to implement the certification program.

Information may be obtained from Fred R. Tammen, 510 South Congress, Austin, Texas 78704, (512) 475-2492.

Filed: November 4, 1981, 1:19 p.m.
Doc. No. 817914

Saturday, November 14, 1981, 9 a.m. The Board for Evaluation of Interpreters will meet at the Texas School for the Deaf, 1102 South Congress, Austin, to review evaluation procedures and score sheets and to consider the chairman's report. The board will also

meet in executive session to review written tests and evaluation materials.

Information may be obtained from Fred R. Tammen, 510 South Congress, Austin, Texas 78704, (512) 475-2492.

Filed: November 4, 1981 1:18 p.m.
Doc. No. 817915

Tuesday, November 17, 1981, noon. The Board for Evaluation of Interpreters of the Texas Commission for the Deaf will meet at the Texas School for the Deaf, 1102 South Congress, Austin, to finalize evaluation procedures and score sheets and to consider the chairman's report. The board will also meet in executive session to finalize the written test and evaluation materials.

Information may be obtained from Fred R. Tammen, 510 South Congress, Austin, Texas 78704, (512) 475-2492.

Filed: November 4, 1981, 1:18 p.m.
Doc. No. 817916

Interagency Council on Early Childhood Intervention

Wednesday and Thursday, November 11 and 12, 1981, 9 a.m. each day. The Interagency Council on Early Childhood Intervention will meet in Conference Room T-604, 1100 West 49th Street, Austin. According to the agenda summary, the council will consider the submission and review process covering grant proposals for programs of intervention services and establishing of rules for grant proposals, review, and evaluation; formation of an advisory committee; public awareness and training; and the operational procedures of the council and advisory committee.

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

Filed: November 3, 1981, 4:06 p.m.
Doc. No. 817895

Texas Education Agency

Tuesday, November 10, 1981, 9 a.m. The State Advisory Committee for Career Education of the Texas Education Agency State Board of Education will meet in the second floor conference room, 158 East Riverside Drive, Austin. Items on the agenda summary include: the committee's work on technical-vocational education; the governor's symposium on career education; the governor's executive order on career education; the statewide curriculum study; the block grant system; the subcommittee structure; and a business session concerning committee recommendations and the election of a chairperson.

Information may be obtained from Walter Rambo, 210 East 11th Street, Austin, Texas 78701, (512) 475-6838.

Filed: November 2, 1981, 4:26 p.m.
Doc. No. 817891

Thursday, November 12, 1981. The following committees of the Texas Education Agency State Board of Education will meet at 150 East Riverside Drive, Austin. Times, agendas, and room numbers are as follows.

8:30 a.m. The Committee of the Whole will meet in the board room to hear protests related to the 1981 textbook adoptions; consider the preliminary report of the commissioner of education on textbooks; and conduct a hearing on textbook protests from eligible petitioners and publishers.

2 p.m. The Vocational Education Task Force will meet in the second floor conference room to consider the following: an overview of the public hearing and the local advisory committee inservice workshop projects; the House Concurrent Resolution 23 study of vocational education in Texas; the 1980 council recommendations and action taken on these recommendations; the 1981-82 program of work and activities of the Advisory Council; and the 1981 annual report to the State Board of Vocational Education.

Information may be obtained from Raymon L. Bynum, Commissioner, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: November 4, 1981, 4:16 p.m.
Doc. Nos. 817924 and 817925

Friday, November 13, 1981. The Texas Education State Board of Education and committees of the board will meet at 150 East Riverside Drive, Austin. Times, agendas, and locations are as follows.

8:30 a.m. The Committee of the Whole will meet in the board room to consider the following: presentation by Office of the Attorney General regarding the status of congressional districts; report of the commissioner of education on textbooks; multiple list resolutions of the Texas State Board of Education; resolution authorizing purchase and distribution of multiple list samples for 1981; large type textbooks for visually handicapped; and an application to establish new textbook depository status.

10:30 a.m. The Committee for Instruction, Research, and Evaluation will meet in the board room to consider the following: testing requirements; school district data submission to the Texas Education Agency; report of the commissioner of education on textbooks; multiple list resolutions of the Texas State Board of Education; resolution authorizing purchase and distribution of multiple list samples for 1981; large type textbooks for visually handicapped; application to establish new textbook depository status; remediation for ninth grade students who failed to master the Texas Assessment of Basic Skills test; and a report on research and development projects.

10:30 a.m. The Committee for Policy, Budget, and Finance will meet in the second floor conference room to consider the following: funding for equipment in secondary vocational programs; recommendation of the Apprenticeship and Training Advisory Committee; a certified list of courses for occupational education and technology; appointments to the State Advisory Committee for Marketing and Distributive Education; request for approval for travel and other reimbursement for members of the Council for Personnel Preparation for the Handicapped; grant application for foreign curriculum consultant; and request for authorization to apply for funds under the Transition Program for Refugee Children.

10:30 a.m. The Committee for Special Populations will meet in the third floor conference room to consider computers and education; advisory input on gifted and talented; bilingual education; and the State Advisory Committee for Computer Services.

1:30 p.m. The Committee for Litigation and Appeals will meet in the third floor conference room. Items on the agenda include procedures for considering appeals to the State Board of Education; communication from Fort Worth attorney regarding Shawn E. A. bnf Mr. and Mrs. Ed A. v. Burleson Independent School District; and a ruling by the Fifth Circuit Court of Appeals.

1:30 p.m. The Committee for Investment of the Permanent School Fund will meet in the second floor conference room to consider the following: report of Investment Advisory Committee; presentation by First International Investment Management; securities transactions; the investment portfolio; recommended investment program for November/December; estimated funds available for the November/December program; and the report of the investment officer.

1:30 p.m. The Committee for Teacher Preparation, School Support Services, and Special Projects will meet in the board room to consider the status report on Texas proprietary schools; report on education-for-work linkage project; general educational development; and recommendations for appointment to the State Commission on School Accreditation.

Information may be obtained from Raymon L. Bynum, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: November 4, 1981, 4:16 p.m.
Doc. Nos. 817926-817932

Saturday, November 14, 1981, 8:30 a.m. The Texas Education Agency State Board of Education will meet in the board room, 150 East Riverside Drive, Austin. Items on the agenda include: opening of bids on textbooks; appeals on decisions of the commissioner of education; agency administration; good neighbor scholarships; appointment of trustee for Randolph Field Independent School District; funding for equipment in secondary vocational programs; recommendation of the Apprenticeship and Training Advisory Committee; a certified list of courses for occupational education and technology; appointments to the State Advisory Committee for Marketing and Distributive Education; request for approval for travel and other reimbursement for members of the council for Personnel Preparation for the Handicapped; grant application for foreign curriculum consultant; request for authorization to apply for funds under the transition program for refugee children; testing requirements; school district data submission to the Texas Education Agency; report of the commissioner of education on textbooks; multiple list resolutions of the Texas State Board of Education; resolution authorizing purchase and distribution of multiple list samples for 1981; large type textbooks for visually handicapped; application to establish new textbook depository

status; bilingual education; State Advisory Committee for Computer Services; general educational development; recommendations for appointment to the State Commission on School Accreditation; and investment of available funds.

Information may be obtained from Raymon L. Bynum, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: November 4, 1981, 4:18 p.m.
Doc. No. 817933



Texas Employment Commission

Friday, November 13, 1981, 9 a.m. The Texas Employment Commission will meet in Room 644 of the TEC Building, 15th and Congress Streets, Austin. According to the summarized agenda, the commission will consider the following: reports of the general counsel and administrator; status report on fiscal year 1982 funding; E.S. and U.I. activities; report to the governor on the unemployment insurance fund; TEC Advisory Council; proposal to establish a new promotional policy; amendment to grievance procedure; and agenda items for the November 24, 1981, meeting. The commission will also meet in executive session to consider personnel, premises, and litigation.

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

Filed: November 4, 1981, 1:42 p.m.
Doc. No. 817917

Good Neighbor Commission

Thursday, November 12, 1981, 2 p.m. The Executive Committee of the Good Neighbor Commission will meet at the Quinta Royale Motor Inn, Corpus Christi, to screen applications and select candidates to be interviewed for the position of executive director.

Information may be obtained from Bob Watson, P.O. Box 12077, Austin, Texas 78711, (512) 475-3581.

Filed: November 2, 1981, 4:29 p.m.
Doc. No. 817892

Friday, November 13, 1981, 9 a.m. The Good Neighbor Commission will meet at the Quinta Royale Motor Inn, Corpus Christi. Items on the agenda summary include: staff reports on the governor's essay contest, the Texas/Jalisco conference and the third energy conference; fiscal reports; the commissioner's activity reports; committee reports from the Program Development, Ad-

ministrative and Executive Committees; and selection of a time and place for the next quarterly meeting.

Information may be obtained from Bob Watson, P.O. Box 12077, Austin, Texas 78711, (512) 475-3581.

Filed: November 2, 1981, 4:30 p.m.
Doc. No. 817893

Office of the Governor

Tuesday, November 10, 1981, 9:15 a.m. The Criminal Justice Division Advisory Board of the Governor's Office of General Counsel and Criminal Justice will meet in Room 100B, John H. Reagan Building, 1400 Congress, Austin, for orientation.

Information may be obtained from Willis Whatley, P.O. Box 12428, Austin, Texas 78711, (512) 475-3021.

Filed: November 2, 1981, 4:19 p.m.
Doc. No. 817890



Texas Health Facilities Commission

Friday, November 13, 1981, 10 a.m. The Texas Health Facilities Commission will meet in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin, to consider the following applications:

Certificate of Need

- Angelo Community Hospital, San Angelo
AH81-0601-036
- St. John's Hospital, Inc., San Angelo
AH81-0429-005

Notice of Intent to Acquire an Existing Health Care Facility

- Camlou Care Centers, Inc., San Antonio
AH81-1013-038
- James A. Finch, Jr. Roby
AN81-1015-014
- James A. Finch, Jr., Roby
AN81-1015-012

Camlou Care Centers, Inc., San Antonio
AN81-1013-040

Camlou Care Centers, Inc., San Antonio
AN81-1013-042

Camlou Care Centers, Inc., San Antonio
AN81-1013-006

Camlou Care Centers, Inc., San Antonio
AN81-1013-036

Amendment of Certificate of Need Order Nunc Pro Tunc
Clayton Terrace Manor, Inc., Tyler
AN77-0222-022A (080681)

Information may be obtained from Linda E. Zatopek, P.O. Box 15023, Austin, Texas 78761, (512) 475-6940.

Filed: November 4, 1981, 9:48 a.m.
Doc. No. 817908

State Board of Insurance

Tuesday, November 10, 1981, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 350, 1110 San Jacinto Street, Austin, to consider Docket 6598—application for approval of the articles of agreement of Atlantic Lloyd's Insurance Company of Texas, Houston.

Information may be obtained from John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: November 2, 1981, 1:50 p.m.
Doc. No. 817868

Friday, November 13, 1981, 9 a.m. The State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin, to hold a preliminary hearing on Texas Catastrophe Property Insurance Association's Plea to the jurisdiction in board Docket 1207—Wayne A. Johnson, et ux., v. Texas Catastrophe Property Insurance Association.

Information may be obtained from Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: November 5, 1981, 9:16 a.m.
Doc. No. 817963

Friday, November 13, 1981. The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 342, 1110 San Jacinto Street, Austin. The times and agendas follow.

1:30 p.m. Docket 6604—application for charter amendment of National Institute Life Insurance Company, Dallas.

2 p.m. Docket 6600—revocation of insurance licenses issued to Marc F. Minahan.

Information may be obtained from John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287

Filed: November 2, 1981, 1:50 p.m.
Doc. Nos. 817869 and 817870

Monday, November 16, 1981, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 342, 1110 San Jacinto Street, Austin, to con-

sider Docket 6590—articles of agreement of Colonial Lloyds, Fort Worth, to engage in the business of property and casualty insurance.

Information may be obtained from J.C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: November 2, 1981, 1:50 p.m.
Doc. No. 817871

Lamar University

Thursday, November 19, 1981, 9:30 a.m. The Lamar University Board of Regents will meet in the board room of the Plummer Administration Building, Main Campus, Beaumont. Items on the agenda include: organization of the board; election of officers; president's reports; review of organization proposals for the Colleges of Education and Engineering; approval of the August financial report; review of the campus planning report on parking and beautification; and consideration of new degree programs and renovation programs for the housing system. The board will also meet in executive session.

Information may be obtained from Andrew J. Johnson, P.O. Box 10014, Beaumont, Texas 77710, (713) 838-7533.

Filed: November 4, 1981, 4:15 p.m.
Doc. No. 817937

Board of Pardons and Paroles

Monday-Friday, November 16-20, 1981, 9 a.m., daily. The Board of Pardons and Paroles will meet in Room 711, Stephen F. Austin Building, Austin. According to the agenda, the board will review cases of inmates for parole consideration; act on emergency reprieve requests and other acts of executive clemency; review reports regarding persons on parole; review procedures affecting the day-to-day operation of support staff; review and initiate needed rule changes relating to general operation, executive clemency, parole, and all hearings conducted by this agency, and to take action upon gubernatorial directives.

Information may be obtained from Ken Casner, 711 Stephen F. Austin Building, Austin, Texas, (512) 475-3363.

Filed: November 2, 1981, 4:04 p.m.
Doc. No. 817882

Texas Parks and Wildlife Department

Thursday, November 5, 1981, 9 a.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department made an emergency addition to the agenda for a public hearing held at 4200 Smith School Road, Austin, concerning the transfer of operation of Rusk and Palestine City Parks, Anderson and Cherokee Counties. The emergency addition was necessary to provide and promote recreational opportunities for the benefit of the public.

Information may be obtained from Maurine Ray, 4200 Smith School Road, Austin, Texas, (512) 479-4806.

Filed: November 4, 1981, 2 p.m.
Doc. No. 817918

Tuesday, November 17, 1981, 2 p.m. The Resource Protection Branch of the Texas Parks and Wildlife Department's Fisheries Division will conduct a hearing in Room A-200, 4200 Smith School Road, Austin, on Corps of Engineers Permit Application 15356 of Klara Cavlovic (agent—Charles R. Haile Associates, Inc.) for a marl permit to remove approximately 1,600 cubic yards of marl from the Laguna Madra by means of dragline to create a depth of four feet of water in front of a shoreline bulkhead. The dredged material would be used as fill on adjacent private property. The project would be located between Verna Jean and Polaris Drives, South Padre Island in Cameron County.

Information may be obtained from Chester Harris, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4800, ext. 2310.

Filed: November 2, 1981, 3:36 p.m.
Doc. No. 817881

State Pension Review Board

Wednesday, November 18, 1981, 10 a.m. The State Pension Review Board will meet in Room 100 of the John H. Reagan Building, Austin, to elect new officers, consider the annual financial report, and to obtain actuarial services.

Information may be obtained from Lynda Baker, John H. Reagan Building, Room 200M, Austin, Texas, (512) 475-8332.

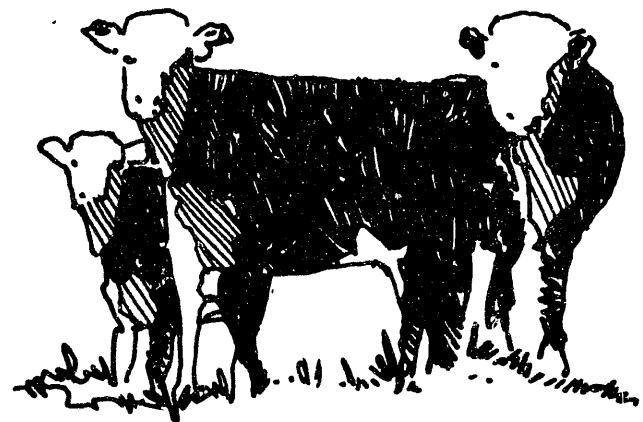
Filed: November 4, 1981, 4:14 p.m.
Doc. No. 817935

Texas Department of Public Safety

Tuesday, November 24, 1981, 10 a.m. The Public Safety Commission of the Texas Department of Public Safety will meet in the commission room, 5805 North Lamar, Austin, for consideration of budget and personnel matters.

Information may be obtained from James B. Adams, 5805 North Lamar, Austin, Texas, (512) 465-2000, ext. 3700.

Filed: November 4, 1981, 2:20 p.m.
Doc. No. 817936



Public Utility Commission of Texas

Monday, November 9, 1981, 10 a.m. The Hearings Division of the Public Utility Commission of Texas conducted an emergency prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, for consideration of a final order in Docket 4089—petition of Houston Lighting and Power Company for review of the rate ordinance of the City of Pasadena, et al, and motion for interim rates, at the commission offices. The emergency status was necessary to prevent costly duplication in billing.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 4, 1981, 3:02 p.m.
Doc. No. 817919

Friday, November 13, 1981, 9 a.m. The Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda summary, the commissioners will consider final orders in the following dockets: 3244, 3602, 3603, 3661, 3704, 3793, 3798, 3799, 3877, 3931, 3988, 3874, 3875, 3944, 3955, 3558, 3735, 2990, 3577, 3842, 3936, 3995, 3441, 3866, 3871, 3994, 3999, 4075, 3954, 3252, 3483, 3644, 3745, 3776, 3879, 3821, 3823, 4014, 4044, 4063, 4117, 4118, 4077, and 3814.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 4, 1981, 3:03 p.m.
Doc. No. 817920

Friday, November 13, 1981, 9 a.m. The Public Utility Commission of Texas revised the agenda of a meeting to be held in Suite 450N, 7800 Shoal Creek Boulevard, Austin. In addition to the items on the agenda previously submitted for the above date and time, the commission will also consider the following items: Docket 4079 (appeal from examiner's interim order)—application of Brazos Electric Power Cooperative, Inc., for a rate increase. Docket 4026 (appeal from examiner's interim order)—application of Kerrville South Water Company for authority to increase rates within Kerr County. The commissioners will also meet in executive session to consider pending litigation.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 4, 1981, 3:03 p.m.
Doc. No. 817921

Friday, November 13, 1981, 2 p.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 4127—application of San Miguel Electric Cooperative, Inc., for approval of rate and deferral of depreciation.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 3, 1981, 3:37 p.m.
Doc. No. 817896

Monday, November 16, 1981, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin,

in Docket 4142—application of Northwest Water System, Inc., for a rate increase.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 5, 1981, 9:17 a.m.
Doc. No. 817964

Tuesday, November 17, 1981, 9:30 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 4150—application of Southwestern Electric Service Company for authority to change rates.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 5, 1981, 9:17 a.m.
Doc. No. 817965

Texas State Soil and Water Conservation Board

Tuesday, November 10, 1981, 8 a.m. The Texas State Soil and Water Conservation Board will meet in emergency session at the Holiday Inn-East Belt, 15157 IH 10 and Dell Dale Road, Houston. According to the agenda, the board will consider district director appointments, the Resource Conservation Act (State Plan), Public Law 83-566 priorities for planning, research implementation, the 1981 state meeting, Senate Subcommittee on Agriculture meeting, and a report on district director elections. The emergency status was necessary because the meeting location was changed due to inadequate accommodations at the original location.

Information may be obtained from A.C. Spencer, 1002 First National Bank Building, Temple, Texas, Tex An 820-1250 or (817) 773-2250.

Filed: November 4, 1981, 9:07 a.m.
Doc. No. 817905

Sunset Advisory Commission

Monday, November 16, 1981, 10 a.m. The Sunset Advisory Commission will meet in Room 301 of the State Capitol for an implementation review of agencies subject to sunset in 1981, a discussion of proposed changes to rules, and a presentation of the commission's work schedule.

Information may be obtained from Cindy Unsell, John H. Reagan Building, Room 203, Austin, Texas 78701, (512) 475-1718.

Filed: November 4, 1981, 4:43 p.m.
Doc. No. 817934

Advisory Council for Technical-Vocational Education

Thursday, November 12, 1981, 10 a.m. The Steering Committee of the Advisory Council for Technical-Vocational Education will meet in the council office, Suite 202, 1700 South Lamar, Austin,

to review a proposal for the annual report to the governor, drafts of Parts I and III of the self-evaluation report to the Sunset Commission, and the program of work and activities.

Information may be obtained from Valeria J. Blaschke, P.O. Box 1886, Austin, Texas 78767, or 1700 South Lamar, Suite 202, Austin, Texas 78704, (512) 475-2046.

Filed: November 2, 1981, 3:36 p.m.
Doc. No. 817880

Texas Tech University

Thursday, November 12, 1981. The following committees of the Texas Tech University Board of Regents and the Texas Tech University Health Sciences Center Board of Regents will meet in the board suite of the Administration Building, Lubbock. The times, agendas, and meeting rooms follow.

10 a.m. In Committee Room A, the Executive Committees of the boards will meet in executive session.

1 p.m. In Committee Room B, the Finance Committee of the Texas Tech University Board of Regents will consider the use of Ruth Baird Larabee properties; a contract to license a computer-based student academic information system; changing the due date for residence halls advance payment to June 1; changing the amount of residence hall application fees and damage deposits to \$60 for the 1983-84 academic year; and authorization of activities and operations of the Center for Professional Development of the College of Business Administration.

The Finance Committee of the Texas Tech University Health Science Center Board of Regents will consider appropriating \$75,000 from E and G unappropriated balances to procure equipment for the Department of Radiology, Division of Radiological Physics, and ratification of the commissioning of peace officers.

Both committees will meet in executive session and consider the annual report on investments of local funds for fiscal year 1980-81; a change in delegation of board authority to conduct business; and authorization of additional officers and/or employees to sign checks and approve expenditures from appropriated funds.

2:30 p.m. In Committee Room A, the Athletic Affairs Committee will hear a progress report on improvements to the coliseum and meet in executive session.

3 p.m. In Committee Room A, the Campus and Building Committee of the Texas Tech University Board of Regents will consider the following: construction contract for a Petroleum Engineering Building addition; approval of plans for a contract for the renovation of the men's gym for HPER; authorizing plans, appointing a project architect, developing a contract, receiving bids, and awarding a contract for Phases I and II of construction of an intercollegiate baseball field; approving a contract and authorizing bids for

installing a fire safety system in Wiggins Residence Complex; authorizing plans and appointing a project architect for renovation of the first floor west wing of Doak Hall; naming the livestock arena; awarding contracts for modification of HVAC for Art/Architecture Building and Mass Communications Building; approving contract bids for modification of HVAC of Administration Building and Food Science/Home Economics Building; ratifying acceptance dates for HVAC modification in Wiggins Residence Complex, Chitwood and Weymouth; HVAC of Wiggins Residence Complex and Coleman Hall; and renovation and improvements of utility distribution system tunnel.

The Campus and Building Committee of the Texas Tech University Health Sciences Center Board of Regents will approve the placement of standard aluminum letters on Thompson Hall to identify the School of Nursing as part of the Health Science Center.

Both committees will also meet in executive session.

4 p.m. In Committee Room B, the Academic and Student Affairs Committee of the Texas Tech University Board of Regents will consider the following: granting emeritus status; policy for honorary degrees; ratification of administrative actions, including conferral of degrees for December 1981 commencement and approval of centers and institutes; reports on the qualifications of College of Education graduates and a student recruitment office contract with high school counselors; the achievement report and planning statements of the College of Business Administration; and review of the Center for Professional Development in the College of Business Administration.

The Academic and Student Affairs Committee of the Texas Tech University Health Sciences Center Board of Regents will consider ratification of leaves of absence, a profile of the student body of the School of Medicine, and the performance of School of Medicine graduates on licensing examinations.

Both committees will also hear a report concerning the status of five-year planning in schools and colleges and meet in executive session.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: November 5, 1981, 9:13 a.m.
Doc. Nos. 817952-817960

Friday, November 13, 1981, 8:30 a.m. The Texas Tech University Board of Regents and the Texas Tech University Health Science Center Board of Regents will meet in the board room of the Administration Building, Lubbock. According to the agenda summaries, both boards will consider reports from the Academic and Student Affairs, Finance, and Campus and Building Committees meet in executive session. In addition, the Texas Tech University Board of Regents will also hear reports from the Athletic Affairs Committee and the Committee of the Whole.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: November 5, 1981, 9:13 a.m.
Doc. No. 817961 and 817962

Texas Water Commission

Monday, November 9, 1981, 10 a.m. The Texas Water Commission made an emergency addition to the agenda of a meeting held in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. The addition concerned Application 90225 of Malone Service Company for Solid Waste Permit 39004. The emergency status was necessary to meet a November 13, 1981, deadline established by Judge James F. Dear on August 13, 1981.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: November 4, 1981, 11:25 a.m.
Doc. No. 817910

Monday, November 19, 1981, 10 a.m. The Texas Water Commission will meet in Room 124A, Stephen F. Austin Building, 1700 North Congress, Austin, regarding an application by Explorer Pipeline Company for Water Quality Permit 02395 to discharge wastewater from its Greenville Station petroleum products pipeline tank farm, Sabine River Basin, in Hunt County.

Information may be obtained from May Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: November 4, 1981, 11:25 a.m.
Doc. No. 817911

Tuesday, December 15, 1981, 10 a.m. The Texas Water Commission will conduct a hearing in Room 618, Stephen F. Austin Building, 1700 North Congress, Austin, regarding a petition to create Harris County Municipal Utility District 196, containing 263.0688 acres of land.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: November 4, 1981, 11:24 a.m.
Doc. No. 817912

Wednesday, December 16, 1981, 10 a.m. The Texas Water Commission will meet in Room 124A, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the commission will consider the adjudication of all claims of water rights in the upper Leon River segment of the Brazos River Basin and the adoption of a proposed preliminary determination of rights.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: November 4, 1981, 1:25 a.m.
Doc. No. 817913

Regional Agencies

Meetings Filed November 2, 1981

The East Texas Council of Governments, Executive Committee, met at the Holiday Inn, Longview, on November 5, 1981, at 1:30 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

The Taylor County Central Appraisal District, Board of Directors, will meet in the commissioner's courtroom, second floor, Taylor County Courthouse, 300 Oak Street, Abilene, on November 12, 1981, at 7:30 p.m. Information may be obtained from Richard Petree, P.O. Box 3738, Abilene, Texas 79604, (915) 676 9381.

Doc. No. 817865

Meetings Filed November 3, 1981

The Panhandle Health Systems Agency, Plan Development Committee, will meet in Room G-15 of the Amarillo Hospital District Psychiatric Pavilion, 7201 Evans Street, Amarillo, on November 12, 1981, at 6:30 p.m. The Governing Body of the Panhandle Health Systems Agency will meet on the same day, in the main auditorium of the Psychiatric Pavilion, at 7:30 p.m. Information may be obtained from Susan Kitchens and Linda Maxey, respectively, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-3381.

The Swisher County Appraisal District, Board of Directors, will meet at 130 North Armstrong, Tulia, on November 12, 1981, at 7 a.m. Information may be obtained from E.V. Burton, P.O. Drawer 8, Tulia, Texas 79088, (806) 995-3015.

The West Central Texas Municipal Water District will meet in the Reddy Room, Texas Electric Service Company, 100-110 East Elm Street, Breckenridge, on November 19, 1981, at 10:30 a.m. Information may be obtained from Virginia Duncan, P.O. Box 2362, Abilene, Texas 79604, (915) 673-8254 or 673-8255.

Doc. No. 817894

Meetings Filed November 4, 1981

The Capital Area Planning Council, Executive Committee, will meet in the conference room, Suite 100, 2520 IH 35 South, Austin, on November 11, 1981, at 2 p.m. Information may be obtained from Richard G. Bean, 2520 IH 35 South, Austin, Texas 78704, (512) 443-7653.

The Colorado River Municipal Water District, Board of Directors, will meet at 400 East 24th Street, Big Spring, on November 12, 1981, at 10 a.m. Information may be obtained from O. H. Ivie, P.O. Box 869, Big Spring, Texas 79720, (915) 267-6341.

The Guadalupe-Blanco River Authority, Board of Directors, will meet in the community room of the Comfort State Bank, 521 Seventh Street, Comfort, on November 12, 1981, at 10 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78155, (512) 379-5822.

The Heart of Texas Council of Governments, Executive Committee, will meet in the conference room at 320 Franklin Avenue, Waco, on November 19, 1981, at 12:30 p.m. Information may be obtained from Mary A. McDow, 320 Franklin Avenue, Waco, Texas 76701, (817) 756-6631.

The Kendall County Appraisal District, Board of Directors, will meet in the appraisal district office, 207 East San Antonio, Boerne, on November 17, 1981, at 7:30 p.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

The South Texas Health Systems Agency, South Texas Subarea Advisory Council, will meet in Room 121 of the Kazen College Center, Laredo, on November 10, 1981, at 7:30 p.m. Information may be obtained from Mario L. Vasquez, P.O. Box 2738, Kingsville, Texas 78363, (512) 595-5545.

Doc. No. 817906

Meetings Filed November 5, 1981

The Alamo Area Council of Governments, Executive Committee, will meet at 532 Three Americas Building, San Antonio, on November 25, 1981, at 1:30 p.m. Information may be obtained from Al J. Notzon, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201.

The Permian Basin Health Systems Agency, Governing Body, will meet in the conference room of the Permian Basin Regional Planning Commission, Midland Air Terminal, Midland, on November 16, 1981, at 7:30 p.m. Information may be obtained from Jeanne Kaferle, P.O. Box 6391, Midland, Texas 79701, (915) 563-1061.

Doc. No. 817965

The following documents are required to be published in the *Register*: applications to purchase control of state banks filed by the Banking Commissioner of Texas pursuant to Texas Civil Statutes, Article 342-401a(B)(6); changes in interest rate filed by the Savings and Loan Commissioner of Texas pursuant to Texas Civil Statutes, Article 5069-1.07; and consultant proposal requests and awards filed by state agencies, regional councils of government, and the Texas State Library pursuant to Texas Civil Statutes, Article 6252-11c. In order to allow agencies to communicate information quickly and effectively, other information of general interest to the public of Texas is published as space allows.

Texas Department of Agriculture Consultant Proposal Request

In compliance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Agriculture is requesting proposals for the services of a consultant.

Proposal Specifications. Applicants must have at least 10 years of experience in broad-based responsible assignments in technical agriculture, and a broad knowledge of agricultural leadership in Texas. The applicant selected will serve as an official representative of the department in planning for the further development of the state's agricultural resources through departmental programs designed to:

- (1) protect the industry from insects, diseases, and noxious weeds;
- (2) promote the expansion of international and domestic markets for Texas agricultural products;
- (3) assist with the Family Farm Security Program and other efforts designed to strengthen the family-farm concept;
- (4) enhance the production of high quality products for domestic and international markets;
- (5) conserve and promote sound husbandry in the use of the state's water and soil resources;
- (6) serve as intergovernmental liaison for the department as requested by the commissioner of agriculture;
- (7) prepare special reports and materials as may be requested by the commissioner of agriculture;
- (8) complete "review and comment" on certain environmental impact statements for the department;
- (9) assist with staff development programs of the department; and
- (10) maintain a knowledge of budgetary matters and provide such assistance as may be requested by the commissioner of agriculture.

Contact. Written proposals should be submitted to Ray Prewett, deputy commissioner, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711.

Deadline for Proposals. Proposals must be received at the specified address no later than 5 p.m., December 14, 1981.

Evaluation Criteria. Proposals will be judged on the following criteria:

- (1) demonstrated knowledge and expertise in the department's programs and their application;
- (2) working knowledge of the laws under which the department operates;
- (3) previous work experience which reveals a long-term association with agricultural production, education, and acquaintance with agriculture leadership in Texas;

(4) amount of time to be spent on departmental account and the ability to meet departmental time-frame requirements; and

(5) demonstrated ability to synthesize technical material and to rapidly prepare appropriate reports of findings.

Awarding of the contract will not necessarily be made to the bidder offering the lowest price, but to the lowest and best bidder considering price and results of evaluation. Final selection will be made by the commissioner of the Texas Department of Agriculture based upon submitted qualifications and staff recommendations. It is the intent of the department to award this contract for consulting services to a private consultant who has previously performed these services, unless a superior offer is submitted. However, this proposal request in no way obligates the department to execute a resulting contract, and the right to reject any or all proposals is reserved.

Notice of Contract Award. The notice of contract award will be sent to the consultant selected by letter not later than December 31, 1981. Notice will also be sent to unsuccessful applicants.

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

Doc. No. 817866 Reagan V. Brown
Commissioner
Texas Department of Agriculture

Filed: November 2, 1981, 10:41 a.m.
For further information, please call (512) 475-6346.

Texas Air Control Board Applications for Construction Permits

Notice is given by the Texas Air Control Board of applications for construction permits received during the period of October 26-30, 1981.

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

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

Listed are the name of the applicant and the city in which the facility is located; type of facility; location of the facility (if available); permit number; and type of application—new source or modification.

Week Ending October 30, 1981

North Texas Stone, Inc., Melissa; rock-crushing plant, FM Road 2933, Highway 121, FM Road 545, eight miles northeast of Melissa; 8602B; new source

Bay Equipment Co., a Texas corporation, Seabrook; stabilized base plant; 6911 Todville; 7608A; new source

Issued in Austin, Texas, on November 3, 1981.

Doc. No. 817898 Ramon Dasch
Director of Hearings
Texas Air Control Board

Filed: November 3, 1981, 3:37 p.m.
For further information, please call (512) 451-5711, ext. 354.

Request for Proposal

Comparison of reasonably available control technology (RACT) and best available control technology (BACT) for categories of volatile organic compound (VOC) emitting facilities in Harris County. This request for proposals is not filed under the provisions of Texas Civil Statutes, Article 6252.11c.

Notice of Invitation for Proposals. The Texas Air Control Board (TACB) invites all interested parties to submit technical proposals to provide professional engineering services to the agency. The last day for receipt of offers shall be December 1, 1981. The contract shall become effective after being signed by the executive director of the TACB and the selected firm. It shall terminate on February 28, 1982. Funds expended under this contract for these services will not exceed \$15,000.

Description of Services. The purpose of this contract is to determine the amount of additional emissions reductions available in Harris County if retrofit control levels were equivalent to BACT and the cost of these additional emissions reductions. This effort will include a review of VOC emissions reductions available from and cost of implementation of existing RACT and from additional RACT reviewed for consideration for inclusion in the 1982 State Implementation Plan revision for Harris County, a review of emissions reductions available from and cost of application of BACT to these significant categories of VOC emissions sources in Harris County and a comparison of these emissions reduction and cost estimates.

Procedure for Selecting Consultant. The TACB shall select and award such contract and engage such services on the basis of demonstrated competence and qualifications for the type of professional services to be performed and at fair and reasonable prices. Such qualifications include the history of similar work, references, ability to complete the work in the designated time frame, and key personnel assignable to the project.

Contact Person. Any person interested in providing the described services should contact Beverly Fowler, Emissions Standards and Engineering Section, TACB, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, for a copy of the statement of work.

Issued in Austin, Texas, on October 30, 1981.

Doc. No. 817897 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Filed: November 3, 1981, 3:37 p.m.
For further information, please call (512) 451-5711, ext. 354.

Comptroller of Public Accounts Administrative Decision

Summary of Administrative Decision 12,036 (Sales Tax)

For copies of the following recent opinion selected and summarized by the administrative law judges, contact the administrative law judges, P.O. Box 13528, Austin, Texas 78711. Copies will be furnished without charge and edited to comply with our confidentiality statutes.

Summary of Decision: Internal memoranda and oral testimony presented at the hearing established the fact that prior to the time the petitioner was incorporated, its parent contacted the Comptroller's Sales Tax Division by telephone for the purpose of determining the sales tax consequences of the petitioner conducting its business in the manner envisioned by the parent. Contrary to the petitioner's lawyer's advice, the petitioner failed to obtain a written confirmation of the advice it allegedly received. As a result, it is impossible to know what facts were given to the comptroller's employee and what advice was given in response, and the petitioner's argument that the comptroller is equitably estopped from issuing the tax assessment must therefore be rejected. However, since the petitioner proved that it did attempt to obtain advice from the comptroller's office in advance, it was concluded that the petitioner exercised reasonable diligence and that the amount of penalty and interest should be waived in accordance with Texas Taxation—General Annotated, Article 1.032A(c) (Vernon Supplement, 1980-1981). Decision rendered June 4, 1981.

Issued in Austin, Texas, on October 30, 1981.

Doc. No. 817791 Bob Bullock
Comptroller of Public Accounts

Filed: October 30, 1981, 10:36 p.m.
For further information, please call (512) 475-1938.

Office of Consumer Credit Commissioner

Rate Ceilings

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

Type of Rate Ceiling	Effective Period ⁽¹⁾	Type of Transaction	
		Consumer ^{(2)/ Commercial⁽³⁾ through \$250,000}	Commercial ⁽⁴⁾ over \$250,000
Indicated rate (weekly rate)	11/09/81-11/11/81	24%	25.50%
Monthly (variable commercial only)	11/1/81-11/30/81	24%	27.56%
Quarterly	10/1/81-12/31/81	24%	28%
Annual ⁽⁵⁾	10/1/81-12/31/81	24%	27.37%

- (1) Dates set out above are inclusive.
- (2) Credit for personal, family, or household use.
- (3) Credit for business, commercial, investment, or other similar purpose.
- (4) Same as (3) above, except excluding credit for agricultural use.
- (5) Only for open end as defined in Texas Civil Statutes, Article 5069-1.01 (f).

Issued in Austin, Texas, on November 2, 1981.
 Doc. No. 817849 Sam Kelley
 Consumer Credit Commissioner

Filed: November 2, 1981, 9:14 a.m.
 For further information, please call (512) 475-2111.

Texas Health Facilities Commission

Applications Accepted for Amendment, Declaratory Ruling, and Notices of Intent

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

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

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

Comanche Co., Hospital District, doing business as Comanche Community Hospital, Comanche
 AH81-1029-010

DR—Request for a declaratory ruling that a certificate of need is not required to employ, or contract with a physical therapist in order to provide existing physical therapy services with better trained personnel

Colonial Manor of Taylor
 AN81-1029-007

NIEH—David A. Lake and Shirley L. Lake of Colonial Manor of Tyler request a declaratory ruling that a certificate of need is not required prior to their acquisition of Colonial Manor Nursing Home, an existing health care facility located in Tyler, from the Limited Partners, the estate of Wallace L. Mayfield and the estate of Burnell Rosalie Stolz Mayfield

Southwestern Children's Home, doing business as Southwestern Community House, El Paso
 AO81-0121-001A (102881)

AMD/EC—Request to extend the completion deadline by approximately four months in Exemption Certificate A081-0121-001, which authorized the extension of services of the acute-care psychiatric unit to adolescents age 6-18 years

Bur-mont, Inc., Henrietta
 AN81-1029-014

NIEH—Bur-mont, Inc., requests a declaratory ruling that a certificate of need is not required prior to the acquisition of Henrietta Care Center, an existing 60-bed ICF facility located in Henrietta

Northpark Hospital, Ltd., Arlington
 AH81-1029-012

NIEH—Northpark Hospital, Ltd., requests a declaratory ruling that a certificate of need is not required prior to its acquisition by lease of Diablo Hospital, an existing 35-bed hospital located in El Paso

Issued in Austin, Texas, on November 4, 1981.

Doc. No. 817907 Linda E. Zatopek
 Assistant General Counsel
 Texas Health Facilities Commission

Filed: November 4, 1981, 9:48 a.m.
 For further information, please call (512) 475-6940.

Office of the Secretary of State

Texas Register

Notice of Schedule Variations

Because of the Veterans Day holiday on Wednesday, November 11, 1981, the deadlines for submissions of documents for publication in the November 17 issue have been changed. As previously scheduled, deadlines for submission of documents are 10 a.m. Tuesday, November 10 (all copy except notices of open meetings), and 10 a.m. Thursday, November 12 (open meeting notices). The regular deadline schedule will resume with the November 20 issue of the *Register*.

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 October 26-30, 1981.

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 writing Larry R. Soward, assistant chief hearings examiner, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-1311.

Listed are the name of the applicant and the city in which the facility is located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal.

Week Ending October 30, 1981

Wilmer-Hutchins Independent School District, Dallas; wastewater treatment facility; west of the intersection of J. J. Lemmon Road and Langdon Drive in Dallas County; 12457; new permit

City of Seguin; water treatment plant; on the Guadalupe River in Guadalupe County; 10277-02; renewal

Tifco Industries, Inc., Houston; domestic sewage facility; northwest of the intersection of State Highway 290 and Huffmeister Road in Harris County; 12465; new permit

The Houston Chronicle Publishing Co., Houston; wastewater treatment facility; east of State Highway 6 in West Harris County; 12460; new permit

Intercontinental Motors, Inc., Houston; wastewater treatment facility; 13915 IH 45 North at Kuykendahl Road in Harris County; 02550; new permit

Mel Jacobsen, Harvey, Louisiana; wastewater treatment facility; in the southeast corner of Highland Acres Park in Harris County; 12461; new permit

Kocide Chemical Corp., Houston; industrial wastewater facility; 12701 Alameda Road in Harris County; 01260; renewal

Diversified Power Systems, Inc., Houston; wastewater treatment facility; east of Addicks-Fairbanks Road in Harris County; 12444; new permit

Chemical Exchange Industries, Inc., Galena Park; chemical plant; 900 Clinton Drive in Galena Park in Harris County; 00786; amendment

Castlewood Municipal Utility District, Houston; domestic sewage facility; on the north side of IH 10, east of Mason Creek in Harris County; 11883; amendment

Standley Utility Service Corp., Houston; domestic sewage facility; on the west side of Penn Road in Harris County; 10854-01, renewal

Campeau Homes (Texas), Inc., Houston; domestic sewage facility; at the intersection of Westcott Street and Buffalo Bayou in Harris County; 11827-01; renewal

Perry K. Schuller, doing business as North Pines Mobile Home Park, Austin; domestic sewage facility; north of the intersection of State Highway 290 and Fairbanks-North Houston Road in Harris County; 11093-01; renewal

Mobil Chemical Co., Petrochemicals Division, Houston; low density polyethylene manufacturing plant; north of U.S. Highway 90, in Beaumont in Jefferson County; 02029; amendment

Continental Oil Co., Falls City; domestic sewage facility; west of Falls City in Karnes County; 02524; new permit

Lazy River Improvement District, Conroe; domestic sewage facility; south of Conroe in Montgomery County; 11820-01; renewal

B. F. Goodrich Chemical Co., Orange; synthetic rubber manufacturing facility; southeast of the intersection of FM Road 1006 and Foreman Road in West Orange County; 01167; renewal

Craft and Sons (James Truck Stop), Orange; domestic sewage facility; on the north side of IH 10, west of Orange in Orange County; 11436-01; renewal

The Aztec Cove Property Owners Association, Trinity; domestic sewage facility; in the Aztec Cove subdivision in Trinity County; 11831-01; renewal

Montgomery County Commissioner's Court, Conroe; contact stabilization package plant; at the Montgomery County Airport in Montgomery County; 12463; new permit

Issued in Austin, Texas, on October 30, 1981.

Doc. No. 817816

Mary Ann Hefner
Chief Clerk

Texas Water Commission

Filed: October 30, 1981, 3:04 p.m.

For further information, please call (512) 475-4514.

Each issue of the *Register* includes a conversion table of *Texas Administrative Code* titles affected for that issue. Once a month a guide to agency activity for the previous month is published, as well as a cumulation of TAC titles affected for the previous month. Quarterly and annual indexes to the *Texas Register* are published separately and bound in light blue for distinction.

TAC Titles Affected in This Issue

The following is a list of the chapters of each title of the *Texas Administrative Code* affected by documents published in this issue of the *Register*. The listings are arranged in the same order as the table of contents of the *Texas Administrative Code*.

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE
TITLE 43. TRANSPORTATION

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