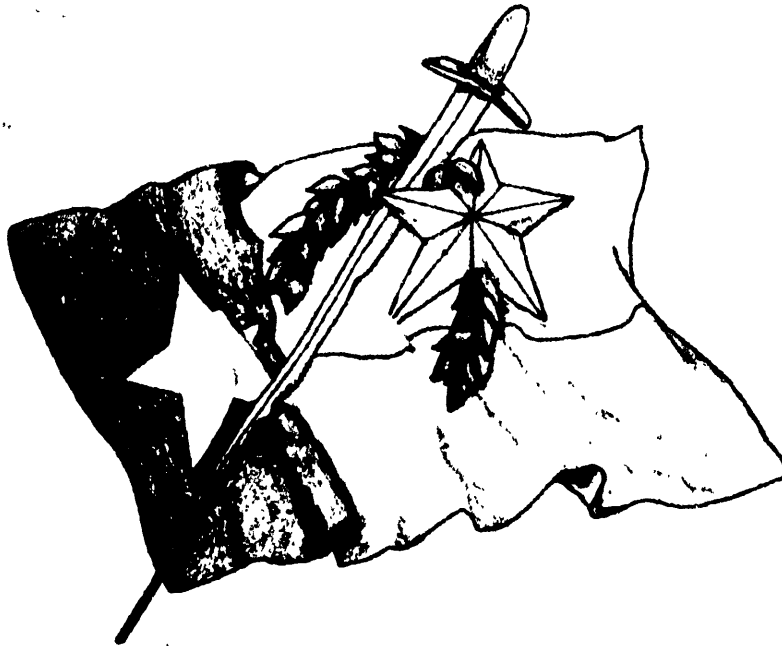


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Texas Register

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Highlights

- ★ The Railroad Commission of Texas proposes for permanent adoption repeals, amendments, and new rules in a chapter concerning Liquefied Petroleum Gas Division; earliest possible date of adoption - December 5 page 4536
- ★ The Comptroller of Public Accounts proposes amendments and new rules concerning tax administration; earliest possible date of adoption - December 5 page 4543
- ★ The State Property Tax Board proposes a repeal, amendments, and a new rule concerning tax record requirements; earliest possible date of adoption - December 5 page 4547
- ★ Also in this issue is the *Texas Register* monthly guide to agency activity and TAC titles affected in October page 4608

How To Use the Texas Register

Texas Register

The *Texas Register* (ISN 0362-4781) is published twice a week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1983 with the exception of January 25, March 8, April 26, and November 29, by the Office of the Secretary of State, 201 East 14th Street, P.O. Box 13824, Austin, Texas 78711 3824, (512) 475-7886.

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

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

- Governor—appointments, executive orders, and proclamations
- Secretary of State—summaries of opinions based on election laws
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
- Legislature—Bills submitted to, signed by, and vetoed by the Governor and bills that are submitted to the Governor and enacted without his signature
- Open Meetings—notices of open meetings
- In Addition—miscellaneous information required to be published by statute or provided as a public service

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

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

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

In order that readers may cite material more easily, page numbers are now written as citations. Example: page 2 in the lower left-hand corner of this page is written: "8 TexReg 2 issue date" while on the opposite page, in the lower right-hand corner, page 3 is written "issue date 8 TexReg 3"

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

Texas Administrative Code

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

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

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

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

Latest Texas Code Reporter
(Master Transmittal Sheet): No. 10, December 1982

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The Attorney General

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

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

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

Requests for Opinions

RQ-216. Request from Lloyd Doggett, senator, Subcommittee on Consumer Affairs, Austin, concerning authority of public notaries to take written depositions.
TRD-838593

RQ-217. Request from James R. Goudy, captain, Houston Police Department, Houston, concerning whether records which are the subject of a subpoena are available under the Open Records Act
TRD-838694

RQ-218. Request from Joe Warner Bell, Trinity County attorney, Groveton, concerning whether a defendant whose adjudication was deferred under the Code of Criminal Procedure, Article 3d, §3d, may be compelled to pay a fine after his period of probation has expired.
TRD-838695

RQ-219. Request from Kenneth H. Ashworth, Coordinating Board, Texas College and University System, Austin, concerning whether a member of a board of trustees of a community college may serve simultaneously as a county commissioner.
TRD-838696

RQ-220. Request from W. G. Kirklin, chairman, Texas Health Facilities Commission, Austin, concerning eligibility of in-

dividuals to serve on the Texas Health Facilities Commission.
TRD-838720

RQ-221. Request from Waldeen Wilson, R.N., executive director, Board of Vocational Nurse Examiners, Austin, concerning whether a requirement by the Board of Vocational Nurse Examiners that a photograph be attached to an application for licensure contravenes the applicant's free exercise of religion in violation of the first amendment to the U.S. Constitution.
TRD-838718

RQ-222. Request from Carl Parker, Senate Education Committee, Austin, concerning the use of proceeds of the sale of land by San Jacinto Junior College.
TRD-838719

Opinions

JM-81 (RQ-48). Request from Mike Driscoll, Harris County attorney, Houston, concerning whether names and addresses of parents of victims of sudden infant death syndrome available to the public under the Open Records Act.

Summary of Opinion. The names of parents whose children have died from AIDS are protected from required disclosure by the common law right of privacy and may

not be released without the parents' consent.
TRD-838638

JM-82 (RQ-89). Request from H. Ownby, Collin County criminal district attorney, McKinney, concerning whether the commissioner of Collin County may donate use of forms copyrighted in his own name to Collin County and sell the use of the forms to other counties.

Summary of Opinion. Under the circumstances described, a county commissioner is prohibited by Texas Civil Statutes, Article 2364, from donating "simplex forms" for use by his county.
TRD-838639

Open Records Decision

ORD-399 (RQ-49). Request from Randall H. Erben, city attorney, City of Eagle Pass, concerning whether records relating to attorney fees incurred by the City of Eagle Pass are public under the Open Records Act.

Summary of Decision. By virtue of the attorney-client privilege under the Open Records Act, Texas Civil Statutes, Article 6252-17a, §3(a)(1), a city may withhold from disclosure detailed bills relating to legal work performed by an attorney for the city.
TRD-838697

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

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

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

Emergency Rules

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

1 TAC §111.16

The State Purchasing and General Services Commission adopts amendments to §111.16 on an emergency basis to permit employees of private security agencies, which are under contract with the commission to provide security in state buildings under the charge and control of the commission, to carry firearms in state buildings in the course of performing security services under such contracts. Such security agency employees must be commissioned under the provisions of Texas Civil Statutes, Article 4413(29bb). The present rule limits the persons who may carry firearms in state buildings under the charge and control of the commission to persons designated as peace officers in the Texas Code of Criminal Procedure, Article 2.12. Employees of security agencies under contract with the commission were excluded by §111.16 from carrying firearms in the course of performing their contractual duties. The commission concludes that private security agencies under contract with the commission to provide security in state buildings under the charge and control of the commission would be hampered in the performance of such duties if their employees were not properly equipped for security services. Security for state buildings is of the utmost importance

to the state, and there would be an imminent peril to the safety of state employees and the property of the state if properly equipped security officers were not permitted to carry out their contractual duties

The commission will give immediate effect to this amendment and is simultaneously proposing this amendment for public comment as a permanent final adoption.

The amendments are adopted on an emergency basis under Texas Civil Statutes, Article 601b, §4.12, which provide the commission with authority to provide security for state buildings under its charge and control.

§111.16. Firearms and Explosive Weapons. Firearms and explosive weapons, as defined in the Texas Penal Code, §46.01, are not permitted in state buildings or on state grounds within the Capitol complex or any other state-owned property under the charge and control of the commission whether or not located in the City of Austin, except in the possession of peace officers so designated in the Texas Code of Criminal Procedure, Article 2.12, 1965, as amended, **or in the possession of private security officers commissioned under the provisions of Texas Civil Statutes, Article 4413(29bb).**

Issued in Austin, Texas, on October 24, 1983

TRD-838585

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

Effective date: October 24, 1983

Expiration date: February 21, 1984

For further information, please call (512) 475-5966
or STS 822-5966.

TITLE 28. INSURANCE Part II. Industrial Accident Board

(Editor's note: Because the Industrial Accident Board's rules have not yet been published in the Texas Administrative Code (TAC), they do not have designated TAC numbers. For the time being, the rules will continue to be published under their Texas Register numbers. However, the rules will be published under the agency's correct TAC title and part. The text of the following rule repealed on an emergency basis will not be published. The rule may be examined in the offices of the Industrial Accident Board, First Floor, 200 East Riverside Drive, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

Chapter 1. Communications and General Medical Provisions

061.01.00.042

The Industrial Accident Board adopts on an emergency basis the repeal of Rule 061.01 00 042, concerning narrative medical reports which must be submitted to the insurance carrier and the injured worker or his at-

torney as necessary to relate the status of the injured worker. The narrative report must provide specified information

The repeal is necessary because this rule is the same as Rule 061 01 00 215, adopted in the October 28, 1983, issue of the *Texas Register*. Due to a clerical error this rule was not proposed for repeal prior to this date. The emergency repeal is necessary to avoid a conflict in administrative rules. The board also simultaneously proposes the repeal of this rule for permanent adoption.

The rule is repealed on an emergency basis under the authority of Texas Civil Statutes, Article 8307, §4, which provide the Industrial Accident Board with the authority to promulgate rules.

.042. *Narrative Reports.*

Issued in Austin, Texas, on October 24, 1983.

TRD-838603

William Treacy
Executive Director
Industrial Accident Board

Effective date October 24, 1983

Expiration date February 21, 1984

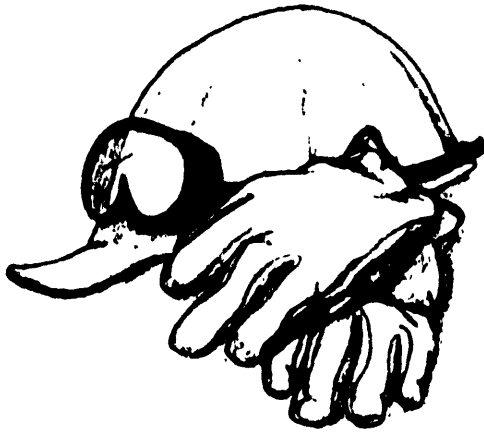
For further information, please call (512) 475-7077.

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

The proposal, as published in the *Register*, must include a brief explanation of the proposed action, a fiscal statement indicating effect on state or local government, a statement explaining anticipated public benefits and possible economic costs to individuals required to comply with the rule, a request for public comments, a statement of statutory authority under which the proposed rule is to be adopted (and the agency's interpretation of the statutory authority), the text of the proposed action, and a certification statement. The certification information, which includes legal authority, the proposed date of adoption or the earliest possible date that the agency may file notice to adopt the proposal, and a telephone number to call for further information, follows each submission.

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

Proposed Rules



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

1 TAC §111.16

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

The State Purchasing and General Services Commission proposes an amendment to §111.16, concerning

the prohibition of firearms and explosive weapons in state buildings, to allow employees of private security agencies, which are under contract with the commission to provide security in state buildings under the charge and control of the commission, to carry firearms in state buildings in the course of performing security services under such contracts. Such security agency employees must be commissioned under the provisions of Texas Civil Statutes, Article 4413(29bb).

Robert S. Williams, Capitol Security Police chief, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Chief Williams also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be to allow employees of private security agencies, which are under contract with the commission to provide security in state buildings under control of the commission, to carry firearms in state buildings during the course of performing security services under such contracts. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

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

The amendment is proposed under Texas Civil Statutes, Article 601b, §4.12, which provide the State

Purchasing and General Services Commission with the authority to provide security for state buildings.

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

Issued in Austin, Texas, on October 24, 1983

TRD-838586 Homer A. Foerster
Executive Director
State Purchasing and General
Services Commission

Earliest possible date of adoption
December 5, 1983

For further information, please call (512) 475-5966
or STS 822-5966

Chapter 113. Central Purchasing Division

Purchasing

1 TAC §113.3

The State Purchasing and General Services Commission proposes an amendment to §113.3, concerning requisition processing. The amendment will add a new subsection (d), relating to the processing of proposed lease purchase arrangements and the commission's determination of and certification to the cost effectiveness of such arrangements as required by Senate Bill 179, 68th Legislature, 1983, Article V, §24.

Herbert Gersbach, purchasing director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state government as a result of enforcing or administering the rule, but that the effect cannot be determined at this time. There is no anticipated effect on local government.

Mr. Gersbach also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be determinations that proposed lease purchases of capital outlay equipment by state agencies will be cost effective and will not increase the agencies' budget requirements for future appropriation periods. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to James H. Quick, General Counsel, State Purchasing and General Services Commission, P.O. Box 13047, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 601b, Article 3, which provide the State Purchasing and General Services Commission with the authority to carry out the central purchasing responsibility for affected state agencies; and under the re-

quirements of Senate Bill 179, 68th Legislature, 1983, Article V, §24.

§113.3. Requisition Processing.

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

(d) Processing proposed lease purchase arrangements.

(1) A "proposed lease purchase arrangement" for purposes of this subsection shall mean a proposed arrangement whereby the requisitioning agency intends to obtain title to equipment whether by installment purchase or by lease with option to purchase and where the pay-off period extends beyond an existing appropriation period. This term is not understood to include pure leases, or the acquisition of services, or consumable materials or supplies, but it will include proposed acquisitions of capital outlay equipment.

(2) The term "cost effective" as used in this subsection and in connection with a proposed lease purchase arrangement shall describe an arrangement which is required by the requesting agency to perform its statutory responsibilities, and which in spite of the arrangement's added cost to the state, could not be accomplished as economically through any other available means.

(3) The commission's determination and certification of cost effectiveness for a proposed lease purchase arrangement, as set out in existing law, will not be required if the acquisition covers computer or computer-related equipment which has been included in a long-range information system plan filed with the Automated Information Systems Advisory Council (AISAC), and such plan has been approved by AISAC. The requisitioning agency shall furnish the commission a written statement affirming the applicability of this exception at the time of submitting its requisition.

(4) If the commission's determination and certification of the cost effectiveness of a proposed lease purchase arrangement is required by existing law, the requisitioning agency is requested to furnish to the commission, where applicable, at the time of submitting its requisition, the following information:

(A) anticipated interest charges over the life of the contract to the extent that this can be determined;

(B) anticipated cost savings to be realized through present acquisition of the equipment compared with late outright purchase when adequate funds become available;

(C) any other information the agency may deem appropriate; and

(D) an affirmative statement that the agency reasonably expects to be able to make payments beyond the current biennium without having to rely on an increased level of general revenue appropriations.

(5) Based upon the information furnished by the requesting agency at the time of submitting its requisition, or in response to additional requests, and upon the actual bids submitted by responsive bidders, the commission will make its determination by comparing anticipated interest costs with anticipated cost savings resulting from the present acquisition of the equipment.

(6) The commission may not award a contract to a successful bidder prior to determining that a lease purchase arrangement is cost effective. If the commission determines that it is not cost effective, it may reject all

bids received and return the requisition to the using agency.

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

Issued in Austin, Texas, on October 25, 1983.

TRD-838645 Homer A. Foerster
Executive Director
State Purchasing and General
Services Commission

Earliest possible date of adoption:
December 5, 1983

For further information, please call (512) 475-5966
or STS 822-5966.

**TITLE 7. BANKING AND
SECURITIES
Part IV. Texas Savings and Loan
Department
Chapter 67. Savings and Deposit
Accounts**

7 TAC §67.5

The Texas Savings and Loan Department proposes an amendment to §67.5, concerning inducements for opening or adding to savings and deposit accounts. The amendment clarifies the prohibition against "give-aways" by state-chartered savings and loan associations.

L. L. Bowman III, savings and loan commissioner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Mr. Bowman also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be to allow depositors to obtain discounts of travel expenses, merchandise purchases, and other benefits without cost to the association. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to L. L. Bowman III, Savings and Loan Commissioner, P.O. Box 1089, Austin, Texas 78767, or hand delivered to 1004 Lavaca, Austin. Comments will be accepted for 30 days after publication in the *Texas Register*.

The amendments are proposed under Texas Civil Statutes, Article 342-114, which provide the Savings and Loans Section of the Finance Commission of

Texas with the authority to promulgate general rules and regulations not inconsistent with the constitution and the statutes of this state and, from time to time, to amend the same.

§67.5. Give-Aways. No association shall offer or give as an attraction or inducement for opening or adding to a savings account, certificate of savings, or deposit, or maintaining a minimum balance therein, any merchandise, premium, or other item of value; "item of value" does not include providing customer services on premise. Safe deposit facilities, community rooms, club facilities, notary services, and travel checks may be offered at no cost or at a reduced rate. **This rule shall not apply to memberships offered by an association in select clubs or groups having specific membership standards for which a reasonable membership fee is charged and through which members of such clubs or groups may obtain discounts of travel expenses, merchandise purchases, and other benefits without cost to the association.**

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

Issued in Austin, Texas, on October 25, 1983.

TRD-838641 Russel R. Oliver
General Counsel
Texas Savings and Loan
Department

Earliest possible date of adoption:
December 5, 1983

For further information, please call (512) 475-7991.



**Part VII. State Securities Board
Chapter 133. Forms**

7 TAC §133.4

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the State Securities Board, 1800 San Jacinto Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The State Securities Board proposes the repeal of §133.4, concerning issuer's notice for exemption to

sell securities under the Securities Act, §5.1(c), since Senate Bill 106, 68th Legislature, which became effective September 1, 1983, eliminated the requirement that such form be filed to claim the exemption provided by the Securities Act, §5.1(c).

William Kuntz, Securities Registration Division director, has determined that for the first five year period the repeal will be in effect there will be no fiscal implications for state or local government as a result of the repeal.

Mr. Kuntz also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal will be that confusion will be eliminated since Senate Bill 106, 68th Legislature, effective September 1, 1983, eliminated the requirement that entities relying on the exemption provided by the Securities Act, §5.1(c), be required to file such form. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Denise Voigt Crawford, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

The repeal of this section is proposed under Texas Civil Statutes, Article 581-28-1, which authorize the board to repeal prior rules and regulations.

§133.4. *Issuer's Notice for Exemption to Sell Securities Under §5.1(c).*

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

Issued in Austin, Texas, on October 26, 1983.

TRD-838688 Richard D. Latham
 Commissioner
 State Securities Board

Earliest possible date of adoption:
December 5, 1983

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

7 TAC §133.26

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the State Securities Board, 1800 San Jacinto Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The State Securities Board proposes the repeal of §133.26, concerning offeror's notice of tender offer, since the form is no longer necessary given the repeal effective October 26, 1983, of the administrative guidelines for minimum standards in tender offers.

William Kuntz, Securities Registration Division director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government as a result of the repeal.

Mr. Kuntz also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal will be that confusion will be eliminated since the form is no longer necessary given the repeal effective October 26, 1983, of the administrative guidelines for minimum standards in tender offers. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Denise Voigt Crawford, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

The repeal of this section is proposed under Texas Civil Statutes, Article 581-28-1, which authorize the board to repeal prior rules and regulations.

§133.26. *Offeror's Notice of Tender Offer.*

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

Issued in Austin, Texas, on October 26, 1983.

TRD-838683 Richard D. Latham
 Commissioner
 State Securities Board

Earliest possible date of adoption:
December 5, 1983

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

7 TAC §133.27

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the State Securities Board, 1800 San Jacinto Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The State Securities Board proposes the repeal of §133.27, concerning offeror's supplemental notice of tender offer, since the form is no longer necessary given the repeal effective October 26, 1983, of the administrative guidelines for minimum standards in tender offers.

William Kuntz, Securities Registration Division director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government as a result of the repeal.

Mr. Kuntz also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal will be that confusion will be eliminated since the form is no longer necessary given the repeal effective October 26, 1983, of the administrative guidelines for minimum standards in tender offers. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Denise Voigt Crawford, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

The repeal of this section is proposed under Texas Civil Statutes, Article 581-28-1, which authorize the board to repeal prior rules and regulations.

§133.27. Offeror's Supplemental Notice of Tender Offer.

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

Issued in Austin, Texas, on October 26, 1983.

TRD-838684 Richard D. Latham
 Commissioner
 State Securities Board

Earliest possible date of adoption:
December 5, 1983

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

§139.8. Sales to Underwriters. Any transaction between the issuer, or other person on whose behalf the offering is made, and an underwriter, or among underwriters, is hereby exempted from the securities registration requirements of the Securities Act, §7.

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

Issued in Austin, Texas, on October 26, 1983.

TRD-838685 Richard D. Latham
 Commissioner
 State Securities Board

Earliest possible date of adoption:
December 5, 1983

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

Chapter 139. Exemptions by Rule or Order

7 TAC §139.8

The State Securities Board proposes new §139.8, concerning exempt securities under the Securities Act, §5.T. The rule will exempt sales by the issuer or another person on whose behalf the offering is made and an underwriter or sales among underwriters.

Richard D. Latham, securities commissioner, has determined that for the first five year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Mr. Latham also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be increased uniformity in that approximately 35 states have some form of the proposed exemption. While the Texas Securities Act §5.H, provides an exemption for sales to registered dealers, if for some reason a dealer were not registered in Texas, there is at least the possibility that sales to such unregistered dealer would occur in a nonexempt transaction. This new rule would eliminate such possibility. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Denise Voigt Crawford, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

The new rule is proposed under Texas Civil Statutes, Article 581, §28-1 and §5.T, which provide respectively that the board may adopt rules governing registration statements and applications, classify securities, persons, and matters within its jurisdiction, prescribe different requirements for different classes, and create new exemptions by rule, regulation, or order conditionally or unconditionally.

7 TAC §139.9

The State Securities Board proposes new §139.9, concerning exempt securities under the Securities Act, §5.T. The rule will exempt bank holding companies from the Dealer Registration Requirements of the Act in certain circumstances

Peggy Peters, Dealer Registration Division director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule

Ms. Peters also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be that bank holding companies will not be required to comply with the dealer registration provisions of the Securities Act in certain circumstances. While House Bill 1372, 68th Legislature, 1983, provides an exemption in certain instances from the dealer registration provisions of the Securities Act for certain eligible persons of bank holding companies with less than 500 shareholders, the bill failed to exempt from such requirements the bank holding company itself. It is unclear what benefits to public investors would accrue by requiring registration of these bank holding companies as dealers in these circumstances. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Denise Voigt Crawford, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

The new rule is proposed under Texas Civil Statutes, Article 581, §28-1 and §5.T, which provide respectively that the board may adopt rules governing registration statements and applications, classify securities, persons, and matters within its jurisdiction, prescribe different requirements for different classes, and create new exemptions by rule, regulation, or order conditionally or unconditionally.

§139.9. Bank Holding Companies. A bank holding company with fewer than 500 shareholders that owns the majority of the voting shares of a bank domiciled in Texas is hereby exempted from the dealer registration requirements of the Securities Act, §12, with respect to its participation in a sale or other transaction involving its own securities or the securities of a bank where the bank holding company owns a majority of the voting shares of such bank.

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

Issued in Austin, Texas, on October 26, 1983.

TRD-838686 Richard D. Latham
Commissioner
State Securities Board

Earliest possible date of adoption:
December 5, 1983

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

7 TAC §139.10

The State Securities Board proposes new §139.10, concerning exempt securities under the Securities Act, §5.T. The rule will exempt exchange offers from the registration requirements of the Act where certain conditions are met.

Richard D. Latham, securities commissioner, has determined that for the first five-year period the rule will be in effect there will be fiscal implications for state government as a result of enforcing or administering the rule. The effect on state government will be an estimated loss in revenue of \$54,882 in fiscal year 1984, \$60,370 in fiscal year 1985, \$66,407 in fiscal year 1986, \$73,048 in fiscal year 1987, and \$80,353 in fiscal year 1988. There is no estimated effect on local government.

Mr. Latham also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be that entities who make exchange offers which meet the conditions of the exemption would not be required to register such offerings. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Denise Voigt Crawford, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

The new rule is proposed under Texas Civil Statutes, Article 581, §28.1 and §5.T, which provide that the board may adopt rules governing registration statements and applications, classify securities, persons, and matters within its jurisdiction, prescribe different requirements for different classes, and create new exemptions by rule, regulation, or order conditionally or unconditionally.

§139.10. Exchange Offers. The offer or sale by the issuer of common stock in exchange for units of limited partnership or interests in oil, gas, or mineral leases, fees, or titles is hereby exempted from the securities registration requirements of the Securities Act, §7, if all of the following conditions are met:

(1) the units of limited partnership or interests in oil, gas, or mineral leases, fees, or titles for which the offer is made have been issued and outstanding for more than 36 months;

(2) the shares of common stock to be exchanged are registered for sale with the Securities and Exchange Commission;

(3) all sales to exchanging Texas residents are made by or through a registered dealer, who may be the issuer;

(4) the exchanging unit holders are not obligated to pay any consideration for the common stock issued to them other than the units of limited partnership or interests in oil, gas, or mineral leases, fees, or titles held by them;

(5) the shares of common stock received pursuant to the exchange are fully tradeable without restrictions; and

(6) at the close of the offering, the securities meet all of the criteria for trading on National Association of Securities Dealers Automatic Quotations (NASDAQ).

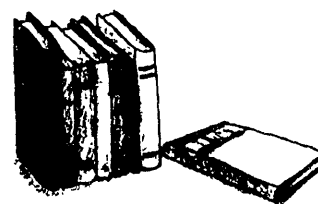
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on October 26, 1983.

TRD-838687 Richard D. Latham
Securities Commissioner

Earliest possible date of adoption:
December 5, 1983

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



TITLE 13. CULTURAL RESOURCES

Part I. Texas State Library and Archives Commission

Chapter 1. Library Development Standards for Accreditation of a Major Resource System of Libraries in the Texas Library System

13 TAC §1.43

The Texas State Library and Archives Commission proposes an amendment to §1.43, concerning the

long-range plan required of a major resource center under the Library Systems Act. The agency proposes to change the length of time the plan covers from a six- to a three-year period to conform to a federal requirement of a three-year plan.

Raymond Hitt, Library Development Division director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule

Mr. Hitt also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be a reduction in the long-range planning process from six to three years which will provide a more realistic timetable for the regional library systems' planning cycle. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Raymond Hitt, Library Development Division Director, Texas State Library, P. O. Box 12927, Austin, Texas 78711, (512) 475-2166.

The amendment is proposed under Texas Civil Statutes, Article 5446a, Chapter E, § 15d, which provide the Texas State Library and Archives Commission with the authority to approve rules and regulations for the Library Systems Act.

§1.43 Long-Range Plan of System Services. On behalf of a major resource system, a **three** [SIX]-year plan for system services shall be annually revised, updated, and submitted to the state librarian by the major resource center. Data determining the adequacy of library services, methods to evaluate the effectiveness of system programs, and documentation indicating full participation in the planning process by the system advisory council, system member libraries, and the lay representatives shall be included.

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

Issued in Austin, Texas, on October 24, 1983.

TRD-838625 William D. Gooch
Assistant State Librarian
Texas State Library and Archives
Commission

Earliest possible date of adoption:
December 5, 1983

For further information, please call (512) 475-2166.

Minimum Standards for Accreditation of Public Libraries in the State Library System

13 TAC §1.72

The Texas State Library and Archives Commission proposes amendments to § 1.72, concerning the defi-

nition of public library services. The proposed amendments would allow a public library the option of recovering charges for materials it borrows and for which the supplier charges a borrowing fee.

Raymond Hitt, Library Development Division director, has determined that for the first five year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule

Mr. Hitt also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be that the public will have access to machine readable data bases and materials not previously available from their libraries. The anticipated economic cost to individuals who are required to comply with the rule as proposed will be a rental fee per reel of U.S. Census records of \$2.25 per year for 1983-1987.

Comments on the proposal may be submitted to Raymond Hitt, Library Development Division Director, Texas State Library, P. O. Box 12927, Austin, Texas 78711, (512) 475-4119.

The amendments are proposed under Texas Civil Statutes, Article 5446a, Chapter E, § 15d, which provide the Texas State Library and Archives Commission with the authority to approve rules and regulations for the Library Systems Act.

§1.72. Public Library Service. Library services include the dissemination of materials and/or information by the library staff to the general public during posted or otherwise published hours of library outlets. A public library shall provide library services without a use charge to all persons residing in the library's tax supporting political subdivision. [with] The following exceptions to **this rule are permitted at the discretion of the library's governing authority**: reserving library materials; use of meeting rooms; replacement of lost borrower cards; fines for overdue, lost, or damaged materials in accordance with local library policies; [searches of machine-readable data bases;] postage; in-depth reference services on a contractual basis; photocopying, library parking, service to non-residents; sale of publications; [and] rental and deposits on equipment; **and charges for the use of materials and machine-readable data bases not owned by the library, major resource center, or regional library system for which the vendor or supplier has charged a borrowing fee.**

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

Issued in Austin, Texas, on October 24, 1983.

TRD 838626 William D. Gooch
Assistant State Librarian
Texas State Library and Archives
Commission

Earliest possible date of adoption:
October 24, 1983

For further information, please call (512) 475-2166.

System Advisory Council

13 TAC §§1.116-1.118, 1.123

The Texas State Library and Archives Commission proposes amendments to §§1.116-1.118, and new §1.123, concerning the procedures under which regional library system advisory councils operate. The amendments and new rule are proposed to conform to the revision of the Library Systems Act passed by the 68th Legislature.

Raymond Hitt, Library Development Division director, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rules.

Mr. Hitt also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be more equitable representation for member libraries in the major resource library systems. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Raymond Hitt, Library Development Division Director, Texas State Library, P O Box 12927, Austin, Texas 78711, (512) 475 4119.

The amendments and new rule are proposed under Texas Civil Statutes, Article 5446a, Chapter E, §15d, which provide the Texas State Library and Archives Commission with the authority to approve rules and regulations for the Library Systems Act.

§1.116. Council Officers, Not Reappointed as Library Representative. A representative is elected to council September 1, and once elected to council, represents the system. Therefore, the representative shall complete his or her council term of three years, even though the council member may be replaced as the official representative of the member library. [The major resource center representative and council member, however, may be replaced at any time.] If the council member is replaced as the official representative, the new representative may vote in behalf of his or her library at the annual meeting of representatives to fill council vacancies. [No individual library in the system shall have more than one representative on the system advisory council.]

§1.117. Advisory Council Vacancies. Vacancies on the system advisory council arising for reasons other than the regular expiration of terms of office may be filled from among the lay representatives for the unexpired term by the remaining members of the council. If a vacancy for whatever reason leaves the major resource center with no representative on the council, the major resource center's lay representative shall complete the unexpired term. If the unexpired term was held by an officer of the council, the lay representative appointed to fill the unexpired term need not necessarily be that officer. The vacated council office can be filled from among the members already on that council.

§1.118. Federated County and Multicounty Representation. A county or multicounty library system will be eligible to send to the annual meeting of lay representatives either a citizen to represent the entire county or multicounty library system; or the county or multicounty library system may elect to permit each individual member in that system to send one representative to the lay meeting. Only those county or multicounty system member libraries which could individually qualify for state library system membership may be eligible to send a lay representative. [No county or multicounty library system may have more than one representative serving on the major resource system advisory council at the same time.]

§1.123. Voting by Member Library Representatives. The lay representative of each member library of a major resource system shall have one vote as a representative of a member library and shall have that proportion of additional votes, which shall equal the number of member libraries, as the population served by the voting representative's library has to the total population served by all member libraries.

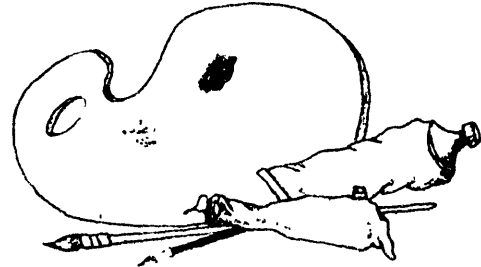
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on October 24, 1983.

TRD 838627 William D. Gooch
Assistant State Librarian
Texas State Library and Archives
Commission

Earliest possible date of adoption
December 5, 1983

For further information, please call (512) 475-2166.



TITLE 16. ECONOMIC
REGULATION
Part I. Railroad Commission of
Texas
Chapter 9. Liquefied Petroleum Gas
Division
Subchapter B. Basic Rules
16 TAC §9 40

The Railroad Commission of Texas proposes amendments to §9 40, concerning manufacturer's nameplates and markings on American Society of Mechanical Engineers (ASME) containers.

promulgate and adopt rules relating to any and all aspects of the LP-gas industry that will protect or tend to protect the health, welfare, and safety of the general public.

§9.41. *Markings on Underground Containers.*

§9.62. *Tank Manufacturer's Nameplate.*

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

Issued in Austin, Texas, on October 24, 1983.

TRD-838582 Walter Earl Lillie
 Special Counsel
 Railroad Commission of Texas

Earliest possible date of adoption:
December 5, 1983

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

Subchapter E. Division III

16 TAC §§9.121, 9.123, 9.125

The Railroad Commission of Texas proposes amendments to §§9.121, 9.123, and 9.125, concerning location of containers, protection of bulk storage areas, and lettering of bulk storages.

Hugh F. Keepers, director, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rules.

Mr. Keepers also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be increased safety by reducing the risk of a person being trapped inside a fenced enclosure in the event of a fire at a bulk storage installation, and greater accessibility of such areas to emergency response personnel. There is no anticipated economic cost to individuals who are required to comply with §9.121 and §9.123. The anticipated economic cost to individuals who are required to comply with §9.125 will be approximately \$15 for a warning sign.

Comments on the proposal may be submitted to Hugh F. Keepers, Director, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711.

The amendments are proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules relating to any and all aspects of the LP-gas industry that will protect or tend to protect the health, welfare, and safety of the general public.

§9.121. *Location of Containers.*

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

(c) No storage container shall exceed 30,000 standard U.S. gallons water capacity. Storage containers having a water capacity in excess of 500 gallons and material handling equipment shall [may] be located not less than 50 feet from a highway right-of-way or [from] a railroad right-of-way.

(d)-(i) (No change.)

§9.123. *Protection of Bulk Storage Areas.*

(a) To protect bulk storage containers, attachments, and transfer equipment from unauthorized tampering and mechanical damage, bulk storage areas shall be protected by fencing and or guard rails and valve locks.

(b)(a) Areas occupied by bulk storage containers, attachments, and transfer equipment (excluding transfer islands or transfer bulkheads, which may be outside the fenced area if protected by guard rails and valve locks in accordance with subsection (d) of this section) shall be enclosed by an all metal chain link type fence, at least six feet high [a substantial heavy weight woven or welded wire fence of not less than 14 American wire gauge], or at least five feet high, topped by three strands of barbed wire spaced four inches apart. [This enclosure shall be provided with a locked entrance to prevent tampering by unauthorized persons.]

(1) At least two means of emergency access to and from the fenced enclosure shall be provided at opposite ends of the enclosure. The openings for emergency access shall be equipped with locking gates which shall remain unlocked during fuel transfer operations. Gates shall be locked when the installation is unattended; provided, however, that gates need not be locked when valve locks and electrical control locks are used in accordance with subsection (d) of this section.

(2) Fencing shall not be installed closer than five feet to the tank at any point. All uprights and braces within 25 feet of storage containers shall be of noncombustible material.

(3) No unlocked manual operating valve shall be located within four feet of the fence.

(4) The [This] fence shall be maintained in good condition at all times.

(c) Where perimeter area fencing complies with subsection (b) of this section, guard rails which comply with subsection (d) of this section shall be used to protect all containers, piping, pumps, and transfer equipment subject to vehicular traffic, including any area around the storage container(s) where a driveway completely encircles the container(s).

(d) As an alternative to fencing a bulk storage area, guard rails and suitable valve locks may be used to protect the area from mechanical damage and unauthorized tampering. Electrical controls shall also be provided with cover locks.

(1) Valve locks and electrical control locks, when in place, shall effectively prevent unauthorized withdrawal of product from the hose or piping system.

(2) Vertical guard posts shall be a minimum of three-inch schedule 40 steel capped pipe or equivalent, adequately encased and anchored in concrete, with an overall minimum height of 30 inches above ground level. Guard posts shall be spaced not more than five feet apart.

(3) Guard railing shall be a minimum of three-inch schedule 40 steel pipe or equivalent, substantially welded to the top of the guard post, or bolted to the guard post if highway type crash railing is used. Openings for ingress and egress shall be not more than 36 inches wide.

(4) Use of wooden guard rails or posts is prohibited.

(5) A minimum clearance of 24 inches shall be maintained between guard railing and any container, pump, compressor, or piping manifold protected by the railing. The two end guard posts protecting a bulkhead shall be located at 45° angles to the corners of the bulkhead and a minimum of 24 inches outward from the bulkhead (see Figures 1 and 2).

(6) Guard rails shall encompass and protect all piping systems on any operating end or side of the storage container and shall extend 24 inches to each side of the container or piping, whichever extends farther.

(7) Guard rails shall be maintained in good condition at all times.

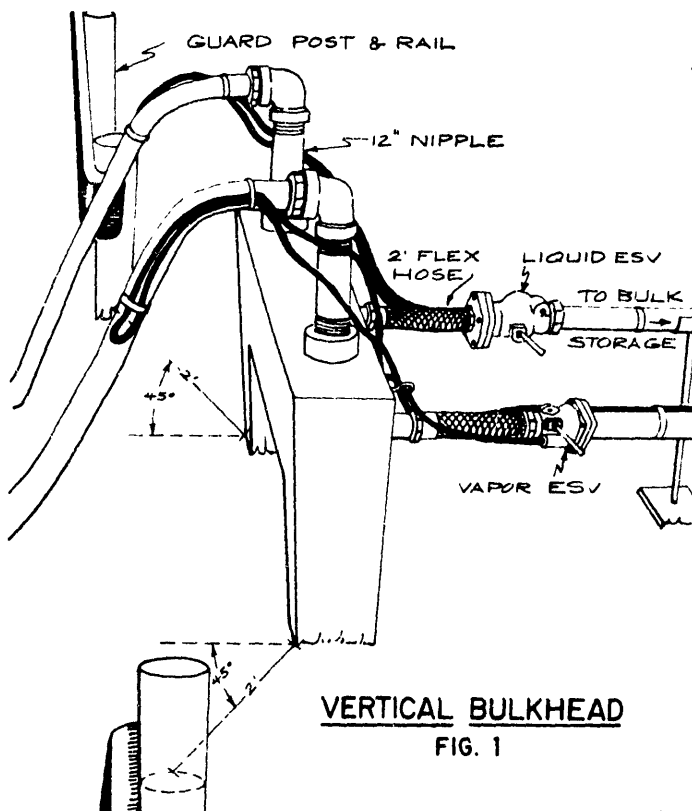
(e)[(b)] Areas occupied by bulk storages shall be kept clear of combustible materials such as weeds and trash within a radius of 25 feet around the containers [container] and transfer equipment.

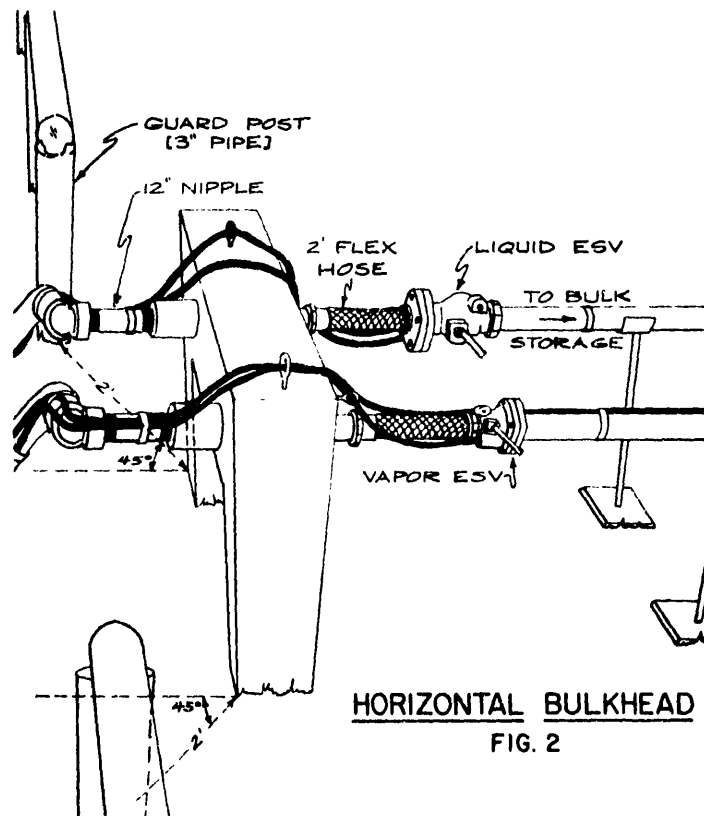
(f) Liquid and vapor main shutoff valves on all containers shall be in an "off" position when the installation is unattended.

§9.125. *Lettering*

(a) All bulk storage installations shall be lettered in letters not less than eight inches high to indicate the name of the licensee operating the installation and the nature of contents. [Each tank shall be lettered to indicate the nature of contents.] The above lettering shall be so placed as to be readily visible to the public.

(b) Bulk storage installations shall display a warning sign with the following words in four inch black and red letters: "Warning—Flammable Gas" (red); "No Trespassing" (black); "No Smoking" (red). Warning signs shall be prominently displayed and readily visible to the public.





HORIZONTAL BULKHEAD
FIG. 2

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

Issued in Austin, Texas, on October 24, 1983

TRD 838583 Walter Earl Lite
Special Counsel
Railroad Commission of Texas

Earliest possible date of adoption
December 5, 1983

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

16 TAC §9.135

The Railroad Commission of Texas proposes new §9.135, concerning bulkheads and emergency shutoff valves (ESVs).

Hugh F. Keepers, director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Mr. Keepers also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be to reduce the hazard associated with accidents in which liquefied petroleum (LP) gas trucks drive away from a bulk storage area while transfer hoses are still connected. Bulkheads will prevent the displacement of piping at the bulk storage

area, and ESVs will minimize the amount of gas that escapes when the fueling connection hose still connected a truck pulls away with its transfer hose still connected. The anticipated economic cost to individuals who are required to comply with the rule as proposed will be approximately \$150 per bulkhead and \$400 per ESV.

Comments on the proposal may be submitted to Hugh F. Keepers, Director, Railroad Commission of Texas, LP Gas Division, P.O. Drawer 12967, Austin, Texas 78711

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules relating to any and all aspects of the LP gas industry that will protect or tend to protect the health, welfare, and safety of the general public.

§9.135. Bulkheads and Emergency Shutoff Valves.

(a) Bulk storage facilities installed on or after January 1, 1984, shall include bulkheads and emergency shutoff valves (ESVs) for liquid and vapor transfer areas. Installation of additional container(s) or relocation of existing bulk storage facilities shall also require installation of bulkheads and ESVs.

(b) Bulkheads shall be of concrete or steel and anchored sufficiently to prevent displacement of piping and fittings in the event of a truck pull-away while the transfer hose is connected.

(1) Piping through a bulkhead shall be secured to the bulkhead to prevent shifting. Piping shall terminate through the bulkhead with a Schedule 80 pipe collar and

a 12-inch length of Schedule 80 pipe and forged steel elbow between the bulkhead and hose coupling.

(2) Bulkheads shall be not less than 10 feet from a container.

(3) Bulkheads, piping, and hoses shall be protected in accordance with §9.123(b) or (d) of this title (relating to Protection of Bulk Storage Areas)

(4) No two LP gas trucks may transfer gas at the same time at a common bulkhead outlet. Branching off or installation of two hose lines from a single liquid or vapor line is prohibited.

(c) Emergency shutoff valves (ESVs) shall be installed in fixed piping of the transfer system upstream of the bulkhead with a flexible wire braided hose not more than 24 inches long installed between the ESVs and the bulkhead.

(1) ESVs shall be installed according to the manufacturer's instructions.

(2) ESVs shall incorporate all of the following means of closing:

(A) automatic shutoff through thermal (fire) actuation using fusible elements with a melting point not to exceed 250°F;

(B) manual shutoff at the installed location; and

(C) manual shutoff from a remote location. Remote controls shall be connected to each ESV. Emergency remote controls shall be conspicuously marked and shall be located and maintained to be readily accessible in emergencies.

(3) Where the flow of LP gas is in one direction only, a back-flow check valve may be used in lieu of an ESV in the fixed piping, provided that the back-flow check valve has a metal-to-metal seat or a primary resilient seat with a secondary metal seat not hinged with combustible material.

(4) ESVs or back-flow check valves shall be installed in the piping system in such manner that any break resulting from a pull-away will occur on the transfer hose side of the bulkhead and the valves and piping on the container side of the bulkhead will remain intact.

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

Issued in Austin, Texas, on October 24, 1983

TRD-838584 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Earliest possible date of adoption
December 5, 1983

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

Chapter 11. Surface Mining and Reclamation Division
Subchapter D. Coal Mining
16 TAC §11.221

The Railroad Commission of Texas, Surface Mining and Reclamation Division, proposes an amendment to

§11.221, concerning the submission of a written statement by applicant's source of financing demonstrating that permit terms in excess of five years are needed to allow the applicant to obtain necessary financing of equipment and the opening of the operation. This rule would allow self-funded applicants to submit a written statement demonstrating the internal funding and showing the necessity of a longer permit term. The commission proposes this amendment after receiving and approving a petition of Central and South West Fuels, Inc.

Ron Reeves, legal 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. Reeves also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be increased efficiency in administering reviews of permit applications without any decrease in regulatory control and authority. The possible economic cost to individuals who are required to comply with the rule as proposed will be less than compliance with the existing rule.

Comments on the proposal may be submitted to J. Randal (Jerry) Hill, Director, Surface Mining and Reclamation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711. Written comments will be accepted for 30 days after publication in the *Texas Register*.

The amendment is proposed under Texas Civil Statutes, Article 5920 11, §6, which provide the Railroad Commission of Texas with the authority to promulgate rules pertaining to surface coal mining and reclamation operations.

11.221. State Program Regulations.

(a) The following rules contained in the document titled *State Program Submissions to Office of Surface Mining Reclamation and Enforcement, Department of Interior*, as amended [on August 24, 1981], prepared by the Railroad Commission of Texas and submitted to the Office of Surface Mining, are adopted by reference: Rules 051-07-40-001-023, 069-085, 100-163, 170-243, 300-304, 306-314, 317, 325-328, 330-422, 500-591, 600, 610-613, 620-625, 650, 651, 660, 661, 670-675, 680-687, 690-698, and 800-817.

(b) (No change.)

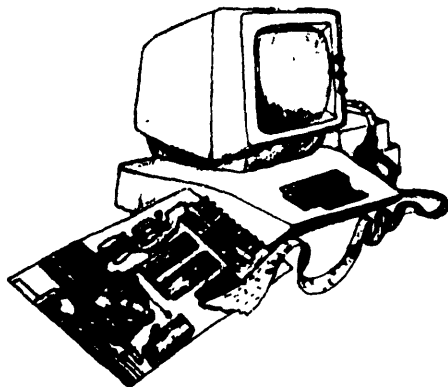
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on October 28, 1983.

TRD-838829 J. Randal (Jerry) Hill
Director
Surface Mining and Reclamation
Division
Railroad Commission of Texas

Earliest possible date of adoption
December 5, 1983

For further information, please call (512) 475-8751.



TITLE 22. EXAMINING BOARDS
Part XXII. Texas State Board of
Public Accountancy
Chapter 503. Definitions

22 TAC §503.1

The Texas State Board of Public Accountancy proposes amendments to 503.1, concerning definitions. The amendment to paragraph (3) provides that the professional service must be performed for a fee to exclude charitable professional services rendered without a fee. The amendment to paragraph (9) would, by changing the word person to client, preclude confusion as to the status of a business entity under the definition.

Bob E. Bradley, executive director, has determined that for the first five year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Mr. Bradley also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be that professional services rendered for charities will be excluded from being counted in the basic requirement for continuing education requirements, and possible ambiguity as to the inclusion of a business entity under the old wording using person versus the new wording using client will be eliminated. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to William A. Sansing, Texas State Board of Public Accountancy, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The amendments are proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct and to ensure that the conduct and competitive practice of licensees serves the best interest of the public.

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

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

(3) Client—The person or entity which retains a licensee for the performance of professional services for a fee.

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

(9) Practice of public accountancy--Performing or offering to perform for a client [person], one or more types of services requiring accounting or auditing skills, including the use of such skills in preparing tax returns or providing advice on federal, state, and other tax matters, or performing or offering to perform management advisory or consulting services, or any other service performed by professional accountants for the public.

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

Issued in Austin, Texas, on October 26, 1983.

TRD 838681 Bob E. Bradley
Executive Director
Texas State Board of Public
Accountancy

Earliest possible date of adoption:
December 5, 1983.

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

TITLE 28. INSURANCE
Part II. Industrial Accident
Board

(Editor's note: Because the Industrial Accident Board's rules have not yet been published in the Texas Administrative Code (TAC), they do not have designated TAC numbers. For the time being, the rules will continue to be published under their Texas Register numbers. However, the rules will be published under the agency's correct TAC title and part. The Industrial Accident Board proposes for permanent adoption the repeal it adopts on an emergency basis in this issue. The text of the rule proposed for repeal will not be published. The rule may be examined in the offices of the Industrial Accident Board, First Floor, 200 East Riverside Drive, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

Chapter 1. Communications and
General Medical Provisions

061.01.00.042

The Industrial Accident Board proposes to repeal Rule 061.01.00.042, because the rules in Chapter 1 have been realigned to change their order within this chapter to have consistency of subject matter. Due to a clerical error, the board failed to note prior to this

time that Rule 042 is the same as Rule 215, adopted in the October 28, 1983, issue of the *Texas Register*

William Treacy, executive director, has determined that for the first five year period the repeal will be in effect there will be no fiscal implications for state or local government as a result of the repeal

Mr. Treacy also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal will be easier access to the subject matter in the rules. There is no anticipated economic cost to individuals as a result of the repeal, and there will be no adverse economic effect on small businesses.

Comments on the proposal may be submitted in writing within 20 days after publication in the *Texas Register* to William Treacy, Executive Director, 200 East Riverside Drive, First Floor, Austin, Texas 78704.

The repeal is proposed under the authority of Texas Civil Statutes, Article 8307-34, which provide the Industrial Accident Board with the authority to promulgate rules.

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

Issued in Austin, Texas, on October 24, 1983

TRD 838604 William Treacy
Executive Director
Industrial Accident Board

Earliest possible date of adoption
December 5, 1983

For further information, please call (512) 475-4538

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter F. Motor Vehicle Sales and Use Tax Division

34 TAC §3.61

The Comptroller of Public Accounts proposes amendments to §3.61 relating to credit for motor vehicle sales and use tax. This amendment is proposed to reflect the change in the Texas Tax Code enacted in Senate Bill 582, 68th Legislature, 1983, effective May 20, 1983. The effect of this amendment is to authorize a credit for motor vehicle taxes paid to another state when use tax is imposed on a motor vehicle which was originally purchased tax free in Texas but was later returned, operated, and used within the state.

Billy Hamilton, director of revenue estimating, has determined that for the first five year period the rule

will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Mr. Hamilton also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be a savings for the operators of motor vehicles that were purchased in Texas to be used exclusively outside of the state, but later brought back into Texas. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Richard Montgomery, P.O. Box 13528, Austin, Texas 78711.

The amendments are proposed under the authority of the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the enforcement and administration of the Texas Tax Code.

§3.61. Credit for Motor Vehicle Sales or Use Tax Paid to Another State. A credit is allowed to a person, firm, or corporation that as a purchaser has paid legally imposed sales or use tax to another state on a motor vehicle **that later** [to another state, and thereafter that vehicle] becomes subject to the Texas motor vehicle use tax [as provided for under Texas Tax Code, §152.022 or §152.028]. The credit allowed is the amount of the prior payment to the other state. Credit is not allowed **against** [for] the \$15 new resident tax [which is provided for under Texas Tax Code, §152.023]. Consequently, any motor vehicle which is brought into this state by a new resident of this state and has been previously registered in the new resident's name in any other state or foreign country must pay the \$15 new resident tax. **If a motor vehicle purchased tax-free for use solely outside the state is later used inside the state, use tax is due on the original purchase price; however, a credit is allowed in the amount of a legally imposed sales or use tax paid to another state.**

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

Issued in Austin, Texas, on October 26, 1983

TRD 838655 Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption
December 5, 1983

For further information, please call (512) 475-1935

Subchapter F. Motor Vehicle Sales and Use Tax Division

34 TAC §3.92

The Comptroller of Public Accounts proposes new §3.92 concerning direct payment qualifications and

procedures. The Texas Tax Code, §152.045, requires that tax on gross rental receipts be reported and paid as limited sales, excise, and use tax is reported and paid by retailers under the Texas Tax Code, Chapter 151. This was determined to include the direct payment procedure authorized in that chapter by Attorney General's Opinion M-913. The comptroller's office is now implementing this procedure for gross rental receipts tax through this section. The procedure and requirements parallel those used for limited sales tax direct payment permit holders. Persons whose annual motor vehicle rentals in excess of \$800.00 may apply for a permit allowing them to accrue and pay the tax on these rentals directly to the comptroller.

Billy Hamilton, director of revenue estimating, has determined that for the first five year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Mr. Hamilton also has determined that for each year of the first five years the rule as proposed is in effect there is no public benefit anticipated as a result of enforcing the rule as proposed. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted in writing to Richard Montgomery, P.O. Box 13528, Austin, Texas 78711.

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

§192. Direct Payment Qualifications and Procedures.

(a) A holder of a motor vehicle rental tax direct payment permit may give an exemption certificate in lieu of paying the taxes for motor vehicles which are rented by them solely for their own use. A limited sales, excise, and use tax direct payment blanket exemption certificate may not be issued for the rental of motor vehicles.

(b) An applicant for a motor vehicle rental tax direct payment permit must comply with the following:

(1) The applicant must be a responsible person paying annually at least \$800.00 in taxable motor vehicle rentals.

(A) The \$800.00 does not include any rentals paid by the applicant for vehicles that are to be rented.

(B) The \$800.00 does not include any payments made on motor vehicle purchases or leases. An application for a permit must be accompanied by a statement that the applicant meets all the conditions of this section, along with sufficient records to support the statement.

(2) The applicant must be able to establish to the satisfaction of the comptroller that its accounting methods clearly distinguish between rentals of motor vehicles and leases, rental, and purchases of other tangible personal property taxed under the Sales Tax Act. A clear description of the applicant's accounting methods must accompany any application for a permit.

(3) The applicant must agree to accrue and pay the motor vehicle rental tax on a separate return from the taxes imposed by the Sales Tax Act. The applicant must also agree to make the motor vehicle rental tax payments to the state on or before the 20th day of the month following each month in which the motor vehicles are rented. A written agreement to this effect will be furnished by the comptroller; it must be signed and returned along with any application for a motor vehicle rental direct payment permit.

(c) Applicants for a motor vehicle rental direct payment permit should write and request an application from the Motor Vehicle Tax Division, Comptroller of Public Accounts, Austin, Texas 78774.

(d) Any person whose motor vehicle direct payment permit is either voluntarily forfeited or canceled by the comptroller's office must immediately notify all owners of the tax exempt vehicles he rents, advising them that the exemption certificate issued to them is no longer valid.

(e) The motor vehicle rental direct payment permit may be used only by the legal entity (including its branches and divisions) to which it is issued. A permit holder may not authorize any other person or firm, including related corporations, to rent a motor vehicle tax free by using its permit. Use by other persons or firms is grounds for revocation of the permit.

(f) Under no circumstances may a permit holder give a motor vehicle rental tax direct payment exemption certificate to a contractor making an improvement to realty for the permit holder under a separated or lump sum contract. A contractor who does not personally hold a motor vehicle rental direct payment permit and who rents a motor vehicle for use in performing a contract must pay the motor vehicle rental tax to the owner of the rented motor vehicle.

(g) The holder of a valid motor vehicle rental tax direct payment permit must accrue the motor vehicle rental tax on any motor vehicles used out of state as required by §152 of this title (relating to Motor Vehicles Rented in Texas).

(h) A motor vehicle direct payment permit holder must file a monthly return whether or not it has any motor vehicle rental tax to report. Failure to file returns timely will subject the holder to penalties and interest and revocation of the permit.

(i) A motor vehicle rental tax direct payment exemption certificate must comply substantially with the following certificate description. Each exemption certificate must bear the motor vehicle rental direct payment permit number of the permit holder.

STATE OF TEXAS
MOTOR VEHICLE RENTAL TAX
DIRECT PAYMENT EXEMPTION CERTIFICATE

Direct Payment Authorization Number: _____

The undersigned hereby claims exemption from the payment of the motor vehicle rental tax on its rental of motor vehicles from:

This certificate will remain in effect until the motor vehicle owner named above is otherwise notified.

This Exemption Certificate Does Not Cover:

- (1) Rentals of motor vehicles to be re-rented.
- (2) Rentals to any person other than the permit holder.
- (3) Sales or rentals of tangible personal property subject to the Limited Sales, Excise and Use Tax (Texas Tax Code chapter 151).
- (4) Purchases of motor vehicles.
- (5) Leases of motor vehicles.

The permit holder agrees not to allow others (including related corporations, contractors or repairmen) to use the undersigned direct payment authorization to rent motor vehicles tax free.

The undersigned agrees to accrue and pay the tax to the Comptroller of Public Accounts as required by statute.

Permit Holder: _____

Authorized Signature: _____

Effective Date: _____

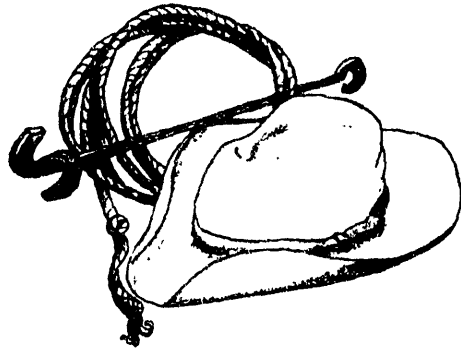
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt

Issued in Austin, Texas, on October 31, 1983

TRD-838830 Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption
December 5, 1983

For further information, please call (512) 475-1936.



Subchapter O. Sales Tax Division—State Taxes

34 TAC §3.339

The Comptroller of Public Accounts proposes amendments to §3.339, concerning the statute of limitations. The amendments are necessary because of changes and additions to the Texas Tax Code made by the legislature. The amendments state that the comptroller has four years from the date the tax becomes due and payable in which to assess a liability. The former rule tied the statute of limitations to a quarterly reporting period even though some persons reported on other bases. The amendments also provide for an extension of the statute of limitations through agreements between the comptroller and the taxpayer.

Billy Hamilton, director of revenue estimating for the comptroller, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Hamilton has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be a clear statement of current procedures for collection and refunding of taxes. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to D. Carolyn Busch, P.O. Box 13528, Austin, Texas 78711.

The amendments are proposed under the authority of the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the sales tax.

§3.339. *Statute of Limitations.*

(a) Assessments

(1) The comptroller has four years from the date the tax becomes due and payable in which to assess the liability. For the statute of limitations regarding refunds, see §3.325 of this title (relating to Refunds and Payments under Protest). Before the expiration of the statute of limitations, the comptroller and a taxpayer may agree in writing to an extension. The agreement must

comply with the provisions of the Texas Tax Code, §111.203. [The comptroller has four years in which to issue a notice of deficiency or jeopardy determination. Regardless of whether the taxpayer files his returns on a monthly or quarterly basis, this period begins to run from the last day of the calendar month following the quarterly period for which the amount is proposed to be determined or from the date the return is filed, whichever date is later. For the statute of limitations regarding refunds, see §3.325, concerning Refunds and Payments under Protest.]

(2) An extension applies only to the periods specifically mentioned in the agreement. Any assessment or refund request pertaining to periods for which limitations have been extended must be made prior to the expiration date of the agreement. Following expiration of the agreement, the statute of limitations applies to subsequent assessments and refund requests as if no extension had been authorized.

(3) In cases of fraud or if sales tax returns have not been filed, the statute of limitations does not apply and the comptroller may assess and collect taxes, penalties, and interest at any time. The statute of limitations does not apply when information contained in the report of a taxpayer contains gross error and the amount of tax due and payable after correction of the error is 25% or more than the amount initially reported.

(4) The statute of limitations does not apply to any period for which a taxpayer has filed a timely claim for a sales tax refund. If, while investigating the merits of the refund claim, the comptroller determines that additional tax is due, an assessment may be made for that period until a final decision is made on the claim for refund.

(b)[2] *Successor liability.* In the case of successor liability, the comptroller has four years in which to issue a notice of deficiency or jeopardy determination to the purchaser of the business or stock of goods. The four-year period in which the comptroller may assess begins to run for the purchaser from the date of the sale to the purchaser or from the date a determination issued to the seller becomes final, whichever event occurs later.

(c)[b] *Suit for collection.* The comptroller has three days from the date that the deficiency determination becomes due and payable, the jeopardy determination becomes final, or the last recording of a lien, in which to file suit for collection of the taxes, penalties, and interest. If a redetermination hearing is requested, the determination will not become final until a redetermination decision is issued and becomes final.

(d)[c] *Notice of delinquency.* The comptroller has three years from the date that the deficiency determination becomes due and payable, the jeopardy determination becomes final, the last recording of a lien, or the redetermination decision becomes final to give notice of delinquency to all persons who have in their possession or under their control any credits or other personal property belonging to the delinquent, or who owe any debts to the delinquent.

(e)[d] *Seizure.* The comptroller has three years from the date that the deficiency determination becomes due and payable, the jeopardy determination becomes final, or the redetermination decision becomes final to

proposal amends subsection (g) and subsection (i), paragraph (1)(B). The proposed amendments reflect that this application does not have to be applied for annually in accordance with the Texas Property Tax Code, § 11.43(c), as amended by Senate Bill 738, effective January 1, 1984.

Eugenia Navarro, attorney, 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 for state or local government as a result of enforcing or administering the rule.

Ms. Navarro also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the maintenance of an efficient and uniform exemption application requirements system throughout the State of Texas. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

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

The amendments are proposed under the Texas Property Tax Code, § 5.03(a), which provides the State Property Tax Board with the authority to establish minimum standards for the administration and operation of an appraisal district, the Texas Property Tax Code, § 5.07(a), which provides that the board shall prescribe the contents of all forms necessary for the administration of the property tax system, and the Texas Property Tax Code, § 11.43(f), which requires that the board shall ensure that the form requires an applicant to furnish the information necessary to determine the validity of the exemption claim.

§155.7. Exemption Applications for Disabled Veterans and their Survivors

(a)-(f) (No change.)

(g) **The application for this exemption shall contain a statement that this exemption does not have to be applied for annually and that, if the exemption is allowed, the applicant has a duty to notify the chief appraiser in writing before May 1 when the entitlement to the exemption ends or when a change in the applicant's disability rating occurs. Further, a statement should also be included that states the chief appraiser may require an applicant allowed this exemption to file a new application to confirm all current qualifications for the exemption by delivering written notice that a new application is required and including an application form. [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.]**

(h) (No change.)

(i) Determination of eligibility

(1) Disabled veteran:

(A) (No change.)

(B) **All documents offered to prove eligibility should be the most recent versions available to an applicant, and must [These documents should be dated no more than one year prior to the date presented to the chief**

appraiser or] satisfy the chief appraiser that the documents represent the current certification of disability.

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

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

Issued in Austin, Texas, on October 26, 1983.

TRD-838752 Kenneth E. Graeber
Executive Director
State Property Tax Board

Earliest possible date of adoption:
December 5, 1983

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

34 TAC § 155.10

The State Property Tax Board proposes an amendment to § 155.10, concerning a requirement that appraisal districts develop and maintain lists of partial exemptions from ad valorem property taxation. The amendment adds to the list of exemptions a local-option percentage homestead exemption that was added to the Texas Constitution, Article 8, § 1-b(e), and added to the Texas Property Tax Code, § 11.13(n), by House Bill 1203, 68th Legislature, 1983.

Eugenia Navarro, attorney, 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.

Ms. Navarro has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the maintenance of an efficient and uniform tax record system throughout the State of Texas.

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

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

The amendment is proposed under the Texas Property Tax Code, § 5.03(a), which provides the State Property Tax Board with the authority to establish minimum standards for the administration and operation of an appraisal district, and the Texas Property Tax Code, § 5.07(c), which provides that the board shall prescribe a uniform record system to be used by all offices appraising property for tax purposes.

§155.10. Partial Exemption Lists

(a) (No change.)

(b) The partial exemption lists shall contain the following two items of information for the state-mandated homestead exemption, the state-mandated over-65 homestead exemption, the state-mandated disability homestead exemption, **the local-option percentage homestead exemption**, the optional over-65 or disability homestead exemp-

tion, and the disabled veteran's exemption: The total number of each kind of partial exemption for each kind of partial exemption for each taxing unit. A list showing this information for each kind of partial exemption shall be made available to the public.

(c)-(e) (No change.)

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

Issued in Austin, Texas, on October 28, 1983.

TRD-838753 Kenneth E. Graeber
Executive Director
State Property Tax Board

Earliest possible date of adoption
December 5, 1983

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

34 TAC §155.17

The State Property Tax Board proposes amendments to §155.17, concerning exemption application requirements for charitable organizations. The proposal will amend §155.17(c)(1)(l), (c)(1)(m), (c)(3), and (c)(4), and will add (c)(1)(n) to reflect exemption for art galleries and museums in permanent collections to conform to the Texas Property Tax Code, §11.18(c)(1)(N), effective January 1, 1984, as amended by House Bill 845, 68th Legislature, 1983.

Eugenia Navarro, attorney, 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 for state or local government as a result of enforcing or administering the rule.

Ms. Navarro also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the maintenance of an efficient and uniform tax administration system throughout the State of Texas. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

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

The amendments are proposed under the Texas Property Tax Code, §5.03(a), which provides the State Property Tax Board with the authority to establish minimum standards for the administration and operation of an appraisal district, the Texas Property Tax Code, §5.07(c), which provides that the board shall prescribe the contents of all forms necessary for the administration of the property tax system, and Texas Property Tax Code, §11.44(c), which provides that the board shall require that each exemption application form be printed and prepared as a separate form from any other form, or on the front of the form if the form also provides for other information.

§155.17. Exemption Applications for Charitable Organizations.

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

(c) To identify the status under which an applicant claims exemption, application forms shall clearly state that the applicant claims exemption for a charitable organization and will provide the following necessary information:

(1) a statement indicating whether the organization is organized exclusively to perform religious, charitable, scientific, literary, or educational purposes and, except as permitted by subsection (d) of the Texas Property Tax Code, §11.18, engage exclusively in performing one or more of the following charitable functions:

(A)-(K) (No change.)

(L) providing halfway house services pursuant to a certification as a halfway house by the Board of Pardons and Paroles; [or]

(M) providing permanent housing and related social, health care, and educational facilities for persons who are 62 years of age or older without regard to the residents' ability to pay; or

(N) promoting or operating an art gallery, museum, or collection, in a permanent location or on tour, that is open to the public.

(2) (No change.)

(3) a statement indicating whether the organization produces revenue; and if so, whether the organization distributes any profits, or accrues any distributable profits, or allows the realization of any private [holds it for] gain.

(4) A statement indicating whether the organization is a nonprofit corporation as defined by the Texas Nonprofit Corporation Act, Texas Civil Statutes, Article 1396, if the organization performs one or more functions specified in paragraph (1)(C)-(G), (J), (K), [or] (M), or (N) of this subsection.

(5) (No change.)

(d)-(i) (No change.)

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

Issued in Austin, Texas, on October 26, 1983.

TRD-838754 Kenneth E. Graeber
Executive Director
State Property Tax Board

Earliest possible date of adoption
December 5, 1983

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

34 TAC §155.21

The State Property Tax Board proposes amendments to §155.21, concerning exemption application requirements for veterans' organizations. The proposal will amend subsections (a), (c)(1), (c)(2), (c)(3), and (i), adding clarifying language and anticipating changes to be effected by a constitutional amendment which will be submitted to the voters in the November 8,

1983, election. Should the amendment not pass, this rule will be withdrawn from consideration by the board.

Eugenia Navarro, attorney, 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 for state or local government as a result of enforcing or administering the rule.

Ms. Navarro has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the maintenance of an efficient and uniform exemption application requirements system throughout the State of Texas. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted in writing to H. Jack Woods, General Counsel, State Property Tax Board, P. O. Box 15900, Austin, Texas 787861.

The amendments are proposed under the Texas Property Tax Code, § 5.03(a), which provides the State Property Tax Board with the authority to establish minimum standards for the administration and operation of an appraisal district, the Texas Property Tax Code, § 5.07(a), which provides that the board shall prescribe the contents of all forms necessary for the administration of the property tax system, and the Texas Property Tax Code, § 11.44(c), which provides that the board shall require that each exemption application form be printed and prepared as a separate form from any other form or on the front of the form if the form also provides for other information.

§155.21. Exemption Application for Veterans' Organization.

(a) All appraisal offices and all tax offices appraising property for purposes of ad valorem taxation shall prepare and make available applications for exemption for veterans' organizations in the event that the governing body of any taxing unit taxes within said district adopts an exemption pursuant to the Texas Property Tax Code, §11.23(k).

(b) (No change)

(c) To identify the status under which an applicant claims exemption, application forms shall clearly state that the applicant claims exemption for a veterans' organization and will provide the following necessary information:

(1) a statement indicating whether the building for which an exemption is sought is owned by the organization and is used primarily as its post or meeting hall [is used primarily by the organization].

(2) a statement indicating [whether] the amount of land surrounding [around] the building that is reasonably necessary for use of, access to, and ornamentation of the building.

(3) a statement that the building is used exclusively by the organization's members and is not used to produce a profit or for residential purposes [indicating whether the organization's property produces revenue or is held for gain].

(d) All application forms for exemption for veterans' [veteran's] organizations 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 veterans' [veteran's] organization exemption may be claimed in Texas."

(2) (No change)

(e) All application forms for exemption for veterans' [veteran's] organizations 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 not 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 Section 37.10, Penal Code.

(f)-(h) (No change)

(i) Determination of eligibility is based on the provisions of the Property Tax Code, §11.23(k)(a).

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

Issued in Austin, Texas, on October 26, 1983

TRD 838755 Kenneth E. Graeber
Executive Director
State Property Tax Board

Earliest possible date of adoption
December 5, 1983

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

34 TAC §155.26

The State Property Tax Board proposes the repeal of §155.26, concerning exemption applications for buffalo and cattalo. A specific exemption is no longer necessary due to the amended Texas Property Tax Code, §11.16, which defines livestock as a farm product. The farm products exemption, pursuant to the Texas Property Tax Code, §11.43(a), does not have to be applied for.

Eugenia Navarro, attorney, Office of General Counsel, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government as a result of the repeal.

Ms. Navarro also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal will be the maintenance of an efficient and uniform tax exemption application requirements system throughout the State of Texas. There is no anticipated economic cost to individuals as a result of the repeal.

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

The repeal is proposed under the Texas Property Tax Code, §5.07(a), which provides that the board shall prescribe the contents of all forms necessary for the administration of the property tax system.

§155.26. Exemption Applications for Buffalo and Cattalo.

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

Issued in Austin, Texas, on October 28, 1983

TRD 838756 Kenneth E. Graeber
Executive Director
State Property Tax Board

Earliest possible date of adoption
December 5, 1983

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

that the applicant claims exemption for an historic site and will provide the following necessary information.

(1) A statement declaring the property is designated as a Recorded Texas Historical Landmark by the Texas Historical Commission and by the governing body of the taxing unit as of January 1 of the tax year.

(2) (No change)

(d)-(i) (No change)

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

Issued in Austin, Texas, on October 28, 1983

TRD 838757 Kenneth E. Graeber
Executive Director
State Property Tax Board

Earliest possible date of adoption
December 5, 1983

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

34 TAC §155.30

The State Property Tax Board proposes an amendment to §155.30, concerning exemption application requirements for historic sites. The proposed amendment will add language referring to the January 1 date for determining the status of the exemption claim.

Eugenia Navarro, attorney, 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 for state or local government as a result of enforcing or administering the rule.

Ms. Navarro also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the maintenance of an efficient and uniform exemption application requirements system throughout the State of Texas. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

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

The amendment is proposed under the Texas Property Tax Code, §5.03(a), which provides the State Property Tax Board with the authority to establish minimum standards for the administration and operation of an appraisal district, the Texas Property Tax Code, §5.07(a), which provides that the board shall prescribe the contents of all forms necessary for the administration of the property tax system, and the Texas Property Tax Code, §11.43(f), which provides that the board shall ensure that the form requires an applicant to furnish the information necessary to determine the validity of the exemption claim.

§155.30 Exemption Applications for Historic Sites.

(a)-(b) (No change)

(c) To identify the status under which an applicant claims exemption, application forms shall clearly state

34 TAC §155.31

The State Property Tax Board proposes amendments to §155.31, concerning the use of rendition forms when rendering property for ad valorem taxation. The amendment would add three new forms to the list of rendition forms adopted by the board: a form for rendering rolling stock owned by a railroad company; a form for rendering rolling stock leased by a railroad company from a lessor, and a form for rendering rolling stock owned by a lessor but leased to railroad companies. These same forms have been approved by the Comptroller of Public Accounts in accordance with his authority over the apportionment of value of railroad rolling stock.

Eugenia Navarro, attorney, 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 for state or local government as a result of enforcing or administering the rule.

Ms. Navarro also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the improvement of rendition procedures between owners and lessees of railroad rolling stock, so that a fair and equitable apportionment of market value may be achieved. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed since this amendment merely changes the content of rendition forms which owners and lessors of rolling stock are currently required to use.

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

The amendments are proposed under the 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 §24-32(c), which requires a railroad rolling stock information report filed by an owner or lessor to be on a form prescribed by the State Property Tax Board

§155.31 Rendition Forms

(a) (c) (No change)

(d) The following model rendition forms for various categories of property are adopted by the State Property Tax Board by reference. Copies of these forms are available free upon request from Larry Luedike, Valuation Division, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761. In addition, copies of the forms are available for inspection at the offices of the Texas Register:

(1) (18) (No change)

(19) statement of the valuation of rolling stock (railroad), Comptroller of Public Accounts Form 30-103;

(20) statement of leased rolling stock (railroad), Comptroller of Public Accounts, Form 30-104;

(21) statement of the valuation of rolling stock (leasing company), Comptroller of Public Accounts, Form 30-105.

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

Issued in Austin, Texas, on October 26, 1983

TRD 838758 Kenneth E. Graeber
Executive Director
State Property Tax Board

Earliest possible date of adoption
December 5, 1983

For further information, please call (512) 837 8622

34 TAC §155.33

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the State Property Tax Board, 9501 IH 35 North, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The State Property Tax Board proposes the repeal §155.33, concerning exemption applications for implements of farming or ranching. Adoption of new language in the Texas Constitution, Article 8, §19a, has been placed in the Texas Property Tax Code in new §11.161, effective August 29, 1983, passed as House Bill 1203, 68th Legislature, 1983.

Eugenia Navarro, attorney, Office of General Counsel, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government as a result of the repeal.

Ms. Navarro also has determined that for each year of the first five years the repeal is in effect the public

benefit anticipated as a result of the repeal will be the maintenance of an efficient and uniform tax exemption application requirements system throughout the State of Texas. There is no anticipated economic cost to individuals as a result of the repeal.

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

The repeal of §155.33 is proposed under the Texas Property Tax Code, §5.07(a), which provides that the board shall prescribe the contents of all forms necessary for the administration of the property tax system.

§155.33 Exemption Application for Implements of Farming or Ranching

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

Issued in Austin, Texas, on October 28, 1983

TRD 838759 Kenneth E. Graeber
Executive Director
State Property Tax Board

Earliest possible date of adoption
December 5, 1983

For further information, please call (512) 837 8622

34 TAC §155.34

The State Property Tax Board proposes an amendment to §155.34, concerning the notice of exemption application requirements to accompany all application forms for exemptions that must be applied for annually. The amendment deletes references to exemption application requirements for implements of farming or ranching and disabled veterans to conform to the Texas Property Tax Code, §11.43(a) and §11.43(c), as amended by Senate Bill 975, effective August 29, 1983, and Senate Bill 738, effective January 1, 1984, 68th Legislature, 1983.

Eugenia Navarro, attorney, 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 for state or local government as a result of enforcing or administering the rule.

Ms. Navarro also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the maintenance of an efficient and uniform tax administration system throughout the State of Texas. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

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

The amendment is proposed under the 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), which provides the State Property Tax Board with the authority to prescribe by rule the content of the explanation required for the notice of exemption application requirements

§155.34. Notice of Exemption Application Requirements

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

(1) (No change)

(2) The exemptions which require an annual application are the exemptions required by the Texas Property Tax Code, [§11 16] (implements of farming or ranching); [§11 17] (cemeteries), [§11 22] (disabled veterans); [§11.23] (miscellaneous), [§11 24] (historic sites), [§11.27] (solar or wind-powered energy devices)

(b) (No change)

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

Issued in Austin, Texas, on October 26, 1983

TRD 838760 Kenneth E. Graeber
Executive Director
State Property Tax Board

Earliest possible date of adoption
December 5, 1983

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

34 TAC § 155.35

The State Property Tax Board proposes an amendment to §155 35, concerning application forms to be used by taxpayers and appraisal offices in an application for special use valuation. The rule adopts by reference several model forms for use by appraisal offices, including forms for agricultural land (1 d) and open-space land (1 d 1). The proposed amendment would specify on these forms that the use of part of land qualifying for special use valuation would not change if the owner used the land for a residence homestead. The amendment would conform the model forms to the Texas Property Tax Code, §23 46(e) and §23 55(n), which were amended by Senate Bill 1143, 68th Legislature, 1983

Eugenia Navarro, attorney, 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 for state or local government as a result of enforcing or administering the rule

Ms. Navarro also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the proper notification of

persons applying for special use valuation of statutory protections available once qualification for the valuation is approved. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed

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

The new forms are proposed under the Texas Property Tax Code, §23 43(d), which provides the board with authority to prescribe the contents of all application forms for agricultural use valuation (1 d land), and §23 54(b), which provides the board with the authority to prescribe the contents of application forms for open space valuation (1 d 1 land)

§155.35. Special Use Application Forms

(a) (No change)

(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 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, as amended October 1983;

(2) Open Space Land Application (1-d-1 Agricultural Land), State Property Tax Board Special Use Form 23 54, as amended October 1983.

(3) (6) (No change)

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

Issued in Austin, Texas, on October 26, 1983

TRD 838761 Kenneth E. Graeber
Executive Director
State Property Tax Board

Earliest possible date of adoption
December 5, 1983

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

34 TAC § 155 37

The State Property Tax Board proposes an amendment to §155 37, concerning current and delinquent tax receipts. The amendment would delete references to and listing of four special tax receipts which have been rendered obsolete by provisions of the Texas Property Tax Code

Eugenia Navarro, attorney, 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 for state or local government as a result of enforcing or administering the rule

Ms. Navarro also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing

the rule as proposed will be the maintenance of an efficient and uniform tax administration system throughout the State of Texas. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

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

The amendment is proposed under the 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 Current and Delinquent Tax Receipts

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

(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 [above] special tax receipts listed in paragraphs (1)-(3) of this subsection is optional by the county tax office, effective January 1, 1982. Those special tax receipts include:

- (1) Corrections Receipt, Form 2P40-2-112
- (2) Corrections Receipt, Form 2P40-2-116
- (3) Insolvent Receipt, Form 2P40-2-24
- (4) Cancellation Receipt, Form 2P40-7-99
- (1)(5) Judgment Receipt, Form 2P40-7-29
- (2)(6) Supplemental Receipt, Form 2P40-2-25
- (3)(7) Redemption Receipt, Form V-2-333 or 2P40-7-333

(e) (No change.)

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

Issued in Austin, Texas, on October 26, 1983.

TRD 838762 Kenneth E. Graeber
 Executive Director
 State Property Tax Board

Earliest possible date of adoption
December 5, 1983

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

34 TAC §155.43

The State Property Tax Board proposes new §155.43, concerning the exemption application requirements for fraternal organizations to conform to the Texas Property Tax Code, §11.23(i), contingent upon adoption of a constitutional amendment by the voters in November of 1983. This proposed rule will be withdrawn from board consideration should the amendment fail to receive approval of the voters.

Eugenia Navarro, attorney, 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 for state or local government as a result of enforcing or administering the rule.

Ms. Navarro also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the maintenance of an efficient and uniform tax exemption application requirements system throughout the State of Texas. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

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

The new rule is proposed under the Texas Property Tax Code, §5.04(a), which provides the board with the authority to establish minimum standards for the administration and operation of an appraisal district, the Texas Property Tax Code, §5.07(a), which provides that the board shall prescribe the contents of all forms necessary for the administration of the property tax system, and the Texas Property Tax Code, §11.43(f), which provides that the board shall ensure that the form requires an applicant to furnish the information necessary to determine the validity of the exemption claim.

§155.43 Exemption Applications for Fraternal Organizations

(a) All appraisal offices and tax offices appraising property for purposes of ad valorem taxation shall prepare and make available applications for exemption for fraternal organizations in the event that the governing body of any taxing unit levying taxes within said district adopts an exemption pursuant to the Texas Property Tax Code, §11.23(i).

(b) All application forms for exemption for fraternal organizations shall make provision for the following information:

- (1) a statement indicating that the application is to be filed between January 1 and May 1,
- (2) the year for which the exemption is claimed,
- (3) the name of any taxing units to which the application is made,
- (4) identification of the organization (name and address),
- (5) the legal description of the property against which the exemption is claimed,
- (6) a statement of what supporting documents will be required of the applicant to prove eligibility for exemption,
- (7) the name and address of a person to contact for additional information,
- (8) the date of application,
- (9) the signature of applicant.

(c) To identify the status under which an applicant claims an exemption, application forms shall clearly state that the applicant claims exemption for a fraternal organization and will provide the following necessary information:

- (1) a statement indicating whether the building for which an exemption is sought is owned by the organization and is used primarily as its meeting hall;

(2) a statement that the building is used exclusively by the organization's members, and is not used to produce a profit or for residential purposes.

(3) a statement indicating the amount of land surrounding the building that is reasonably necessary for use of, access to, and ornamentation of the building.

(d) All application forms for exemption for fraternal organizations 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 fraternal organization exemption may be claimed in Texas."

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

(e) All application forms for exemption for fraternal organizations 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 Section 37.10, Penal Code.

(f) The exemption 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.

(g) 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.

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

(i) Determination of eligibility is based upon the provisions of the Texas Property Tax Code, §11.23(i).

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

Issued in Austin, Texas, on October 28, 1983.

TRD 838763 Kenneth E. Graeber
Executive Director
State Property Tax Board

Earliest possible date of adoption
December 5, 1983

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

Chapter 157. Tax Assessor Education and Training

34 TAC §157.2

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the State Property Tax Board, 9501 IH 35 North, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The State Property Tax Board proposes the repeal of §157.2, concerning the development of training and education courses and materials for tax assessor education. The repeal will permit the adoption of a substitute rule with the same number simultaneously proposed in this issue of the *Texas Register*.

Eugenia Navarro, attorney, Office of General Counsel, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government as a result of the repeal.

Ms. Navarro also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal will be the maintenance of an efficient and uniform tax exemption application requirements system throughout the State of Texas. There is no anticipated economic cost to individuals as a result of the repeal.

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

The repeal is proposed under the Texas Property Tax Code, §5.04, which requires the board to conduct, sponsor, or approve courses of instruction and in-service training programs on the technical, legal, and administrative aspects of property taxation.

§157.2 - *Training and Education Courses and Materials.*

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

Issued in Austin, Texas, on October 28, 1983.

TRD 838764 Kenneth E. Graeber
Executive Director
State Property Tax Board

Earliest possible date of adoption
December 5, 1983

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

The State Property Tax Board proposes new §157.2, concerning the development of educational materials and the sponsoring or approval of courses of instruction for tax professional education. The new rule replaces the current rule on tax assessor education, which is simultaneously proposed for repeal in this issue of the *Register*. Revision of the Assessors Registration and Professional Certification Act, Texas Civil Statutes, Article 7244b, into the Property Tax Professional Registration Act has broadened the scope of the tax professionals for whom the board's educational materials are prepared and/or approved. The revised rule would specify the authority for conducting, sponsoring, or approving courses of instruction in the field of property taxation; procedures for approval of courses and the monitoring of approved courses; and methods for developing educational

materials for use in courses of instruction concerning property taxation

Eugenia Navarro, attorney, 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 for state or local government as a result of enforcing or administering the rule

Ms Navarro also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the establishment of an administrative process for the approval of courses of instruction that will result in the enhancement of job skills and knowledge necessary for employment in the Texas property tax system. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed

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

The new rule is proposed under the Texas Property Tax Code, §5.04 which requires the board to conduct, sponsor, and approve courses of instruction and inservice and intern training programs on the technical, legal, and administrative aspects of property taxation

§157.2 Training and Education Courses and Materials

(a) Policy - It is the policy of the State Property Tax Board to encourage activities which enhance the training and education of property tax professionals

(b) Definitions

(1) Approve - To indicate that a course of instruction or program is of a level and nature such as to assure reasonably that it will help the student develop or enhance the job skills and knowledge necessary for employment in the property tax profession

(2) Board - The State Property Tax Board

(3) Conduct - To participate in the development, coordination, and/or instruction of a presentation of educational character

(4) Course of instruction - An organized group presentation of educational character, dealing with legal, technical, or administrative aspects of property taxation.

(5) In-service training - Training or education conducted with the overall objective of enhancing the job skills of the currently active property tax professional.

(6) Intern training - Training or education conducted with the overall objective of helping the trainee develop entry level job skills for the property tax profession.

(7) Program - A series of courses of instruction conducted according to a planned curriculum

(8) School - Any entity - individual, group, corporate, or governmental - which presents a course of instruction or program as defined previously

(9) Sponsor - To recognize an organized presentation of educational character as worthwhile

(c) The board may conduct courses of instruction or other presentations of an educational character as recommended by the associate director for education and standards and approved by the executive director or his designee.

(d) The board may sponsor courses of instruction or other presentations of an educational character. Sponsorship will be initiated by the Education Section of the Education and Standards Division

(e) The board may approve courses of instruction and programs, with approval determined by the coordinator, Education Section, or his designee. Approved programs will be monitored by the Education Section, and continued approval or reapproval will be determined by the coordinator, Education Section, or his designee

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

Issued in Austin, Texas, on October 28, 1983

TRD 838765 Kenneth E. Graeber
Executive Director
State Property Tax Board

Earliest possible date of adoption
December 5, 1983

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

Chapter 161. Valuation Procedures

34 TAC §161.6

The State Property Tax Board proposes an amendment to §161.6 concerning transportation business intangible property information report forms. The proposed amendment would change the content of Property Information Report Form, V 6 07 Annual Report Texas Railroad Intangibles Tax, which is adopted by reference in the rule. A copy of the revised report form that is proposed for adoption may be received by contacting Michael Heaton, State Property Tax Board, P.O. Box 15900 Austin, Texas 78761 or by reviewing a copy that is on file with the *Texas Register*.

Eugenia Navarro, attorney, 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 for state or local government as a result of enforcing or administering the rule

Ms Navarro also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be more accurate estimations of current market value of the operating portions of a railroad company. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed

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

The amendment is proposed under the Texas Property Tax Code, §24.10, which requires the board to adopt rules prescribing the requirements of report forms used in the central appraisal of transportation business intangible value

§161.6 Transportation Business Intangibles Property Information Reports

(a) The State Property Tax Board adopts by reference the following Transportation Business Intangibles Property Information Report forms

- (1) (No change)
- (2) Annual Report -- Texas Railroad Intangibles Tax V-6 07 (10/83) [(10-81)].
- (3)-(4) (No change)

(b) (No change)

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

Issued in Austin, Texas, on October 27, 1983

TRD 838766 Kenneth E. Graeber
Executive Director
State Property Tax Board

Earliest possible date of adoption
December 5, 1983

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

34 TAC §161.7

The State Property Tax Board proposes amendments to §161.7 concerning evidences of value for central appraisal of transportation business intangible property for ad valorem taxation. The proposed amendments change the items of information that are used by the board as evidences of value of railroad companies. The changes increase the number of items that would be used by the board in arriving at the taxable intangible value of a railroad company.

Eugenia Navarro, attorney, 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 for state or local government as a result of enforcing or administering the rule.

Ms. Navarro has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will include a more accurate estimation of current market value of the operating portion of a railroad company resulting in more uniform and equal taxation throughout the state. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

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

The amendments are proposed under the Texas Property Tax Code, §24.10, which requires the board to adopt rules prescribing the evidences of value to be used in the central appraisal of transportation business intangible property.

§161.07 Evidences of Value for Central Appraisal of Transportation Business Intangible Property.

(a) (No change.)

(b) Railroad companies.

(1) Stock and debt information, including average monthly high or low of common stock over the preceding year and the number of shares outstanding on December 31, average monthly high or low of preferred stock over preceding year and the number of shares outstanding on December 31, market value of debt on December 31 such as mortgage bonds, equipment obligations, unsecured debentures, and unsecured notes [(do not include long term debt due within one year)].

(2) Cost and obsolescence information, including the investment in property, depreciation and amortization, net investment, the elements of investment, net elements of investment, railway operating revenue, net railway operating income, net railway operating income from freight, transportation rail line expense, total railway operating expense, operating ratio [rates], total income taxes, average miles of road, total train miles, gross ton miles (by thousand), train hours, ton miles revenue (from freight by thousand), maintenance of way, federal income tax and deferred taxes [and total taxes].

(3) Income information including railroad income available for fixed charges, holding company income available for fixed charges, railroad's net railway operating income, holding company net income, railroad net income, the percent of capital structure and cost of common stock (preferred stock, mortgage bonds, debentures, equipment obligations and unsecured notes).

(4) Supplemental data including total holding company assets, [for the preceding three years, including railroad income available for fixed charges, holding company income available for fixed charges, railroad's net railway operating income, holding company net income, railroad net income, total assets of holding company], total railroad assets, total railroad current assets, total railroad current liabilities, total railroad long-term debt due in one year [total properties less depreciation and amortization, long term debt due in one year, total current assets, total current liabilities], total railroad gross revenue, Texas railroad gross revenue, total railroad net [operating] income, Texas railroad net income, total net railway operating income, Texas net railway operating income, total gross railroad operating investment, Texas gross railroad operating investment, total net railroad operating investment, Texas net railroad operating investment, total gross corridor, Texas gross corridor, total net corridor, Texas net corridor, total trackage operated, Texas trackage operated, total gross tonnage, Texas gross tonnage, total net tonnage, Texas net tonnage, total revenue ton miles, and Texas revenue ton miles.

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

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

Issued in Austin, Texas, on October 27, 1983

TRC 838767 Kenneth E. Graeber
Executive Director
State Property Tax Board

Earliest possible date of adoption
December 5, 1983

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

34 TAC §161.8

The State Property Tax Board proposes amendments to §161.8, concerning the identification of tangible personal property that may qualify for interstate allocation of total market value for property tax purposes. The amendments proposed would specify that a property owner must apply for an allocation of value prior to the approval of appraisal records and would delete references to the interstate allocation of vessels.

James Popp, attorney, 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 for state or local government as a result of enforcing or administering the rule.

Mr. Popp has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the facilitation of an appropriate allocation of total market value of interstate personal property to the taxing units of this state. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

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

The amendments are proposed under the 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 §21.03(b), which provides the board with the authority to prescribe rules regarding the interstate allocation of total market value of tangible personal property.

§161.8. *Interstate Allocation of Personal Property.*

(a) If tangible personal property, such as, but not limited to, vehicles, [vessels,] aircraft, or equipment, is subject to the taxing jurisdiction of this state and has a taxable situs in a taxing unit in this state but such property is used continually outside this state on either a regular or irregular basis, the property owner may apply to the appropriate appraisal office for an allocation of value to reflect use in this state.

(b) A property owner must apply for an allocation of value prior to the approval of appraisal records. The application shall be on a form that substantially complies with the appropriate form prescribed or approved by the State Property Tax Board. A person filing an allocation [application] form shall include all information required by the form.

(c)-(e) (No change.)

(f) The chief appraiser may use the following indicators of use for purposes of the allocation formula:

(1) The chief appraiser may use mileage as an indication of the use of vehicles.

(2) The chief appraiser may use flight time and ground time as an indication of the use of aircraft.

[(3) The chief appraiser may use time as an indication of the use of vessels.]

(3) [(4)] The chief appraiser may use time as an indication of the use of equipment.

(4) [(5)] The chief appraiser may use an indicator that fairly reflects the use of the particular property for those properties not included in paragraphs (1)-(3) of this subsection.

(g) (No change.)

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

Issued in Austin, Texas, on October 28, 1983.

TRD-838768

Kenneth E. Graeber
Executive Director
State Property Tax Board

Earliest possible date of adoption:
December 5, 1983

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

34 TAC §161.12

The State Property Tax Board proposes new §161.12, concerning the interstate allocation of total market value of vessels and other watercraft for ad valorem tax purposes, and establishing a form for applying for an allocation of value. The new rule is proposed under the authority of the Texas Property Tax Code, §21.031, which was added by House Bill 1748, 68th Legislature, 1983, and becomes effective on January 1, 1984.

James Popp, attorney, 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 for state or local government as a result of enforcing or administering the rule.

Mr. Popp has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the facilitation of an appropriate allocation of total market value of interstate personal property of vessels and other watercraft to the taxing units of this state. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

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

The new rule is proposed under the Texas Property Tax Code, §21.031, which provides the State Property Tax Board with the authority to adopt rules consistent with the statutory provisions.

§161.12. *Interstate Allocation of Vessels and Other Watercraft.*

(a) A property owner may apply for the interstate allocation of total market value of a vessel, special-purpose vessel, or other watercraft. The allocation of taxable value of vessels and other watercraft used outside

this state shall be determined according to the provisions of the Texas Property Tax Code, §21.021 and §21.031.

(b) To receive an allocation of value for vessels and other watercraft, a property owner must apply for the allocation on a form that substantially complies with the appropriate form prescribed or approved by the State Property Tax Board. A person filing an allocation application form shall include all information required by the form. The application must be filed with the chief appraiser for the district in which the property to which the application applies is taxable and must be filed prior to the approval of appraisal records by the appraisal board.

(c) If the chief appraiser determines that he needs information in addition to that furnished on the application, he may request additional information by written notice delivered to the property owner. A taxpayer shall furnish any additional information required within 15 days after the date the notice is mailed.

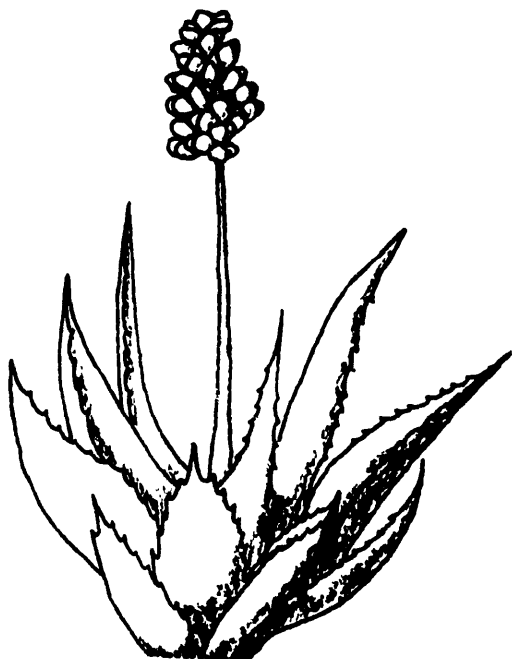
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on October 26, 1983.

TRD-838769 Kenneth E. Graeber
 Executive Director
 State Property Tax Board

Earliest possible date of adoption:
December 5, 1983

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



Chapter 163. Reporting Procedures

34 TAC §163.5

The State Property Tax Board proposes amendments to §163.5, concerning the record movement of mobile

homes. The amendment would conform the existing administrative rule with new requirements added by House Bill 1308, 68th Legislature, 1983. The changes require all filings of mobile home movements to be made to the chief appraisers of the appraisal districts where the move began and ended, and be accompanied by a \$10 filing fee. The rule also specifies that the failure of a person to file the required record of movement may be enforced by the district attorney, criminal district attorney, or county attorney of the county in which the violation occurred.

Eugenia Navarro, attorney, 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 for state or local government as a result of enforcing or administering the rule.

Ms. Navarro also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the clarification of procedures for filing movement forms and the provision of a standard filing form. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed, since any economic costs may be attributable to compliance with the statutory provision.

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

The amendments are proposed under the Texas Property Tax Code, §21.22, which provides the board with the authority to prescribe a form for the filing of a record of movement of mobile homes.

§163.5. Record of Movement of Mobile Homes.

(a) (No change.)

(b) The record of the movement of the mobile home shall contain the following items of information:

(1)-(6) (No change.)

(7) the street address, county, and state of the location of the mobile home before the move **or directions to its location;**

(8) the street address, county, and state of the location of the mobile home after the move **or directions to its location;**

(9)-(10) (No change.)

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

(e) [The original and] A copy of the record of movement **accompanied by a \$10 filing fee** must be filed [by the 10th day of the month following the month of the move] with the [county appraisal district] chief appraiser of the **appraisal district** [county] in which the move began **and with the chief appraiser of the appraisal district in which the move ended, if different.** [This chief appraiser will then forward the copy to the appropriate chief appraiser of the county in which the move ended.] **Or, if the move began outside the State of Texas, the record of movement and \$10 filing fee shall be filed with the chief appraiser of the appraisal district where the move ended. The record of movement must be filed before the day on which the move begins.** For good cause, the chief ap-

praiser may extend this filing deadline for a single period not to exceed 15 days. All filing fees collected and forwarded by the chief appraiser to the treasurer of the county for which the appraisal district is established shall be deposited to the county general fund.

(f) (No change.)

(g) A person who knowingly fails or refuses to make, keep, or report the movement of a mobile home as provided by the Texas Property Tax Code, §§21.21-21.25, is liable to the State of Texas for a civil penalty not exceeding \$200 for each failure to refusal. The attorney general of the State of Texas, or the district attorney, criminal district attorney, or county attorney for the county in which the violation occurred, if the attorney general has not filed a suit for the violation, shall collect the penalty in a suit on behalf of the state [with venue for the suit]. Venue is in Travis County if the attorney general brings suit, or the county in which the violation occurred or in which the person maintains his principal place of business or residence [as provided in the Texas Property Tax Code, §21.24].

(h) (No change.)

(i) A person who moves a mobile home in this state shall make a record of the movement on a form prescribed by the State Property Tax Board.

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

Issued in Austin, Texas, on October 28, 1983.

TRD-838770 Kenneth E. Graeber
Executive Director
State Property Tax Board

Earliest possible date of adoption
December 5, 1983

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

34 TAC §163.6

The State Property Tax Board proposes an amendment to §163.6, concerning the requirement that each chief appraiser certify to the State Property Tax Board a summary of the appraisal roll for state and county taxes for the county he appraises. The amendment would delete the reference to state taxes, since the state ad valorem tax was ended by constitutional amendment in November 1982.

Eugenia Navarro, attorney, 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 for state or local government as a result of enforcing or administering the rule.

Ms. Navarro also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the deletion of an obsolete reference from the board's rules manual. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

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

The amendment is proposed under the Texas Property Tax Code, §26.01(b), which provides the board with the authority to adopt rules pertaining to submitting an appraisal roll.

§163.6 Certification of Appraisal Roll Summary.

(a) Pursuant to the Texas Property Tax Code, §26.01(b), each chief appraiser shall certify to the State Property Tax Board only a summary of the appraisal roll for [the state and] county taxes for the county he appraises. The appraisal roll summary shall be certified and submitted at the same time the chief appraiser submits the appraisal roll for [state and] county taxes to the county assessor-collector.

(b) (No change.)

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

Issued in Austin, Texas, on October 26, 1983.

TRD-838771 Kenneth E. Graeber
Executive Director
State Property Tax Board

Earliest possible date of adoption
December 5, 1983

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

Chapter 165. Practice and Procedure

The following proposals submitted by the State Property Tax Board will be serialized in the November 8, 1983, issue of the *Texas Register*. Earliest possible date of adoption for the documents is December 5, 1983.

Definition of Terms	
§ 165.21	(amendment)
Rulemaking or Guidelines	
§ 165.52	(amendment)
General Provisions	
§ 165.61	(new)
Protest Hearings	
§§ 165.71-165.83	(repeal)
School District Value Appeals	
§§ 165.71-165.74	(new)
Business Intangible Value Appeals	
§§ 165.81-165.84	(new)
Other Appeals	
§ 165.81	(new)
Prehearing Proceedings	
§§ 165.101-165.103	(repeal)
Decision	
§ 165.121, § 165.122	(repeal)

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 11. Commodity Program Participation of Charitable Institutions

The Texas Department of Human Resources proposes the repeal of §§ 11.3901-11.3916 and simultaneously proposes new §§ 11.3901-11.3907. The rules about participation of charitable institutions are rewritten and restructured to remove internal operating procedures. The definition of "needy persons" is clarified, as well as the eligibility criteria for charitable institutions. The rules about use of a food service management company are expanded to clarify contractual requirements. The amount of time inmates in adult correctional institutions must spend in rehabilitative programs is decreased from 20 hours a week to 10 hours a week.

David Hawes, programs budget and statistics director, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rules.

Mr. Hawes also has determined that for the first five years the proposed rules are in effect the public benefit will be clearer understanding of the rules. There are no anticipated economic costs to individuals who are required to comply with the rules as proposed.

Written comments may be sent to Susan L. Johnson, Administrator, Policy Development Support Division—418, Texas Department of Human Resources, 153-B, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Texas Register*.

40 TAC §§ 11.3901-11.3916

The repeals are proposed under the Human Resources Code, Title 2, Chapters 22 and 33, which authorize the department to administer public assistance programs and commodity programs.

- §11.3901. *Eligible Institutions.*
- §11.3902. *Those Meeting Nonprofit and Tax Exempt Status.*
- §11.3903. *Those Meeting Criteria as Nonpenal.*
- §11.3904. *Determination of Program as Rehabilitative.*
- §11.3905. *Special Application Requirement.*
- §11.3906. *Those Functioning Primarily as Non-educational Institutions.*
- §11.3907. *Those Organized for Charity or Welfare Purposes.*
- §11.3908. *Those Providing Regular Meal Service.*
- §11.3909. *Educational Institutions.*
- §11.3910. *Institutions Participating in USDA Child Nutrition Programs.*
- §11.3911. *General Criteria of Need.*
- §11.3912. *Methods for Determining the Number of Needy Persons.*

- §11.3913. *Food Service Management Companies.*
- §11.3914. *Records.*
- §11.3915. *Allocations.*
- §11.3916. *Responsibilities.*

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

Issued in Austin, Texas, on October 31, 1983.

TRD-838822 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
December 5, 1983

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

40 TAC §§ 11.3901-11.3907

The new rules are proposed under the Human Resources Code, Title 2, Chapters 22 and 33, which authorize the department to administer public assistance programs and commodity programs.

§11.3901. *Definition of Charitable Institutions.* Charitable institutions are defined as:

- (1) nonpenal and noneducational public institutions,
- (2) nonprofit, tax-exempt private hospitals, or
- (3) nonprofit, noneducational, tax-exempt private institutions which are organized for charitable or public welfare purposes, including institutions:
 - (A) which are not commodity schools, as defined by federal regulations,
 - (B) which do not participate in the National School Lunch Program, School Breakfast Program, Summer Food Service for Children Program, or Child Care Food Program, or
 - (C) where educational courses are given, but the courses are not the primary purpose of the charitable institution.

§11.3902. *Eligibility Criteria for Charitable Institutions.* Charitable institutions are eligible to receive USDA-donated commodities if they:

- (1) provide an established, ongoing, and charitable service in a fixed location;
- (2) provide regular prepared meals to five or more needy persons at each meal service. This means meals, including snacks, are served at fixed or uniform intervals. A charitable institution must serve meals rather than redistribute food in the form donated or allow residents to prepare their meals individually. Charitable institutions may not distribute donated food to private households, except when the food is used in preparing meals to be distributed from a central kitchen for a meal delivery service or a meals-on-wheels program;
- (3) have a current DHR license, if required;
- (4) serve meals to needy persons. A person is considered needy if he:
 - (A) is eligible for Supplemental Security Income, AFDC, or a local general assistance program;

(B) would be eligible to receive a financial assistance grant or food stamps if he were not a resident in the charitable institution;

(C) is unable to pay or pays less than the full charge assessed for the goods and services provided to him.

§11.3903. Proof Requirements. To participate in the program, charitable institutions must provide proof of their nonprofit status as conferred by the State of Texas and their exemption from federal income tax under the Internal Revenue Code.

§11.3904. Adult Correctional Institutions.

(a) Penal institutions are not eligible to receive USDA-donated food as charitable institutions unless they meet the definition of and are eligible as an adult correctional institution. Adult correctional institutions are:

(1) public, tax-supported, residential institutions to confine and rehabilitate adult offenders; or

(2) public or private, nonprofit residential halfway houses or prerelease centers which provide rehabilitative services to adult offenders or ex-offenders.

(b) Adult correctional institutions are eligible if they conduct rehabilitative programs which:

(1) are available to either a majority of the total inmate population, including inmates awaiting trial or sentencing, or to a majority of sentenced inmates; and

(2) permit each inmate to participate for at least 10 hours a week. These inmates must comprise either a majority of the total inmate population or a majority of the sentenced inmate population.

§11.3905. Subcontract Requirements. Charitable institutions must enter into a written contract with any food service management company, if they employ one to conduct their food service. The institution must submit a copy of the contract to DHR. The contract must be completed to specifically provide that:

(1) any donated food received by the institution and made available to the food service management company is used only to benefit the institution's food service operation; and

(2) the food service management company's records about the institution's food service operation must be kept for three federal fiscal years from the close of the federal fiscal year to which they pertain. The company must make records available at any reasonable time and place for inspection and audit by representatives of DHR, USDA, and the General Accounting Office.

§11.3906. Assessed Fee. The department assesses a fee within the limits set by the legislature. The amount is determined by multiplying the fee by the daily participation of needy persons served in the institution's food service operation.

§11.3907. Denial or Termination.

(a) An applicant or recipient institution is entitled to notice of denial if:

(1) an applicant or recipient institution does not meet eligibility criteria;

(2) an applicant fails to provide the necessary information for determination of eligibility within a reasonable time;

(3) an applicant or recipient institution withdraws from the program; or

(4) the agreement between the applicant or recipient institution and DHR is terminated for any reason other than the normal expiration of the approved agreement period.

(b) If a contract is terminated because of paragraph (4) of subsection (a) of this section, notice of the right to appeal is provided according to the department's contract appeals rules.

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

Issued in Austin, Texas, on October 31, 1983.

TRD-838821

Marlin W Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
December 5, 1983

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

Chapter 29. Purchased Health Services

The Texas Department of Human Resources proposes an amendment to §29.1001, concerning general definitions for purchased health services, and new Subchapter N, §§29.1301-29.1303, concerning ambulatory surgical centers in its purchased health services rules.

The proposed amendment to §29.1001 is the addition of a definition for ambulatory surgical center. The proposed new rules include conditions for participation for ambulatory surgical centers, services provided and limitations, and reimbursement for services.

Under the new policies, the Texas Medical Assistance (Medicaid) Program will reimburse providers for certain surgical procedures performed in approved ambulatory surgical centers. Eligible Medicaid recipients, not requiring overnight inpatient hospital services, may receive surgical services approved by the Health Care Financing Administration.

Providing services in an ambulatory surgical center setting is expected to result in cost savings to the department. The department will save based on the elimination of room and board charges for covered surgical procedures performed in an inpatient hospital setting.

David Hawes, programs budget and statistics director, has determined that for the first five-year period the rules will be in effect there will be fiscal implications as a result of enforcing or administering the rules. Savings to the state are estimated to be \$650,980 in fiscal year 1984, \$716,078 in fiscal year 1985, \$822,211 in fiscal year 1986, \$904,432 in fiscal year

1987, and \$1,044,379 in fiscal year 1988. There are no fiscal implications for units of local government.

Mr. Hawes also has determined that for each year of the first five years the rules as proposed are in effect the public benefit will be the provision of surgical services in the most appropriate setting. There are no economic costs to individuals required to comply with the rules.

Written comments are invited and may be sent to Susan L. Johnson, Administrator, Policy Development Support Division-587, Texas Department of Human Resources 153-B, P. O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

Subchapter K. Definitions

40 TAC §29.1001

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which authorize the department to administer public and medical assistance programs.

§29.1001. General Definitions for Purchased Health Services. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

Ambulatory surgical center—A distinct health care entity that operates exclusively for the purpose of providing certain surgical services to patients not requiring overnight inpatient hospital services. The center must meet conditions for participation as specified in §29.1301 of this title (relating to Conditions for Participation) and other applicable state and federal requirements.

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

Issued in Austin, Texas, on October 31, 1983

TRD-838816 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
December 5, 1983

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

Subchapter N. Ambulatory Surgical Centers

40 TAC §§29.1301-29.1303

The new rules are proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which authorize the department to administer public and medical assistance programs.

§29.1301. Conditions for Participation. Subject to the specifications and limitations established by the department, an ambulatory surgical center must meet the follow-

ing conditions for participation in the Texas Medical Assistance Program

(1) The ambulatory surgical center must meet and comply with:

(A) applicable federal and state laws, regulations, rules, and licensure requirements for ambulatory surgical centers; and

(B) provisions of the state plan under Title XIX of the Social Security Act for Medical Assistance.

(2) The ambulatory surgical center must be approved:

(A) for and be participating as an ambulatory surgical center in Medicare (Title XVIII of the Social Security Act), and

(B) by and have a written agreement with the department to operate as an ambulatory surgical center.

§29.1302. Services and Limitations. Subject to the specifications, conditions, and limitations established by the department, ambulatory surgical center facility services are limited to

(1) surgical procedures approved by the Health Care Financing Administration and covered by Medicare, unless otherwise specified by the department;

(2) services furnished in connection with or directly related to surgical procedures approved by the Health Care Financing Administration and covered by Medicare, unless otherwise specified by the department.

§29.1303. Reimbursement. Subject to specifications, conditions, and limitations established by the department, payment for ambulatory surgical center services is made based on Medicare rules and prospectively determined rates, unless otherwise specified by the department. Payment for services provided in or by an ambulatory surgical center, other than ambulatory surgical center facility services, is made under other provisions of the state plan, as appropriate to the service and the provider performing the service.

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

Issued in Austin, Texas, on October 31, 1983.

TRD 838817 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

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

Chapter 71. Public Information Adoption Registry

40 TAC §§71.21-71.28

The Texas Department of Human Resources proposes new §§71.21-71.28, regarding adoption registries.

The 68th Texas Legislature passed House Bill 1174 which establishes requirements for adoption registries through which adoptees, birth parents, and biological siblings may voluntarily locate each other. This legislation amended the Human Resources Code by adding Chapter 49 under Title 2, Subtitle D. Any agency or entity authorized to place children for adoption may operate an adoption registry if they do so by January 1, 1984. The department will establish and maintain a central adoption registry and a central index. Through the central adoption registry, the department performs registry services for persons who are not registered with another registry. Through the central index, the department identifies the appropriate registry through which adoptees and birth parents may register. The Special Services Division in the department's state office is responsible for maintaining both the central adoption registry and the central index. Registrants will be charged a fee for inquiry and registry services and may be charged a fee for counseling services.

Robert Halfmann, Budget and Planning Division administrator, has determined that for the first five year period the rules will be in effect there will be fiscal implications as a result of enforcing or administering the rules. The cost to the state will be \$24,100 for fiscal year 1984, \$20,474 for fiscal year 1985, \$21,821 for fiscal year 1986, \$22,598 for fiscal year 1987, and \$23,406 for fiscal year 1988. There is no fiscal impact for units of local government.

Mr. Halfmann has also determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules will be the establishment of a central voluntary registry through which adoptees, birth parents, and biological siblings may locate each other and a central index through which the department can identify the appropriate registry where the applicant can register as provided in state law.

The anticipated economic cost to individuals who are required to comply with the rules as proposed is \$91,767 for fiscal year 1984, and \$137,650 for each fiscal year 1985-1988.

Comments may be sent to Susan L. Johnson, Administrator, Policy Development Support Division-575, P.O. Box 2960, Austin, Texas 78769.

The rules are proposed under the Human Resources Code, Title 2, Chapter 49, which requires the department to establish rules governing the adoption registry.

§71.21. Other Registries.

(a) An agency or entity authorized by the department to place children for adoption must comply with the provisions stipulated in the Human Resources Code, Title 2, Subtitle D, Chapter 49, regarding adoption registries.

(b) An authorized agency or entity that does not directly or by contract provide registry services by January 1, 1984, as required by Chapter 49, may not do so. These agencies must send to the department a report of all adop-

tions of minors placed by the agency before January 1, 1984. The report must be sent to the Special Services Division in the department's state office no later than April 1, 1984, on a form supplied by that division.

§71.22. Court Requirements.

(a) In complying with the Human Resources Code, Title 2, Subtitle D, §49.005, the clerk of the court in which an adoption is granted must send to the department a report on all adoptions granted on or after January 1, 1984. The clerk must send the report to the Special Services Division in the department's state office on a form supplied by that division. The form must be sent by the 10th day of the month after the month the adoption is granted.

(b) When the clerk of the court collects the \$15 fee as required by Texas Civil Statutes, Article 3927c, he must send the fee to the Texas Department of Human Resources, Fiscal Division, P.O. Box 730, Austin, Texas 78767.

§71.23. Inquiry through the Central Index. The department charges \$5.00 to persons who inquire with the central index to determine the appropriate registry. The person may send the inquiry and the \$5.00 inquiry fee to the Texas Department of Human Resources, P.O. Box 730, Austin, Texas 78767, or he may inquire in person with the Special Services Division in the department's state office.

§71.24. Registration in the Central Adoption Registry. To register with the central adoption registry, a person must:

- (1) complete a registration application form;
- (2) provide proof of his identity such as a copy of the birth certificate, a driver's license, the adoption decree, or a notarized statement signed by the registrant and one adoptive parent;
- (3) meet the eligibility requirements for registration as stipulated in the Human Resources Code, Title 2, Subtitle D, §49.006;
- (4) not be required to register with another registry;
- (5) pay a registration fee determined by the department. The fee is \$15 or a larger amount if specified by the General Appropriations Act. The fee may be waived if the person is unable to pay it; and
- (6) complete one hour of counseling with a social worker or a mental health professional. The counselor must provide the department with a certificate verifying that the counseling was completed.

§71.25. Notification of a Match and Requirements for Release. If the department is able to match a registrant with another registered relative, each registrant is notified in writing that a match exists and that the registrant may withdraw his registration within 30 days after being notified. The registrant must sign a written consent to disclosure before identifying information is released to him.

§71.26. Release. The department releases identifying information to registrants who have not withdrawn their registrations and who have consented to disclosure in writing.

§71.27. Release of Information without Registrant's Signed Consent. The department may release identifying information about a registrant without his signed consent if:

- (1) the registrant does not withdraw his registration within 30 days of being notified of the match;
- (2) the department:

(A) cannot determine within 45 days after sending the notification of a match to the registrant, that he received it; and

(B) does not have satisfactory proof of the registrant's death after contacting the vital statistics bureau in Texas and the state where the registrant last lived. The department waits 90 days after mailing the notification of a match to the registrant to receive this proof; or

(3) the registrant died, his registration was valid when he died, he specifically authorized the post-death disclosure on the registration application form or in a supplemental statement filed with the department, and the conditions in §71.28 of this title (relating to Release of Information about a Deceased Birth Parent) are met

§71.28. Release of Information about a Deceased Birth Parent. The department must not release identifying information about a deceased birth parent unless:

- (1) each surviving child is 21 years old or older;
- or
- (2) the child's surviving parent, guardian, managing conservator, or legal custodian consents to the disclosure in writing.

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

Issued in Austin, Texas, on October 31, 1983.

TRD-838820 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
December 5, 1983

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



Part III. Texas Commission on Alcoholism Chapter 153. DWI Education Program Standards and Procedures General Provisions

40 TAC §§153.1-153.5

The Texas Commission on Alcoholism proposes amendments to §§153.1-153.5, concerning the DWI Education Program standards and procedures. The proposed amendments are in response to Senate Bill 1, 68th Legislature, 1983, passed so the standards will be in conformance with the new statutory requirements. The proposed amendments to the standards will assist the certified educational programs designed to rehabilitate misdemeanor driving while intoxicated offenders in complying with the necessary statutory requirements imposed by Senate Bill 1 and will further clarify and define what is expected from these programs to assure quality education and uniformity in programming statewide.

Larry Goodwin, Fiscal and Administrative Services Division administrator, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rules.

Mr. Goodwin also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be continued high quality education and standardization in instruction provided to the DWI offender by the certified and approved DWI education programs. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Robby Duffield, Director, Statewide DWI Education Program, Texas Commission on Alcoholism, eighth floor, Sam Houston Building, 201 East 14th Street, Austin, Texas 78701.

The amendments are proposed under the Texas Code of Criminal Procedure, Article 42.13, §6c, as amended by the 68th Legislature, which provides the Texas Commission on Alcoholism with the authority to publish the rules and regulations for approved DWI education programs and the authority to coordinate and monitor the approved educational programs.

§153.1. Definitions. As used in this chapter, the following words shall have the definitions as follows:

Act—Texas Code of Criminal Procedure, Article 42.13, Misdemeanor Adult Probation and Supervision Law, §6c [Senate Bill 368, Acts of the 67th Legislature, 1981, Texas Code of Criminal Procedure, Article 42.13].

Class size—The number of participants in attendance at the first class session.

Class roster—Those participants officially enrolled and in attendance at the first class session.

Reporting period—each year of the certification period beginning with the date the certification was granted.

Committee—A standing committee comprised of one representative of each of the four approving agencies: the Texas Commission on Alcoholism (TCA), the Texas Department of Public Safety (DPS), the State Department of Highways and Public Transportation (SDHPT), the Texas Adult Probation Commission (TAPC), and the Texas Commission on Alcoholism's Statewide DWI Education Program director whose purpose is to provide input for actions and decisions promulgated by the **Texas Code of Criminal Procedure, Article 42.13, §6c**, (Senate Bill 368), and shall serve as resource for recommendations to the Commission on Alcoholism's governing board.

§153.2. Objective. The intent of the commission, in cooperation with DPS, SDHPT, and TAPC is to provide written rules, regulations, and standards reflecting minimum standards for the uniform operation of programs designed to rehabilitate persons who are placed on probation for misdemeanor driving while intoxicated or others who are required to attend such programs. These rules will establish the minimum acceptable level of quality for DWI education programs in Texas.

§153.3. Scope of Rules, Regulations, and Standards. Any agency, organization, or individual which operates a program designed to rehabilitate persons who are placed on probation for misdemeanor driving while intoxicated or others who are required to attend such programs may obtain program certification from the commission. The rules, regulations, and standards should be reasonably enforced and shall not be construed to enlarge, diminish, modify, or alter the jurisdiction, power, or authority of the commission.

§153.4. Program Certification. A certificate issued under this Act expires two years from the date of issuance. A program seeking certification must comply with the provisions of this Act and with the rules, regulations, and standards of the commission adopted under this Act. **Programs seeking initial certification must establish that a need which is not being met exists in the proposed county or counties to be served and must provide proof of support for the program from the appropriate adjudicating court(s) and probation department(s).** A certificate may be issued when the commission receives a completed prescribed application form. The certificate will become effective on the date of issuance. A program may be monitored by the commission or its designated representative prior to issuing program certification or during the two-year certification period. Certified programs will be listed as potential referral schools in the Statewide DWI Education Program directory. Noncertified programs are not eligible to receive referrals. Applications for certification are available from the commission's Statewide DWI Education Program Director, Texas Commission on Alcoholism, **1705 Guadalupe** [Eighth Floor, Sam Houston Building], Austin, Texas 78701.

§153.5. Certification Renewal. A certification issued under this Act expires two years from the date of issuance. The commission shall issue a recertification notice 30 days

prior to the expiration date of the certificate. A renewal certificate may be issued upon receiving a completed application form prescribed by the commission prior to the expiration date of the certificate. A program may be monitored by the commission or its designated representative prior to renewing the program's certification. Any application received after the renewal date shall be treated as a new application for certification and shall be submitted as a new application to the commission's Statewide DWI Education Program Director, Texas Commission on Alcoholism, **1705 Guadalupe** [Eighth Floor, Sam Houston Building], Austin, Texas 78701.

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

Issued in Austin, Texas, on October 26, 1983.

TRD-838667 Ross Newby
Executive Director
Texas Commission on
Alcoholism

Earliest possible date of adoption:
December 5, 1983

For further information, please call (512) 475-2577.

DWI Education Program Standards

40 TAC §§153.31-153.34, 153.36-153.38,
153.41

The Texas Commission on Alcoholism proposes amendments to §§153.31-153.34, 153.36-153.38, and 153.41, concerning the DWI Education Program standards and procedures. The proposed amendments are in response to Senate Bill 1, 68th Legislature, 1983, so the standards will be in conformance with the new statutory requirements. The proposed amendments to the standards will assist the certified educational programs designed to rehabilitate misdemeanor driving while intoxicated offenders in complying with the necessary statutory requirements imposed by Senate Bill 1, and will further clarify and define what is expected from these programs to assure quality education and uniformity in programming statewide.

Larry Goodwin, Fiscal and Administrative Services Division administrator, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rules.

Mr. Goodwin also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be continued high quality education and standardization in instruction provided to the DWI offender by the certified and approved DWI education programs. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Robby Duffield, Director, Statewide DWI Education Program, Texas Commission on Alcoholism, Eighth Floor, Sam Houston Office Building, 201 East 14th Street, Austin, Texas 78701.

The amendments are proposed under the Texas Code of Criminal Procedure, Article 42.13, §6c, as amended by the 68th Legislature, 1983, which provides the Texas Commission on Alcoholism with the authority to publish the rules and regulations for approved DWI education programs and the authority to coordinate and monitor the approved educational programs.

§153.31. Program Purpose. The purpose of the DWI Education Program shall be to **present information on the effects of alcohol on driver skills; to help participants identify their own individual drinking and driving pattern; and to assist participants in developing a plan to reduce the probability that they will be involved in future DWI behavior** [reduce the incidence of alcohol-related traffic accidents and fatalities and to reduce the DWI recidivism rate].

§153.2. Program Course Content. The DWI Education Program course shall consist of the content contained in the state-approved curriculum entitled *Traffic Safety Education Program for Alcohol-Related Traffic Offenders* as adopted by reference by the Texas Commission on Alcoholism or an equivalent curriculum approved by the commission, the Texas Department of Public Safety, the Traffic Safety Section of the State Department of Highways and Public Transportation, and the Texas Adult Probation Commission [as described in the "Guidelines for DWI Education Programs"]. The state-approved curriculum is available for review, free of charge, at the Texas Commission on Alcoholism offices, **1705 Guadalupe** [Eighth Floor, Sam Houston Building], Austin, Texas 78701, and at the Texas Register Division of the Secretary of State, located on the fifth floor, Sam Houston Building, Austin, Texas 78701 [or may be purchased from the commission for \$10. To defray duplicating and mailing costs, please remit \$10 by check or money order, payable to the Texas Commission on Alcoholism for each copy of the document. The "Guidelines for DWI Education Programs" are available from the TCA free of charge].

§153.33. Program Admission.

(a) Persons are eligible for admission in the program if:

(1) they are placed on probation for an offense under Texas Civil Statutes, Article 6701, §1-1, 1925, as amended; and **are required as a condition of that probation to attend and successfully complete an approved DWI Education Program; and**

(2) **they are required under the Texas Family Code, §54.042, as amended, to attend and successfully complete an approved DWI Education Program as authorized under the Texas Code of Criminal Procedure, Article 42.13, §6c** [they are placed on probation and as a condition of that probation, are court-ordered to attend and successfully complete an approved educational program designed to rehabilitate persons placed on probation for misdemeanor driving while intoxicated.

(b) (No change.)

§153.34. Nonadmission. Persons who have successfully completed an approved DWI Educational Program or who are currently under an order to attend an educational program shall not be eligible for attendance upon a subsequent offense. [No persons, upon a subsequent offense, shall be eligible for admission if they have successfully completed an approved educational program or who are currently under an order to attend an educational program.]

§153.36. Program Operation Requirements.

(a) All certified programs designed to rehabilitate persons who have been placed on probation for driving while intoxicated under the provisions of this Act shall:

(1) (No change.)

(2) provide a minimum of eight hours of instruction per course. **Instruction shall not exceed four hours in any one day.**

(3) insure that program instructors **have attended and successfully completed** the Administrator/Instructor Training Program for the Education of Alcohol-Related Traffic Offenders offered by Sam Houston State University [(or other approved training institutions)].

(4) utilize recommended **films and transparencies** [audio-visual aids] in instruction

(5) (No change.)

(6) administer and evaluate pre- and post-test instruments. **Other instruments may be used as supplements** [; and make modifications where necessary].

(7) administer, evaluate, and formulate prognosis using recommended screening instruments [if test instruments are not administered on a pre-class basis]. **Additional instruments may be used as supplements. The screening instrument(s) shall be administered before or during the first class session.** The purpose of the testing is to make referrals to appropriate resources where indicated

(8) maintain a referral program for treatment of those **participants which screening instrument(s) indicate may have an alcohol abuse or addiction problem** [identified by the screening instrument as addicted to or abusing alcohol].

(9)-(10) (No change.)

(11) maintain attendance records. Each **participant shall** [student should] be required to attend all classes in their proper order.

(12) insure that notice of completion of the program [,] **for all participants** [by all clients,] is given to the (adult)probation department for forwarding same to the **convicting court** [county or district] clerk for reporting to the Texas Department of Public Safety.

§153.37. Program Administration.

(a) Upon assignment to the DWI Education Program by the court, the **convicting court** [county or district] clerk shall immediately report same to the Texas Department of Public Safety.

(b) (No change.)

(c) All probationers **ordered** [assigned] to attend the DWI Education Program shall [begin and] complete their classes **before the 181st day after the day probation is granted** [within 180 days of their assignment].

(d) **Class size shall not exceed 35 participants per class.** [The DWI Education Program shall be held at least quarterly, or when a minimum of at least twelve (12) probationers have been assigned by the court.]

(e) (No change.)

§153.38. **Program Staff.** Program staff should be selected using the following criteria:

(1) Instructors:

(A) Instructors should have professional experience and training in such fields as education, criminal justice, counseling, psychology, or social work. The instructor should be knowledgeable in the areas of traffic safety, alcohol abuse, and addiction and have **successfully** completed the Administrator/Instructor Training Program for the Education of Alcohol-Related Traffic Offenders offered by Sam Houston State University [(or other approved training institutions)].

(B)-(D) (No change)

(E) Prior to the initial certification **and recertification** of the program by the commission, each program shall have at least one trained instructor who has **successfully completed** [attended] the Administrator/Instructor Training Program for the Education of Alcohol-Related Traffic Offenders offered by Sam Houston State University [(or other approved training institutions)].

(F) **Instructor certification shall be for a period of two years beginning January 1, 1984.**

(G) **Instructors shall be required to teach a minimum of three courses (24 hours) during each year of the instructor's certification period in order to retain certification.**

(2) Administrators:

(A)-(C) (No change)

(D) The administrator **shall successfully complete** [is encouraged to attend] the Administrator/Instructor Training Program for the Education of Alcohol-Related Traffic Offenders offered by Sam Houston State University [(or other approved training institutions)].

§153.41. **Record Keeping and Reporting.**

(a) Data collection.

(1) The program administrator is responsible for collecting the following data on each class participant for use by the program in developing class profiles:

(A)-(K) (No change.)

(L) Date of **enrollment in** [assignment to] class,

(M)-(R) (No change.)

(2) (No change.)

(b) The following items, which shall be held confidential by the commission and shall only be used for statistical purposes, shall be reported to the commission annually:

(1) (No change.)

(2) total number of participants **entering** [assigned to] course;

(3) (No change.)

(4) **total number of courses held annually;** [total number of probationers excused from attendance in course for good cause, if available; and]

(5) **average percent of knowledge increase from pre-test to post-test for all courses conducted during the**

reporting period; [total number of courses held annually.]

(6) **percent of total participants indicating problem drinking;**

(7) **percent of total participants referred to treatment/rehabilitation resources; and**

(8) **names of all certified instructors employed by the program and number of courses each conducted during each year of the instructor's certification.**

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

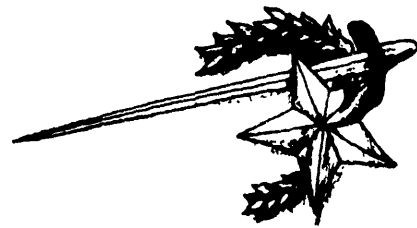
Issued in Austin, Texas, on October 26, 1983.

TRD-838668

Ross Newby
Executive Director
Texas Commission on
Alcoholism

Earliest possible date of adoption:
December 5, 1983

For further information, please call (512) 475-2577.



Part IX. Texas Department on Aging

Chapter 257. Hearing Procedures

Appeal Procedures for Service Providers and Applicants

40 TAC §257.77

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Department on Aging, fifth floor, 210 Barton Springs Road, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Department on Aging proposes the repeal of §257.77, concerning rehearing of a final decision on an appeal. The department proposes the repeal of this rule because the parties have exhausted their administrative remedies and are entitled to take their dispute to state district court. Thus, it is not necessary to have a rehearing at the department level. Further, the present rule refers to §257.81 as governing the rehearing of a final decision. This rule was never formally adopted.

Craig F. Sandling, legal services developer, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government as a result of the repeal.

Mr. Sandling also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal will be elimination of an unnecessary rehearing at the department level and elimination of confusion created by reference to a rule that does not exist. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Craig F. Sandling, P.O. Box 12786, Austin, Texas 78711.

The repeal is proposed under the Texas Human Resources Code, §101.021, which provides the Texas

Department on Aging with the authority to adopt rules governing the functions of the department.

§257.77 *Rehearing.*

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

Issued in Austin, Texas, on October 28, 1983.

TRD-838789

Tim Shank
General Counsel
Texas Department on Aging

Earliest possible date of adoption:
December 5, 1983

For further information, please call (512) 475-2717.

Withdrawn Rules

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

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

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

TITLE 16. ECONOMIC REGULATION Part I. Railroad Commission of Texas

Chapter 5. Transportation Division Subchapter M. Motor Bus Companies

16 TAC §5.233

The Railroad Commission of Texas has withdrawn from consideration for permanent adoption proposed amendments to §5.233, concerning motor bus companies. The text of the amended sections as proposed appeared in the August 5, 1983, issue of the *Texas Register* (8 TexReg 2969)

Issued in Austin, Texas, on October 26, 1983

TRD-838741 Walter Earl Lile
Special Counsel
Railroad Commission of Texas

Filed: October 28, 1983
For further information, please call (512) 445-1100.

Chapter 7. Gas Utilities Division Substantive Rules

051.04.03.028

The Railroad Commission of Texas has withdrawn from consideration for permanent adoption proposed amendments to Rule 051.04.03.028, concerning substantive rules. The text of the amended rule as proposed appeared in the July 26, 1977, issue of the *Texas Register* (2 TexReg 2834).

Issued in Austin, Texas, on October 27, 1983.

TRD 838743 Walter Earl Lile
Special Counsel
Railroad Commission of Texas

Filed: October 28, 1983
For further information, please call (512) 445-1186.

051.04.03.030

The Railroad Commission of Texas has withdrawn from consideration for permanent adoption proposed amendments to Rule 051.04.03.030, concerning substantive rules. The text of the amended rule as proposed appeared in the November 15, 1977, issue of the *Texas Register* (2 TexReg 4408)

Issued in Austin, Texas, on October 27, 1983

TRD 838744 Walter Earl Lile
Special Counsel
Railroad Commission of Texas

Filed October 28, 1983
For further information, please call (512) 445-1186.

051.04.03.031

The Railroad Commission of Texas has withdrawn from consideration for permanent adoption proposed new Rule 051.04.03.031, concerning substantive rules. The text of the new rule as proposed appeared in the November 1, 1977, issue of the *Texas Register* (2 TexReg 4174)

Issued in Austin, Texas, on October 27, 1983

TRD-838745 Walter Earl Lile
Special Counsel
Railroad Commission of Texas

Filed October 28, 1983
For further information, please call (512) 445-1186.

051.04.03.032

The Railroad Commission of Texas has withdrawn from consideration for permanent adoption proposed new Rule 051.04.03.032, concerning substantive rules. The text of the new rule as proposed appeared

in the December 13, 1977, issue of the *Texas Register* (2 TexReg 4784).

Issued in Austin, Texas, on October 27, 1983
TRD 838746 Walter Earl Lillie
 Special Counsel
 Railroad Commission of Texas

Filed: October 28, 1983
For further information, please call (512) 445-1186.

in the January 13, 1978, issue of the *Texas Register* (3 TexReg 161).

Issued in Austin, Texas, on October 27, 1983.
TRD-838748 Walter Earl Lillie
 Special Counsel
 Railroad Commission of Texas

Filed: October 28, 1983
For further information, please call (512) 445-1186.

051.04.03.033

The Railroad Commission of Texas has withdrawn from consideration for permanent adoption proposed new Rule 051 04 03 033, concerning standards of conduct. The text of the new rule as proposed appeared in the November 15, 1977, issue of the *Texas Register* (2 TexReg 4409).

Issued in Austin, Texas, on October 27, 1983
TRD 838747 Walter Earl Lillie
 Special Counsel
 Railroad Commission of Texas

Filed October 28, 1983
For further information, please call (512) 445-1186.

051.04.03.035

The Railroad Commission of Texas has withdrawn from consideration for permanent adoption proposed new Rule 051 04 03 035, concerning substantive rules. The text of the new rule as proposed appeared

**TITLE 34. PUBLIC FINANCE
Part I. Comptroller of Public
Accounts
Chapter 3. Tax Administration
Subchapter V. Bingo Regulation Division
34 TAC §3.543**

The Comptroller of Public Accounts has withdrawn from consideration for permanent adoption proposed new §3 543, concerning tax administration. The text of the new section as proposed appeared in the May 6, 1983, issue of the *Texas Register* (8 TexReg 1485).

Issued in Austin, Texas, on October 26, 1983
TRD 838656 Mark Weiss
 Director of Hearings
 Comptroller of Public Accounts

Filed October 26, 1983
For further information, please call (512) 475-7000.

Adopted Rules

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

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

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

TITLE 16. ECONOMIC REGULATION Part II. Public Utility Commission of Texas Chapter 21. Practice and Procedure

The following adoptions submitted by the Public Utility Commission of Texas will be serialized in the November 8, 1983, issue of the *Texas Register*. The effective date for the documents is November 21, 1983.

§§21.1-21.67
(repeal)

Definitions and General Requirements
§§21.1-21.7
(new)

Docketing and Notice
§§21.21-21.27
(new)

Participants
§§21.41-21.45
(new)

Pleadings
§§21.61-21.69
(new)

Prehearing Proceedings
§§21.81-21.85
(new)

Hearings
§§21.101-21.109
(new)

Evidence
§§21.121-21.128
(new)

Examiner's Report and Proposal for Decision
§§21.141-21.143
(new)

Orders
§§21.151-21.154
(new)

Ancillary Proceedings and Proceedings Beyond the
Order
§§21.161-21.163
(new)

Organization of the Commission
§21.171, §21.172
(new)

Miscellaneous
§21.181
(new)

TITLE 19. EDUCATION Part II. Texas Education Agency Chapter 41. State Commissioner of Education Subchapter D. Adoptions by Reference

19 TAC §41.61

The Texas Education Agency adopts amendments to §41.61, without changes to the proposed text published in the September 27, 1983, issue of the *Texas Register* (8 TexReg 3844).

This section describes the rules for data submission to the Texas Education Agency.

Reporting requirements and forms used to collect various data are described in Bulletin 742. School districts will use this bulletin to determine the agency's data requirements and the schedule for submission of reports and forms to the Texas Education Agency. Reports for proprietary schools and veterans education have been added to the bulletin. Individual items have been eliminated from various forms throughout the bulletin.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the authority of the Texas Education Code, §11.52(d), which provides the commissioner of education with the authority to prescribe uniform systems of forms, reports, and records necessary to secure needed information from county school officers and local school districts.

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

Issued in Austin, Texas, on October 28, 1983.

TRD-838814 Raymon L. Bynum
Commissioner of Education

Effective date: November 21, 1983
Proposal publication date: September 27, 1983
For further information, please call (512) 475-7077.

Chapter 81. Instructional Resources Subchapter D. State Textbook Program General Provisions

19 TAC §§81.65, 81.66, 81.69

The Texas Education Agency adopts the repeal of §§81.65, 81.66, and 81.69, without changes to the proposed text published in the April 29, 1983, issue of the *Texas Register* (8 TexReg 1378).

These rules have been repealed because the text has been amended and moved to another part of the subchapter.

The provisions of repealed §81.65 are now found in §81.101, concerning the balanced adoption cycle for textbooks. The provisions of repealed §81.66 are now found in §81.72, concerning manufacturing standards and specifications. The provisions of repealed §81.69 are now found in §81.118, concerning consumable textbooks, learning systems, and supplementary instructional materials offered for purchase by the state.

No comments were received regarding adoption of the repeal.

This repeal is adopted under the authority of the Texas Education Code, §12.34(k), which directs the State

Board of Education to establish a balanced adoption cycle for textbook adoptions; the Texas Education Code, §12.24(a) and (b), which authorizes the board to adopt rules to provide for a full, complete investigation of all books and accompanying bids and to consider quality, mechanical construction, paper, and print in making their determination of which books to adopt; and the Texas Education Code, §12.01(c), which includes books, systems, and supplementary instructional materials among those items which are to be adopted by the board.

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

Issued in Austin, Texas, on October 21, 1983.

TRD-838610 Raymon L. Bynum
Commissioner of Education

Effective date: November 14, 1983
Proposal publication date: April 29, 1983
For further information, please call (512) 475-7077.

Process for State Adoption of Textbooks

19 TAC §§81.101, 81.106, 81.107, 81.115, 81.117

The Texas Education Agency adopts the repeal of §§81.101, 81.106, 81.107, 81.115, and 81.117, without changes to the proposed text published in the April 29, 1983, issue of the *Texas Register* (8 TexReg 1380).

These rules have been repealed because the text has been amended and moved to another part of the subchapter.

The provisions of repealed §81.101 are now found in newly adopted §81.101, concerning the balanced adoption cycle for textbooks. The provisions of repealed §81.106 are now found in §81.110, concerning duties of the State Textbook Committee. The provisions of repealed §81.107 are now found in §81.102, concerning the proclamation, public notice, and schedule for the adoption of textbooks. The provisions of repealed §81.115 are now found in §81.125, concerning hearings before the commissioner of education and the State Textbook Committee. The provisions of repealed §81.117 are now found in §81.129, concerning the consideration and adoption of textbooks by the State Board of Education.

No comments were received regarding adoption of the repeal.

These repeals are adopted under the authority of the Texas Education Code, §12.34(k), which directs the State Board of Education to establish a balanced adoption cycle for textbook adoptions; the Texas Education Code, §12.24(a), as amended by Senate Bill 27, 68th Legislature, 1983, which directs the State Board of Education to adopt rules to provide for a full and

complete investigation of all books and accompanying bids and for an opportunity for members of the public to comment in regard to textbook content or in support of or against any textbook presented; and the Texas Education Code, § 12.01, which directs the State Board of Education to adopt textbooks for use in the public schools of Texas.

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

Issued in Austin, Texas, on October 21, 1983.

TRD-838611 Raymon L. Bynum
 Commissioner of Education

Effective date: November 14, 1983
Proposal publication date: April 29, 1983
For further information, please call (512) 475-7077.

State Textbook Committee

19 TAC §§81.131, 81.133, 81.134, 81.137

The Texas Education Agency adopts the repeal of §§81.131, 81.133, 81.134, and 81.137, without changes to the proposal published in the April 29, 1983, issue of the *Texas Register* (8 TexReg 1390).

These rules have been repealed because the text has been amended and moved to another part of the subchapter.

These sections concerned the State Textbook Committee. Section 81.131 was a general requirement that the State Textbook Committee be appointed and function in accordance with law. The appointment procedure for the committee is set out in new §81.107. The functions are set out in §81.110, concerning duties. Section 81.133 concerned the term of office for the State Textbook Committee. By law, committee members serve for a one-year term. No rule addressing terms for the committee is required. Section 81.134 concerned qualifications of textbook committee members. Basic qualifications for State Textbook Committee members are set by statute. Rules to implement and interpret relevant statutes are now included in §81.107, concerning the appointment and qualifications of the State Textbook Committee. The provisions of repealed §81.137 are now found in §81.111, concerning meetings, compensatory per diem, and expenses for State Textbook Committee members.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the authority of the Texas Education Code, § 12.11, as amended by Senate Bill 27, 68th Legislature, 1983, which establishes the State Textbook Committee, establishes qualifications for committee members, and directs the State Board of Education to make rules concerning compensatory per diem and expenses for committee members; and the Texas Education Code, § 12.24(a), also as

amended by Senate Bill 27, which directs the State Board of Education to adopt rules to provide for a full and complete investigation of all books and accompanying bids, since the work of the State Textbook Committee forms an important part of this full and complete investigation.

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

Issued in Austin, Texas, on October 21, 1983.

TRD-838612 Raymon L. Bynum
 Commissioner of Education

Effective date: November 14, 1983
Proposal publication date: April 29, 1983
For further information, please call (512) 475-7077.

Bid Requirements

19 TAC §81.162

The Texas Education Agency adopts the repeal of §81.162, without changes to the proposal published in the April 29, 1983, issue of the *Texas Register* (8 TexReg 1396). The text of this rule has been amended and moved to another part of this subchapter.

The provisions of repealed §81.162 are now found in §81.120, concerning samples. Section 81.120 concerns the submission of sample copies of books bid for adoption and includes requirements for sample copies.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the authority of the Texas Education Code, § 12.24(a), as amended by Senate Bill 27, 68th Legislature, 1983, which directs the State Board of Education to adopt rules to provide for a full and complete investigation of all books and accompanying bids; and the Texas Education Code, § 12.18(a) and (b), which requires the filing of sample copies of textbooks bid for adoption.

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

Issued in Austin, Texas, on October 27, 1983.

TRD-838716 Raymon L. Bynum
 Commissioner of Education

Effective date: November 17, 1983
Proposal publication date: April 28, 1983
For further information, please call (512) 475-7077.

Special Textbooks

19 TAC §§81.172, §81.173

The Texas Education Agency adopts the repeal of §81.172 and §81.173, without changes to the pro-

posal published in the April 29, 1983, issue of the *Texas Register* (8 TexReg 1398).

These rules have been repealed because the text has been amended and moved to another part of the subchapter. Section 81.172 required the State Textbook Committee to determine the suitability and usability of braille and large type versions of all textbooks as part of the committee's report. This was required by the Texas Education Code, §12.03(d), which has been amended to delete the requirement.

Section 81.173 repeated statutory language concerning the acquisition of textbooks for blind and visually handicapped pupils. Rules implementing revised statutes concerning such textbooks and materials are found in §81.171.

No comments were received regarding adoption of the repeal.

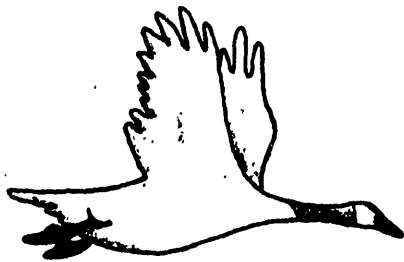
The repeal is adopted under the authority of the Texas Education Code, §12.03(a), as amended by Senate Bill 27, 68th Legislature, 1983, which authorizes the State Board of Education to acquire, purchase, and contract for free textbooks for blind and visually handicapped public school students in accordance with the Texas Education Code, Chapter 12, Subchapter B, and rules promulgated by the State Board of Education.

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

Issued in Austin, Texas, on October 21, 1983.

TRD-838613 Raymon L. Bynum
Commissioner of Education

Effective date, November 14, 1983
Proposal publication date, April 29, 1983
For further information, please call (512) 475-7077.



TITLE 22. EXAMINING BOARDS

Part I. Texas Board of Architectural Examiners

Chapter 3. Landscape Architects

Subchapter E. Fees

22 TAC §3.82, §3.83

The Texas Board of Architectural Examiners adopts amendments to §3.82 and §3.83, without changes to the proposed text published in the August 26, 1983, issue of the *Texas Register* (8 TexReg 3313).

The rule is adopted to comply with legislation passed in the 68th session that provided for a fee to cover the cost of examination to the candidate. The fee will permit the board to charge a candidate for the cost of the examination to the board so that it will be possible for this board to continue to protect the health, safety, and welfare of the public through a uniform exam process.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 249c, Chapter 457, §5(a), which provide the Texas Board of Architectural Examiners with the authority to adopt rules and prescribe forms necessary to administer the Act.

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

Issued in Austin, Texas, on October 26, 1983

TRD 838781 Philip D. Creer, FAIA
Executive Director
Texas Board of Architectural Examiners

Effective date, November 18, 1983
Proposal publication date, August 26, 1983
For further information, please call (512) 458-4126.

22 TAC §3.88

The Texas Board of Architectural Examiners adopts new §3.88, without changes to the proposed text published in the August 26, 1983, issue of the *Texas Register* (8 TexReg 3313).

The new rule provides for a fee for the cost of administrative procedures for reinstatement of registration lapsed without examination process. The new rule will provide those concerned with reinstatement requirement fee clarification.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 249c, §7, which provide the Texas Board of Architectural Examiners with the authority to adopt rules and prescribe forms necessary to administer the Act.

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

Issued in Austin, Texas, on October 26, 1983.

TRD-838782 Philip D. Creer, FAIA
Executive Director
Texas Board of Architectural Examiners

Effective date, November 18, 1983
Proposal publication date, August 26, 1983
For further information, please call (512) 458-4126.

Subchapter G. Hearings and Appeals

22 TAC §§3.121-3.123

The Texas Board of Architectural Examiners adopts the repeal of §§3.121-3.123, without changes to the proposal published in the August 26, 1983, issue of the *Texas Register* (8 TexReg 3314).

The repeal is adopted to comply with Senate Bill 436, 68th Legislature, 1983. Material contained in the old sections is covered in Texas Civil Statutes, Article 249c, §8.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 249c, §9, which provide the Texas Board of Architectural Examiners with the authority to adopt rules and prescribe forms necessary to administer the Act.

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

Issued in Austin, Texas, on October 26, 1983

TRD-838783 Philip D Creer FAIA
Executive Director
Texas Board of Architectural
Examiners

Effective date November 18, 1983
Proposal publication date August 26, 1983
For further information, please call (512) 458 4126.

Subchapter G. Violations of Unregistered Persons

22 TAC §§3.121-3.125

The Texas Board of Architectural Examiners adopts new §3.122, with changes to the proposed text published in the August 26, 1983, issue of the *Texas Register* (8 TexReg 3314). Sections 3.121 and 3.123-3.125 are adopted without changes and will not be republished.

The new rules are adopted to comply with Senate Bill 436, 68th Legislature, 1983. The new rules will serve as reference for persons not registered concerning violations of the Act.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 249c, §9(a) and (b), which provide the Texas Board of Architectural Examiners with the authority to adopt rules and prescribe forms necessary to administer the Act.

§3.122. Complaints; Alleged Violations. Complaints alleging violations of law or lawful rules and regulations, the enforcement of which is a responsibility of this board, should be addressed to the board office, substantiated

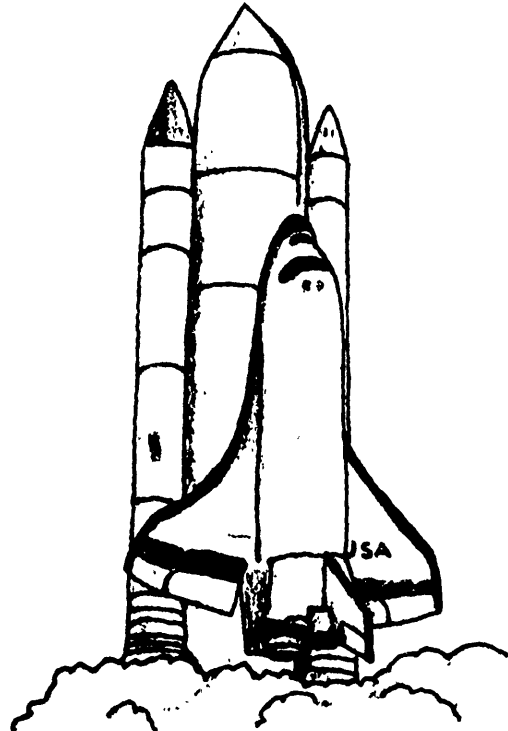
by evidence, signed by the complainant, and, where appropriate, acknowledged by a notary public.

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

Issued in Austin, Texas, on October 26, 1983

TRD-838784 Philip D Creer, FAIA
Executive Director
Texas Board of Architectural
Examiners

Effective date November 18, 1983
Proposal publication date August 26, 1983
For further information, please call (512) 458-4126.



TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 65. Wildlife

Subchapter Q. Furbearers

31 TAC §§65.371, 65.372, 65.376, 65.378- 65.380, 65.382

The Texas Parks and Wildlife Commission, in a regularly scheduled public hearing held October 13, 1983, adopted amendments to §§65.371, 65.372, 65.376, 65.378-65.380, and 65.382, concerning furbearers. Sections 65.376, 65.378, and 65.379 are adopted with changes to the proposed text published in the September 6, 1983, issue of the *Texas Register* (8 TexReg 3488). A change to §65.376(b) clarified that depredating or nuisance furbearers could be taken

legally by any means. Section 65.376(h) was added in the public hearing in response to public comment that an explicit exemption was needed to adequately conduct statutorily mandated animal control activities without confusion regarding means, methods, and possession limitations that possibly could apply. Consideration of the proposed amendment to §65.378(c) was deferred based on written public comment that indicated needs for additional study of minimum specifications for propagation facilities. The time interval proposed in §65.379(b)(8) was changed from 24 to 36 hours. Sections 65.371, 65.372, 65.380, and 65.382 are adopted without changes and will not be republished in this issue.

Needs to eliminate potential waste of furbearer resources, to facilitate approved public use requests, and to address public health considerations required that the commission adopt regulation changes.

The amendments add clarifying definitions, specify limitations and reporting requirements for the take of furbearing animals with respect to depredation control and public safety, establish take and possession limits outside the open fur season, clarify references to certain traps and use limitations, provide for use of live furbearing animals in approved instructional and demonstration programs, establish a 36-hour time limit for examining traps and snares, and allow trappers and retail fur buyers greater freedom to possess and market dried furs. The amendments provide for public use interests consistent with controls necessary to conserve furbearing animal populations and provide for public safety.

Comments by the public were presented to the Parks and Wildlife Commission as a narrative summary of letters, telephone calls, and office visits. No comments were received in response to publication of the rules in the *Texas Register*. Fifty-one public comments were received, including 36 letters, nine telephone calls, and six personal contacts. Comments primarily concerned removal of a special law prohibiting trapping in Shelby County (26), disfavor with the proposed 24-hour trap visitation requirement (12), effects of regulations on legitimate animal control activities (eight), and adverse effects of minimum propagation facility requirements on normal fur farm needs (two). Other individuals expressed favor with the provision for possession of live furbearers for instructional purposes, suggested possible confusion in possession of furbearer carcasses under §65.378, and favored the proposed 24-hour trap visitation requirement. Specific comments are available for public inspection at the department's Headquarters Complex, 4200 Smith School Road, Austin, Texas 78744.

In the public hearing, there were no persons speaking directly for or against the amendments. However, Donald Hawthorne of the U.S. Fish and Wildlife Service and Milton Caroline of the Texas Animal Damage Control Association expressed concern for restrictions that various regulations placed on statutorily mandated activities of the Texas Animal Damage Control Program. Mr. Hawthorne offered suggested wording

for an exemption that would alleviate such problems, and the commission subsequently added that wording as §65.376(h) in the adopted amendments.

The Parks and Wildlife Commission disagrees with other comments received because they concerned items that could not be addressed in the regulation or were judged not to be consistent with recognized wildlife management principles. The commission must act to deal effectively with changing conditions to prevent depletion or waste of furbearing animals and to ensure public safety.

The amendments are adopted under the Texas Parks and Wildlife Code, Chapter 71, which authorizes the Parks and Wildlife Commission to regulate the taking, possession, propagation, transportation, exportation, importation, sale, and offering for sale of furbearing animals, pelts, and carcasses as necessary to manage the species or protect health or property.

§65.376. *General Rules.*

(a) (No change.)

(b) This subchapter shall not prohibit a landowner or his agent from taking by any means a furbearing animal causing depredation or nuisance on that person's land or prohibit a person from transporting a suspected diseased furbearing animal to a public health facility.

(c) Except for nutria, furbearing animals or pelts, taken under subsection (a) or (b) of this section may not be retained or possessed by any one at any time except during the open season and possession periods as provided by this subchapter provided that depredating and nuisance live furbearing animals taken under subsection (b) of this section may be possessed only during transport for release under provisions of §65.382(c) of this title (relating to Importation and Release of Furbearing Animals or Their Pelts).

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

(f) Each furbearing animal or pelt taken or possessed in violation of this subchapter shall constitute a separate offense.

(g) This subchapter shall not prohibit personnel of the Texas Department of Health or local public health agencies from taking and possessing for analysis and disposal any furbearing animal posing a potential or known health hazard. All animals handled pursuant to this subsection shall be accounted for in a report from the Department of Health by January 30 following the year of handling. The report shall include the number of individuals handled of each species, month and county of take, and category of clinical processing or diagnosis. More inclusive Department of Health reports may be substituted in the event they duplicate the information required by this subsection.

(h) This subchapter shall not apply to the Texas Animal Damage Control Program (U.S. Fish and Wildlife Service—Texas Rodent and Predatory Animal Control Service—Texas Animal Damage Control Association) in the fulfillment of their responsibility as mandated by state laws. All animals handled pursuant to this subsection shall be accounted for in a report from the U.S. Fish and Wildlife Service by January 30 following the year of handling. The report shall include the number of individual animals handled by species and county of take. More

inclusive reports may be substituted in the event they duplicate the information required by this subsection.

§65.378. Possession of Furbearing Animals or Their Pelts.

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

(c) No person other than the holder of a furbearing animal propagation license may possess a live furbearing animal at any time except as provided in this subchapter.

(d) The possession of more than one undried (green) pelt of a furbearing animal after the time specified by subsection (e) of this section by a licensed trapper, retail fur buyer, or furbearing animal propagator is a violation of this subchapter.

(e) The times are as follows:

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

(4) For all furbearing animals, one animal may be taken per day and one carcass may be possessed outside of the open seasons specified in §65.377(e) of this title (relating to Open Seasons), except that no pelt or carcass of these species may be possessed under this paragraph during the 30 days preceding and the 30 days following the specified open seasons. Furbearing animals, pelts, and carcasses possessed under this paragraph may not be sold.

(f) Nothing in this subchapter shall prohibit a taxidermist from possessing for taxidermy purposes, a furbearing animal or the pelt of a furbearing animal lawfully taken or possessed under this subchapter provided the animal or pelt is labeled with the name and address of the owner of the animal or pelt.

(g) Live furbearing animals may be taken and possessed for three days or less by persons representing recognized furbearer associations or related service organizations for approved instructional or demonstration purposes in conjunction with scheduled meetings of the organizations provided prior written authorization for such take and possession has been issued by the department at its discretion based on the activities proposed. Furbearing animals thus possessed shall be released to the wild as directed by the department.

§65.379. Means and Methods.

(a) Only the following means and methods are legal for taking furbearing animals:

(1) (No change.)

(2) steel leghold and conibear style traps;

(3)-(9) (No change.)

(b) Exceptions—No person may:

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

(5) take furbearing animals with steel leghold or conibear style traps, except during the open season provided by §65.377 of this title (relating to Open Seasons);

(6) take furbearing animals with steel leghold or conibear style traps within 400 yards of any school or conibear style traps with a diagonal opening dimension greater than 10 inches set on land or in less than six-inch deep water;

(7) use smoke, explosives, or chemicals of any kind to kill or flush furbearing animals in the wild; and

(8) take furbearing animals with snares, steel leghold traps, conibear style traps, live or box traps unless

such devices are examined and captured animals are removed every 36 hours.

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

Issued in Austin, Texas, on October 24 1983

TRD-838598

Maurine Ray
Administrative Assistant
Texas Parks and Wildlife
Department

Effective date, November 14, 1983

Proposal publication date September 6, 1983

For further information, please call (512) 479-4974
or (800) 792 1112

TITLE 34. PUBLIC FINANCE Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration Subchapter A. General Rulings

34 TAC §3.1

The Comptroller of Public Accounts adopts amendments to §3.1, concerning request for extension of time in which to file report, with changes to the proposed text published in the June 3, 1983, issue of the *Texas Register* (8 TexReg 1853). The amendments change the requirement that requests for extensions be received by the comptroller by the due date of the tax to a requirement that the request be postmarked by the due date. This change is adopted because the delivery date is subject to a wide variation depending on the method of sending the request and possible delays caused by the post office or delivery service that would be outside the control of the sender. The postmark date is considered a more reliable indicator of timeliness. The change from the proposed version was to reword a sentence for emphasis. No substantive change was made.

No comments were received regarding adoption of the amendments.

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

§3.1. Request for Extension in Time of Which to File Report.

(a) Extensions for reasons other than natural disaster.

(1) The comptroller may grant an extension of time of not more than 45 days for the filing of a tax report or return. Before a request for extension may be granted, a written request setting out the reasons or grounds for extension and 90% of the tax estimated to be due must

be received by the comptroller postmarked on or before the due date of the tax report or return. The granting of a request and the period of extension are within the discretion of the comptroller. If the request is denied, there will be no penalty or interest assessed if the return is filed and remaining tax is paid no later than 10 days from the date of the denial of extension.

(2) Requests postmarked after the due date will not be granted.

(3) This subsection does not apply to Texas Taxation—General Chapter 14, or the Texas Tax Code, Chapter 211, Inheritance Tax.

(b) Extensions for victims of natural disaster.

(1) The comptroller may grant to a person whom the comptroller finds to be a victim of a natural disaster an extension of not more than 90 days to make or file a return or pay a tax imposed by the Texas Tax Code.

(2) The person owing the tax may file a request for an extension at any time before the expiration of 90 days after the original due date.

(3) If an extension under this subsection is granted, interest on the unpaid tax does not begin to accrue until the day after the day on which the extension expires, and penalties are assessed and determined as though the last day of extension were the original due date.

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

Issued in Austin, Texas, on October 31, 1983

TRD-838832 Bob Bullock
Comptroller of Public Accounts

Effective date November 21, 1983
Proposal publication date June 3, 1983
For further information, please call (512) 475-1922.

**TITLE 37. PUBLIC SAFETY AND
CORRECTIONS**
**Part VIII. Commission on Fire
Protection Personnel Standards
and Education**
**Chapter 233. Minimum Standards
Manual**
**Minimum Standards for Fire Instructor
Certification**
37 TAC §233.41

The Commission on Fire Protection Personnel Standards and Education adopts amendments to §233.41, without changes to the proposed text published in the August 19, 1983, issue of the *Texas Register* (8 TexReg 3226).

This amendment will eliminate the requirement for renewing instructor certificates every two years, and will eliminate the costs associated with instructor renewals, and save approximately \$30,000 the first five years the new system is used.

Under the amendment, current instructors will be issued certificates without expiration dates. New instructor applicants will be processed and also issued certificates without expiration dates. Certificate renewals will not be required in the future.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 4413(35), §2(4), which authorize the commission to certify persons as fire department instructors under conditions the commission may prescribe. The amendments will save money and result in less man hours spent on renewing instructor certificates.

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

Issued in Austin, Texas, on October 25, 1983

TRD-838658 Ray L. Goad
Training Consultant
Commission on Fire Protection
Personnel Standards and
Education

Effective date: November 16, 1983
Proposal publication date: August 19, 1983
For further information, please call (512) 474-8066.

**Fees Charged for Manuals and
Certificates**

37 TAC §233.141

The Commission on Fire Protection Personnel Standards and Education adopts new §233.141, without changes to the proposed text published in the August 19, 1983, issue of the *Texas Register* (8 TexReg 3227).

This rule establishes fees for certificates and manuals which are commensurate with the actual costs associated with printing, reproducing, and mailing manuals and certificates.

The new rule requires that a \$15 fee accompany each application for intermediate, advanced, and master certificates submitted to commission office. Also, a \$5.00 fee must accompany each manual request to the commission office. Neither certificates nor manuals will be issued unless fees are received.

No comments were received regarding adoption of the new rule.

The new rule is adopted under Texas Civil Statutes, Article 4413(35), §6A, which authorize the commis-

sion to collect fees for manuals and to collect fees for intermediate, advanced, and master certificates. Fees shall not exceed the costs of preparing, printing, and distributing manuals and/or certificates.

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

Issued in Austin, Texas, on October 25, 1983.

TRD-838659 Ray L. Goad
Training Consultant
Commission on Fire Protection
Personnel Standards and
Education

Effective date: November 16, 1983
Proposal publication date: August 19, 1983
For further information, please call (512) 474-8066.



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 23. Nursing Facility Administration

Subchapter UUUU. Support Documents 40 TAC §23.9801

The Texas Department of Human Resources adopts an amendment to §23.9801, in its nursing facility administration rules, without changes to the proposed text published in the July 29, 1983, issue of the *Texas Register* (8 TexReg 2888).

The amendment allows the department to use the calendar year as the rate year in its reimbursement methodology. Section 23.9801 is amended to specify the rate period as the calendar year rather than the state fiscal year.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorize the department to administer public assistance programs.

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

Issued in Austin, Texas, on October 31, 1983.

TRD-838818 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: December 1, 1983
Proposal publication date: July 29, 1983
For further information, please call (512) 441-3355, ext. 2037.

Chapter 27. Intermediate Care Facility for Mentally Retarded Subchapter UUUU. Support Documents 40 TAC §27.9801

The Texas Department of Human Resources adopts an amendment to §27.9801, concerning intermediate care facilities for the mentally retarded, without changes to the proposed text published in the July 29, 1983, issue of the *Texas Register* (8 TexReg 2893).

The amendment allows the department to use the calendar year as the rate year in its reimbursement methodology. Section 27.9801 is amended to specify the rate period as the calendar year rather than the state fiscal year.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorize the department to administer public assistance programs.

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

Issued in Austin, Texas, on October 31, 1983

TRD-838819 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: December 1, 1983
Proposal publication date: July 29, 1983
For further information, please call (512) 441-3355, ext. 2037.

State Board of Insurance Notification Pursuant to the Texas Insurance Code, Chapter 5, Subchapter L

(Editor's note: As required by the Texas Insurance Code, Articles 5.96 and 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act, and the final actions printed in this section have not been previously published as proposals.

These actions become effective 15 days after the date of publication or on a later specified date.

The text of the material being adopted will not be published, but may be examined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin.

The State Board of Insurance has adopted, effective January 1, 1984, amendments to the *Texas Automobile Manual* (Rule 059.05.01.005) and the *Standard Provisions for Automobile Policies* (June 1, 1981, edition) (Rule 059.05.06.003). The amendments are as follows.

Texas Automobile Manual.

(A) The Endorsement Supplement of the *Texas Automobile Manual* has been amended to include the following new mandatory amendatory endorsements.

(1) 568—Personal auto policy—amendatory endorsement (liability and coverage for damage to your auto)

(2) 569—Personal auto policy—amendatory endorsement (liability)

(3) 570—Personal auto policy—amendatory endorsement (coverage for damage to your auto)

The amendatory endorsements amend the Texas personal auto policy in seven respects.

(1) Part A.—Liability coverage—Exclusions A.3. and A.8. Explanation:

Exclusion A.3. When the personal auto policy became effective and replaced the family automobile policy in June 1981, there was a significant change from the family automobile policy. In the physical damage portion of the policy, coverage was eliminated for the insured while driving a nonowned automobile. At the same time, under the liability portion of the policy, the "care, custody, and control" exclusion was modified so that it did not apply to private passenger autos, trailers, pickups, panel trucks, and vans. Therefore, coverage for liability for property damage is afforded

when an insured is driving a nonowned vehicle. Because this coverage is unlimited (except for the limit of liability expressed in the declarations), coverage is also provided for contractual liability. The change adopted is in the liability portion of the policy respecting private passenger automobiles, trailers, pickups, panel trucks, and vans to limit the liability for damages to any nonowned vehicle to \$1,000 when liability is due solely to a rental contract.

Exclusion A.8. The personal auto policy form contains an exclusion which provides that there is no coverage for a person using a vehicle when that person does not have a reasonable belief of being entitled to do so. This exclusion has been amended to make it clear that the exclusion does not apply to the insured or to any family member while using the covered auto.

(2) Part B.1.—Medical payments coverage—definition of "covered person" and Exclusion 7. Explanation:

This change eliminates the qualifying phrase "as a pedestrian" in the definition of "covered person" in the personal auto policy. The elimination of this phrase makes it clear that coverage will be extended to covered persons while not technically pedestrians, such as while on a bicycle. The change in Exclusion 7 is the same as explained under Liability Exclusion A.8.

(3) Part B.2.—Personal injury protection coverage—definition of "covered person". Explanation:

This change eliminates the qualifying phrase "as a pedestrian" in the definition of "covered person". The elimination of the phrase makes it clear that coverage will be extended to covered persons while not technically pedestrians, such as while on a bicycle.

(4) Part C.—Uninsured/underinsured motorists coverage—Exclusion A.5. Explanation.

The changes in uninsured/underinsured motorists coverage Exclusion A.5. are the same and for the same reason as explained under Liability Exclusion A.8.

(5) Part D.—Coverage for damage to your auto insuring agreement. Explanation:

This change is to treat a loss resulting from a collision with a bird or animal in the same fashion as breakage of glass. Under the insured's option, the loss can be covered under either the collision coverage or the other than collision coverage. In this fashion, it would be covered since this is an "all risk" coverage. On the other hand, if the insured has collision and specified perils coverage, the loss would be covered under the collision coverage. A third possibility is if the insured has both collision and other than collision coverage, the insured could elect to have the loss covered under the coverage with the lower deductible.

(6) Part E.—Duties after an accident or loss—
General duties—Number 5. Explanation:

An additional duty has been imposed on an insured after an accident or loss to submit to an examination under oath if required by the insurer. This is similar to language that is contained in other policy forms.

(7) Part F.—General provisions—Transfer or your interest in this policy—Number 1. Explanation:

The personal auto policy form provides coverage for a surviving spouse but uses the disjunctive "or" before the next subsection having to do with coverage for a legal representative. The word "or" has been eliminated so that there will be no doubt that coverage is available to either or both the surviving spouse and the legal representative.

The three amendatory endorsements are, with respect to the content common between them, identical. The three endorsements are necessary to recognize that some companies write only physical damage policies, other companies write only liability policies, and the remaining companies write combined liability and physical damage policies.

B. The following endorsements appearing in the Endorsement Supplement of the *Texas Automobile Manual* have been amended.

(1) 528. Loss payable clause—modified—has been redesignated 528A.

(2) 529. Special loss payable and cancellation endorsement—has been redesignated 529A.

(3) 530. Loss payable clause—has been redesignated 530A.

(4) 516. Exclusion of named driver and partial rejection of coverages—limited—has been redesignated 516A.

(5) TX-03-15B. Individual named insured—has been redesignated TX-03-15C.

(6) TX-03-16B. Individual named insured—has been redesignated TX-03-16C.

(7) TX-08-06A. Individual named insured—has been redesignated TX-08-06B.

(8) TX-10-89A. Additional insured—lessor—has been redesignated TX-10-89B.

The changes in the text of Endorsements 528, 529, 530, and TX-10-89A are intended to clarify intent with respect to a company's right to deny coverage due to fraudulent acts of the named insured.

The changes in text adopted for Endorsements TX-03-15B, TX-03-16B, and TX-08-06A are intended to track similar changes in the personal auto policy with respect to the deletion of the "pedestrian" limitation in medical payments coverage (see Explanation (2) under (A) of this notice) and to add a \$1,000 limitation for property damage to nonowned autos (see Explanation (1) under (A) of this notice).

The change in text adopted for Endorsement 516 is intended to make it clear that a licensed driver age 18 or over must accompany the excluded driver to prevent the exclusion of coverage from applying.

Standard Provisions for Automobile Policies June 1, 1981.

(C) The June 1, 1981, standard policy provisions have been amended to include the following mandatory amendatory endorsement: 568—personal auto policy—amendatory endorsement (liability and coverage for damage to your auto). This endorsement is the same as the Endorsement 568 heretofore explained but it includes necessary references or instructions for incorporation in the policy form.

This notification is filed pursuant to the Texas Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on October 20, 1983

TRD-838690

James W. Norman
Chief Clerk
State Board of Insurance

Effective date: January 1, 1984

For further information, please call (512) 475-2950.

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

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

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

Open Meetings

Texas Department of Agriculture

Thursday, November 10, 1983, 10 a.m. The Agricultural Development Board of the Texas Department of Agriculture will meet in Room 1046, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will discuss a development program and hear an update on the progress of the agricultural development bond program.

Contact: Katie Bond, P.O. Box 12847, Austin, Texas 78711, (512) 475-6346.

Filed: October 31, 1983, 11:25 a.m.
TRD-838867

State Aircraft Pooling Board

Thursday, November 17, 1983, 2 p.m. The State Aircraft Pooling Board will meet in Conference Room G-B, John H. Reagan Building, 15th Street, Austin. According to the agenda, the board will approve the previous meeting minutes; consider the Texas Department of Parks and Wildlife's and the Texas Department of Public Safe-

ty's requests for replacement aircraft; ratify published aircraft hourly rates and the fiscal year 1984 operational budget; review the blanket liability insurance for state-owned aircraft, and discuss other board operational matters.

Contact: Fred R. Spies, 4900 Old Manor Road, Austin, Texas 78723, (512) 477-8900

Filed: October 31, 1983, 3:13 p.m.
TRD-838934

Texas Antiquities Committee

Monday, November 7, 1983, 1 p.m. The Texas Antiquities Committee will meet in the lecture hall, Hall of State, State Fair Grounds, Dallas. According to the agenda, the committee will adopt the September 12, 1983, Meeting 66, and the October 7, 1983, Meeting 67 minutes; consider the Trinity and Brazos Valley Railway-Cleburne Station for nomination as a state archeological landmark and resolutions for adoption; designate state archeological landmarks for archeological sites and historic structures;

discuss the Lubbock Lake site master plan and present the Park Board's preliminary plan for improvements at the Texas Centennial Exposition Grounds, Fair Park.

Contact: Cindy Smetak, 105 West 16th Street, Austin, Texas 78711, (512) 475-6328.

Filed: October 27, 1983, 2:37 p.m.
TRD-838702

Texas Commission on the Arts

Wednesday, November 2, 1983, 8:30 a.m. The Assistance Review Committee of the Texas Commission on the Arts will meet on the fifth floor, E.O. Thompson Building, 920 Colorado Street, Austin. Items on the agenda include approval of the June 21, 1983, minutes; a public discussion; an overview of the panel review process and staff evaluations; and recommendations for financial assistance awards.

Contact: Jack Nokes, P.O. Box 13406, Austin, Texas 78711, (512) 475-6593.

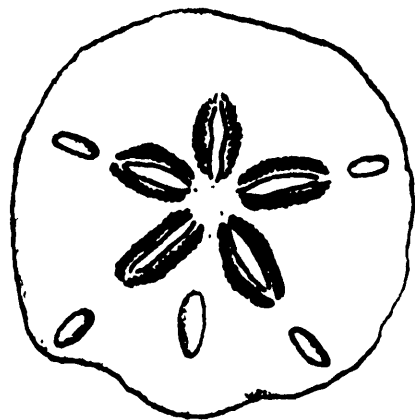
Filed: October 25, 1983, 1:43 p.m.
TRD-838632

State Banking Board

Monday, November 7, 1983, 2 p.m. The State Banking Board will meet at 2601 North Lamar Boulevard, Austin. According to the agenda, the board will consider charter applications for Atascocita State Bank, Harris County, Mayde Creek Bank, Harris County, South Broadway Bank, Tyler, and River Oaks Bank, Houston, interim charter applications for Interim Pecos County State Bank, Fort Stockton, Second State Bank of Commerce, Edinburg, Second State Bank of Weslaco, Weslaco, new Citizens State Bank, Bonna, new Hidalgo County Bank and Trust, Mercedes, new Commercial State Bank, Sinton, new Groesbeck Bank, Groesbeck, InterFirst Bank, South Fort Worth, Fort Worth, new Whisperwood Bank, Lubbock, new Plaza State Bank, Dallas, and new First State Bank of Poth, Poth, domicile change applications for Unitedbank Houston, Houston, First State Bank, Spearman, and Greenway Bank and Trust of Houston, Houston, proposal for decision rules, unmanned teller machine and point of sale rules, and review applications approved but not yet open for business.

Contact: O. A. Cassity III, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451

Filed: October 28, 1983, 3:23 p.m.
TRD 838787



**Texas Board of Chiropractic
Examiners**

Thursday, October 27, 1983, 3 p.m. The Texas Board of Chiropractic Examiners met in emergency session in Building C-245, 1300 East Anderson Lane, Austin. According to the agenda, the board elected new officers, since the president's term expired and he was not reappointed. The emergency status was necessary to fill the vacancy left

when the board's president was not reappointed.

Contact: Edna A. Parsons, 1300 East Anderson Lane, Suite C-245, Austin, Texas 78752, (512) 835-2006.

Filed: October 27, 1983, 12:46 p.m.
TRD-838699

**Coordinating Board, Texas
College and University System**

Thursday, November 10, 1983, 10:30 a.m. The Administrative Council of the Coordinating Board, Texas College and University System, will meet in Room 255, Beymeton A. Reed Building, 200 East Riverside Drive, Austin. Items on the agenda include final adoption of a proposed amendment to §25.33 concerning basic coverage standards, and §25.32, concerning definitions, institutional program review; a summary of 1981-1982 institutional audit reports, and a report of the executive secretary.

Contact: James McWhorter, P.O. Box 12788, Austin, Texas 78711.

Filed: October 27, 1983, 2:49 p.m.
TRD 838704

Texas Department of Corrections

Sunday, November 6, 1983, 6 p.m. The Texas Department of Corrections (TDC) will meet in emergency session in Room 103, TDC administration building, 815 11th Street, Huntsville. According to the agenda, the board will meet in executive session. The emergency status is necessary to review the status of the Ruiz litigation and because of a legal liability regarding certain contracts.

Contact: D. V. McKaskle, P.O. Box 99, Huntsville, Texas 77340, (409) 295-6371, ext. 160.

Filed: October 31, 1983, 9:17 a.m.
TRD-838835

Monday, November 7, 1983, 8 a.m. The Texas Department of Corrections (TDC) will meet in Room 103, TDC administration building, 815 11th Street, Huntsville. According to the agenda summary, the board will consider inmate affairs, medical, personnel, business, agriculture, legal, miscellaneous, and construction matters; industries; legislation; management services;

and the Windham School System. The emergency status is necessary to review the status of the Ruiz litigation and a legal liability regarding certain contracts.

Contact: D. V. McKaskle, P.O. Box 99, Huntsville, Texas 77340, (409) 295-6371, ext. 160.

Filed: October 31, 1983, 9:18 a.m.
TRD-838836

**Texas State Board of Examiners
of Professional Counselors**

Saturday, November 5, 1983, 9 a.m. The Texas State Board of Examiners of Professional Counselors will meet in the auditorium, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the board will approve the August 27, 1983, minutes, hear a report of the executive secretary, consider areas for specialty designation, matters relating to the development of licensure examination, licensure applications and procedures including reviews of disapproved files, continuing education requirements for renewal of licensure, and other matters relating to the licensure and regulation of professional counselors, and set the next meeting date.

Contact: Daniel E. Boone, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7511.

Filed: October 25, 1983, 2:31 p.m.
TRD 838636

Credit Union Department

Tuesday and Wednesday, November 29 and 30, 1983, 1 p.m. and 9 a.m., respectively. The Credit Union Commission of the Credit Union Department will meet at 914 East Anderson Lane, Austin. According to the agenda, the commission will conduct a complete review of proposed Credit Union Department rules.

Contact: Harry E. Elliott, 914 East Anderson Lane, Austin, Texas 78752, (512) 837-9236.

Filed: November 1, 1983, 9:59 a.m.
TRD-838954

Texas Commission for the Deaf

Friday and Saturday, November 4 and 5, 1983, 5:30 p.m. and 9 a.m., respectively. The Board of Evaluation of Interpreters of

the Texas Commission for the Deaf (TCD) will meet in Room 212, 510 South Congress Avenue, Austin. According to the agenda the board will consider applicants to be evaluated for TCD interpreters certification, discuss the possibility of developing new Level IV and V tapes for testing and level I tests, interpreting in educational settings, grievance procedures, and make modifications if necessary, and hear the chairman's report.

Contact: Fred Tammen, P.O. Box 12904, Austin, Texas 78711

Filed: October 25, 1983, 1:02 p.m.
TRD-838633

Texas State Board of Dental Examiners

Wednesday, November 2, 1983, 1:30 p.m., and Thursday, November 3, 1983, 8:30 a.m. The Texas State Board of Dental Examiners revised the agenda of meetings held at the Sheraton Dallas Hotel, Southland Center at Skybridge Park, Dallas. According to the revised agenda, the board considered approval of anesthesia applications, a discussion of the Schwartz case, a report on AADI meeting, general business, and miscellaneous items. The board also met in executive session to discuss contemplated litigation. The board also will meet at the same time and location on Friday and Saturday, November 4 and 5, 1983.

Contact: William S. Nail, P.O. Box 13165, Austin, Texas 78711, (512) 475-2443

Filed: October 25, 1983, 2:33 p.m.
TRD-838634

East Texas State University

Thursday, November 3, 1983. Committees of the Board of Regents of East Texas State University met at Best Western Inn, West 1-30, Greenville. Times, committees, and agendas follow.

10:30 a.m. The Academic Programs Committee considered graduate admission and retention standards and faculty workload reports, undersized class reports, and curriculum changes, concerning the Commerce and Texarkana campuses.

7:30 p.m. The Executive Committee considered approval of a motion to confer professor emeritus status, and an amendment to the citation of distinguished alumni

policy and the holiday schedule for ETSU-Texarkana

Contact: Steve W. Batson, Commerce, Texas 75428, (214) 886-5012.

Filed: October 27, 1983, 2:43 p.m.
TRD-838707, 838708

Friday, November 4, 1983, 8:30 a.m. The Board of Regents of East Texas State University (ETSU) will meet in the board room, McDowell Administration Building, ETSU, Commerce. Items on the agenda summary include approval of the minutes, a report of the president and on graduate admission and retention standards, approval to confer professor emeritus status, faculty workload reports and undersized class reports for ETSU Commerce and ETSU Texarkana, ETSU Commerce and ETSU Texarkana curriculum changes, preliminary plans for a library addition and social science renovation projects and addition and transaction to the ETSU Commerce and ETSU Texarkana 1983-84 operating budgets and reappropriating accounts and balances for the ending fiscal year, amendments to citation of distinguished alumni policy and to the holiday schedule for ETSU Texarkana, ratification of Zeppa Center project, discussion of possible action regarding removal of South Dorms, and authorization to proceed with revision of Campus Master Plan. The board will also meet in executive session.

Contact: Steve W. Batson, Commerce, Texas 75428, (214) 886-5012

Filed: October 27, 1983, 2:44 p.m.
TRD-838706

Select Committee on Public Education

Friday, October 28, 1983, 9 a.m. The Select Committee on Public Education made an emergency addition to the agenda of a meeting held in the Preston Ballroom, Weston Hotel, 13340 North Dallas Parkway, Dallas. The addition concerned a discussion of committee organization. The emergency status was necessary because the material was not received in time for inclusion with the original notice of this meeting. Committee organization is necessary to allow the committee to proceed with its work.

Contact: Larry Yawn, Sam Houston Building, Seventh Floor, 201 East 14th Street, Austin, Texas 78711, (512) 475-2427

Filed: October 26, 1983, 2:26 p.m.
TRD-838673

Texas Employment Commission

Tuesday, November 1, 1983, 9 a.m. The Texas Employment Commission (TEC) submitted an emergency addition to the agenda of a meeting held in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. The addition concerned adding MR-83-12167 60-1083, concerning Ervin Bradford, to Docket 44. The emergency status was necessary because of a late development in the case.

Contact: Courtenay Browning, TEC Building, Room 608, 15th Street and Congress Avenue, Austin, Texas, (512) 397-4415.

Filed: October 31, 1983, 3:17 p.m.
TRD-838935

Employees Retirement System of Texas

Thursday, November 10, 1983, 9 a.m. The Employees Retirement System (ERS) of Texas will meet in the auditorium, first floor, ERS Building, 18th and Brazos Streets, Austin. Items on the agenda include approval of the October 13, 1983, minutes, subcommittee reports, a presentation by Meidinger, Inc., and other matters relating to the Group Insurance Program.

Contact: Clayton T. Garrison, Box 13207, Austin, Texas 78711, (512) 476-6431

Filed: October 27, 1983, 10:54 a.m.
TRD-838698

Commission on Fire Protection Personnel Standards and Education

Thursday, November 17, 1983, 10 a.m. The Commission on Fire Protection Personnel Standards and Education will meet at the Fire Museum, 702 East Safari Parkway, Grand Prairie. According to the agenda, the commission will hear input from interested parties regarding revision of training required for fire fighter certification and suggestions regarding proposed training requirements for aircraft crash and rescue fire fighters.

Contact: Ray E. Goad, 510 South Congress Avenue, Suite 406, Austin, Texas, (512) 474-8066.

Filed: October 26, 1983, 10:12 a.m.
TRD-838657

**Office of the Firemen's Pension
Commissioner**

Wednesday, November 16, 1983, 9 a.m. The Administrative Division of the Office of the Firemen's Pension Commissioner will meet in Room 503 G, Sam Houston Building, 201 East 14th Street, Austin. According to the agenda, the Board of Trustees of the Firemen's relief and retirement fund for the Senate Bill 411 pension system as prescribed by Texas Civil Statutes, Article 6243c 3, will discuss the pension plan and the hiring of an actuarial firm and an investment counselor to manage the pension fund. All interested actuarial firms and investment counseling firms are invited to attend.

Contact: Hat H Hood, Sam Houston Building, Room 503-G, 201 East 14th Street, Austin, Texas 78711, (512) 475-5879.

Filed: October 31, 1983, 10:43 a.m.
TRD-838837

Office of the Governor

Thursday, October 27, 1983, 10 a.m. The Telephone Service Advisory Committee of the Office of the Governor met in emergency session in Room 200, Senate Reception Room, State Capitol, Austin. Items on the agenda included a review of Senate Bill 1355, Article IV, election of officers, and setting a time and place for the next meeting. The emergency status was necessary to discuss a specific referral in the statute.

Contact: Dennis Thomas, P.O. Box 13561, Austin, Texas, (512) 475-3021.

Filed: October 25, 1983, 11:02 a.m.
TRD-838724

**Texas Grain Sorghum Producers
Board**

Wednesday, November 9, 1983, 10 a.m. The Texas Grain Sorghum Producers Board of the Texas Department of Agriculture will meet at the Seminar Center, Quality Inn, IH 40 East, Amarillo. Items on the agenda summary include a financial report, certification of an election, election of a director to fill a vacancy, installation of new board members, a Proposition 3 election report and a market development report, and other business.

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

Filed: October 28, 1983, 1:15 p.m.
TRD-838740

Texas Department of Health

Saturday, November 5, 1983, 8:30 a.m. The Texas Board of Health of the Texas Department of Health will meet at San Antonio State Chest Hospital, Loop 13, 2303 South East Military Drive, San Antonio. Items on the agenda summary include approval of the September 30 and October 1, 1983, minutes, a briefing on the San Antonio State Chest Hospital, the commissioner's report, the appointment of an acting hospital licensing director, proposed rules, concerning the approval and appointment of directors of public health districts and local health departments, and the establishment of public health regions and special senses and communication disorders; final adoption of rules, concerning reimbursement for neonatal transportation, implementation of co-pay procedures for Title XX family planning, amendments to the rules on athletic trainer fees and the Medication Aide Training Program and establishing a program for issuing permits to administer medication, product labeling of hazardous substances, and registration of manufacturers of food; Budget Committee reports on transfer of federal funds and amendments to the South Texas Hospital quarterly operating budget; Personnel Committee reports on reappointments to the Hemophilia Advisory Committee, the Crippled Children's Services Advisory Committee, and the Maternal and Child Health Technical Advisory Council, appointments to the Emergency Medical Services Advisory Council, and requests for extension of employment beyond age 70; announcements and comments (no board of health action required); and setting the meeting date for December 1983. The board also will meet in executive session.

Contact: Gary A. Fuchs, 1100 West 49th Street, Austin, Texas, (512) 458-7484.

Filed: October 28, 1983, 4:05 p.m.
TRD-838791

**Texas Health Facilities
Commission**

Thursday, November 10, 1983, 9:30 a.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications.

Certificate of Need
Bethania Hospital, Wichita Falls
AH83-0606-592
Shoal Creek Hospital, Austin
AH83-0812-104

Crosbyton Clinic Hospital, Crosbyton
AH83-0606-596
Southwest Texas Methodist Hospital,
San Antonio
AH83-0520-528

Motion for Rehearing/Petitions for
Reconsideration
Methodist Hospital of Cedar Creek,
Mabank
AH81-0805-005

A routine business meeting will be held after the consideration of applications.

Contact: John R. Neel, P.O. Box 50049, Austin, Texas 78763, (512) 475-6940.

Filed: October 31, 1983, 9:12 a.m.
TRD-838812

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

Monday, November 14, 1983, 10:30 a.m. The Continuing Education Committee of the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids will meet in Suite 105, 1212 Guadalupe Street, Austin. According to the agenda, the committee will establish guidelines for continuing education requirements.

Contact: Wanda F. Stewart, 1212 Guadalupe Street, Suite 105, Austin, Texas 78701, (512) 475-3429

Filed: November 1, 1983, 9:01 a.m.
TRD-838947

**Texas Department of Human
Resources**

Saturday, November 5, 1983, 9 a.m. The Medical Care Advisory Committee of the Texas Department of Human Resources will meet in the board room, 706 Banister Lane, Austin. Items on the agenda summary include approval of the previous meeting minutes; commissioner's comments; reports on the use of physician assistants in nursing facilities, Medicaid coverage for prenatal care, pharmacist notes on nursing facility patients' charts, the top 50 drugs by the frequency of prescription and by total dollars paid, nursing home sanctions, the Governor's Task Force on Organ Transplants, an increase in the hearing aid fee schedule; a change to nursing home standards resulting from House Bill

1726, concerning a vendor drug dispensing fee, and nursing facility reimbursement.

Contact: Larry Corley, P.O. Box 2960, Austin, Texas 78769, (512) 441-3355, ext. 5082.

Filed: October 27, 1983, 1:28 p.m.
TRD-838700

Texas Commission on Human Rights

Friday and Saturday, October 28 and 29, 1983, 1:30 p.m. and 9 a.m., respectively. The Texas Commission on Human Rights rescheduled a emergency meeting held in the Senate Reception Room, State Capitol, Austin. According to the agenda summary, the commission considered personnel matters, options for contracting a charge resolution with the U.S. Equal Employment Opportunity Commission, training for commissioners, and procedures for posting commission rules and operational start-up activities. The emergency status was necessary because a change in rooms was required to avoid a meeting conflict. The meeting was originally scheduled to be held in Room 213, State Capitol.

Contact: William M. Hale, 1000 Throckmorton, Fort Worth, Texas 76102, (817) 870-7525.

Filed: October 27, 1983, 2:57 p.m.
TRD-838709

State Board of Insurance

The State Board of Insurance met in Room 414, 1110 San Jacinto Street, Austin. Days, times, and agendas follow.

Wednesday, November 2, 1983, 2 p.m. According to the agenda summary, the board conducted final action on amendments to Rules 059.37.01.053, .057, .061, and .090-.093; the repeal of Rule 059.37.01.078; proposed action on the repeal of Rules 059.21.49.302-.306 and .308, 059.01.04.021, .059, .087, and .088, 059.01.09.101-.188, 059.01.14.003, and .007, 059.53.14.002; amendments to Rules 059.01.04.001-.013, .015-.019, .027-.038, .040-.052, .058, .060, .066, .068, .069, .071, .072 and .078-.081, 059.01.14.006, .011, .012, .014, .015, .018, .019, .021, .024-.026, .030-.032, and .034-.036, 059.53.02.003; new Rules 059.01.04.053, and .054, 059.09.96.001-.004, 059.04.01.002, 059.01.16.003, 059.03.48.001-.002; a decision on a petition

by the Texas automobile insurance plan for amendments to the *Texas Automobile Manual*, Rule 21, and a petition by the Texas Automobile Insurance Service Office for amendments to the *Texas Automobile Manual*.

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

Filed: October 25, 1983, 2:11 p.m.
TRD-838635

Thursday, November 3, 1983, 10 a.m. Items on the agenda included a decision on automobile insurance rates from a hearing held on September 30, 1983, a decision on the Lone Star Driving School's request for driver improvement course credit, servicing company contacts between the Texas Medical Liability Insurance Underwriting Association and its servicing carriers, appointment of members to the Fire Extinguisher Advisory Council, proposed Rules 059.21.07.041-050, relating to the scope, type, and conduct of written examinations required for the licensure of accident and health insurance agents, proposed Rules 059.21.07.051-060, relating to the scope, type, and conduct of written examinations required for the licensure of insurance agents who desire to write insurance upon any one life in excess of \$5,000.

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

Filed: October 26, 1983, 2:19 p.m.
TRD-838670

Friday, November 4, 1983. The State Board of Insurance will conduct public hearings in Room 414, 1110 San Jacinto Street, Austin. Times and agendas follow.

9 a.m. Appeal of Fidelity Standard Life Insurance Company from commissioner's Order 83-2942.

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

Filed: October 26, 1983, 2:19 p.m.
TRD-838671

11 a.m. Decision on proposed Rule 059.05.62.003, concerning the sale of alternatives to workers' compensation in regard to a hearing held on October 19, 1983.

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

Filed: October 27, 1983, 2:39 p.m.
TRD-838703

The State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin, days, times, and agendas follow.

Wednesday, November 9, 1983, 9 a.m. A rescheduled hearing in Docket 7432—approval of amendments to the charter of National Security Life and Accident Insurance Company, Dallas. The hearing was originally scheduled for November 2, 1983, as published at 8 TexReg 4502.

Wednesday, November 9, 1983, 11 a.m. Docket 7420—whether the local recording agent license and the surplus lines license held by Frank B. Hall & Company, San Antonio, should be canceled or revoked.

Wednesday, November 9, 1983, 3:30 p.m. Docket 7421—whether the local recording agent license and the surplus lines license held by Collier Cobb & Associates of Dallas, Inc., Dallas, should be canceled or revoked.

Thursday, November 10, 1983, 9 a.m. Docket 7325—application for original charter of SWI Re Life Insurance Company, Dallas.

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

Filed: October 31, 1983, 1:28 p.m.
TRD-838910-838913

Thursday, November 10, 1983, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. Items on the agenda summary include reports of the commissioner and fire marshal, and board orders on several different matters as itemized on the complete agenda. The board also will meet in executive session to consider personnel matters.

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

Filed: November 1, 1983, 8:56 a.m.
TRD-838940

The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings at 1110 San Jacinto Street, Austin. Days, times, rooms, and dockets follow.

Thursday, November 10, 1983, 10:30 a.m. In Room 353, Docket 7434—application for variable annuity authority of Northbrook Life Insurance Company, Northbrook, Illinois.

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

Filed: October 31, 1983, 1:29 p.m.
TRD-838914

Thursday, November 10, 1983, 11 a.m. In Room 342, Docket 7422—whether the local recording agent license and the surplus lines license held by Adams & Porter Associates,

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Inc., Houston, should be canceled or revoked.

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

Filed: October 31, 1983, 1:29 p.m.
TRD-838915

Thursday, November 10, 1983, 1:30 p.m. In Room 342, Docket 7436—application for original charter of Columbia Universal Life Insurance Company, Austin.

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

Filed: October 31, 1983, 1:29 p.m.
TRD-838916

Thursday, November 10, 1983, 3:30 p.m. In Room 342, Docket 7423—whether the managing general agent license and the surplus lines license held by Gray Underwriting Managers, Inc., Dallas, should be canceled or revoked

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

Filed: October 31, 1983, 1:29 p.m.
TRD-838917

Monday, November 14, 1983, 9 a.m. In Room 342, Docket 7426—application for variable life authority by MMI Bay State Life Insurance Company, Jefferson City, Missouri.

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

Filed: October 31, 1983, 1:29 p.m.
TRD-838918

Monday, November 14, 1983, 1:30 p.m. In Room 342, Docket 7428—whether the Group I legal reserve life insurance agent's license and local recording agent's license held by Arthur Alan Sutterly, Wichita Falls, should be canceled or revoked.

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

Filed: October 31, 1983, 1:29 p.m.
TRD-838919

Monday, November 14, 1983, 2 p.m. In Room 342, Docket 7433—application for amendment to the articles of incorporation of the Total Life Insurance Company of America, Dallas.

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

Filed: October 31, 1983, 1:29 p.m.
TRD-838920

Texas Advisory Commission on Intergovernmental Relations

Friday, November 11, 1983. Committees of the Texas Advisory Commission on Intergovernmental Relations and the full commission will meet at the Texas Law Center, 15th and Colorado Streets, Austin. Times, committees, and agendas follow

8:30 a.m. The Special Committee on Operations and Funding will meet in Room 201 to review 1984 finances and consider potential new projects and contracts

9:30 a.m. The State-Local Issues Committee will meet in Room 205 to consider progress reports on the property tax local revenue project and the indigent health care project and will review a preliminary report on intergovernmental fiscal trends.

9:30 a.m. The New Federalism Committee will meet in Room 201 to consider the status of research on federal grant formulas, follow-up activities on the social services block grant project, and review plans for new projects

10:30 a.m. The Texas Advisory Commission on Intergovernmental Relations will meet in Rooms 206-207 to consider reports of the executive director, the Operations and Funding Committee, the New Federalism Committee, and the State-Local Issues Committee; a report on economic development; a review of handbooks for board and commission members; the meeting schedule for fiscal year 1984; and new business.

Contact: Jay G. Stanford, P.O. Box 13206, Austin, Texas 78711, (512) 475-3728

Filed: October 28, 1983, 4:45 p.m.
TRD-838795-838798

Texas Board of Land Surveying

Monday, November 7, 1983, 8 a.m. The Board of Land Surveying made an addition to the agenda of the meeting to be held in Suite 210W, 1106 Clayton Lane, Austin. The addition concerns an executive session in accordance with Texas Civil Statutes Article 6252-17, §2(e).

Contact: Betty J. Pope, Suite 210 W, 1106 Clayton Lane, Austin, Texas 78723, (512) 452-9427.

Filed: October 27, 1983, 2:48 p.m.
TRD-838705

State Board of Morticians

Tuesday, November 8, 1983, 9 a.m. The State Board of Morticians will meet at 1513 IH 35 South, Austin. According to the agenda summary, the board will consider applicants for reinstatement of licenses and apprenticeships, review reciprocal recommendations and a request for an extension of the six-month period for registering as an apprentice by Sherita Edwards; discuss complaint and initial interview procedures; set a date for a hearing on revisions to a consumer brochure and discuss an FTC rule exemption, and hear investigators, executive secretary, and committee reports.

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

Filed: October 28, 1983, 3:23 p.m.
TRD-838788

Texas National Guard Armory Board

Saturday, November 5, 1983, 1 p.m. The Texas National Guard Armory Board will meet in Building 64, Camp Mabry, Austin. According to the agenda summary, the board will discuss administrative and fiscal matters, facility construction, remodeling, and renovation, and other administrative matters.

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

Filed: October 25, 1983, 3:43 p.m.
TRD-838646

Saturday, November 5, 1983, 1 p.m. The Texas National Guard Armory Board submitted an emergency revised agenda for a meeting to be held at Building 64, Camp Mabry, Austin. According to the revised agenda, the board will consider requests from the previous director for extended leave and from the Texas State Employees Union for personnel information. The emergency status is necessary because the previous director's request was received by certified mail on October 31, 1983, which was after the deadline. His request requires action for November and the next board meeting is not until January. The second request was received after the agenda was submitted. The request deadline for the union falls before the January meeting.

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

Filed: November 1, 1983, 8:55 a.m.
TRD-838958

Board of Nurse Examiners

Tuesday-Friday, November 8-11, 1983, 8 a.m., daily. The Board of Nurse Examiners will meet at the Sunrise Motor Hotel, 7622 IH 35 North, Austin. Items on the agenda summary include the treasurer's report; disciplinary, informal, and reinstatement hearings; a report of the executive secretary concerning the performance and fund management report and meetings, an education report concerning survey visits, faculty petitions, new directors, clinical agencies; an examination: old and new business; and miscellaneous items.

Contact: Margaret Rowland, 1300 East Anderson Lane, C-225, Austin, Texas 78752, (512) 835-4880.

Filed: October 26, 1983, 3:43 p.m.
TRD-838682

Texas Parks and Wildlife Department

Tuesday, November 8, 1983, 7 p.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at the Hyatt Regency, 208 Barton Springs Road, Austin. According to the agenda summary, the commission will have dinner. Although this function is primarily a social event and no formal action is planned, the commission may discuss items on the public hearing agenda scheduled for November 9, 1983, at 9 a.m.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4802.

Filed: October 31, 1983, 2:28 p.m.
TRD-838921

Wednesday, November 9, 1983. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet in Building B, Texas Parks and Wildlife Department Headquarters Complex, 4200 Smith School Road, Austin. Times and agendas follow.

9 a.m. Items on the agenda summary include wildlife programs and a presentation by David Steed, executive director of PISCES.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744 (512) 479-4802.

Filed: October 31, 1983, 2:28 p.m.
TRD-838922

Addition to the above agenda:

Approval of the October 13, 1983, public hearing court reporter minutes; presentation of service plaques; a pipeline easement request, Bastrop State Park, Bastrop County; a water and wastewater line easement request, Kerrville office, Kerr County; terms and conditions for a turbearet removal contract, J. D. Murphree Wildlife Management Area; designation of a portion of the Gus Engeling Wildlife Management Area as a national landmark, a review of the culture of the common snook at the John Wilson Marine Fish Hatchery; a law enforcement memorandum of understanding concerning Matagorda Island State Park and Wildlife Management Area; new facilities development funding, Lake Lewisville State Park, Denton County; capital improvement projects for existing state parks; the fiscal year 1984 operating budget; and pending land offers.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4802.

Filed: October 31, 1983, 2:27 p.m.
TRD-838923

Noon. Items on the agenda include an executive session to discuss potential acquisitions, settlement of pending litigation matters, and personnel matters.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4802.

Filed: October 31, 1983, 2:27 p.m.
TRD-838924



Texas State Board of Public Accountancy

Friday and Saturday, November 11 and 12, 1983, 8:30 a.m. and 10 a.m., respectively. The Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin, on Friday, and at the Erwin Special Events Center, University of Texas campus, Austin, on Saturday. Items on the agenda summary include member appointments, committee meetings and reports, panel hearings, approval of the min-

utes, a decision regarding Cornell & Company *et al*; final approval of amendments to substantive rules, a review of financial status and activity summary, and a review of communications and plans and conduct of the swearing-in ceremony.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752, (512) 451-0241.

Filed: October 31, 1983, 2:44 p.m.
TRD-838925

Public Utility Commission of Texas

Friday, October 28, 1983, 10:15 a.m. The Public Utility Commission of Texas met in emergency session in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the commission considered the appeal of the examiner's order in Docket 5440—application of South Texas Electric Cooperative, Inc., for modification of fuel factor. The emergency status was necessary because the appeal concerns fuel bills to be issued in early November.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: October 27, 1983, 3:53 p.m.
TRD-838715

Wednesday, November 2, 1983, 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 commission will consider final orders in Dockets 4812, 4823, 5057, 5109, 5153, 5188, 5195, 5227, 5231, 5232, 5239, 5240, 5243, 5260, 5321, 5327, 5330, and 5334. The commission also will meet in executive session to consider pending litigation and personnel matters.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: October 25, 1983, 4:10 p.m.
TRD-838647

The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Days, times, and dockets follow.

Monday, November 7, 1983, 1:30 p.m. A hearing on the merits in Docket 5415—cus-

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tomers protests in the matter of a \$43(h) rate increase of Doss Investments, Inc.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: October 26, 1983, 9:04 a.m.
TRD-838650

Monday, November 7, 1983, 2 p.m. A prehearing conference in Docket 5440—application of South Texas Electric Cooperative, Inc., for modification of fuel factor.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: October 28, 1983, 10:02 a.m.
TRD-838721

Tuesday, November 8, 1983, 10 a.m. A hearing in Docket 5204—application of West Texas Utilities Company for authority to change rates.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: October 27, 1983, 10:23 a.m.
TRD-838691

Wednesday, November 9, 1983, 8:15 a.m. A hearing in Docket 5184—appeal of Arbor Oaks Utilities, Inc., from action of the City of Houston

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: October 28, 1983, 10:02 a.m.
TRD-838722

Wednesday, November 9, 1983, 9 a.m. A prehearing conference in Docket 5444—petition of Community Utility Company for approval of modifying the compliance deadlines of the commission final order in Dockets 4563, 4593, 4786, 4787, and 4866.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: October 27, 1983, 10:22 a.m.
TRD-838692

Monday, November 14, 1983, 8:30 a.m. a prehearing conference in Docket 5220—petition of prehearing conference rate design issues.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: October 31, 1983, 9:27 a.m.
TRD-838826

Wednesday, November 16, 1983, 10:30 a.m. A prehearing in Docket 5460—complaint of Mrs. Ralph R. Gonzales against Houston Lighting and Power Company, regarding billing.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 1, 1983, 8:57 a.m.
TRD-838941

Thursday, November 17, 1983, 9 a.m. A hearing on the merits in Docket 5246—inquiry into the operations of Monte Alto Water and Sewer Company

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: November 1, 1983, 8:57 a.m.
TRD-838942

Monday, November 28, 1983, 9 a.m. A second prehearing conference in Docket 5403—application of Western Water Works, Inc., for approval of purchase of a Tarrant utility system, and Docket 5405—application of Western Water Works, Inc., for a rate increase

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: October 26, 1983, 9:04 a.m.
TRD-838651

Wednesday, December 14, 1983, 10 a.m. A rescheduled prehearing conference in Docket 5108—application of Gulf States Utilities Company for a commission order concerning the disposition of settlement funds. The prehearing was originally scheduled for October 28, 1983, as published at 8 TexReg 4375.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 1, 1983, 8:57 a.m.
TRD-838943

Friday, December 16, 1983 10:30 a.m. A second prehearing in Docket 5259—petition to recertificate the City of Garland.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 1, 1983, 8:56 a.m.
TRD-838944

Monday, December 19, 1983, 9 a.m. A hearing in Docket 4581—application of Valley Municipal District 2, for a certificate

of convenience and necessity for water and sewer service within Cameron County.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: October 26, 1983, 9:05 a.m.
TRD-838652

Tuesday, January 3, 1984, 10 a.m. A rescheduled hearing on the merits in Docket 5108—application of Gulf State Utilities Company for a commission order concerning the disposition of settlement funds.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: November 1, 1983, 8:56 a.m.
TRD-838945

Monday, January 9, 1984, 10 a.m. A hearing on the merits in Docket 5403—application of Western Water Works, Inc., for approval of purchase of a Tarrant utility system, and Docket 5405—application of Western Water Works, Inc., for a rate increase

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: October 26, 1983, 9:04 a.m.
TRD-838653

Railroad Commission of Texas

Monday, October 31, 1983, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in the first floor auditorium, 1124 IH 35 South, Austin. The addition concerned an interim order in Oil and Gas Division Docket 3-81,418, a commission-called hearing concerning the Ca-Tex Petroleum, Inc., Roos Lease, Well 1, Wildcat Field, Galveston County. The emergency status was necessary due to the possibility of a blowout which could cause damage to life and property.

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

Filed: October 28, 1983, 11:44 a.m.
TRD-838726

Monday, October 31, 1983, 9 a.m. The Transportation Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in Room 107, first floor auditorium, 1124 IH

35 South, Austin. The addition concerned the application of Melton Truck Lines, Inc., Box 7666, Shreveport, Louisiana 71107, to establish mileage rates in Tariff 4-D, concerning boards, building, wall or insulating, viz; fiberboard or pulpwood made of vegetable, wood, or mineral fibers, Grand Prairie to points in Texas. The emergency status was necessary because this matter was properly posted for a conference October 24, 1983, was passed.

Contact: Sandy Yates, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: October 28, 1983, 11:47 a.m.
TRD-838727

Monday, November 7, 1983, 9 a.m. Divisions of the Railroad Commission of Texas will meet at 1124 IH 35 South, Austin. Divisions, meeting rooms, and agendas follow.

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

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

Filed: October 28, 1983, 11:44 a.m.
TRD-838728

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

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

Filed: October 28, 1983, 11:46 a.m.
TRD-838729

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

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

Filed: October 28, 1983, 11:48 a.m.
TRD-838730

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

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

Filed: October 28, 1983, 11:45 a.m.
TRD-838731

The LP-Gas Division will meet in the first floor auditorium to consider 16 TAC §9.15, concerning LP-Gas report forms, 16 TAC §9.28, concerning exception of master or journeyman plumber, 16 TAC §9.51, concerning maximum vapor pressure and container working pressure, for final adoption, and consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Hugh F. Keepers, P.O. Drawer 12967, Austin, Texas 78711.

Filed: October 28, 1983, 11:48 a.m.
TRD-838732

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

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

Filed: October 28, 1983, 11:43 a.m.
TRD-838733

Additions to the above agenda:

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

Contact: Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1209.

Filed: October 28, 1983, 11:45 a.m.
TRD-838734

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

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

Filed: October 28, 1983, 11:44 a.m.
TRD-838735

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

Contact: Walter Earl Lile, 1124 IH 35 South, Austin, Texas 78701, (512) 445-1186.

Filed: October 28, 1983, 11:45 a.m.
TRD-838736

The Surface Mining and Reclamation Division will meet in the first floor auditorium to consider and act on the division direc-

tor's report on division administration, budget, procedures, and personnel matters.

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

Filed: October 28, 1983, 11:43 a.m.
TRD-838737

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

Contact: Sandy Yates, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: October 28, 1983, 11:48 a.m.
TRD-838738

Thursday, November 17, 1983, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 IH 35 South, Austin. According to the agenda summary, the commission will conduct a statewide oil and gas hearing.

Contact: Harriett Frammell, P.O. Drawer 12967, Austin, Texas 78704, (512) 445-1297

Filed: October 28, 1983, 11:43 a.m.
TRD-838739

Texas Rehabilitation Commission

Monday, November 7, 1983, 10 a.m. The Texas Advisory Board of Occupational Therapy of the Texas Rehabilitation Commission will meet at 118 East Riverside Drive, Austin. Items on the agenda summary include a report on the executive session, discussion of the Open Meetings Act, an overview of the Texas Rehabilitation Commission as related to the Texas Advisory Board of Occupational Therapy, a memorandum of understanding between the commission and the board; adoption of the operating budget for 1983-1984 and other fiscal matters; Senate Bill 1213, concerning development of priorities and timetables for implementation of statutory responsibilities; future meeting dates; and other business. The board will also meet in executive session to discuss organization of the board and employment of the executive director.

Contact: Art Dilly, 201 West Seventh Street, Austin, Texas 78701, (512) 471-1265.

Filed: October 26, 1983, 1:23 p.m.
TRD-838669

**Boards for Lease of State-Owned
Lands**

Wednesday, November 9, 1983, 4 p.m. The Board for Lease of State Park Lands of the Boards for Lease of State-Owned Lands will meet in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will approve the previous meeting minutes, consider and approve bids received at the October 4, 1983, oil, gas, and other minerals lease sale; and consider an application for a pipeline easement and an application for renewal of a pipeline easement.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 835, Austin, Texas, (512) 475-4307

Filed: November 1, 1983, 8:32 a.m.
TRD-838946

Texas Surplus Property Agency

Thursday, November 3, 1983, 1:30 p.m. The Governing Board of the Texas Surplus Property Agency met in the board of directors room, Systems Office, University System of South Texas, Kingsville. According to the agenda, the board approved the minutes of the last board meeting and heard the executive director's report.

Contact: Marvin J. Fitzman, Box 8120, San Antonio, Texas 78208, (512) 661-2381.

Filed: October 26, 1983, 2:18 p.m.
TRD-838672

**Commission on Standards for the
Teaching Profession**

Monday, November 7, 1983, 8:30 a.m. The Committee on Certification Programs and Requirements of the Commission on Standards for the Teaching Profession will meet in Room 105, Texas Education Agency North Building, 1200 East Anderson Lane, Austin. According to the agenda, the committee will conduct a review of levels and requirements of provisional certificates and endorsements; reconsider the interim framework for the provisional certificate; and discuss transition planning.

Contact: Dr. Edward M. Vodicka, 201 East 11th Street, Austin, Texas 78701, (512) 834-4042.

Filed: October 25, 1983, 4:20 p.m.
TRD-838648

Tuesday, November 8, 1983, 11 a.m. The Committee on Standards and Procedures for Institutional Approval of the State Commission on Standards for the Teaching Profession will meet in Room 105, Texas Education Agency North Building, 1200 East Anderson Lane, Austin. According to the agenda, the commission will discuss hearing testimony on institutional standards.

Contact: Dr. Edward M. Vodicka, 201 East 11th Street, Austin, Texas 78701, (512) 834-4042.

Filed: October 31, 1983, 9:06 a.m.
TRD-838813



Texas A&M University System

Saturday, October 29, 1983, 8 a.m. The Committee on Mineral Leases of the Board of Regents of the Texas A&M University System met in the MSC Annex, Texas A&M University, College Station. According to the agenda, the committee considered mineral leases on lands under the control of the Board of Regents and any other business that was properly brought before the committee.

Contact: Vickie L. Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: October 25, 1983, 2:35 p.m.
TRD-838637

Saturday, October 29, 1983, 9 a.m. The Committee on Mineral Leases of the Board of Regents of the Texas A&M University

System rescheduled an emergency meeting held at the MSC Annex, Texas A&M University, College Station. According to the agenda, the committee considered mineral leases on lands under the control of the Board of Regents and any other business that was properly brought before the committee. The emergency status was necessary because the oil lease under consideration demanded timely consideration by the committee. The meeting was originally scheduled for October 29, 1983, at 8 a.m.

Contact: Vickie L. Burt, Texas A&M University, College Station, Texas 77843, (409) 845-9600

Filed: October 28, 1983, 2:55 p.m.
TRD-838790

Texas Southern University

Friday, November 4, 1983. Committees of Texas Southern University will meet in Room 117, Hannah Hall, 3100 Cleburne Avenue, Houston. Times, committees, and agendas follow.

9:00 a.m. The Building and Grounds Committee will consider approval of payments for construction contracts, award contracts for construction and rehabilitation of buildings, change orders, approval of land acquisition, and status reports of ongoing projects.

9:45 a.m. The Finance Committee will consider monthly financial reports and approval of short-term investments, approval of payments of real estate purchases, and status reports.

10:30 a.m. The Student Affairs Committee will receive reports from the administration on student organizations and activities, and dormitory renovations progress and status reports.

11:15 a.m. The Personnel and Academic Affairs Committee will receive enrollment and curricular data from the administration, review appointments and changes in status of personnel, and approval educational gifts, grants and leaves of absences.

Noon. The Development Committee will receive reports from the administration on university fund raising, and accept real property and status reports.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: October 26, 1983, 2:23 p.m.
TRD-838674-838678

Friday, November 4, 1983, 1:30 p.m. The Board of Regents of Texas Southern University will meet in Room 203, Sterling Student Life Center, Houston. Items on the agenda include the minutes, reports of the Finance Committee, concerning financial reports and approval of short-term investments; the Building and Grounds Committee, concerning awarding of construction contracts and status reports on current constructions, the Personnel and Academic Affairs Committee concerning approval of faculty appointments, changes in status of personnel, approval of leaves of absence and status reports, the Student Affairs Committee, concerning status reports, and the Development Committee, concerning the development status reports.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas, 77004, (713) 529-8911.

Filed: October 26, 1983, 2:25 p.m.
TRD-838679

Texas State University System

Monday, October 31, 1983, 9:30 a.m. The Committee on Quality of Higher Education of the Board of Regents, Texas State University System, met in emergency session in Room 505, Sam Houston Building, 201 East 14th Street, Austin. According to the agenda, the committee discussed the possible methods of improving the quality of education provided by the Texas State University System. The emergency status was necessary because this was the only date the members's allowed for a meeting prior to the November meeting of the full board at which the committee will present a report on its progress.

Contact: Lamar Urbanovsky, Sam Houston Building, Room 505, 201 East 14th Street, Austin, Texas 78711, (512) 475-3876.

Filed: October 26, 1983, 21:24 a.m.
TRD-838666

Texas Woman's University

Thursday, November 10, 1983, 1 p.m. The Board of Regents of Texas Woman's University will meet in the 16th floor, Administration and Conference Tower, Denton. According to the agenda summary, the board will consider the August 18, 1983, minutes; personnel additions and changes, gifts and grants, agreements and contracts, federal funds, certificates of substantial comple-

tion, change orders, the small class report, a report from the chairman from the meeting of the Committee on Governing Boards, a revised contract with Dallas County Hospital District, Sidney Fry signing checks on various university funds and approving vouchers, and a report of the president. The board also will meet in executive session.

Contact: Dr. Mary Evelyn Blagg Huey, Texas Woman's University, Denton, Texas 76204, (817) 383-1466

Filed: October 28, 1983, 2:30 p.m.
TRD-838786

Texas Water Commission

Monday, October 31, 1983, 10 a.m. The Texas Water Commission submitted an emergency addition to the agenda of a meeting held in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The addition concerned certification of the effect of the proposed Sims Bayou Federal Project on water users. The emergency status was necessary because, for the referenced matter to also be considered by the Texas Water Development Board at their November meeting, it was necessary for the commission to consider it as soon as possible.

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

Filed: October 28, 1983, 4:19 p.m.
TRD 838792

The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Days, times, and agendas follow:

Monday, November 7, 1983, 10 a.m. Items on the agenda include water district bond issues, release from escrow, use of surplus funds, setting hearing dates on proposed districts, name changes of districts, water quality proposed permits, a renewal and amendments, extension of time on a water use permit, and the filing and setting of hearing dates.

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

Filed: October 27, 1983, 1:31 p.m.
TRD-838701

Addition to the above agenda:

Consideration of applications by Adobe Refining Company, division of Crystal Oil Company, division of Crystal Oil Company, Ben Wheeler Water Supply Corpora-

tion, and Ponderosa Joint Powers Agency for renewals of Permits 01487, 02044, and 11081-01, respectively.

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

Filed: October 28, 1983, 11:16 a.m.
TRD-838725

Tuesday, November 15, 1983, 2 p.m. According to the agenda, the commission will consider an application by Calvin Morehead for proposed Water Quality Permit 12734-01 to authorize a discharge of treated domestic sewage effluent at a volume not to exceed an average flow of 15,000 gallons per day in Matagorda County, East Matagorda Estuary.

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

Filed: October 26, 1983, 11:14 a.m.
TRD-838660

Wednesday, November 16, 1983, 10 a.m. According to the agenda, the commission will consider an application by Edward Gutowsky for proposed Water Quality Permit 12722-01 to authorize a discharge of treated domestic sewage effluent at a volume not to exceed an average flow of 9,000 gallons per day from a package treatment plant to serve a 40-unit mobile home park, Brazos River Basin, Fort Bend County; and an application by Realtm Company for proposed Water Quality Permit 12491-01 to authorize a discharge not to exceed two million gallons per day of treated wastewater effluent from a proposed commercial and high density residential development, San Jacinto River Basin, Harris County.

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

Filed: October 26, 1983, 11:14 a.m.
TRD-838661

Wednesday, November 16, 1983, 2 p.m. According to the agenda, the commission will consider Application 4364 of Andrew Rod and Ruby Rod for a Texas Water Code §11.121, permit to authorize the diversion and use of 256 acre-feet of water from Jones Creek, tributary of the Colorado River, Colorado River Basin, for irrigation purposes in Wharton County.

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

Filed: October 26, 1983, 11:13 a.m.
TRD-838662

Texas Register

Monday, November 28, 1983, noon, and Tuesday-Friday, November 29-December 2, 1983, 8:30 a.m., daily. The Texas Water Commission will meet in the city council chambers, city hall, 210 Cedar Street, Hearne. According to the agenda, the commission will conduct adjudication hearings on the Brazos III Segment, Brazos River Basin.

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

Filed: October 26, 1983, 11:15 a.m.
TRD-838663

Tuesday, November 29, 1983, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider Application 4406 of the Lower Colorado River Authority seeking a permit to authorize the applicant to construct and maintain an overflow dam on the Colorado River, Colorado River Basin, and to impound an amount not to exceed 305 acre feet of water in the reservoir created by the dam for irrigation purposes in Wharton County.

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

Filed: October 26, 1983, 11:15 a.m.
TRD-838664

Wednesday, January 4, 1983, 10 a.m. The Texas Water Commission will meet in Room 124A, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda, the commission will consider Application RE-0218 of J. D. Duncan for approval of plans to make certain improvements on Brushy Creek and West Davidson Creek, tributaries of Yegua Creek, Burleson County.

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

Filed: October 26, 1983, 11:16 a.m.
TRD-838665

West Texas State University

Wednesday, November 9, 1983, 10 a.m. The Board of Regents of West Texas State University will meet in Room 211, Activities Center, West Texas State University, Canyon. According to the agenda summary, the board will consider reports of the president of student government, the president, and the director of the Panhandle-Plains Historical Museum; approval of the

minutes, selection of dates for 1984 meetings, business and finance items concerning budget changes for 1982-1983 and 1983-1984, a construction contract, a report of the chairman of the Advisory Athletic Committee, and information items; renaming of the activities center, the merger of the nursing programs, the president's contract of employment, faculty, staff, and curriculum items concerning retirements, resignations, and employment, a request for a graduate major in interdisciplinary studies in an existing master of arts or master of science degree, and information items. The board also will meet in executive session.

Contact: Texas Smith, West Texas State University, Canyon, Texas 79016, (806) 656-3962

Filed: October 31, 1983, 9:26 a.m.
TRD-838827

Regional Agencies

Meetings Filed October 25

The Middle Rio Grande Development Council, A-95 Project Review Committee, revised the agenda of a rescheduled meeting held in the Reading Room, Civic Center, Uvalde, on November 2, 1983, at 10 a.m. Information may be obtained from Oralia Saldua, Del Rio National Bank Building, Room 307, Del Rio, Texas 78840, (512) 774-4949. The meeting was originally scheduled for October 26, 1983.

The Panhandle Groundwater Conservation District 3, Board of Directors, will meet at 300 South Omohundro, White Deer, on November 8, 1983, at 7 p.m. Information may be obtained from Richard S. Bowers, Box 637, White Deer, Texas 79097, (806) 883-2501.

TRD-838631

Meetings Filed October 26

The Lee County Appraisal District, Board of Review, will meet at 218 East Richmond Street, Giddings, on November 10, 1983, at 8:30 a.m. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

The Swisher County Appraisal District, Board of Directors, met in emergency session at 130 North Armstrong, Tulia, on October 27, 1983, at 8:30 p.m. Information may be obtained from Nan Davis, 130

North Armstrong, Drawer 8, Tulia, Texas 79088, (806) 995-3015.

TRD-838680

Meetings Filed October 27

The Brown County Appraisal District, Board of Directors, will meet at 403 Fisk Street, Brownwood, on November 7, 1983, at 7 p.m. Information may be obtained from Alvis Sewalt, 403 Fisk Street, Brownwood, Texas 76801, (915) 643-5676.

The Colorado River Municipal Water District, Board of Directors, met at 400 East 24th Street, Big Spring, on November 3, 1983, at 10 a.m. Information may be obtained from O. H. Irie, P.O. Box 869, Big Spring, Texas 79720, (915) 267-6341.

The Dallas Area Rapid Transit, Board, met in Room 6E5, Dallas City Hall, 1500 Marilla, Dallas, on November 1, 1983, at 6:30 p.m. Information may be obtained from Cinde Weatherby, Love Field Terminal Building, Lock Box 12, Dallas, Texas 75235, (214) 358-3217.

The Dallas County Appraisal District, Board of Directors, met at 2601 Live Oak, Dallas, on November 2, 1983, at 7:30 a.m. Information may be obtained from Jerry Yeatts, 2601 Live Oak, Dallas, Texas 75204, (214) 826-1480.

The Edwards Underground Water District, Board of Directors, will meet in the conference room, fourth floor, Tower Life Building, 310 South St. Mary's Street, San Antonio, on November 8, 1983, at 10 a.m. Information may be obtained from Thomas P. Fox, 900 Tower Life Building, San Antonio, Texas 78205, (512) 222-2204.

The Hunt County Tax Appraisal District, Board of Directors, met in the board room, 4815-B King Street, Greenville, on November 3, 1983, at 7 p.m. Information may be obtained from Henry J. Popp or Jeanne Penney, 4815-B King Street, Greenville, Texas 75401, (214) 454-3510.

The Scurry County Appraisal District, Board of Directors, met at 2612 College Avenue, Snyder, on November 1, 1983, at 7 p.m. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549.

The West Central Texas Council of Governments, Emergency Response System Committee, will meet in the small conference room, 1025 East North 10th, Abilene, on

November 10, 1983, at 9.30 a.m. The Regional Advisory Council on Aging will meet in the large conference room, on the same day, at the same location, at 10.30 a.m. Information may be obtained from Dorothy Vanderslice, P.O. Box 3195, Abilene, Texas 79604, (915) 672 8544.

TRD-838689

Meetings Filed October 28

The Gregg County Appraisal District, Board of Review, met in emergency session at 2010 Gilmer Road, Longview, on October 31, 1983, at 2 p.m. Information may be obtained from William F. Carroll, 2010 Gilmer Road, Longview, Texas 75608, (214) 759-0015.

The Middle Rio Grande Development Council, Regional Review Committee, will meet at the Civic Center, 1915 Avenue F, Del Rio, on November 10, 1983, at 1 p.m. Information may be obtained from Mike Patterson, 200 East Nopal, Suite 211, Uvalde, Texas 78801, (512) 278-2527.

The Permian Basin Regional Planning Commission, Board of Directors, will meet in the conference room, 2514 Pliska Drive, Midland, on November 9, 1983, at 1:30 p.m. The Permian Basin Housing Finance Corporation, Board of Directors also will meet at the same location on the same date at 2:30 p.m. Information may be obtained from Pam Hammit, P.O. Box 6391, Midland, Texas 79701, (915) 563-1061.

TRD-838717

Meetings Filed October 31

The Archer County Appraisal District, Board of Directors, will meet at the Archer County Courthouse, Archer City, on November 9, 1983, at 5 p.m. Information may be obtained from A. G. Rens, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2172.

The Concho Valley Council of Governments, Regional Review Committee, will meet at 5002 Knickerbocker Road, San Angelo, on November 9, 1983, at 1 p.m. The Executive Committee also will meet at

the same location on the same day at 7 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944 9666.

The Copano Bay Soil and Water Conservation District 329 will meet at Shay Plaza, 106 South Alamo, Refugio, on November 9, 1983, at 8:30 a.m. Information may be obtained from Jim Wales, Drawer 340, Refugio, Texas 78377, (512) 526-2334.

The Hansford County Appraisal District, Board, will meet at 13 West Kenneth Avenue, Spearman, on November 9, 1983, at 3 p.m. Information may be obtained from Alice Peddy, Box 567, Spearman, Texas 79081, (806) 659-5575.

The High Plains Underground Water Conservation District 1, Board of Directors, will meet in the conference room, 2930 Avenue Q, Lubbock, on November 7, 1983, at 10 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181.

The Hood County Appraisal District, Board of Directors, will meet at 1902 West Pearl, Granbury, on November 8, 1983, at 7:30 p.m. Information may be obtained from Ben H. Griffin, P.O. Box 819, Granbury, Texas 76048, (817) 573-5595.

The Houston-Galveston Area Council, Project Review Committee, met in emergency session in the large conference room, 3701 West Alabama Street, Houston, on November 1, 1983, at 9:30 a.m. Information may be obtained from Geraldine McCray, P.O. Box 22777, Houston, Texas 77027, (713) 627-3200.

The Jack County Appraisal District, Board of Directors, met in emergency session in the courtroom, Jack County Courthouse, Jacksboro, on November 2, 1983, at 1 p.m. Information may be obtained from Doris G. Ray, 258 South Main, Jacksboro, Texas 76056, (817) 567-6301.

The Permian Basin Regional Planning Commission, Permian Basin Development Corporation, will meet at the Air Terminal, Midland, on November 9, 1983, at 2 p.m.

Information may be obtained from Pam Hammit, P.O. Box 6391, Midland, Texas 79701, (915) 563 1061.

The Tyler County Tax Appraisal District, Board of Directors, will meet at 1004 West Bluff Street, Woodville, on November 9, 1983, at 7 p.m. Information may be obtained from Leslie J. Silva, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

The West Central Texas Council of Governments, Big Country Development Corporation, will meet at Briarstone Manor, 101 Eplen Court, Abilene, on November 12, 1983, at 5:45 p.m. The Board of Directors also will meet at the same location on the same day, at 6 p.m. Information may be obtained from James K. Compton, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

TRD-838828

Meetings Filed November 1

The Bexar-Medina-Atascosa Counties Water Control and Improvement District 1, Board of Directors, will meet at the district office, Highway 81, Natalia, on November 7, 1983, at 10 a.m. Information may be obtained from C. A. Mueller, P.O. Box 170, Natalia, Texas 78059, (512) 663-2132.

The DeWitt County Appraisal District, Board of Directors, will meet at 103 Bailey Street, Cuero, on November 9, 1983, at 7:30 p.m. Information may be obtained from Wayne K. Woolsey, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753.

The Central Appraisal District of Erath County, Board of Directors, will meet at 1191 South Loop, Stephenville, on November 9, 1983, at 10 a.m. Information may be obtained from James Bachus, 1191 South Loop, Stephenville, Texas 76481, (817) 965-5434.

The Central Appraisal District of Erath County, Appraisal Review Board, will meet at 1191 South Loop, Stephenville, on November 10, 1983, at 7 p.m. Information may be obtained from Treca Perales, 1191 South Loop, Stephenville, Texas 76401, (817) 965-5434.

TRD-838948

In Addition

The *Register* is required by statute to publish applications to purchase control of state banks (filed by the banking commissioner); notices of rate ceilings (filed by the consumer credit commissioner); changes in interest rate and applications to install remote service units (filed by Texas Savings and Loan commissioner); and consultant proposal requests and awards (filed by state agencies, regional councils of government, and the Texas State Library and Archives Commission)

In order to aid agencies in communicating information quickly and effectively other information of general interest to the public is published as space allows. This often includes applications for construction permits (filed by the Texas Air Control Board); applications for amendment, declaratory ruling, and notices of intent (filed by the Texas Health Facilities Commission), applications for waste disposal permits (filed by the Texas Water Commission); and notices of public hearing.

Texas Air Control Board Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period of October 17-21, 1983.

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

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

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

Unimin Corporation, Glen Rose; addition of rotary dryer, cooler, and bagging unit, on U.S. Highway 67 10 miles east of Glen Rose; 9258A; modification

Pioneer Concrete of Texas, Inc., Irving; concrete batch plant; 3929 Royal Lane; 5573B; modification

Pioneer Concrete of Texas, Inc., Terrell; concrete batch plant; 403 South Delphine; 1135A; modification

Pioneer Concrete of Texas, Inc., Hurst; concrete batch plant; 1229 Hurst Boulevard; 4035B; modification

Pioneer Concrete of Texas, Inc., Kaufman; concrete batch plant; 605 Pyle Street; 3066C; modification

KMCO, Inc., Crosby; specialty chemicals storage facility; 16503 Ramsey Road; 9383; new source

The UpJohn Company, La Porte; polyamide unit; La Porte, Harris County; 9384; new source

Crown Central Petroleum Corporation, Pasadena; petroleum products, 111 Red Bluff Road; 9385; new source

PABCO Insulation, Division of Fiberboard, Tucker; fiberglass manufacturing; Highway 294 at Highway 79 West; 9386; new source

Issued in Austin, Texas, on October 26, 1983

TRD 838713 Ramon Dasch
Director of Hearings
Texas Air Control Board

Filed October 27, 1983

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

Extension of Deadline for Written Comments

In the October 21, 1983, issue of the *Texas Register* (8 TexReg 4382), the Texas Air Control Board (TACB) published a notice of extension of deadline for written comments for its hearing which was held in El Paso on October 11, 1983, regarding 14 new rules and amendments to seven rules in Regulation III and proposed revisions to the State implementation plan for lead (Lead SIP). The deadline for written comments as set out in that extension notice has been extended to November 15, 1983. The comments at the hearing as well as written comments received by 4 p.m. on November 15, 1983, at the TACB central office in Austin will be considered by the board prior to any final decision on the proposed changes. Five copies of all written comments offered would be helpful to the board in making its review.

Copies of the proposed amendments and new rules as well as the proposed Lead SIP revisions are available at the central office of the TACB located at 6330 Highway 290 East, Austin, Texas 78723, and at the regional office of this agency, located at 9615 Sims Drive, El Paso, Texas 79925. For further information, call Beverly Fowler at (512) 451-5711.

Issued in Austin, Texas, on October 27, 1983

TRD-838785 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Filed: October 27, 1983

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

State Banking Board Public Hearings

The hearing officer of the State Banking Board will conduct a hearing on Thursday, December 15, 1983, at 9 a.m. at 2601 North Lamar, Austin, on the charter application for Texas Commerce Bank-Irving Boulevard, to be located in Irving, Dallas County.

Additional information may be obtained from O. A. Cassity III, Hearing Officer, Banking Department of Texas, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on October 26, 1983

TRD-838710 O. A. Cassity III
Hearing Officer
State Banking Board

Filed: October 27, 1983

For further information, please call (512) 475-4451.

The hearing officer of the State Banking Board will conduct a hearing on Thursday, December 15, 1983, at 9 a.m. at 2601 North Lamar, Austin, on the domicile change application for Texas Commerce Bank-Irving, to be located in Irving, Dallas County. The bank proposes to relocate its banking house from 111 East Irving Boulevard to 525 J. W. Carpenter Freeway in Irving.

Additional information may be obtained from O. A. Cassity III, Hearing Officer, Banking Department of Texas, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on October 26, 1983.

TRD-838711 O. A. Cassity III
Hearing Officer
State Banking Board

Filed: October 27, 1983

For further information, please call (512) 475-4451.

The hearing officer of the State Banking Board will conduct a hearing on Tuesday, December 20, 1983, at 9 a.m.

at 2601 North Lamar, Austin, on the charter application of Waco State Bank, to be located in Waco, McLennan County.

Additional information may be obtained from O. A. Cassity III, Hearing Officer, Banking Department of Texas, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451

Issued in Austin, Texas, on October 24, 1983

TRD 838628 O. A. Cassity III
Hearing Officer
State Banking Board

Filed: October 25, 1983

For further information, please call (512) 475-4451.

The hearing officer of the State Banking Board will conduct a hearing on Tuesday, January 3, 1984, at 9 a.m. at 2601 North Lamar, Austin, on the charter application for Flower Mound State Bank, to be located in Flower Mound, Denton County.

Additional information may be obtained from O. A. Cassity III, Hearing Officer, Banking Department of Texas, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451

Issued in Austin, Texas, on October 26, 1983.

TRD 838712 O. A. Cassity III
Hearing Officer
State Banking Board

Filed: October 27, 1983

For further information, please call (512) 475-4451.

Banking Department of Texas Application To Acquire Control of a State Bank

Texas Civil Statutes, Article 342-401a, requires any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On September 30, 1983, the banking commissioner received an application to acquire control of First State Bank of McKinney, McKinney, by William A. Kramer of Richardson, and Robert L. Harrington, Jr., and E. W. Switzer, both of Plano.

On October 21, 1983, notice was given that the application would not be denied.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on October 21, 1983.

TRD-838607 Archie P. Clayton III
General Counsel
Banking Department of Texas

Filed: October 24, 1983

For further information, please call (512) 475-4451.

**Office of Consumer Credit
Commissioner
Rate Ceilings**

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02)

Type of Rate Ceiling Effective Period (Dates are Inclusive)	Consumer ⁽¹⁾ Agricultural Commercial ⁽²⁾ thru \$250,000	Commercial ⁽³⁾ over \$250,000
Indicated (Weekly) Rate— Article 1.04(a)(1) 11/07/83-11/13/83	18.00%	18.00%
Retail Credit Card Quarterly Rate - Article 1.11 ⁽³⁾ 10/01/83-12/31/83	18.52%	N/A
Standard Quarterly Rate - Article 1.04(a)(2) 10/01/83-12/31/83	18.52%	18.52%
Monthly Rate Article 1.04(c) ⁽¹⁾ 11/01/83-11/30/83	18.00%	18.00%
Lender Credit Card Quarterly Rate - Article 15.02(d) ⁽³⁾ 10/01/83-12/31/83	18.52%	N/A
Standard Annual Rate - Article 1.04(a)(2) ⁽²⁾ 10/01/83-12/31/83	18.52%	18.52%
Retail Credit Card Annual Rate - Article 1.11 ⁽³⁾ 10/01/83-12/31/83	18.52%	N/A
Annual Rate Applica- ble to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 10/01/83-12/31/83	18.00%	N/A
Judgment Rate— Article 1.05, §2 11/01/83-11/30/83	10.00%	10.00%

- (1) For variable rate commercial transactions only
(2) Only for open end credit as defined in Texas Civil Statutes, Article 5069-1.01(1)
(3) Credit for personal, family, or household use
(4) Credit for business, commercial, investment, or other similar purpose

Issued in Austin, Texas, on October 31, 1983

TRD-838834 Sam Kelly
Consumer Credit Commissioner

Filed October 31, 1983
For further information, please call (512) 475-2111.

**Court Reporters Certification Board
Announcement of Meeting**

The Court Reporters Certification Board will meet in the Sul Ross Room, Driskill Hotel, 117 East Seventh Street, Austin, on Saturday, November 12, 1983, at 8:30 a.m. Items on the agenda summary include a report on staff activities, status report on applications received, and review of applications for certification renewals. Information may be obtained from C. Raymond Judice, Executive Director, Court Reporters Certification Board, 1414 Colorado Street, Suite 602, Austin, Texas 78701, (512) 475-2421.

Issued in Austin, Texas, on October 27, 1983

TRD 838723 Jim Hutcheson
Chief Counsel
Court Reporters Certification
Board

Filed October 28, 1983
For further information, please call (512) 475-2421

**General Land Office
Consultant Proposal Request**

Pursuant to Texas Civil Statutes, Article 6252-11c, the General Land Office requests proposals to provide audit services to plan and direct a royalty audit of Exxon Company, U.S.A. on behalf of the General Land Office.

All bids must be received no later than 5 p.m. on November 30, 1983.

Please note in light of similar work recently conducted under a contract awarded by the General Land Office (GLO), it is anticipated that Peat, Marwick, Mitchell, and Company will be awarded this contract for audit services. This is subject, however, to a review of all proposals received.

Proposals will be evaluated using the following criteria:

- (1) the experience and qualifications of personnel assigned to the project;
- (2) the firms' experience in conducting similar projects;
- (3) the firms' reputation with previous clients;
- (4) the timelines of proposed work;
- (5) the suitability of the work plan;
- (6) the projected cost.

Additional information may be obtained from Steve Roberts, Senior Deputy Commissioner, General Land Office, Stephen F. Austin Building, Room 837, 1700 North Congress Avenue, Austin, Texas 78701.

Issued in Austin, Texas, on October 24, 1983

TRD-838614 Glynis M. Thomas
Director
Oil and Gas Audit Resource
Management Division
General Land Office

Filed: October 24, 1983
For further information, please call (512) 475-2858.

Texas Department of Health Licensing Actions for Radioactive Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the following table. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED

Location	Name	License #	City	Amend-ment #	Date of Action
Cypress	Texas Instruments Incorporated	11-34896	Houston	0	10-03-83
Dallas	Dwight E. Bates DPM	05-3494	Dallas	0	10-11-83
Cuddings	Lee Memorial Hospital	06-3495	Cuddings	0	10-11-83
Gulmer	Lord Memorial Hospital	07-3493	Gulmer	0	10-14-83
Hempstead	Memorial Hospital of Waller County	11-3492	Hempstead	0	10-11-83
Kilgore	Roy H. Land Memorial Hospital	07-3496	Kilgore	0	10-14-83

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amend-ment #	Date of Action
Austin	Fractor, Inc.	06-3389	Austin	1	10-13-83
Austin	Austin Radiological Association	06-545	Austin	46	10-14-83
Austin	Austin Radiological Association	06-545	Austin	47	10-20-83
Austin	The University of Texas at Austin	06-485	Austin	36	10-12-83
Austin	Nuclear Pharmacy Inc.	06-2117	Austin	31	10-03-83
Bay City	Ebasco Services Incorporated	11-3370	Bay City	4	10-17-83
Beaumont	Ohmsted Machine Works, Inc.	10-1991	Beaumont	8	10-17-83
Corpus Christi	Humana Hospital Corpus Christi	08-2816	Corpus Christi	9	10-14-83
Dallas	Baylor University Medical Center	05-1290	Dallas	12	10-04-83
Deer Park	Hercules Incorporated	11-1854	Pasadena	10	10-13-83
Denton	North Texas State University	05-101	Denton	23	10-18-83
Denton	North Texas State University	05-99	Denton	18	10-18-83
Denton	North Texas State University	05-450	Denton	23	10-18-83
Fort Worth	Consultants in Radiology	05-1711	Fort Worth	27	10-07-83
Fredericksburg	James B. Hatcher M.D.	09-2147	Fredericksburg	4	10-04-83
Freeport	Badische Corporation	11-1021	Freeport	26	10-03-83
Galena Park	Gulf Materials Recycling Corporation	11-2734	Galena Park	4	10-13-83
Galveston	Tekdyne Pipe	11-2227	Galveston	4	10-13-83
Houston	Medical Arts Hospital of Houston, Inc.	11-2404	Houston	3	10-14-83
Lufkin	Memorial Hospital Kurth	10-1346	Lufkin	35	10-07-83
McAllen	McAllen Methodist Hospital	08-1713	McAllen	32	10-05-83
Orange	Livingston Shipbuilding Company	10-1617	Orange	10	10-04-83
Pasadena	Hercules Incorporated	11-1854	Pasadena	10	10-13-83
Pecos	Reeves County Hospital	12-3491	Pecos	1	10-14-83

Point Comfort	Aluminum Company of America	08-12	Point Comfort	25	10-13-83
Port Arthur	St. Mary Hospital of Port Arthur	10-1212	Port Arthur	29	10-12-83
Port Arthur	ARCO Chemical Company	10-804	Port Arthur	23	10-13-83
Richardson	The University of Texas at Dallas	09-2114	Richardson	24	10-04-83
Rusk	Rusk Memorial Hospital	07-3282	Rusk	1	10-11-83
San Antonio	St. Luke's Lutheran Hospital	09-3309	San Antonio	3	10-14-83
San Antonio	Nuclear Pharmacy Inc.	09-2033	San Antonio	25	10-18-83
San Antonio	Santa Ross Medical Center	09-556	San Antonio	17	10-12-83
San Antonio	Dr. Norman Brannon Riley Works Stewart and Assoc.	09-325	San Antonio	59	10-11-83
San Antonio	The University of Texas Health Science Center at San Antonio	09-1279	San Antonio	31	10-04-83
San Benito	Central Power and Light Company	10-2321	Corpus Christi	4	10-13-83
Seguin	AMF Biological and Diagnostic Products Company	09-2045	Seguin	9	10-14-83
Sweeney	Phillips Petroleum Company	11-337	Bartlesville, OK	22	10-03-83
Texas City	Danforth Memorial Hospital	11-2805	Texas City	7	10-12-83
Throughout Texas	Bay Area X-Ray & Inspection Company, Inc.	11-2912	Manvel	4	10-04-83
Throughout Texas	GEO Vann, Inc.	11-1671	Houston	7	09-30-83
Throughout Texas	McClelland Engineers, Inc.	05-3461	Dallas	1	09-26-83
Throughout Texas	Gearthart Industries, Inc.	05-2113	Fort Worth	30	09-26-83
Throughout Texas	Welding Services Division Gensource, Inc.	11-3127	Houston	9	10-13-83
Throughout Texas	Southern Technical Service	11-2683	Lake Jackson	9	10-17-83
Throughout Texas	Aiken Engineering and Testing, Inc.	11-2863	Friendswood	3	10-13-83
Throughout Texas	G & H Industrial X-Ray Company	11-3134	Houston	1	10-13-83
Throughout Texas	Southwest Research Institute	09-774	San Antonio	27	10-13-83
Throughout Texas	Wirc, Inc. Technology, Inc.	05-3458	Burleson	1	10-13-83
Throughout Texas	E. L. du Pont de Nemours & Company	08-386	Victoria	43	10-13-83
Throughout Texas	Phillips Petroleum Company	11-3054	Bartlesville, OK	2	10-13-83
Throughout Texas	NE (MWD) Industries, Inc.	11-2603	Houston	12	10-13-83
Throughout Texas	Goelsky Testing Laboratories, Inc.	11-3115	Humble	3	10-03-83
Throughout Texas	Southwestern Laboratories	11-299	Houston	39	10-04-83
Throughout Texas	Austin Accredited Inspection, Inc.	06-3197	Round Rock	4	10-04-83
Waco	Waco Radiological Clinic	06-381	Waco	12	10-04-83
Woodville	Livingston Industrial Products Division	10-3205	Woodville	2	10-04-83

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amend-ment #	Date of Action
Austin	Edward J. Petras, M.D.	06-2373	Austin	2	10-14-83
Austin	Mitchel Wong, M.D.	06-1642	Austin	5	10-18-82
Corsicana	Navarro Memorial Hospital	05-2458	Corsicana	8	10-11-83
Dallas	Dallas Memorial Hospital	05-2408	Dallas	6	10-04-83

Deer Park	SGS Control Services, Inc.	11-2901	Deer Park	1	10-13-83
Denison	Texoma Medical Center	5-1600	Denison	8	10-07-83
Ennis	Ennis Community Hospital	05-3095	Ennis	4	10-11-83
Houston	Parkway Hospital	11-1964	Houston	13	10-11-83
Houston	Diagnostic Center Hospital	11-131	Houston	26	10-07-83
Nacogdoches	C. J. Martin Company	10-2400	Nacogdoches	4	10-03-83
Stafford	Texas Instruments, Inc.	11-714	Houston	24	10-04-83
Sulfur Springs	Hopkins County Memorial Hospital	07-2904	Sulfur Springs	1	10-11-83
Throughout Texas	Simplex Manufacturing Co., Inc.	05-1198	Dallas	8	09-30-83
Throughout Texas	Ronic Engineers	05-2356	Dallas	3	10-04-83
Throughout Texas	Gulf Coast Testing & Inspection Co.	11-2378	Houston	10	10-13-83
Victoria	DeLar Hospital	08-1630	Victoria	16	10-11-83

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Corsicana	Locmaster of Texas	05-2852	Corsicana	2	09-26-83
Dallas	Ronic Engineers	05-3435	Dallas	1	10-04-83
Dallas	Wyat Division of U.S. Industries, Inc.	05-1957	Dallas	4	10-13-83
Freeport	A.P. Green Refractronics	11-1016	Freeport	9	10-13-83
Houston	Robert W. Farmer, Ph.D.	11-2161	Houston	4	10-13-83
Tyler	Stewart Blood Center, Inc.	07-2480	Tyler	3	10-20-83
Waco	Brazos River Authority	06-1631	Waco	5	10-13-83

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with Texas Regulations for Control of Radiation in such a manner as to minimize danger to public health and safety or property and the environment, the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment, the issuance of the license(s) will not be inimical to the health and safety of the public or the environment, and the applicants satisfy any applicable special requirements in the Texas Regulations for Control of Radiation.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756.

Any request for a hearing must contain the name and address of the person who considers himself affected by Agency action, identify the subject license, specify the

reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin, Texas, from 8 a.m. to 5 p.m. Monday through Friday (except holidays).

Issued in Austin, Texas, on October 28, 1983

TRD-838823 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: October 31, 1983

For further information, please call (512) 835 7000.

**Proposed Uranium By-Product
Material License Renewal**

Notice is hereby given by the Texas Department of Health for the renewal of the Radioactive Material License 8-2538 issued to Wyoming Mineral Corporation for its Lamprecht Project located in Live Oak County, five miles northeast of Co.ville (mailing address: Wyoming Mineral Corporation, Lamprecht Mine Site, Route 1, Box 47, Three Rivers, Texas 78071).

The Texas Department of Health, Bureau of Radiation Control, has determined that the license renewal has no significant impact on the human environment and the licensee is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with these regulations in such a manner as to minimize danger to public health and safety, and the environment. The licensee's equipment, facilities, and procedures are adequate to minimize danger to public health and safety, and the environment. The renewal of the license will not be inimical to public health and safety or have a detrimental impact on the environment. The licensee satisfies any applicable special requirements in the *Texas Regulations for Control of Radiation (TRCR)*, Parts 41 and 43.

The basis for these conclusions is set out in a document titled *Environmental Assessment and Safety Evaluation Report*. Copies of this document are available upon written request from the Bureau of Radiation Control, 1100 West 49th Street, Austin, Texas 78756.

This notice affords the opportunity for a public hearing upon written request by a person affected as required by Texas Civil Statutes, Article 4590i, §11(b), as amended, and as set out in TRCR, Part 13.4(a). A written hearing request must be received by David K. Lacker, Director, Radiation Control Program, 1100 West 49th Street, Austin, Texas, 78756 by 5 p.m. on or before Friday, November 25, 1983. Should no request for a public hearing be timely filed, the renewal of the license will be issued on Friday, December 9, 1983.

A copy of all material submitted is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin. Information relative to the renewal of this specific radioactive material license may be obtained by contacting Mr. Lacker. For further information please call (512) 835-7000.

Issued in Austin, Texas, on October 28, 1983
TRD-838824 Robert A. MacLean, M.D.
 Deputy Commissioner
 Professional Services
 Texas Department of Health

Filed: October 31, 1983
 For further information, please call (512) 835-7000

Public Hearing

The Texas Department of Health will conduct a public hearing on an amendment to Solid Waste Permit 79 presently held by the City of San Angelo. The Type I, 131-acre municipal solid waste site is located northeast of San Angelo on the north side of U.S. Highway 67-277 and the AT&SF Railroad, approximately 1.8 miles northeast of the intersection of Bell Street and U.S. Highway 67-277, in Tom Green County. The application filed to amend the permit will add a 126-acre extension to the east side of the existing disposal site. The total site will consist of 257 acres of land and is to daily receive 300 tons of solid waste.

The hearing will be held on Wednesday, December 7, 1983, at 9 a.m., in the council chambers, City Hall, fourth floor, City Hall Plaza and College Street, San Angelo.

Issued in Austin, Texas, on October 28, 1983
TRD-838825 Robert A. MacLean, M.D.
 Deputy Commissioner
 Professional Services
 Texas Department of Health

Filed: October 31, 1983
 For further information, please call (512) 458-7271.

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 indi-

cates notice of intent to acquire existing health care facilities; NIR indicates notice of intent regarding a research project; NIE/HMO indicates notice of intent for exemption of HMO-related project; and EC indicates exemption certificate.

Should any person wish to become a party to any of the above-stated applications, that person must file a proper request to become a party to the application within 15 days after the date of this publication of notice. If the 15th day is a Saturday, Sunday, state or federal holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, state or federal holiday. A request to become a party should be mailed to the chair of the commission at P.O. Box 50049, Austin, Texas 78763, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party.

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

Valley Investment Associates, a Washington
 general partnership between Danny I. Campbell
 and Gerald T. Cawdery, Wenatchee,
 Washington
AN83-1019-212

NIEH—Request for a declaratory ruling that a certificate of need is not required for Valley Investment Associates, a Washington general partnership between Danny I. Campbell and Gerald T. Cawdery, to acquire by purchase Fredericksburg Nursing Home, an existing 90-bed ICF nursing facility located in Fredericksburg, from Valley Grande Manor Association, a Texas nonprofit corporation.

Triple C of Texas, a Texas general partnership
 between Danny I. Campbell, Carl W. Campbell,
 and Gerald T. Cawdery, San Antonio
AN83-1019-213

NIEH—Request for a declaratory ruling that a certificate of need is not required for Triple C of Texas, a Texas general partnership between Danny I. Campbell, Carl W. Campbell, and Gerald T. Cawdery, to acquire by lease Fredericksburg Nursing Home, an existing 90-bed ICF nursing facility located in Fredericksburg, from Valley Investment Associates, a Washington general partnership.

Valley Investment Associates, a Washington
 general partnership between Danny I. Campbell
 and Gerald T. Cawdery, Wenatchee,
 Washington
AN83-1020-215

NIEH—Request for a declaratory ruling that a certificate of need is not required for Valley Investment Associates, a Washington general partnership between Danny I. Campbell and Gerald T. Cawdery, to acquire by purchase Oak Hills Care Center, an existing 192-bed nursing facility with 88 ICF, 96 skilled, and eight private pay beds located in San Antonio, from Su Casa De Amor, Ltd., a Texas limited partnership.

Triple C of Texas, a Texas general partnership between Danny L. Campbell, Carl W. Campbell, and Gerald T. Cawdery San Antonio
AN83-1020-216

NIEH—Request for a declaratory ruling that a certificate of need is not required for Triple C of Texas, a Texas general partnership between Danny L. Campbell, Carl W. Campbell, and Gerald T. Cawdery, to acquire by lease Oak Hills Care Center, an existing 192-bed nursing facility with 88 ICF, 96 skilled, and eight private pay beds located in San Antonio, from Valley Investments Associates, a Washington general partnership.

Christian Care Centers, Inc., Dallas
AN83-1019-214

NIEH—Request for a declaratory ruling that a certificate of need is not required for Christian Care Centers, Inc., to acquire by lease North Dallas Nursing Home, an existing 120-bed ICF nursing facility located in Dallas, from North Dallas Nursing Home, Inc.

Dallas Home for Jewish Aged, Inc., Dallas
AN81-0630-031A(102183)

CN/AMD—Request for an extension of the completion deadline from August 1, 1983, to November 1, 1983, in Certificate Need AN81-0630-031, which authorized the certificate holder to conduct a construction and renovation project which will involve the construction of a three-story, 90-bed building addition containing 45,800 square feet, new dining areas, nurses' stations, ancillary areas containing 10,700 square feet, and the renovation of 8,400 square feet for food service, physical and occupational therapy areas.

Don A. Karchmer, Oklahoma City, Oklahoma
AN83-1025-222

NIEH—Request for a declaratory ruling that a certificate of need is not required for Don A. Karchmer to acquire by purchase Boulevard Manor Care Center, an existing 122-bed nursing facility with 98 ICF and 24 skilled beds located in Fort Worth, from Lawhl, Inc., a Texas corporation.

Sisters of St. Joseph of Texas for St. Mary of the Plains Hospital, Lubbock
AH-81-1221-037A(102483)

CN/AMD—Request for an amendment of Certificate of Need AH81-1221-037, which authorized the certificate holder to conduct an extensive construction and renovation project involving the construction of a six-level, 125,000 square foot addition containing 75 medical/surgical beds and various ancillary support areas. The certificate holder requests an extension of the completion deadline from August 6, 1985, to December 31, 1986, an increase in the total project cost from \$28,521,000 to \$33,042,000, and an increase in the square footage of new construction from 125,000 square feet to 127,800 square feet.

Computerized Diagnostic Laboratory, Inc., San Antonio
AO83-1025-221

NIE—Request for a declaratory ruling that a certificate of need is not required for Computerized Diagnostic Laboratory, Inc., to acquire by lease a high resolution Technicare Delta Scan 2060M total body computed tomography scanner, including scanning gantry, table, processing unit, operator's console, camera, deltaxview radiographic localizer, x-ray power supply, and power box. The proposed equipment will be located in leased space at the Rosa Verde Towers, Suite C-2, 343 West Houston, San Antonio, and utilized on an outpatient basis only. The total project cost is \$850,000.

Issued in Austin, Texas, on October 31, 1983

TRD 838815 John R. Neel
 General Counsel
 Texas Health Facilities
 Commission

Filed: October 31, 1983

For further information, please call (512) 475-6940.

State Department of Highways and Public Transportation Consultant Contract Award

In compliance with Texas Civil Statutes, Article 6252-11c, the State Department of Highways and Public Transportation hereby furnishes this notice of contract award. The consultant proposal request appeared in the December 31, 1982, issue of the *Texas Register* (7 TexReg 4579). The consultant will implement and conduct one safety restraint incentive program in the Austin area, designed to increase the proportion of drivers observed wearing safety belts by 5.0% from baseline and increase reported awareness of the safety belt program by 30% from baseline.

The contractor is Korba, Helfert, and Zabel, Inc., 1135 West Sixth Street, Suite 120, Austin, Texas 78703. The total value of the contract is \$97,410. The contract began August 10, 1983, and has an ending date of September 30, 1984.

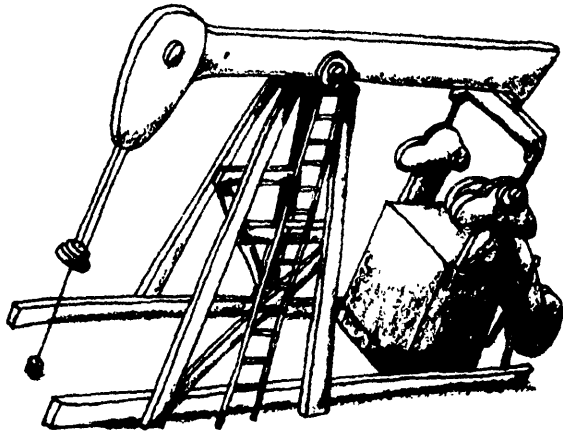
Final report(s) prepared by Korba, Helfert, and Zabel, Inc., under this contract shall be submitted prior to October 28, 1984.

Issued in Austin, Texas, on October 27, 1983

TRD-838714 Diane L. Northam
 Administrative Technician
 State Department of Highways
 and Public Transportation

Filed: October 27, 1983

For further information, please call (512) 475-2141.



Texas Housing Agency Public Hearing for Approval of Industrial Development Bonds for Residential Real Property

The Texas Housing Agency (THA) will conduct a public hearing concerning public approval for the issuance of industrial development bonds for residential real property. In accordance with federal law, the THA intends to seek public approval from the attorney general, the governor, or other applicable elected representative or designated official of the State of Texas for the issuance of a series of multi-family residential development revenue bonds (the bonds), in an amount not expected to exceed the following approximate amount:

The bonds, pursuant to the statutory authority of the THA, are being proposed to provide financing for sanitary, decent, and safe dwelling accommodations for persons and families of low income and families of moderate income. If issued, the bonds will constitute limited obligations of the THA. Neither the State of Texas nor any political subdivision, other than the THA, will be liable for the bonds. The bonds will not constitute a debt of the State of Texas.

The executive administrator or deputy administrator of the THA will hold public hearings on the residential projects proposed to be financed by the bonds. The hearing will be held Tuesday, November 8, 1983, at 10 a.m. in the Camelback Room, Marriott Inn North, 611 Northwest Loop 410, San Antonio. The proposed residential project and description is as follows:

The mortgage loan amount is \$10.25 million. The location is at the intersection of Ingram and Mabe Roads, San Antonio, Bexar County. The acreage is approximately 11, the number of units is approximately 288, and the owner-beneficiary is Callaway-Coleman Joint Venture.

All interested persons are invited to attend the hearing to express their views on the projects and the issuance of the bonds. For details, contact Stan Kantrowitz, General Counsel, Texas Housing Agency, 411 West 13th Street, Suite 700, Austin, Texas 78701, (512) 475-0812 or (800) 792-1119.

Persons who intend to appear at the hearing and express views are encouraged to contact Mr. Kantrowitz before the hearing. Any interested persons unable to attend the hearing may submit their views in writing to Mr. Kantrowitz before the hearing. All written comments will be made available for review by all parties attending the public hearing.

Issued in Austin, Texas, on October 28, 1983

TRD 838794 Stan Kantrowitz
General Counsel
Texas Housing Agency

Filed October 28, 1983

For further information, please call (512) 475 0812
or (800) 792 1119

The Texas Housing Agency (THA) hereby gives notice that it intends to conduct public hearings in connection with seeking public approval for the issuance of industrial development bonds for residential real property. In accordance with federal law, the THA intends to seek public approval from the attorney general, governor, or other applicable elected representative or designated official of the State of Texas for the issuance of one or more series of multi-family residential development revenue bonds (the bonds), in amounts not expected to exceed the following approximate amounts:

The bonds, pursuant to the statutory authority of the THA, are being issued to provide financing for sanitary, decent, and safe dwelling accommodations for persons and families of low income and families of moderate income. The bonds constitute limited obligations of the THA. Neither the State of Texas nor any political subdivision, other than the THA, will be liable on the bonds. The bonds will not constitute a debt of the State of Texas.

The executive administrator or deputy administrator of the THA will hold public hearings on each residential project proposed to be financed by the bonds. The hearing will be held on Friday, November 4, 1983, at 3 p.m. in the THA board room, Suite 700, 411 West 13th Street, Austin. The proposed residential projects and descriptions are as follows:

(1) The mortgage loan amount is approximately \$17,337,500. The location is approximately 1,000 feet west of the intersection of Jollyville Road and U.S. Highway 183, on Jollyville Road, Austin, Travis County. The acreage is approximately 15.097. The number of units is approximately 392. The owner-beneficiary is Callaway-Coleman Joint Venture.

(2) The mortgage loan amount is approximately \$13,562,500. The location is 200 yards west of the intersection of Walsh Tarleton and Loop 360, lying south of Loop 360, Austin, Travis County. The acreage is approximately 19.7698. The number of units is approximately 278. The owner-beneficiary is Callaway-Coleman Joint Venture.

All interested persons are invited to attend such public hearing to express their views on the projects and the issuance of the bonds. Please direct questions or requests for additional information to Stan Kantrowitz, General

Counsel, Texas Housing Agency, 411 West 13th Street, Suite 700, Austin, Texas 78701, (512) 475-0812 or (800) 792-1119.

Persons who intend to appear at the hearing and express views are encouraged to contact Mr. Kantrowitz either in writing or by telephone in advance of the hearing. Any interested persons unable to attend the hearing may submit their views in writing to Mr. Kantrowitz prior to the date scheduled for the hearing. All written comments will be made available for review by all parties attending the public hearing.

Issued in Austin, Texas, on October 25, 1983

TRD 838793 Stan Kantrowitz
General Counsel
Texas Housing Agency

Filed October 28, 1983

For further information, please call (512) 475-0812
or (800) 792 1119

The Texas Housing Agency (THA) will conduct a public hearing concerning public approval for the issuance of industrial development bonds for residential real property. In accordance with federal law, the THA intends to seek public approval from the attorney general, the governor, or other applicable elected representative or designated official of the State of Texas for the issuance of a series of multi-family residential development revenue bonds (the bonds), in an amount not expected to exceed the following approximate amount:

The bonds, pursuant to the statutory authority of the THA, are being issued to provide financing for sanitary, decent, and safe dwelling accommodations for persons and families of low income and families of moderate income. The bonds constitute limited obligations of the THA. Neither the State of Texas nor any political subdivision, other than the THA, will be liable on the bonds. The bonds will not constitute a debt of the State of Texas.

The executive administrator or deputy administrator of the THA will hold public hearings on the residential project proposed to be financed by the bonds. The hearing will be held Thursday, November 17, 1983, at 2 p.m., in the Regency Room, Sheraton Marina Inn, 300 North Shoreline, Corpus Christi. The proposed residential project and description is as follows:

The mortgage loan amount is \$8 million. The location is at 8000 South Padre Island Drive, approximately 400 yards west of the intersection of South Padre Island Drive and Paul Jones, Corpus Christi, Nueces County. The acreage is approximately 7.05, the number of units is approximately 225, and the owner/beneficiary is Callaway/Coleman Joint Venture.

All interested persons are invited to attend the hearing to express their views on the projects and the issuance of the bonds. For details, contact Stan Kantrowitz, General Counsel, Texas Housing Agency, 411 West 13th Street, Suite 700, Austin, Texas 78701, (512) 475-0812 or (800) 792-1119.

Persons who intend to appear at the hearing and express views are encouraged to contact Mr. Kantrowitz before the hearing. Any interested persons unable to attend the hearing may submit their views in writing to Mr. Kantrowitz before the hearing. All written comments will be made available for review by all parties attending the public hearing.

Issued in Austin, Texas, on October 31, 1983

TRD 838833 Stan Kantrowitz
General Counsel
Texas Housing Agency

Filed October 31, 1983

For further information, please call (512) 475-0812
or (800) 792 1119

Texas Department of Human Resources Correction of Error

A proposal submitted by the Texas Department of Human Resources contained an error as published in the October 28, 1983, issue of the *Texas Register* (8 TexReg 4474).

Under §16.3204(b), concerning pharmacy consultant hours per month, the first line under the column "Facility Population" should read "[l ess than] 60 patients or less."

Texas Savings and Loan Department Application for a Branch Office and Hearing Thereon

Application has been made to the savings and loan commissioner of Texas by Magic Valley Savings and Loan Association, Weslaco, Hidalgo County, for approval to establish a branch office of the association at U.S. Highway 83 in Dixieland, Harlingen, Cameron County. A hearing on the application is set for 9 a.m. on November 2, 1983, in the offices of the Savings and Loan Department of Texas, 1004 Lavaca, Austin. This is a continuance on the hearing of June 6, 1983, at which time the parties appeared and stated their positions. The nature and purpose of this hearing is to accumulate a record of pertinent information and data in support of the application and in opposition to the application, from which record the commissioner shall determine whether to grant or deny the application, and may be continued from day to day at the same location if not concluded on the day said hearing commences.

This application is filed and hearing held pursuant to authority and jurisdiction granted by Texas Civil Statutes, Article 852a. The particular sections of the statute in-

volved are §2.13 and §11.11. The particular rules involved are 7 TAC §§51.1-51.13, 53.3, and 53.4. Such rules are on file with the *Texas Register*, Office of the Secretary of State, or may be seen at the department's offices.

The applicant association asserts that operation of the proposed branch office will not unduly harm any other association operating in the vicinity; that there is a public need for the proposed branch office; that the volume of business in the community in which the proposed branch office will operate is such as to yield a profit to the association in a reasonable time; and certain other assertions per 7 TAC §53.3 and §53.4.

Issued in Austin, Texas, on October 25, 1983

TRD-838642 L. L. Bowman III
Commissioner
Texas Savings and Loan
Department

Filed: October 25, 1983

For further information, please call (512) 475-7991.

Application has been made to the savings and loan commissioner of Texas by Red River Savings and Loan Association, Shamrock, Wheeler County, for approval to establish a branch office of the association at 1101 South Taylor, Amarillo, Potter County. A hearing on the application is set for 9 a.m. on November 4, 1983, in the offices of the Savings and Loan Department of Texas, 1004 Lavaca, Austin. This is a continuance on the hearing of July 5, 1983, at which time the parties appeared and stated their positions. The nature and purpose of this hearing is to accumulate a record of pertinent information and data in support of the application and in opposition to the application, from which record the commissioner shall determine whether to grant or deny the application, and may be continued from day to day at the same location if not concluded on the day said hearing commences.

This application is filed and hearing held pursuant to authority and jurisdiction granted by Texas Civil Statutes, Article 852a. The particular sections of the statute involved are §2.13 and §11.11. The particular rules involved are 7 TAC §§51.1-51.13, 53.3, and 53.4. Such rules are on file with the *Texas Register*, Office of the Secretary of State, or may be seen at the department's offices.

The applicant association asserts that operation of the proposed branch office will not unduly harm any other association operating in the vicinity; that there is a public need for the proposed branch office; that the volume of business in the community in which the proposed branch office will operate is such as to yield a profit to the association in a reasonable time; and certain other assertions per 7 TAC §53.3 and §53.4.

Issued in Austin, Texas, on October 25, 1983

TRD-838643 L. L. Bowman III
Commissioner
Texas Savings and Loan
Department

Filed: October 25, 1983

For further information, please call (512) 475-7991.

Application for Change of Control of an Association

Texas Civil Statutes, Article 852a, §11.20, requires any person who intends to acquire control of a state-chartered savings and loan association to file an application with the savings and loan commissioner for approval of the transaction. A hearing may be held if the application is denied by the commissioner.

On October 18, 1983, the savings and loan commissioner received an application for approval of the acquisition of control of Kata Savings & Loan Association, Katy, by Bill E. King, Gary W. Sibley, and Jimmy Wolff.

Any inquiries may be directed to the Texas Savings and Loan Department, 1004 Lavaca, Austin, Texas 78701, (512) 475-7991.

Issued in Austin, Texas, on October 25, 1983

TRD 838644 Russell R. Oliver
General Counsel
Texas Savings and Loan
Department

Filed: October 25, 1983

For further information, please call (512) 475-7991.

Office of the Secretary of State *Texas Register* Schedule Variation

Due to the November 8, 1983, Constitutional Amendment Election, the filing deadlines for documents to be published in the November 11, 1983, issue of the *Texas Register* have been changed. Rules for the November 11 issue must be filed by 10 a.m. on Friday, November 4, and Open Meetings notices must be filed by 10 a.m. on Monday, November 7. This schedule variation will not affect the mailing date of the issue.

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 17-October 21, 1983.

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 the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct

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

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

Listed is the name of the applicant and the city in which each facility is located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal.

Period of October 17-October 21, 1983

Charles Jackson, Jim Justice, Sr., and Calvin A. Barker, Jr., doing business as Dove Estates Joint Venture, Dallas, single-family subdivision, approximately 2,000 feet north northwest of the intersection of Lonesome Dove Avenue and Burney Lane, approximately three miles north northwest of the intersection of State Highway 114 (Northwest Parkway) and FM Road 1709 in Tarrant County, 12801-01, new permit

Community Utility Company, League City, single-family housing and a mobile home park, approximately 1,900 feet north of State Highway 6 and approximately two miles east of the intersection of State Highway 288 and State Highway 6 in Brazoria County, 12780-01; new permit

J. P. Smith, Harlingen, recreational trailer park, on the northern right of way of Thaxler Way, approximately 2,300 feet east of the intersection of Bass Boulevard and U.S. Highway 83 and approximately six miles west of the City of Harlingen in Cameron County; 12817-01, new permit

Weldon Alders, Mont Belvieu, office commercial complex, just west of Farm to Market Road 1409 approximately 5.2 miles southeast of the intersection of State Highway 146 and FM Road 1413 and approximately 9.2 miles south-southeast of the City of Dayton, Liberty County, 12814-01, new permit

Texas Department of Highways and Public Transportation, Atlanta, sewage treatment plant; on U.S. Highway 59, at a point approximately 6.4 miles northeast of Linden, Cass County, 12009-01, renewal

The City of Richardson; wastewater treatment plant; approximately 1/4 mile south of the Spring Valley Road crossing of the Southern Pacific Railroad in the City of Richardson, Dallas County, 10257-01; renewal

City of Woodbranch Village, New Caney; sewage treatment plant; approximately 8,000 feet east of U.S. Highway 59 at Roman Forest Boulevard and Peach Creek in Montgomery County; 11993-01; renewal

Lawrence W. McMurry, Crowley, mobile home park, approximately 2,000 feet west of FM 1902 and two miles south of FM Road 1187, southwest of the Town of Crowley, Johnson County; 12819-01; new permit

Gulf Coast Utilities, Inc., Pearland; mobile home park; immediately east of County Road 48 and ap-

proximately one mile north of State Highway 6 in Brazoria County; 12835-01; new permit

Nueces County Water Control and Improvement District 4, Port Aransas; wastewater treatment plant; on Mustang Island on the west side of Park Road 53 approximately 6 1/4 miles southwest of the intersection in Port Aransas of Avenue G and Park Road 53 in Nueces County; 10846-02; new permit

Woodsage Construction Company, Inc., Houston; apartment complex, 1/2 mile west of U.S. Highway 59 on the south side of FM Road 1314 in Montgomery County; 12829-01; new permit

Valley Chili Company, Inc., Vinton; vegetable processing plant, 200 Valley Chili Drive in the Town of Vinton, El Paso County, 02671; new permit

Wallace D. Voight and Jack Johnston, doing business as Branch Creek Estates, Dessau; mobile home park; along Dessau Road, approximately 1/2 mile south of the Town of Dessau in Travis County, 02675, new permit

Sugarland Properties, Inc., Houston, wastewater treatment plant, approximately 3,500 feet north of State Highway 6 on the western bank of Oyster Creek in Fort Bend County, 12806-01, new permit

Port Rio Grande, Inc., Brownsville, resort complex; on the south side of State Highway 4 approximately 8.6 miles south-southeast of the City of Port Isabel and approximately 3,700 feet due north of the United States-Mexico International Boundary in Cameron County; 12823-01, new permit

Horsepen Bayou Municipal Utility District, Houston; wastewater treatment plant, approximately 1 1/4 miles south of FM Road 529 (Spencer Road) and 1/2 mile west of Addicks-Lairbanks Road in Harris County; 12128-01; amendment

Edward B. Sneller, doing business as Country View Estates Mobile Home Park, Iowa Park, mobile home park, approximately 1,100 feet north of Spur 370 (Old Iowa Park Road) and approximately 1,800 feet east of North Atlantic Street, east of the City of Iowa Park in Wichita County, 12815-01, new permit

Cameron County Fresh Water Supply District 1, Port Isabel, sewage treatment plant, on South Padre Island adjacent to Andy Bowie County Park in Cameron County; 11383-01, amendment

Galveston County Water Control and Improvement District 12, Kemah; wastewater treatment plant; approximately 1 1/4 miles south of FM Road 2094 on Cien Road east of State Highway 146 in Galveston County; 12039-01, renewal

Cameron County Fresh Water Supply District 1, Port Isabel; sewage treatment plant, approximately 4,000 feet south of the east end of the Queen Isabella Causeway on the south end of Padre Island in Cameron County, 10757-01, amendment

Litho-Strip Company, Division of Amsted Industries, Inc., Houston; wastewater treatment plant; at 16402 Jacintoport Boulevard in the Jacintoport Industrial Park approximately three miles south of the Town of Channelview, Harris County; 02160; amendment

Central Power & Light Company, Corpus Christi; wastewater treatment plant, adjacent to Coleta Creek Reservoir, approximately 2 1/2 miles northeast of the Town of Fannin, Cochad County, 02159; amendment

Issued in Austin, Texas, on October 21, 1983

TRD-838587 Mary Ann Hefner
 Chief Clerk
 Texas Water Commission

Filed October 24, 1983

For further information, please call (512) 475-4514

Texas Department of Water Resources Consultant Contract Award

The Texas Department of Water Resources has awarded a consultant contract under Texas Civil Statutes, Article 6252-11c. Notice of the proposal request was published in the July 26, 1983, issue of the *Texas Register* (8 Tex-Reg 2829)

Description. A consultant has been selected to perform preliminary assessments, site inspections, and follow-up

site inspections of various hazardous waste sites throughout the state. This project is being conducted by the Texas Department of Water Resources through a cooperative agreement with the U.S. Environmental Protection Agency, pursuant to the 1980 amendments to the Resource Conservation and Recovery Act, §3012.

Consultant Name. The name and address of the private consultant is Engineering-Science, Inc., 2901 North Interregional, Austin, Texas 78722

Terms. The maximum value of this cost-plus-fixed-fee contract is \$559,598, with the beginning date of September 28, 1983, and the ending date of June 27, 1984, unless extended by written amendment to the contract.

Report Dates. The consultant will begin submitting preliminary assessment forms on December 7, 1983, and site inspection reports on May 16, 1984. Follow-up site inspection reports will be submitted on June 27, 1984, as will a final report. Monthly progress reports will also be submitted.

Issued in Austin, Texas, on October 24, 1983

TRD-838630 Susan Plettman
 General Counsel
 Texas Department of Water
 Resources

Filed October 25, 1983

For further information, please call (512) 475-7851.

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In the second issue of every month, a guide to agency activity for the previous month is published. Quarterly and annual indexes to the *Register* are published separately and bound in light blue for distinction.

Also included in the Index section is a list of the Texas Administrative Code titles that were affected by the rule-making activity of the previous month.

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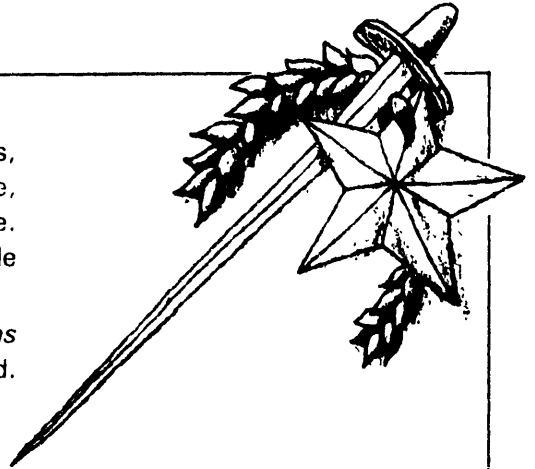
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