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# Texas Register

Volume 14, Number 56, August 4, 1989

Pages 3725-3858

## In This Issue...

### **Governor**

#### *Appointments made July 25, 1989*

- 3739-Lower Concho River Water and Soil Conservation Authority
- 3739-Nueces River Authority Board of Directors
- 3739-Coastal Water Authority Board of Directors
- 3739-Chief Justice of the Twelfth Court of Appeals
- 3739-Real Estate Research Advisory Committee
- 3739-Radiation Advisory Board
- 3739-polygraph Examiners Board
- 3739-Council on Child Abuse and Neglect Prevention (Children's Trust Fund)
- 3739-University of North Texas Board of Regents
- 3739-Texas Commission on Alcohol and Drug Abuse
- 3739-State Commission for the Blind
- 3739-Task Force on Public Utility Regulation

### **Attorney General**

#### *Opinions*

- 3741-JM-1069(RQ-1626)
- 3741-JM-1070(RQ-1710)
- 3741-JM-1071(RQ-1681)
- 3741-JM-1072(RQ-1702)
- 3741-JM-1073(RQ-1641)

#### *Request for Opinion*

- 3741-RQ-1766

### **Emergency Sections**

#### *Office of Secretary of State*

- 3743-Athlete Agents

#### *Office of Consumer Credit Commissioner*

- 3743-Practice and Procedure

#### *State Board of Insurance*

- 3743-Corporate and Financial

### **Proposed Sections**

#### *Office of Consumer Credit Commissioner*

- 3745-Practice and Procedure
- 3745-Rules of Operation for Insurance Premium Finance Companies

#### *Railroad Commission of Texas*

- 3746-Transportation Division

#### *Texas Education Agency*

- 3747-Proprietary Schools and Veterans Education
- 3748-Curriculum
- 3782-Teacher Certification

#### *Texas Board of Chiropractic Examiners*

- 3783-Advertising and Public Communications

- 3784-Chiropractic Radiologic Technologists

#### *Texas Optometry board*

- 3784-Examinations

#### *Texas Medical Disclosure Panel*

- 3785-Informed Consent

#### *Texas Parks and Wildlife Department*

- 3786-Finance
- 3786-Administrative Services
- 3789-Parks
- 3790-Wildlife
- 3792-Texas Parks and Wildlife Magazine

#### *Texas Department of Human Services*

- 3792-County Indigent Health Care Program
- 3794-Medicaid Eligibility
- 3795-Case Management for Persons with Mental Retardation or Related Condition
- 3799-Utilization Review

### **Adopted Sections**

#### *Texas Department of Commerce*

- 3801-Texas Community Development Program
- 3801-Texas Rental Rehabilitation Program

CONTENTS CONTINUED INSIDE

## Texas Register

The *Texas Register* (ISSN 0362-0787) published twice each week 100 times a year except March 7, 1989, June 2, 1989, July 7, 1989, November 28, 1989, and December 29, 1989. Issues will be published by the Office of the Secretary of State.

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

Governor—appointments, executive orders, and proclamations

Attorney General—summaries of requests for opinions, opinions, and open records decisions

Emergency Sections—sections adopted by state agencies on an emergency basis

Proposed Sections—sections proposed for adoption

Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date

Adopted Sections—sections adopted following a 30-day public comment period

Open Meetings—notices of open meetings

In Addition—miscellaneous information required to be published by statute or provided as a public service

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes accumulative 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: on page 2 in the lower left-hand corner of the page, would be written: "14 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 14 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, Room 245, James Earl Rudder Building, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code*, sections number, or TRD number.

### Texas Administrative Code

The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules.

**How To Cite:** Under the TAC scheme, each agency section 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*;

TAC stands for the *Texas Administrative Code*;

§27.15 is the section number of rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).



## Texas Register Publications

a section of the  
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### ***Railroad Commission of Texas***

3801—Transportation Division

### ***Department of Labor and Standards***

3802—Tow Trucks

### ***Texas Racing Commission***

3806—Veterinary Practices and Drug Testing

### ***Texas Optometry Board***

3808—General Rules

### ***Texas State Board of Pharmacy***

3808—General Provisions

### ***Structural Pest Control Board***

3808—Licenses

### ***Department of Health***

3809—Water Hygiene

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

3809—Wildlife

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

3811—General Provisions

3812—Executive Clemency

3812—Parole

3814—Hearings

3814—Mandatory Supervision

3815—Board Policy Statements; Memoranda of Understanding

### ***Texas Department of Human Services***

3816—Community Care for Aged and Disabled

### ***State Board of Insurance***

3816—Notification Pursuant to the Insurance Code, Chapter 5, Subchapter L

### ***Open Meetings***

3819—Texas Adult Probation Commission

3819—Texas Department on Aging

3819—Texas Department of Agriculture

3819—Texas Commission for the Blind

3819—Texas Conservation Foundation

3819—Texas State Board of Dental Examiners

3819—Texas Education Agency

3819—Texas Employment Commission

3820—Texas Department of Health

3820—Texas Health and Human Services Coordinating Council

3820—Texas Housing Agency

3820—Department of Information Resources (A.I.T.C.)

3820—State Board of Insurance

3821—Texas Department of Labor and Standards

3821—Texas Low-Level Radioactive Waste Disposal Authority

3821—Texas State Board of Medical Examiners

3821—Interagency Council on Mentally Retarded, Developmentally Disabled and Mentally Ill Offenders

3822—Board of Nurse Examiners

3822—Board of Pardons and Paroles

3822—Texas State Board of Examiners of Professional Counselors

3822—Texas State Board of Registered Professional Engineers

3823—Texas State Board of Public Accountancy

3823—Public Utility Commission of Texas

3824—Railroad Commission of Texas

3825—Texas Rehabilitation Commission

3825—San Jacinto Historical Advisory Board

3826—Office of Secretary of State

3826—Texas Southern University

3826—Texas Tech University

3827—University Interscholastic League

3827—University of North Texas/Texas College of Osteopathic Medicine

3827—Texas Water Commission

3829—Regional Meetings

### ***In Addition***

### ***Texas Department of Banking***

3833—Notice of Application

3833—Notice of Postponement of Hearing

### ***State Banking Board***

3833—Notice of Hearing

### ***Texas Department of Commerce***

3833—Announcement of Contract Awards

3834—Weekly Report on the 1989 Allocation of the State Ceiling on Certain Private Activity Bonds

### ***Texas Department of Community Affairs***

3834—Request for Proposals

### ***Office of Consumer Credit Commissioner***

3835—Notice of Rate Ceilings

### ***Office of the Governor***

3836—Budget Execution Proposal—Office of the Governor

### ***Texas Department of Health***

3837—Public Hearing

### ***State Board of Insurance***

3838—Company Licensing

### ***Texas Medical Disclosure Panel***

3838—Texas Medical Disclosure Panel Medical Treatment and Surgical Procedures

### ***Texas Department of Mental Health and Mental Retardation***

3855—Request for Proposal

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

3855—Notice of Application to Amend Certificate of Convenience and Necessity

3856—Notice of Application to Revise a Telephone Service Base Rate Area

*The University of Texas M.D. Anderson  
Cancer Center*

3857-Notice of Consultant Contract

*Texas Water Commission*

3857-Meeting Notice

3857-Notice of Application for Waste Disposal Permit

*Texas Water Development Board*

3858-Consultant Proposal Request





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Grade: 11

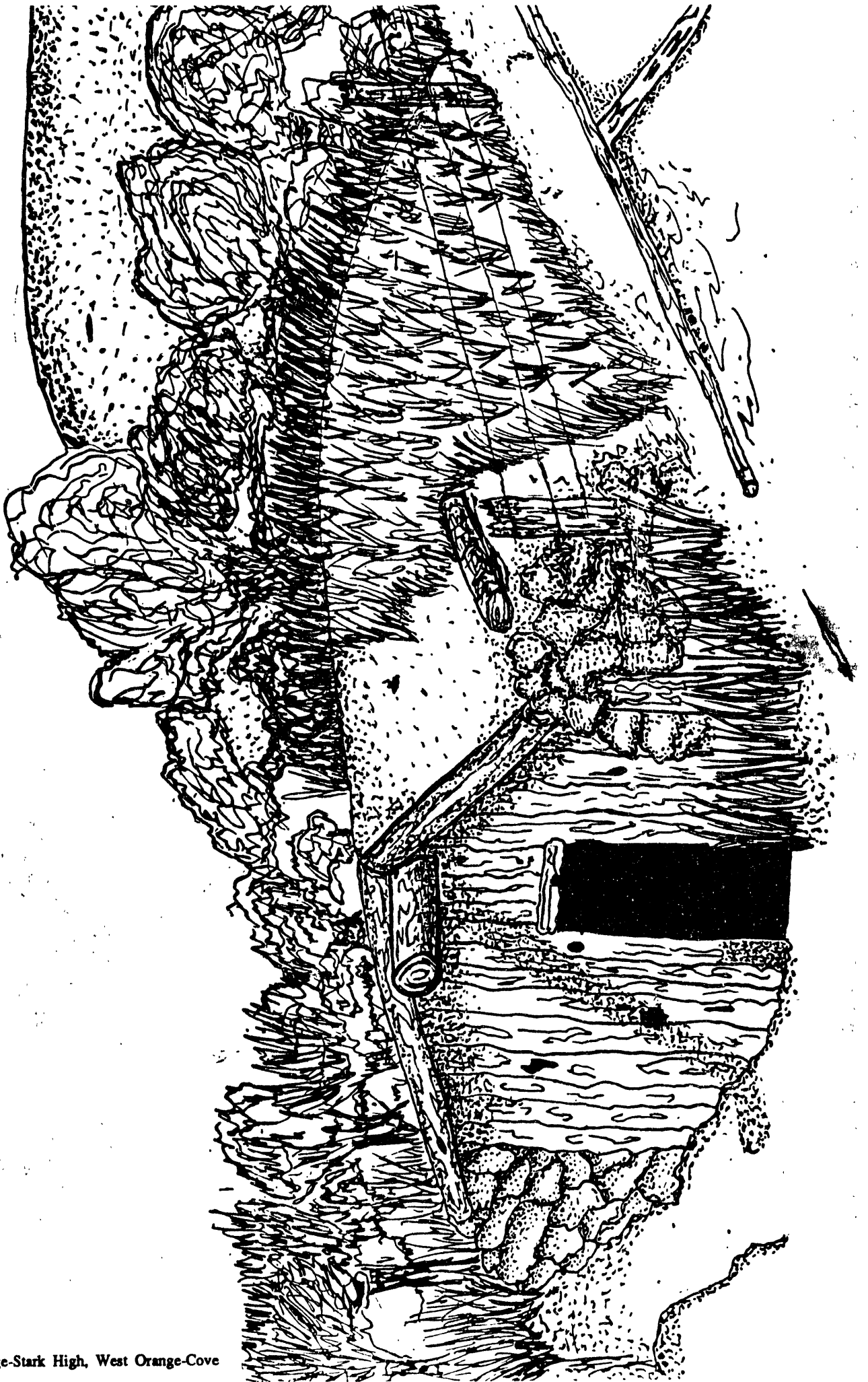
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# TAC Titles Affected

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## TAC Titles Affected—August

The following is a list of the administrative rules that have been published this month.

### TITLE 1. ADMINISTRATION

#### *Part IV. Secretary of State*

1 TAC §78.31—3743

### TITLE 7. BANKING AND SECURITIES

#### *Part V. Office of Consumer Credit Commissioner*

7 TAC §81.20—3743, 3745

7 TAC §83.1, §83.2—3745

7 TAC §§83.11-83.13—3745

7 TAC §§83.21-83.25—3746

7 TAC §83.31—3746

7 TAC §§83.41-83.46—3746

7 TAC §§83.61-83.66—3746

### TITLE 10. COMMUNITY DEVELOPMENT

#### *Part V. Texas Department of Commerce*

10 TAC §178.41—3801

10 TAC §179.1—3801

### TITLE 16. ECONOMIC REGULATION

#### *Part I. Railroad Commission of Texas*

16 TAC §5.582—3746, 3801

#### *Part IV. Department of Labor and Standards*

16 TAC §80.3—3802

#### *Part VIII. Texas Racing Commission*

16 TAC §§319.1-319.12—3802

16 TAC §§319.101-319.108—3804

16 TAC §§319.201-319.203—3805

16 TAC §§319.301-319.309—3805

16 TAC §§319.331-319.337—3806

16 TAC §§319.361-319.364—3807

16 TAC §§319.391—3807

## TITLE 19. EDUCATION

### *Part II. Texas Education Agency*

19 TAC §69.128—3747

19 TAC §75.24, §75.25—3748

19 TAC §75.43—3759

19 TAC §§75.62, 75.63, 75.68, 75.70—3761

19 TAC §75.85, §75.87—3775

19 TAC §75.89—3779

19 TAC §75.142—3780

19 TAC §75.152—3780

19 TAC §75.214, §75.217—3781

19 TAC §141.453—3782

## TITLE 22. EXAMINING BOARDS

### *Part III. Texas Board of Chiropractic Examiners*

22 TAC §77.2-->3783

22 TAC §77.5->3784

22 TAC §78.1—3784

### *Part XIV. Texas Optometry Board*

22 TAC §271.6—3784

22 TAC §273.4—3808

### *Part XV. Texas State Board of Pharmacy*

22 TAC §§281.1, 281.2, 281.30, 281.32, 281.39, 281.59, 281.60—3808

### *Part XXV. Structural Pest Control Board*

22 TAC §593.23—3808

## TITLE 25. HEALTH SERVICES

### *Part I. Department of Health*

25 TAC §337.18—3809

### *Part VII. Texas Medical Disclosure Panel*

25 TAC §§601.1, 601.3, 601.4—3785

## TITLE 28. INSURANCE

### *Part I. State Board of Insurance*

28 TAC §7.1007—3743

**TITLE 31. NATURAL RESOURCES  
AND CONSERVATION**

***Part II. Texas Parks and Wildlife Department***

31 TAC §§53.1-53.4—3786

31 TAC §§53.1-53.7—3786

31 TAC §59.91—3789

31 TAC §§65.312, 65.313, 65.315—3809

31 TAC §§65.332-65.335—3790

31 TAC §67.1—3792

**TITLE 37. PUBLIC SAFETY AND  
CORRECTIONS**

***Part V. Board of Pardons and Paroles***

37 TAC §141.21—3811

37 TAC §141.41, §141.42—3811

37 TAC §141.72, §141.73—3811

37 TAC §141.101—3811

37 TAC §141.111—3811

37 TAC §§143.1-143.12—3812

37 TAC §§143.2-143.11—3812

37 TAC §143.22—3812

37 TAC §143.52—3812

37 TAC §§145.1-145.21—3812

37 TAC §§145.2-145.12, 145.14-145.16—3812

37 TAC §§145.21-145.28—3813

37 TAC §§145.22-145.26—3813

37 TAC §§145.41-145.43—3813

37 TAC §§145.44-145.55—3813

37 TAC §§145.44-145.58—3813

37 TAC §145.62—3814

37 TAC §145.71, §145.72—3814

37 TAC §§147.1, 147.3, 147.5, 147.7—

37 TAC §147.27—3814

37 TAC §§149.1-149.6—3814

37 TAC §§149.2-149.7—3815

37 TAC §§149.11, 149.13, 149.15-149.17—3915

37 TAC §§149.13, 149.16, 149.17, 149.18—3815

37 TAC §§150.1-150.9—3815

37 TAC §§150.51-150.58—3815

**TITLE 40. SOCIAL SERVICES AND  
ASSISTANCE**

***Part I. Department of Human Services***

40 TAC §14.406—3792

40 TAC §§15.431-15.433—3794

40 TAC §§31.1, 31.3, 31.5, 31.7, 31.9, 31.11, 31.13—  
3795

40 TAC §48.2940—3816

# The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Texas Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1814.

## Appointments Made July 25, 1989

To be a member of the Lower Concho River Water and Soil Conservation Authority for a term to expire February 1, 1995: Harvey P. Williams, P.O. Box 668, Eola, Texas, 76937. Mr. Williams is being reappointed.

To be a member of the Nueces River Authority Board of Directors for a term to expire February 1, 1995: Daniel Martinez, 1013 Toben, Corpus Christi, Texas 78412. Mr. Martinez will be replacing Judge Allen Wood of Corpus Christi, whose term expired.

To be a member of the Coastal Water Authority Board of Directors, for a term to expire April 1, 1991: Terry D. Williamson, 7310 Hickory Lane, Baytown, Texas 77521. Mr. Williamson is being reappointed.

To be a member of the Chief Justice of the Twelfth Court of Appeals until the next general election and until his successor shall be duly elected and qualified: Tom B. Ramey, Jr., 530 Sherry Lane, Tyler, Texas 75701. Mr. Ramey will be replacing Judge J. W. Summers of Tyler, who resigned.

To be a member of the Real Estate Research Advisory Committee for a term to expire January 31, 1995: Don R. Ellis, 404 Meandering Way, Del Rio, Texas 78840. Mr. Ellis will be replacing Doris Farmer of Longview, whose term expired.

To be a member of the Radiation Advisory Board, for a term to expire April 16, 1995: Jeannette Rogers, 2120 El Paseo, #2906, Houston, Texas 77054. Ms. Rogers will be replacing Laura Keever of Houston, whose term expired.

To be a member of the Polygraph Examiners Board, for a term to expire June 18, 1995: Horacio Ortiz, 4170 Monaca Drive, Corpus Christi, Texas 78411. Mr. Ortiz will be replacing James E. Hood, III of Richardson, whose term expired.

To be a member of the Council on Child Abuse and Neglect Prevention (Children's Trust Fund) for a term to expire September 1, 1993: Don T. O'Bannon, Jr., 2122 Elder Oaks, Dallas, Texas 75235. Mr. O'Bannon will be filling the unexpired term of Wayne Francis Salvant of Fort Worth, who resigned.

To be a member of the Council on Child Abuse and Neglect Prevention (Children's Trust Fund) for a term to expire September 1, 1995, to be effective September 2, 1989: Ben G. Raimer, M.D., 1712 Church Street, Galveston, Texas 77550. Dr. Raimer is being reappointed.

To be a member of the Council on Child Abuse and Neglect Prevention (Children's Trust Fund) for a term to expire September 1, 1995, effective September 2, 1989: Peggy Brzeszkiewicz Smith, 3645 Piping Rock, Houston, Texas 77027. Dr. Smith is being reappointed.

To be a member of the University of North Texas Board of Regents for a term to expire May 22, 1991: Nancy Strauss Halbreich, 9700 Inwood Road, Dallas, Texas 75220. Mrs. Halbreich will be filling the unexpired term of B. Craig Raupe of Granbury, who is deceased.

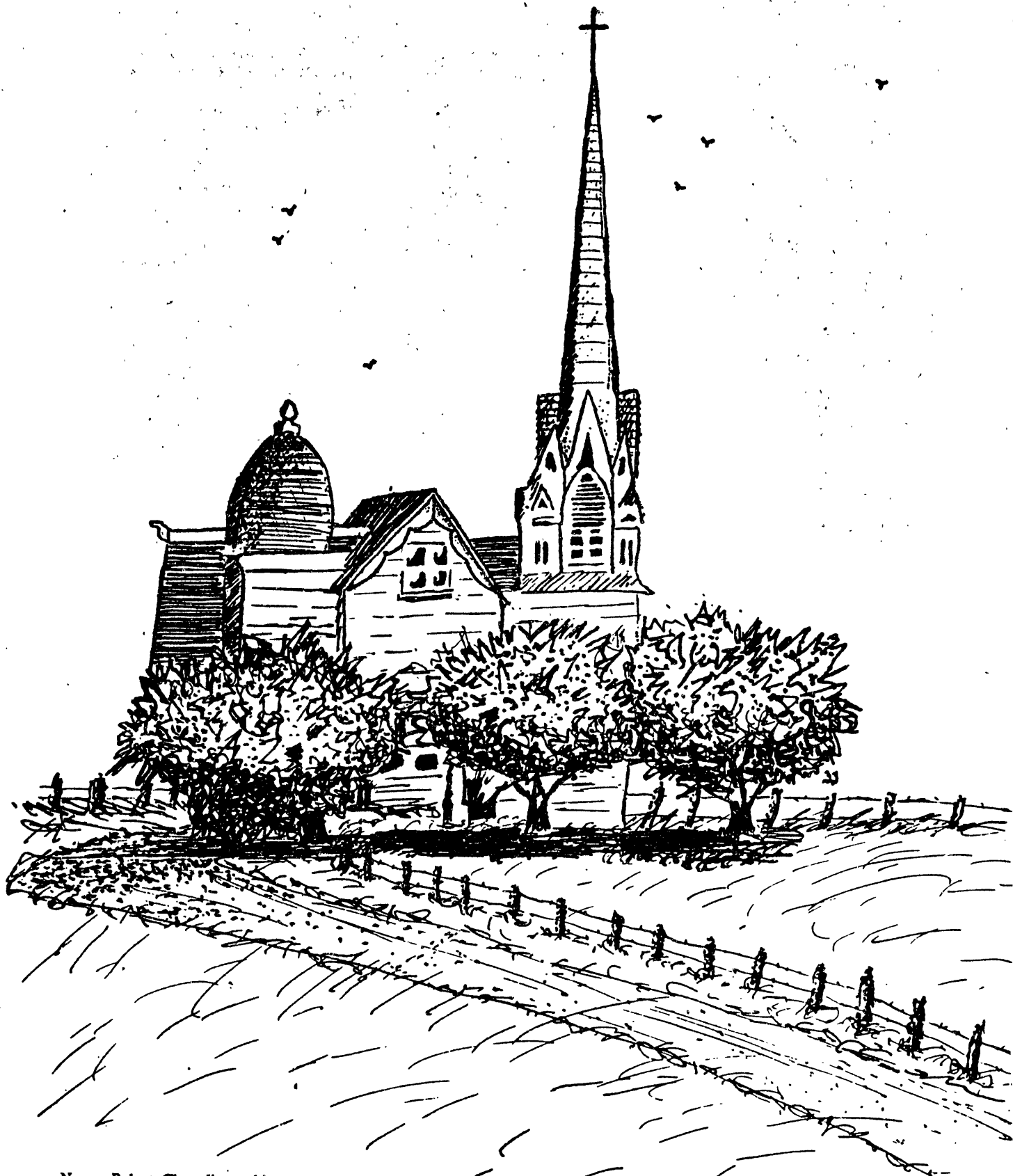
To be a member of the Texas Commission on Alcohol and Drug Abuse, for a term to expire June 8, 1995: Joe Samuel Ratliff, 8202 Frontenac, Houston, Texas 77071. Reverend Ratliff will be replacing Nancy Perry of Odessa, whose term expired.

To be a member of the Texas Commission on Alcohol and Drug Abuse for a term to expire June 8, 1995: Mary Lou Parsons, 1804 Cord, Odessa, Texas 79767. Mrs. Parsons will be replacing Robert Harrell of Austin, who is deceased.

To be a member of the State Commission for the Blind for a term to expire February 1, 1991: John M. Turner, 6009 Hillcrest Avenue, Dallas, Texas 75205. Mr. Turner will be filling the unexpired term of Walter Musler of San Antonio, who resigned.

To be a member of the Task Force on Public Utility Regulation pursuant to Executive Order WPC-89-6 dated July 25, 1989, for terms at the pleasure of the Governor: H. Moak Rollins, Chairman, P.O. Box 26542, Austin, Texas 78755; David A. Dean, 1601 Elm, Suite 700, Dallas, Texas 75201; Donald M. Carlton, P.O. Box 201088, Austin, Texas 78720-1088

TRD-8906663



Name: Robert Chawaliszewski

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10 Robert Chawalisz

# Attorney General

**Description of Attorney General submissions.** Under provisions set out in the Texas Constitution, the Texas Government Code, Title 4, §402.042 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 maybe held from public disclosure. Requests for opinions, opinions, and open record decisions are summarized for publication in the *Texas Register*. The Attorney General responds to many requests for opinions and open records decisions with letter opinions. A letter opinion has the same force and effect as a formal Attorney General Opinion, and represents the opinion of the Attorney General unless and until it is modified or overruled by a subsequent letter opinion, a formal Attorney General Opinion, or a decision of a court of record.

## Opinions

**JM-1069(RQ-1626).** Request from John F. Perry, County Attorney, Hopkins County Courthouse, Sulphur Springs, concerning composition of municipal zoning board of adjustment.

### Summary of Opinion.

The governing body of a city cannot, consistent with the statutes regulating zoning matters, act as a zoning board of adjustment pursuant to a local ordinance, nor may members of the governing body be appointed to serve on a separate board of adjustment.

TRD-8906675

**JM-1070(RQ-1710).** Request from Jimmy F. Davis, Castro County District Attorney, Castro County Courthouse, Dimmitt, concerning whether a commissioners court is authorized to set working hours and holidays for road employees in a county that has ex officio road commissioners.

### Summary of Opinion.

The commissioners court is authorized to determine the working hours and holidays for road employees in a county that operates under the ex officio road commissioners system pursuant to Texas Civil Statutes, Article 655702-1, §3.001(a)

TRD-8906676

**JM-1071(RQ-1681).** Request from Kent A. Caperton, Chairman, Finance Committee, Texas State Senate, Austin, concerning whether the certified agenda provision of the Open Meetings Act, Texas Civil Statutes, unduly restricts speech rights of members of governmental bodies.

### Summary of Opinion.

The Texas Open Meetings Act, Texas Civil Statutes, Article 6252-17, Subsection 2A(h), applies to the certified agenda or tape recording kept as a record of an executive session. It does not prohibit members of a governmental body or other persons in attendance at an executive session from making public statements about the subject matter of that session.

TRD-8906677

**JM-1072(RQ-1702).** Request from Ernestine V. Glossbrenner, Chairman, Public Education Committee, Texas House of Representatives, Austin, concerning whether certain subcommittees of the board of trustees of school districts are subject to the Texas Open Meetings Act, Texas Civil Statutes, Article 6252-17.

### Summary of Opinion.

If a committee comprising one or more members of the board of trustees of a school district meets to discuss public business or policy, the committee itself is subject to the Texas Open Meetings Act, Texas Civil Statutes, Article 6252-17.

TRD-8906678

**JM-1073(RQ-1641).** Request from Robert Bernstein, Commissioner of Health, Texas Department of Health, Austin, concerning reconsideration of JM-983 (1988), regarding the use of station message detail recordings.

### Summary of Opinion.

Regardless of whether a device is a pen register, the use of such a device to protect state property by recording the origin of incoming communications as well as outgoing numbers called in order to prevent the public from paying for private calls is permissible under the Penal Code, Article 16.03(d). Attorney General Opinion JM-983 is withdrawn.

TRD-8906672

## Requests for Opinions

**(RQ-1766).** Request from Jean Bishop, Wise County Attorney, Wise County Courthouse, Room 300, Decatur, concerning availability of open-space land appraisal to property owned by a corporation of which the majority of stockholders are non-resident foreign nationals.

TRD-8906691







Name: Bettie Cullum

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# Emergency Sections

An agency may adopt a new or amended section or repeal an existing section on an emergency basis if it determines that such action is necessary for the public health, safety, or welfare of this state. The section 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.

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

## TITLE 1.

### ADMINISTRATION

#### Part IV. Office Secretary of State

##### Chapter 78. Athlete Agents

###### • 1 TAC §78.31

The Secretary of State's Office is renewing the effectiveness of the emergency adoption of new §78.31, for a 60-day period effective August 8, 1989. The text of new §78.31 was originally published in the April 14, 1989, issue of the *Texas Register* (14 TexReg 1813).

Issued in Austin, Texas on July 27, 1989.

TRD-8906670 Brad Gahn  
Assistant Secretary of State

Effective date: August 8, 1989

Expiration date: October 7, 1989

For further information, please call: (512) 463-5701

## TITLE 7. BANKING & SECURITIES

### Part V. Office of Consumer Credit Commissioner

#### Chapter 81. Practice and Procedure

###### • 7 TAC §81.20

The Office of Consumer Credit Commissioner adopts on an emergency basis an amendment to §81.20, concerning allowable reimbursement for expenses of witnesses or deponents who are not a party and who are subpoenaed or otherwise appear at any hearing or proceeding at the instances of the Office of Consumer Credit Commissioner. The amendment amends §81.20 by designating the section as originally adopted to be a

new subsection (a) and by adding new subsection (b), which authorizes the Office of Consumer Credit Commissioner to reimburse a witness or deponent who is not a party and who is subpoenaed or otherwise appears at any hearing or proceeding at the instances of the Office of the Consumer Credit Commissioner for expenses incurred by such witness or deponent for transportation, lodging, and meals.

The amendment is adopted on an emergency basis in order for it to be effective immediately. It is necessary to adopt this section on an emergency basis to protect the welfare of those members of the public who are called upon to attend a public hearing or to give a deposition on behalf of the Office of the Consumer Credit Commissioner by allowing for the reimbursement of their expenses.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 6252-13a, which provide the Office of Consumer Credit Commissioner with the authority to prescribe rules for practice and procedure.

###### §81.20. Public Hearings.

(a) All hearings conducted in any proceeding shall be open to the public. All hearings shall be held in Austin, unless for good and sufficient cause the commissioner shall designate another place of hearing in the interest of the public.

(b) Any witness or deponent who is not a party and who is subpoenaed or otherwise appears at any hearing or proceeding at the instances of the Office of Consumer Credit Commissioner is entitled to receive as reimbursement for expenses incurred the transportation allowance(s) as prescribed by the travel regulations in the General Appropriations Act for state employees at the time the travel expenses incurred for going to and/or returning from the place of the hearing or the place where the deposition is to be taken. Such witness or deponent may receive a meals and lodging allowance also as prescribed by the travel reg-

ulations of the General Appropriations Act for state employees in effect at the time the travel expenses are incurred. Travel expense reimbursement is only applicable if the place of hearing or deposition is greater than 25 miles from the witness' or deponent's residence.

Issued in Austin, Texas on July 26, 1989.

TRD-8906731 Al Endsley  
Commissioner of Consumer Credit

Effective date: July 28, 1989

Expiration date: November 25, 1989

For further information, please call: (512) 479-1280

## TITLE 28. INSURANCE

### Part I. State Board of Insurance

#### Chapter 7. Corporate and Financial

##### Subchapter J. Examination Expenses and Assessments

###### • 28 TAC §7.1007

The State Board of Insurance is renewing the effectiveness of the emergency adoption of new §7.1007, for a 60-day period effective July 29, 1989. The text of new §7.1007 was originally published in the April 7, 1989, issue of the *Texas Register* (14 TexReg 1705).

Issued in Austin, Texas on July 26, 1989.

TRD-8906620 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: July 29, 1989

Expiration date: September 27, 1989

For further information, please call: (512) 463-6327



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# Proposed Sections

Before an agency may permanently adopt a new or amended section, or repeal an existing section, a proposal detailing the action must be published in the *Texas 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 section. Also, in the case of substantive sections, a public hearing must be granted if requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members.

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

## TITLE 7. BANKING AND SECURITIES

### Part V. Office of Consumer Credit Commissioner

#### Chapter 81. Practice and Procedure

##### Public Hearings

###### • 7 TAC §81.20

*(Editor's Note: The Office of Consumer Credit Commissioner proposes for permanent adoption the new sections it adopts on an emergency basis in this issue. The text of the new sections is in the Emergency Rules section of this issue.)*

The Office of Consumer Credit Commissioner proposes an amendment to §81.20, concerning allowable reimbursement for expenses of witnesses or deponents who are not a party and who are subpoenaed or otherwise appear at any hearing or proceeding at the instances of the Office of Consumer Credit Commissioner. The amendment changes §81.20 by designating the section as originally adopted to be a new subsection (a) and adds subsection (b), which authorizes the Office of Consumer Credit Commissioner to reimburse a witness or deponent who is not a party and who is subpoenaed or otherwise appears at any hearing or proceeding at the instances of the office of the Consumer Credit Commissioner for expenses incurred by such witness or deponent for transportation, lodging, and meals.

Al Endsley, consumer credit commissioner, has determined that for the first five-year period the section is in effect there will be fiscal implications for state government, the exact dollar amount of which cannot be determined without knowing what expenses will be incurred by such witnesses or deponents; however, such fiscal implications will be minimal as the Office of Consumer Credit Commissioner has only had two occasions in the last five years to reimburse a witness or deponent for transportation, lodging, and meals. There will be no fiscal implications for local government or small business as a result of enforcing or administering the section.

Mr. Endsley also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to eliminate any out-of-pocket costs to witnesses or deponents that are not parties to proceedings pending before the Office of Consumer Credit Commissioner. There is no anticipated economic cost to individuals who are required to

comply with the section as proposed.

Comments on the proposal may be submitted to Al Endsley in care of the Office of the Consumer Credit Commissioner, 2601 North Lamar Boulevard, Austin, Texas 78705.

The amendment is proposed under Texas Civil Statutes, Article 6252-13a, which provide the Office of the Consumer Credit Commissioner with the authority to prescribe rules for practice and procedure.

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 July 26, 1989.

TRD-8906732 Al Endsley  
Commissioner of the Office  
of Consumer Credit

Earliest possible date of adoption: September 4, 1989

For further information, please call: (512) 479-1280

#### Chapter 83. Rules of Operation for Insurance Premium Finance Companies Insurance Premium Finance Requirements

The Office of Consumer Credit Commissioner proposes the repeal of §§83.1, 83.2, 83.11-83.13, 83.21-83.25, 83.31, 83.41-83.46, and 83.61-83.66, concerning rules of operation for insurance premium finance companies. The commissioner proposes the repeal of these sections, which comprise all of Chapter 83, because the regulation of such companies is, pursuant to Texas Civil Statutes, the Insurance Code, Article 24.01 et seq., now subject to the jurisdiction of the State Board of Insurance.

Al Endsley consumer credit commissioner, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Endsley also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the section is the uniformity of regulation in the proper state agency. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Al Endsley in care of the Office of Consumer Credit Commissioner, 2601 North

Lamar Boulevard, Austin, Texas 78705.

###### • 7 TAC §83.1 §83.2

*(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Office of Consumer Credit Commissioner or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)*

The repeals are proposed under Texas Civil Statutes, Article 5069-12.09, which authorize the commissioner to prescribe such rules and regulations as may be necessary or proper concerning the financing of insurance premiums.

###### §83.1. Acceptance or Rejection.

###### §83.2. Prompt Processing Required.

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 July 26, 1989.

TRD-8906730 Al Endsley  
Commissioner of the Office  
of Consumer Credit

Earliest possible date of adoption: September 4, 1989

For further information, please call: (512) 479-1280

#### Finance Charges

###### • 7 TAC §§83.11-83.13

*(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Office of Consumer Credit Commissioner or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)*

The repeals are proposed under Texas Civil Statutes, Article 5069-12.09, which authorize the commissioner to prescribe such rules and regulations as may be necessary or proper concerning the financing of insurance premiums.

###### §83.11. Finance Charge Rates Permitted; Repayment Terms Limitations.

###### §83.12. Finance Charge Computations for Irregular First Installments.

###### §83.13. Finance Charge Allowed When Receipt of Agreement is Delayed.

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 July 26, 1989.

TRD-8906729

Al Endsley  
Commissioner  
Office of Consumer Credit  
Commissioner

Earliest possible date of adoption: September 4, 1989

For further information, please call: (512) 479-1280

◆ ◆ ◆  
**Prepayment Refunds,  
Cancellations, Acceleration**

• 7 TAC §§83.21-83.25

*(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Office of Consumer Credit Commissioner or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)*

The repeals are proposed under Texas Civil Statutes, Article 5069-12.09, which authorize the commissioner to prescribe such rules and regulations as may be necessary or proper concerning the financing of insurance premiums.

**§83.21. Prepayment On Or After First Installment Due Date.**

**§83.22. Prepayment Prior to First Installment Due Date.**

**§83.23. Prepayment Prior to Receipt and Acceptance.**

**§83.24. Finance Charge Earnings Upon Cancellation.**

**§83.25. Finance Charge Earnings Upon Acceleration.**

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 July 26, 1989.

TRD-8906728

Al Endsley  
Commissioner  
Office of Consumer Credit  
Commissioner

Earliest possible date of adoption: September 4, 1989.

For further information, please call: (512) 479-1280

◆ ◆ ◆  
**Effect of Power of Attorney**

• 7 TAC §83.31

*(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Commissioner of Consumer Credit or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)*

The repeal is proposed under Texas Civil Statutes, Article 5069-12.09, which authorize the commissioner to prescribe such rules and regulations as may be necessary or proper concerning the financing of insurance premiums.

**§83.31. Cancellation of Finance Policy.**

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 July 26, 1989.

TRD-8906727

Al Endsley  
Commissioner of  
Consumer Credit

Earliest possible date of adoption: September 4, 1989

For further information, please call: (512) 479-1280

◆ ◆ ◆  
**Increases or Decreases in the  
Amount of Premiums  
Finances**

• 7 TAC §§83.41-83.46

*(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Commissioner of Consumer Credit or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)*

The repeals are proposed under Texas Civil Statutes, Article 5069-12.09, which authorize the commissioner to prescribe such rules and regulations as may be necessary or proper concerning the financing of insurance premiums.

**§83.41. Prompt Advisement.**

**§83.42. Content of Premium Finance Agreement.**

**§83.43. Accrual of Finance Charge.**

**§83.44. Decrease in Premium.**

**§83.45. No Greater Charge Than Permitted by Texas Credit Code.**

**§83.46. Effective Date of Increases or Decreases.**

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 July 26, 1989.

TRD-8906726

Al Endsley  
Commissioner of  
Consumer Credit  
Commissioner

Earliest possible date of adoption: September 4, 1989

For further information, please call: (512) 479-1280

**Books and Records**

• 7 TAC §§83.61-83.66

*(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Commissioner of Consumer Credit or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)*

The repeals are proposed under Texas Civil Statutes, Article 5069-12.09, which authorize the commissioner to prescribe such rules and regulations as may be necessary or proper concerning the financing of insurance premiums.

**§83.61. Context of Account Records.**

**§83.62. Filing.**

**§83.63. Index.**

**§83.64. Copies of Agreement.**

**§83.65. Cancellation.**

**§83.66. Equivalent Information Systems.**

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 July 26, 1989.

TRD-8906725

Al Endsley  
Commissioner of  
Consumer Credit

Earliest possible date of adoption: September 4, 1989

For further information, please call: (512) 479-1280

◆ ◆ ◆  
**TITLE 16. ECONOMIC  
REGULATION**

**Part I. Railroad  
Commission of Texas**

**Chapter 5. Transportation  
Division**

**Subchapter Z. Base Rates,  
Deviations, and Suspensions**

• 16 TAC §5.582

The Railroad Commission of Texas proposes an amendment to §5.582, concerning deviations from base rates, pursuant to a petition by Temple-Inland Forest Products Corporation. The petition as received sought an amendment which would allow deviations of 40% above or below the base rate for all motor carriers. The commission proposes to allow deviations only for common carriers on shipments of 501 pounds or more. The amendment as proposed would allow deviations of greater magnitude than those currently permitted. Deviations of 5.0% or less are currently allowed on shipments weighing 501-9,999 pounds. Shipments weighing

10,000 pounds or more are subject to deviations up to 15%. Under the proposed rule, deviations of up to 40% would be allowed on all traffic by common carriers, subject to the predatory pricing provisions of this subchapter.

Jackye S. Greenlee, assistant director, central operations, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ronald D. Stutes, hearings examiner, has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section is increased competition between common carriers. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted within 60 days to Raymond A. Bennett, Director, Transportation/Gas Utilities Division, and Ronald D. Stutes, Hearings Examiner, Legal Division, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas 78711.

The amendment is proposed under the Texas Motor Carrier Act, Texas Civil Statutes, Article 911b, §4 (a)(9), which allows the commission to adjust the allowed percentages for deviations.

#### §5.582. Deviations from Base Rates.

(a) (No change.)

(b) Motor [Subject to the provisions of subsection (f) of this section, motor] carriers (other than specialized motor carriers and other than contract carriers subject to commission-prescribed tariffs governing transportation of specialized commodities) shall be permitted to deviate by an amount not to exceed 40% [5.0%] above or below the applicable base rate or charge for shipments of general commodities weighing [from] 501 [to 9,999] pounds or more.

[(c) Motor carriers (other than specialized motor carriers and other than contract carriers subject to commission-prescribed tariffs governing transportation of specialized commodities) shall be permitted to deviate by an amount not to exceed 15% above or below the applicable base rate or charge for shipments of general commodities weighing 10,000 pounds or more.]

(c)[(d)] Carrier(s) proposing to deviate in accordance with the provisions of this section must file a deviation request with the commission under the provisions set forth in §5.587 of this title (relating to Base Rate Deviation Procedures). No deviation shall become effective unless it has been approved for publication pursuant to the provisions of §5.587(d) of this title (relating to Base Rate Deviation Procedures).

(d) [(e)] A request to cancel or amend an effective deviation shall be made under the standards in this section and the procedures of §5.587 of this title (relating to

Base Rate Deviation Procedures).

[(f) For shipments of general commodities weighing from 501-9,999 pounds which occupy the full visible capacity of the trailer, motor carriers (other than specialized motor carriers and other than contract carriers subject to commission-prescribed tariffs governing transportation of specialized commodities) shall be permitted to deviate by the amount set out in subsection (c) of this section for shipments weighing 10,000 pounds or more.]

(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 July 24, 1989.

TRD-8906595

Cril Payne  
Assistant Director-Legal  
Division  
Railroad Commission of  
Texas

Earliest possible date of adoption: September 4, 1989

For further information, please call: (512) 483-7187

## TITLE 19. EDUCATION

### Part II. Texas Education Agency

#### Chapter 69. Proprietary Schools and Veterans Education

#### Subchapter E. Guidelines and Minimum Standards for Operation of Texas Proprietary Schools

##### • 19 TAC §69.128

The Texas Education Agency proposes an amendment to §69.128, concerning proprietary school fees. The proposed amendment would set the schedule of fees required of Texas proprietary schools at the level allowed by Senate Bill 417 passed by the 71st Texas Legislature the level of fees would represent an amount that would staff the agency's proprietary school division to the degree necessary to adequately fulfill the responsibilities assigned by the legislature.

Lynn Moak, deputy commissioner for research and information, has determined that for the first five year period the proposed section will be in effect there will be fiscal implications for state government and small businesses as a result of enforcing or administering the section. Increased fees will result in \$1.45 million in additional revenue each year. Increased monitoring requirements will require 34 additional staff members who will be financed through the fees collected under the new rules. This change will affect the level of fees that proprietary schools are required to pay in order to receive approval from the Texas Education Agency. This

amendment also affects those small businesses which offer defensive driving courses and issue certificates. The cost of each certificate to the businesses will be one dollar. The change will have no impact on local government.

Mr. Moak and Oscar A. Rodriguez, Planner I, have determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing the amendment is the increased oversight of Texas proprietary schools. There is no anticipated economic cost for individuals who are required to comply with the sections.

Comments on the proposal may be submitted to Oscar A. Rodriguez, Office of Policy Coordination, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9682. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in sections has been published in the *Texas Register*.

The amendment is proposed under the Texas Education Code, §32.22, which requires the State Board of Education to adopt policies, regulations, and rules necessary for carrying out provisions of the Texas Proprietary School Act after consultation with the Proprietary School Advisory Commission, and §32.71, as amended by the 71st Texas Legislature, which authorizes the State Board of Education to increase proprietary school fees by as much as 50%.

#### §69.128. Fees.

(a)(b) (No change.)

(c) A late renewal fee of \$200 [\$100] must be paid in addition to the annual renewal fee if the school fails to file a complete application for renewal at least 30 days before the expiration date of the certificate of approval. The requirements for a complete application for renewal are found in §69.125 of this title (relating to Certificates of Approval and Permits for Representatives). The complete renewal application must be postmarked with a date on or before the due date.

(d) Fees shall be set in an amount allowed by law that is estimated to finance agency regulation of the proprietary school industry.

(e) Certificate and registration fees shall be collected by the administrator and deposited with the State Treasurer in accordance with the following schedule.

(1) The initial fee for a school is \$2,550.

(2) The first annual renewal fee is \$2,100.

(3) Each subsequent annual renewal fee is based on the gross amount of annual student tuition and fees, as follows: Gross Amount, Student Tuition, and Fees, Fee.

<u>not more than \$ 50,000</u>	<u>825</u>
<u>more than \$ 50,000 but not more than 100,000</u>	<u>975</u>
<u>more than 100,000 but not more than 250,000</u>	<u>1,125</u>
<u>more than 250,000 but not more than 500,000</u>	<u>1,275</u>
<u>more than 500,000 but not more than 750,000</u>	<u>1,425</u>
<u>more than 750,000 but not more than 1,000,000</u>	<u>1,575</u>
<u>more than 1,000,000</u>	<u>1,725</u>

(4) The initial fee for a representative is \$90.

(5) The annual renewal fee for a representative is \$45.

(6) The fee for a change of name or a school owner is \$150.

(7) The fee for the change of address of a school is \$270.

(8) The fee for a change in the name or address of a representative or a change of the name or address of a school that causes the reissuance of a representative permit is \$15.

(9) The application fee for an additional course is \$225, except for seminar and workshop courses for which the fee is \$35.

(10) The application fee for a director, administrative staff member, or instructor is \$20.

(11) The application fee for the authority to grant degrees is \$3,000.

(12) The application fee for an additional degree course is \$375.

(13) The fee for an inspection required by rule of the State Board of Education of classroom facilities that are separate from the main campus is \$375; and

(14) The fee for an investigation of a complaint against a school, if the school is at fault, is \$600.

(f) The fee for regulating a school or course through a memorandum of understanding is \$2,000.

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 July 24, 1989.

TRD-890627 W. N. Kirby  
Commissioner of Education

Proposed date of adoption: October 14, 1989.

For further information, please call: (512) 463-9212

## Chapter 75. Curriculum

### Subchapter B. Essential Elements-Prekindergarten-Grade Six

#### • 19 TAC §§75.24, 75.25

The Texas Education Agency proposes amendments to §§75.24, 75.25, 75.43, 75.62, 75.63, 75.68, 75.70, 75.85, 75.87, 75.142, 75.152, 75.214, and 75.217, and new §75.89, concerning essential elements for curriculum. The proposed amendments and new sections would enact new essential elements that reflect changes made in the State Board of Education's textbook Proclamations 64, 65, and 66. The new essential elements would involve fundamentals of mathematics, consumer mathematics, calculus, psychology, sociology, and world geography studies, effective fall 1989; algebra I-II, geometry, trigonometry, and world history studies, effective fall 1990; and elementary mathematics and elementary science, effective fall 1991.

In addition, general education business education and vocational education office education courses would be revised to eliminate duplication and redundancy, with the changes to be effective in fall 1989. Section 75.62 would be amended to include American sign

language to satisfy high school foreign language requirements pursuant to Senate Bill 1183 passed by the 71st Texas Legislature, although essential elements for this course are not expected to be proposed until the next curriculum review process in 1990-1991.

The development and implementation of an applied physics program, principles of technology, was one of the initiatives of the master plan for vocational education. Two courses, principles of technology I and II, were developed and piloted during the 1986-1987 and 1987-1988 school years. The proposed essential elements for these courses would be effective fall 1989. The final addition would be a vocational education course designed for students in grades nine-12 identified as two or more years below grade level in reading and mathematics and/or students identified as handicapped in Chapter 89, Subchapter G, concerning special education, who have been placed in the program through the Admission, Review, and Dismissal Committee and have an Individual Educational Plan. The essential elements for this course would be effective in fall 1989.

Lynn Moak, deputy commissioner for research and information, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Mr. Moak and Oscar A. Rodriguez, Planner I, also have determined that for each year of the first five years the proposed sections are in effect the public benefit anticipated as a result of enforcing these sections is alignment of essential elements for curriculum with requirements of the State Board of Education's textbook Proclamations 64, 65, and 66. There is no anticipated economic cost for individuals who are required to comply with the sections.

Comments on the proposal may be submitted to Oscar A. Rodriguez, Office of Policy Coordination, 1701 North Congress Avenue, Austin, Texas, 78701, (512) 463-9882. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in sections has been published in the *Texas Register*.

The amendments and new section are proposed under the Texas Education Code §21.101, which authorizes the State Board of Education to make rules concerning the well-balanced curriculum.

**§75.24. Mathematics.**

(a)-(g) (No change.)

(h) Essential elements for mathematics, grades one-six, as described in paragraphs (1)-(6) of this subsection shall be effective September 1991.

(1) Mathematics, grade one. Mathematics, grade one, shall include the following essential elements:

(A) problem solving. Experience in solving problems designed to systematically develop students' problem-solving abilities through a variety of strategies and approaches. The student shall be provided opportunities to engage in the following types of activities:

(i) develop an organized approach to solving application and nonroutine problems appropriate for grade one;

(ii) analyze problems by identifying relationships, discriminating relevant from irrelevant information, sequencing, observing patterns, prioritizing, and questioning;

(iii) communicate an understanding of a problem by describing and discussing the problem and recording the relevant information;

(iv) select appropriate strategies from a variety of approaches;

(v) select appropriate materials and methods for solutions; and

(vi) generate and extend problems.

(B) Patterns, relations, and functions. Use of models and patterns to develop the concepts of relations and functions. The student shall be provided opportunities to:

(i) identify and describe patterns in real-life situations;

(ii) identify and extend patterns made up of sets of concrete objects, symbols, or shapes;

(iii) order objects according to a given attribute; and

(iv) demonstrate the relationship between the actions of joining and separating sets.

(C) Number and numeration concepts—Concepts and skills associated with the understanding of numbers and the place value system. The student shall be provided opportunities to:

(i) compare sets by size and quantity;

(ii) compare numbers verbally;

(iii) explore the concept of place value;

(iv) read and write numerals through the highest number conceptualized;

(v) read number words;

(vi) orally count objects by ones, twos, fives, and tens through the highest number conceptualized;

(vii) use ordinal numbers;

(viii) orally identify fractional parts of whole objects or sets of objects;

(ix) identify coins; and

(x) describe the value of coins, using real coins or concrete models of coins.

(D) Operations and computation—Use of manipulatives to develop the concepts of basic operations on numbers and to apply these concepts to the computational algorithms. The student shall be provided opportunities to:

(i) demonstrate an understanding of addition and subtraction and their inverse relationship by joining, separating, and comparing sets of objects;

(ii) explore multiplication and division and their inverse relationship by joining equivalent sets of objects and separating a set of objects into equivalent sets;

(iii) demonstrate properties of addition (commutative, associative, identity) with concrete models;

(iv) use an addition or subtraction number sentence to describe the joining, separating, or comparing of sets; and

(v) complete (write) addition and subtraction number sentences.

(E) Measurement—Concepts and skills using metric and customary units. The student shall be provided opportunities to:

(i) measure objects using different nonstandard units,

(ii) identify concrete models that approximate units for centimeter, decimeter, inch, and foot;

(iii) use concrete unit models for inches, feet, centimeters, and decimeters;

(iv) compare two objects according to weight;

(v) explore the concept of time; and

(vi) read a calendar.

(F) Geometry—Properties and relationships of geometric shapes and their applications. The student shall be provided opportunities to:

(i) use physical materials to construct simple geometric shapes and combine shapes to form new shapes;

(ii) identify two-dimensional shapes;

(iii) compare three-dimensional objects describing similarities and differences using appropriate mathematical language; and

(iv) locate the interior and exterior of plane figures.

(G) Probability, statistics, and graphing—Use of probability and statistics to collect and interpret data. The student shall be provided opportunities to:

(i) collect data;

(ii) make pictographs and bar-type graphs using objects, pictures of objects, or colored cells;

(iii) draw conclusions and make informal predictions based on experiences or graphed data;

(iv) identify events that are sure to happen, are sure not to happen, and those which we cannot be sure about; and

(v) build patterns which display various arrangements of a given set of objects.

(2) Mathematics, grade two. Mathematics, grade two, shall include the following essential elements.

(A) Problem solving—Experience in solving problems designed to systematically develop students' problem-solving abilities through a variety of strategies and approaches. The student shall be provided opportunities to engage in the following types of activities:

(i) develop an organized approach to solving application and



nonroutine problems appropriate for grade two;

(ii) analyze problems by identifying relationship, discriminating, relevant from irrelevant information, sequencing, observing patterns, prioritizing, and questioning;

(iii) communicate an understanding of a problem by describing and discussing the problem and recording the relevant information;

(iv) select appropriate strategies from a variety of approaches;

(v) select appropriate materials and methods for solutions; and

(vi) generate and extend problems.

(B) Patterns, relations, and functions—Use of models and patterns to develop the concepts of relations and functions. The student shall be provided opportunities to:

(i) identify and extend patterns of objects and symbols;

(ii) compare and order whole numbers;

(iii) construct a set of ordered pairs by pairing members of two sets of concrete objects according to a given rule;

(iv) develop basic fact strategies; and

(v) demonstrate the relationship between the actions of joining equivalent sets and separating a set into equivalent sets.

(C) Number and numeration concepts—Concepts and skills associated with the understanding of numbers and the place value system. The student shall be provided opportunities to:

(i) write a number sentence to compare numbers, including different names for the same number;

(ii) use concrete models of hundreds, tens, and ones to develop the concept of place value;

(iii) use models of hundreds, tens, and ones to conceptualize, read, and write numbers;

(iv) determine whether a number is even or odd by pairing objects in a set;

(v) use concrete models for fractions to investigate different physical representations for the same fractional parts of whole objects or sets of objects;

(vi) demonstrate and write the value of various collections of coins; and

(vii) use ordinals.

(D) Operations and computation—Use of manipulatives to develop the concepts of basic operations on numbers and to apply these concepts to the computational algorithms. The student shall be provided opportunities to:

(i) make generalizations about ordering and grouping, and identify patterns in addition and subtraction;

(ii) demonstrate an understanding of multiplication and division and their inverse relationship by joining equivalent sets of objects and separating a set into equivalent sets;

(iii) select the correct operation and solve real-life problems involving addition and subtraction using a calculator when appropriate;

(iv) use the inverse relationship between addition and subtraction to complete number facts;

(v) use physical models to solve addition and subtraction problems whether or not regrouping is necessary;

(vi) use a multiplication or division number sentence to describe modeled situations;

(vii) recall basic addition and subtraction facts and complete addition number sentences with a missing addend;

(viii) add two, three, or four single-digit addends; and

(ix) illustrate the connection between concrete models and the addition algorithm, and use the algorithm with two- and three-digit numbers.

(E) Measurement—Concepts and skills using metric and customary units through the use of concrete models. The student shall be provided opportunities to:

(i) estimate and measure the length, width, and height of objects;

(ii) measure the weight of an object using nonstandard units;

(iii) identify concrete models that approximate weight/mass units for pound and kilogram;

(iv) estimate and measure the weight/mass of an object;

(v) estimate concepts of time;

(vi) tell time on traditional clocks; and

(vii) solve application and nonroutine problems involving length, weight, and time.

(F) Geometry—Properties and relationships of geometric shapes and their applications. The student shall be provided opportunities to:

(i) identify, describe, and compare two-dimensional shapes and three-dimensional figures;

(ii) investigate congruence and symmetry using models, drawing, and computer graphics;

(iii) investigate perimeter using concrete models; and

(iv) solve application and nonroutine problems involving geometry.

(G) Probability, statistics, and graphing—Use of probability and statistics to collect and interpret data. The student shall be provided opportunities to:

(i) collect and organize data;

(ii) make pictographs and bar-type graphs;

(iii) describe data displayed on a bar graph;

(iv) draw conclusions and make predictions based on graphed data;

(v) solve application and nonroutine problems for situations involving graphs;

(vi) display all arrangements of a given set of objects and identify the pattern; and

(vii) explore the likelihood of an event occurring.

(3) Mathematics, grade three. Mathematics, grade three, shall include the following essential elements:

(A) Problem solving—Experience in solving problems designed to systematically develop students' problem-solving abilities through a variety of strategies and approaches. The student shall be provided opportunities to engage in the following types of activities;

(i) develop an organized approach to solving application and nonroutine problems appropriate for grade three;

(ii) analyze problems by identifying relationships, discriminating relevant from irrelevant information, sequencing, observing patterns, prioritizing, and questioning;

(iii) communicate an understanding of a problem by describing and discussing the problem and recording the relevant information;

(iv) select appropriate strategies from a variety of approaches;

(v) select appropriate materials and methods for solutions; and

(vi) generate and extend problems.

(B) Patterns, relations, and functions—Use of models and patterns to develop the concepts of relations and functions. The student shall be provided opportunities to:

(i) predict additional terms in a given pattern, describe how the pattern is created, and extend the pattern;

(ii) record the pairing of members of two sets, determine the relationship between each pair and use the rule to generate additional ordered pairs; and

(iii) explore patterns of whole numbers, tenths, and hundredths using concrete and pictorial models.

(C) Number and numeration concepts—Concepts and skills associated with the understanding of numbers and the place value system. The student shall be provided opportunities to:

(i) read, write, and use large numbers to describe meaningful situations;

(ii) compare and order whole numbers;

(iii) make generalizations about how to determine oddness and evenness of numbers;

(iv) use symbols to record fractional names for concrete models of whole objects or sets of objects;

(v) use concrete models to compare fractional parts;

(vi) use concrete models and pictures to represent different names for the same fractional part;

(vii) demonstrate various collections of coins and bills that equal a given value;

(viii) write the value of a given amount of money in words; and

(ix) develop place value concepts of tenths and hundredths using physical models.

(D) Operations and computation—Use of manipulatives to develop the concepts of basic operations on numbers and to apply these concepts to the computational algorithms. The student shall be provided opportunities to:

(i) demonstrate with concrete models the properties of multi-

plication (identity, commutative, associative);

(ii) explore multiplication and division using a variety of different models, and use patterns from explorations and properties of whole numbers to generate multiplication facts:

(iii) illustrate the connection between concrete materials and the subtraction algorithm, and use the subtraction algorithm to subtract numbers with and without regrouping;

(iv) solve problems using addition and subtraction facts and algorithms, using a calculator with large numbers and/or with many addends;

(v) determine whether a given problem can best be solved using estimation, pencil and paper calculation, or a calculator;

(vi) use properties of operations and problem-solving strategies to do mental calculations with addition and subtraction, extending beyond fact recall; and

(vii) add and subtract money using models.

(E) Measurement—Concepts and skills using metric and customary units. The student shall be provided opportunities to:

(i) find the area of a figure by covering it with nonstandard units of area;

(ii) explore the concept of perimeter using standard and nonstandard units;

(iii) identify concrete models that approximate weight/mass units for ounce and gram;

(iv) estimate and measure the weight/mass of an object;

(v) estimate answers and solve application and nonroutine problems involving length, weight, and time;

(vi) tell time on digital and traditional clocks; and

(vii) read a thermometer and describe temperatures related to everyday situations in both Celsius and Fahrenheit.

(F) Geometry—Properties and relationships of geometric shapes and their applications. The student shall be provided opportunities to:

(i) identify characteristics of two- and three-dimensional figures;

(ii) investigate congruence and symmetry;

(iii) construct a solid to match a given solid using cubes;

(iv) describe a three-dimensional object from different perspectives;

(v) investigate angles; and

(vi) identify applications of geometry in the real world.

(G) Probability, statistics, and graphing—Use of probability and statistics to collect and interpret data. The student shall be provided opportunities to:

(i) collect and record data on the frequency of events;

(ii) make pictographs and bar-type graphs where each cell represents multiple units;

(iii) formulate questions and make predictions based on organized data;

(iv) solve application and nonroutine problems for situations involving graphs;

(v) locate points on a grid; and

(vi) build patterns dissolving pairings of objects from two different sets.

(4) Mathematics, grade four. Mathematics, grade four, shall include the following essential elements.

(A) Problem solving—Experience in solving problems designed to systematically develop students' problem-solving abilities through a variety of strategies and approaches. The student shall be provided opportunities to engage in the following types of activities:

(i) develop an organized approach to solving application and nonroutine problems appropriate for grade four;

(ii) analyze problems by identifying relationships, discriminating relevant from irrelevant information, sequencing, observing patterns, prioritizing, and questioning;

(iii) communicate an understanding of a problem by describing and discussing the problem and recording the relevant information;

(iv) select appropriate strategies from a variety of approaches;

(v) select appropriate materials and methods for solution; and

(vi) generate and extend problems.

(B) Patterns, relations, and functions—Use of models and patterns to develop the concepts of relations and

functions. The student shall be provided opportunities to:

(i) investigate patterns on the multiplication table;

(ii) record the pairing of members of two sets; determine the relationship between each pair, and use the rule to generate additional ordered pairs, using a calculator or computer when appropriate; and

(iii) explore patterns of problems with inverses in computation using a calculator or computer when appropriate.

(C) Number and numeration concepts—Concepts and skills associated with the understanding of numbers and the place value system. The student shall be provided opportunities to:

(i) use concrete materials to represent factor pairs of numbers;

(ii) use the patterns of factor pairs to identify prime and composite numbers;

(iii) use concrete models to generate patterns of equivalent fractions and record the patterns;

(iv) use physical models to represent mixed numbers;

(v) use concrete materials to demonstrate place value concepts of decimals;

(vi) use concrete models to compare and order decimals; and

(vii) round whole numbers.

(D) Operations and computation—Use of manipulatives to develop the concepts of basic operations on numbers and to apply these concepts to the computational algorithms. The student shall be provided opportunities to:

(i) select the appropriate operation and/or strategy to solve a problem and justify the selection;

(ii) solve division problems related to multiplication facts;

(iii) add and subtract decimals with concrete materials and record results;

(iv) explore the volume of a rectangular solid as a geometric model for multiplication of three factors;

(v) recall multiplication facts;

(vi) solve application problems involving multiplication;

(vii) solve problems involving addition, subtraction, and multiplication of large numbers using calculators; and

(viii) use properties of operations and problem-solving strategies to do mental calculations, extending beyond fact recall.

(E) Measurement—Concepts and skills using metric and customary units. The student shall be provided opportunities to:

(i) measure areas using grids;

(ii) find perimeters using standard and nonstandard units;

(iii) use the concept of perimeter to solve problems;

(iv) measure the capacity of a container using nonstandard units;

(v) identify concrete models that approximate capacity units;

(vi) estimate and measure the capacity of a container;

(vii) solve application and nonroutine problems involving length, weight, time, and capacity; and

(viii) determine the amount of time elapsed in a problem-solving situation.

(F) Geometry—Properties and relationships of geometric shapes and their applications. The student shall be provided opportunities to:

(i) illustrate the reflection, rotation, and translation of geometric figures using concrete models;

(ii) investigate patterns generated by changing geometric shapes, using models and computer graphics when appropriate;

(iii) compare and contrast angles in relationship to right angles; and

(iv) identify and construct models of intersecting lines, parallel lines, perpendicular lines, right angles, and related two- and three-dimensional figures.

(G) Probability, statistics, and graphing—Use of probability and statistics to collect and interpret data. The student shall be provided opportunities to:

(i) collect, record, and organize data into tables, charts, bar graphs, and line graphs;

(ii) formulate questions and make predictions based on organized data;

(iii) plot points on a coordinate plane that represent ordered pairs of whole numbers arising from problem situations;

(iv) solve application and nonroutine problems for situations involving graphs;

(v) explore proportions by reducing or enlarging drawings using grids;

(vi) list the possible outcomes in a given situation; and

(vii) display all arrangements of a set of objects and identify the pattern.

(5) Mathematics, grade five, Mathematics, grade five, shall include the following essential elements.

(A) Problem solving—Experience in solving problems designed to systematically develop students' problem-solving abilities through a variety of strategies and approaches. The student shall be provided opportunities to engage in the following types of activities:

(i) develop an organized approach to solving application and nonroutine problems appropriate for grade five;

(ii) analyze problems by identifying relationships, discriminating relevant from irrelevant information, sequencing, observing patterns, prioritizing, and questioning;

(iii) communicate an understanding of a problem by describing and discussing the problem and recording the relevant information;

(iv) select appropriate strategies from a variety of approaches;

(v) select appropriate materials and methods for solutions; and

(vi) generate and extend problems.

(B) Patterns, relations, and functions—Use of models and patterns to develop the concepts of relations and functions. The student shall be provided opportunities to:

(i) investigate patterns that occur when changing numerators and denominators of fractions beginning with concrete models and extending to calculator investigations;

(ii) use patterns to explore the rules for divisibility; and

(iii) investigate patterns of powers of 10 (exponents and expanded notation) using a calculator or computer when appropriate.

(C) Number and numeration concepts—Concepts and skills associated with the understanding of numbers and the place value system. The student shall be provided opportunities to:

(i) find common factors of a set of numbers;

(ii) use factors and multiples to write equivalent fractions;

(iii) write the common denominator of two or more fractions;

(iv) compare and order fractions in both standard and decimal form;

(v) identify the prime factors of a number;

(vi) read, write, and represent decimals;

(vii) round whole, fractional, and decimal representations of numbers; and

(viii) develop the concept of ratio using models.

(D) Operations and computation—Use of manipulatives to develop the concepts of basic operations on numbers and to apply these concepts to the computational algorithms. The student shall be provided opportunities to:

(i) use concrete models to estimate answers to problems involving addition and subtraction of fractions;

(ii) select an appropriate operation and/or strategy to solve a problem and justify the selection;

(iii) solve problems involving addition, subtraction, and multiplication;

(iv) solve division problems with divisors that are less than 10 or multiples of 10 using the division algorithm;

(v) add and subtract decimals; and

(vi) estimate whole number and decimal calculations by rounding.

(E) Measurement—Concepts skills using metric and customary units. The student shall be provided opportunities to:

(i) use models to develop and apply formulas for the area of a square, rectangle, triangle, and parallelogram;

(ii) develop and apply formulas for the circumference of a circle, using estimation when appropriate;

(iii) estimate and solve application and nonroutine problems involving perimeter and area;

(iv) measure volume using nonstandard units;

(v) identify and use concrete models that approximate volume units;

(vi) estimate volume and check the estimate by actual measurement;

(vii) describe the relationship between volume units in the metric system such as cubic decimeter and liter, cubic centimeter and milliliter;

(viii) apply measurement concepts and rounding techniques to application problems involving length, weight, capacity, and volume; and

(ix) use the relationship between units to convert measures within the same measurement system.

(F) Geometry—Properties and relationships of geometric shapes and their applications. The student shall be provided opportunities to:

(i) construct examples of symmetric and congruent figures;

(ii) construct examples of reflections, rotations, and translations;

(iii) construct circles and identify the radius, diameter, chord, center, and circumference of circles;

(iv) measure and draw angles using a protractor;

(v) estimate answers and solve problems using geometric concepts;

(vi) measure the angles in a triangle and draw conclusions about angle measures in triangles; and

(vii) construct a three-dimensional model using blocks or other manipulatives and describe it from different perspectives.

(G) Probability, statistics, and graphing. Use of probability and statistics to collect and interpret data. The student shall be provided opportunities to:

(i) collect, organize, and interpret data to solve application problems;

(ii) explain the decisions that need to be made before constructing a graph;

(iii) recognize measures of central tendency as ways of summarizing a set of data;

(iv) use averaging in problem-solving situations;

(v) predict the number of arrangements of a given set of objects and experimentally verify the predictions;

(vi) list all possible outcomes of an experiment;

(vii) use a fraction to describe the probability of a given event;

(viii) make and refine predictions based on exploration of different sample sizes within experiments; and

(ix) plot points on a coordinate plane that represent ordered pairs of whole numbers, arising from application problems.

(6) Mathematics, grade six. Mathematics, grade six, shall include the following essential elements.

(A) Problem solving—Experience in solving problems designed to systematically develop students' problem-solving abilities through a variety of strategies and approaches. The student shall be provided opportunities to engage in the following types of activities:

(i) develop an organized approach to solving application and nonroutine problems appropriate for grade six;

(ii) analyze problems by identifying relationships, discriminating relevant from irrelevant information, sequencing, observing patterns, prioritizing, and questioning;

(iii) communicate an understanding of a problem by describing and discussing the problem and recording the relevant information;

(iv) select appropriate strategies from a variety of approaches;

(v) select appropriate materials and methods for solutions; and

(vi) generate and extend problems.

(B) Patterns, relations, and functions—Use of models and patterns to develop the algebraic concepts of relations and functions. The student shall be provided opportunities to:

(i) explore other numeration systems;

(ii) explore patterns of exponents;

(iii) build simple functions using concrete models and generate a corresponding rule; and

(iv) write expressions for word phrases.

(C) Number and numeration concepts—Concepts and skills associated with the understanding of numbers and the place value system. The student shall be provided opportunities to:

(i) demonstrate the meaning of percent with concrete models;

(ii) explore relationships between whole numbers, fractions, decimals, and percents;

(iii) identify the appropriate equivalent form of a number (fraction, decimal, percent) in application problems;

(iv) develop the concept of ratio in application problems;

(v) compare and order positive rational numbers;

(vi) develop the meaning of integers as representations in problems situations;

(vii) write the prime factorization for a number using exponents; and

(viii) use prime factorization to investigate common factors and common multiples.

(D) Operations and computation—Use of manipulatives to develop the concepts of basic operations on numbers and to apply these concepts to the computational algorithms. The student shall be provided opportunities to:

(i) select an appropriate operation and/or strategy to solve a problem and justify the selection;

(ii) use the order of operations to solve multi-step problems using a calculator when appropriate;

(iii) divide whole numbers resulting from problem situations;

(iv) multiply and divide decimals in application problems;

(v) add and subtract fractions in problem situations;

(vi) multiply and divide fractions using concrete models and connecting to rules;

(vii) estimate and solve problems using ratios and proportions;

(viii) use ratios to solve probability problems; and

(ix) write and solve simple linear equations from problem situations and check the reasonableness of the result.

(E) Measurement—Concepts and skills using metric and customary units. The student shall be provided opportunities to:

(i) determine the degree of accuracy required in measurement for a specified purpose;

(ii) approximate the area of irregular figures using grids;

(iii) develop and apply area formulas to common polygons and circles;

(iv) estimate answers and solve application and nonroutine problems involving area;

(v) explore the effect on area when a dimension of a two-dimensional figure is changed;

(vi) use models to develop and apply the formula for the volume of rectangular solids;

(vii) use the relationship between units to convert measures within the same measurement system;

(viii) use denominate numbers to solve application problems; and

(ix) measure and compare angles.

(F) Geometry—Properties and relationships of geometric shapes and their application. The student shall be provided opportunities to:

(i) identify and distinguish between similar, congruent, and symmetric figures;

(ii) visualize and sketch the results of a rotation translation or reflection using graphing technology when appropriate;

(iii) build models of three-dimensional figures such as pyramids, cones, or prisms with polygonal bases and investigate the properties associated with those figures;

(iv) construct angles and angle bisectors;

(v) classify angles and pairs of lines, including skew lines;

(vi) classify polygons by sides and angles; and

(vii) recognize the application of geometry in such areas as nature, art, architecture, construction, etc.

(G) Probability, statistics, and graphing—Use of probability and statistics to collect and interpret data. The student shall be provided opportunities to:

(i) collect, organize, and interpret data to solve application problems;

(ii) construct and interpret circle graphs using calculators and computers when appropriate;

(iii) compare quantities using ratios;

(iv) determine the extent to which the results of a sample population can be generalized to a larger population;

(v) determine and interpret fractional probabilities of simple events;

(vi) compare theoretical probabilities and experimental probabilities of an experiment; and

(vii) plot points on a coordinate plane that represent ordered pairs of whole numbers, simple fractions, or decimals, arising from application problems.

#### §75.25. Science.

(a)-(g) (No change.)

(h) Essential elements for science, grades one-six, as described in paragraphs (i)-(6) of this subsection.

(1) Science, grade one, shall have a balance of content and activities shall focus on the life sciences, and shall include the following essential elements:

(A) manipulate laboratory materials and equipment—The student shall be provided opportunities to:

(i) manipulate objects, organisms, and models;

(ii) use tools, instruments, and comparators appropriate to life, earth, and physical science activities;

(iii) construct two-dimensional and three-dimensional models; and

(iv) practice safety;

(B) acquire data through the senses. The student shall be provided opportunities to:

(i) use the senses;

(ii) observe science models;

(iii) observe properties of objects, organisms, and events in the environment;

(iv) observe similarities and differences in objects, organisms, and events;

(v) observe phenomena resulting from life, earth, and physical science activities; and

(vi) explore the environment;

(C) classify, order, and sequence data—The student shall be provided opportunities to:

(i) arrange time, events, and activities in sequential order; and

(ii) classify objects, organisms, and actions, and events from the environment according to similarities and differences;

(D) communicate data and information in appropriate oral and written form—The student shall be provided opportunities to:

(i) obtain science information from varied resources;

(ii) describe objects, organisms, and events from the environment;

(iii) describe apparent changes in size of objects at various distances; and

(iv) record data and interpret the arrangement of data on picture graphs, bar graphs, and maps;

(E) measure using relationships to standards. The student shall be provided opportunities to:

(i) estimate, measure, and compare linear properties of objects and organisms using metric units;

(ii) compare temperature of objects; and

(iii) explore the concept of time using minutes as a unit;

(F) draw logical inferences, predict outcomes, and form generalized statements. The student shall be provided opportunities to:

(i) identify cause-and-effect relationships;

(ii) predict the outcomes of actions based on experience or data;

(iii) state generalizations about similarities and differences among objects, organisms, and events; and

(iv) draw conclusions from observed data;

(G) relate objects and events to other objects and events. The student shall be provided opportunities to:

(i) compare and contrast objects, organisms, and events;

(ii) relate objects and activities to daily life; and

(iii) relate science to careers;

(H) apply defined terms based on observations. The student shall be provided opportunities to use observations to form definitions of objects, actions, organisms, and processes;

(I) identify and manipulate the conditions of investigations. The student shall be provided opportunities to:

(i) set up and conduct simple experiments using a control group and an experimental group;

(ii) complete statements and situations; and

(iii) recognize changes in objects, organisms, and events.

(2) Science, grade two, shall have a balance of content and activities, shall focus on earth sciences, and shall include the following essential elements:

(A) manipulate laboratory materials and equipment. The student shall be provided opportunities to:

(i) manipulate objects, organisms, and models;

(ii) use tools, instruments, and comparators appropriate to life, earth, and physical science activities;

(iii) construct two-dimensional and three-dimensional models; and

(iv) practice safety;

(B) acquire data through the senses. The student shall be provided opportunities to:

(i) observe science models;

(ii) observe properties and patterns of objects, organisms, and events in the environment;

(iii) observe similarities and differences in objects, organisms, and events;

(iv) observe phenomena resulting from life, earth and physical science activities; and

(v) explore the environment;

(C) classify, order, and sequence data. The student shall be provided opportunities to:

(i) arrange time, events, and activities in sequential order; and

(ii) classify matter and forces, organisms, actions, and events from the environment according to similarities and differences;

(D) communicate data and information in appropriate oral and written form. The student shall be provided opportunities to:

(i) obtain science information from varied resources;

(ii) describe objects, organisms, and events from the environment;

(iii) name objects, organisms, and events from a description of their properties;

(iv) record data and interpret the arrangement of data on picture graphs, bar graphs, and maps; and

(v) describe objects, organisms, and events shown in illustrations, pictures, or diagrams;

(E) measure using relationships to standards. The student shall be provided opportunities to:

(i) estimate, measure, and compare length and height of objects and organisms using metric units;

(ii) measure the weight of objects using nonstandard units;

(iii) estimate and measure the weight/mass of objects using metric units;

(iv) measure temperature of objects using metric units;

(v) explore the concept of time using minutes and hours as the units; and

(vi) read a calendar for information;

(F) draw logical inferences, predict outcomes, and form generalized statements. The student shall be provided opportunities to:

(i) predict the outcomes of actions based on experience or data;

(ii) state generalizations about similarities and differences among objects, organisms, and events; and

(iii) draw conclusions from observed data;

(G) relate objects and events to other objects and events. The student shall be provided opportunities to:

(i) compare and contrast objects, organisms, and events;

(ii) relate objects, science principles, and activities to daily life; and

(iii) relate science to careers;

(H) apply defined terms based on observations. The student shall be provided opportunities to use observations to form definitions of objects, actions, organisms, events, and processes;

(I) identify and manipulate the conditions of investigations. The student shall be provided opportunities to:

(i) set up and conduct experiments using a control group and an experimental group;

(ii) vary the conditions of if/then statements and situations; and

(iii) recognize changes in objects, organisms, and events.

(3) Science, grade three, shall have a balance of content and activities, shall focus on the physical sciences, and shall include the following essential elements;

(A) manipulate laboratory materials and equipment. The student shall be provided opportunities to:

(i) manipulate objects, organisms, and models;

(ii) use tools, instruments, and comparators appropriate for life, earth, and physical science activities;

(iii) construct two-dimensional and three-dimensional models; and

(iv) practice safety;

(B) acquire data through the senses. The student shall be provided opportunities to:

(i) observe science models;

(ii) observe properties and patterns of objects, organisms, and events in the environment;

(iii) observe similarities and differences in objects, organisms, and events;

(iv) observe phenomena resulting from the life, earth, and physical sciences; and

(v) explore the environment;

(C) classify, order, and sequence data. The student shall be provided opportunities to:

(i) arrange time, events, and activities in sequential order; and

(ii) classify matter and forces, organisms, actions, and events from the environment according to similarities and differences;

(D) communicate data and information in appropriate oral and written form. The student shall be provided opportunities to:

(i) obtain science information from varied resources;

(ii) describe objects, organisms, and events from the environment;

(iii) name objects, organisms, and events from a description of their properties;

(iv) describe changes that occur to objects and organisms in the environment;

(v) record data and interpret the arrangement of data on picture graphs and bar graphs; and

(vi) describe objects, organisms, and events showing illustrations, pictures, or diagrams;

(E) measure using relationships to standards. The student shall be provided opportunities to:

(i) estimate, measure, and compare length, height, and weight/mass of objects using metric units;

(ii) measure the perimeter and area of objects using nonstandard units and metric units;

(iii) measure temperature using metric units;

(iv) explore the concept of time and tell time on clocks; and

(v) time a science activity;

(F) draw logical inferences, predict outcomes, and form generalized statements. The student shall be provided opportunities to:

(i) predict the outcomes of actions based on experience or data;

(ii) state generalizations about similarities and differences among objects, organisms, and events;

(iii) make inferences based on data; and

(iv) draw conclusions from observed data;

(G) relate objects and events to other objects and events. The student shall be provided opportunities to:

(i) compare and contrast objects, organisms, and events;

(ii) relate classroom objects, science principles, and activities to daily life; and

(iii) relate science to careers;

(H) apply defined terms based on observations. The student shall be provided opportunities to:

(i) use observations to form definitions of objects, actions, organisms, events, and processes;

(ii) state relationships among objects, organisms, and events using operational definitions; and

(iii) apply knowledge of theories, facts, and concepts in explaining observations in experimental and controlled situations;

(I) experience in identifying and manipulating the conditions of investigations. The student shall be provided opportunities to:

(i) set up and conduct experiments using a control group and experimental groups;

(ii) recognize changes in objects, organisms, and events over time;

(iii) vary the conditions of if/then statements and situations; and

(iv) identify the variables that change and the variables that do not change in an investigation.

(4) Science, grade four, shall have a balance of content and activities, shall focus on the life sciences, and shall include the following essential elements:

(A) manipulate laboratory materials and equipment. The student shall be provided opportunities to:

(i) manipulate objects, organisms, and models;

(ii) use tools, instruments, and comparators appropriate to life, earth, and physical science activities;

(iii) construct two-dimensional and three-dimensional models; and

(iv) practice safety;

(B) acquire data through the senses. The student shall be provided opportunities to:

(i) observe science models;

(ii) observe properties and patterns of objects, organisms, and events in the environment;

(iii) observe similarities and differences in objects, organisms, and events;

(iv) observe phenomena resulting from the life, earth, and physical sciences; and

(v) explore the environment;

(C) classify, order, and sequence data. The student shall be provided opportunities to:

(i) arrange time, events, and activities in sequential order; and

(ii) classify matter and energy, organisms, actions, and events from the environment according to similarities and difference;

(D) communicate data information in appropriate oral and written form. The student shall be provided opportunities to:

(i) obtain science information from varied resources;

(ii) describe objects, organisms, and events from the environment;

(iii) name objects, organisms, and events from a description of their properties;

(iv) describe changes that occur to objects and organisms in the environment;

(v) write the sequence of events in investigations;

(vi) record data and interpret the arrangement of data on bar graphs, line graphs, tables, and other visuals; and

(vii) write conclusions to science activities;

(E) measure using relationships to standards. The student shall be provided opportunities to:

(i) measure and compare lengths, heights, weights/mass, perimeter, and area of objects or models using metric units;

(ii) estimate and measure the volume of a container using non-standard units and metric units;

(iii) measure temperature of objects using metric units; and

(iv) time event or a process and compare change over time;

(F) draw logical inferences, predict outcomes, and form generalized statements. The student shall be provided opportunities to:

(i) predict the outcomes of actions based on experience or data;

(ii) make inferences based on data;

(iii) state generalizations about similarities and differences between objects, organisms, and events; and

(iv) draw conclusions from observed data;

(G) relate objects and events to other objects and events. The student shall be provided opportunities to:

(i) compare and contrast objects, organisms, and events;

(ii) relate classroom objects, science principles, and activities to daily life; and

(iii) relate science to careers;

(H) apply defined terms based on observations. The student shall be provided opportunities to:

(i) use observations to form definitions of objects, organisms, events, and processes;

(ii) state relationships between and among objects, organisms, and events using operational definitions; and

(iii) apply knowledge of theories, facts, and concepts in explaining observations in experimental and controlled situations;

(I) identify and manipulate the conditions of investigations. The student shall be provided opportunities to:

(i) set up and conduct experiments using control groups and experimental groups;

(ii) recognize changes in objects, organisms, and events over time;

(iii) vary the conditions of if/then statements and situations; and

(iv) identify the variables that change and the variables that do not change in an investigation.

(5) Science, grade five, shall have a balance of content and activities, shall focus on the earth sciences, and shall include the following essential elements;

(A) manipulate laboratory materials and equipment. The student shall be provided opportunities to:

(i) manipulate objects, organisms, and models;

(ii) use tools, instruments, and comparators appropriate for life, earth, and physical science activities;

(iii) construct two-dimensional and three-dimensional models; and

(iv) practice safety;

(B) acquire data through the senses. The student shall be provided opportunities to:

(i) observe science models;

(ii) observe properties and patterns of objects, organisms, and events in the environment;

(iii) observe similarities and differences in objects, organisms, and events;

(iv) observe phenomena resulting from the life, earth, and physical sciences; and

(v) explore the environment;

(C) classify, order, and sequence data. The student shall be provided opportunities to:

(i) arrange time, events, and activities in sequential order; and

(ii) classify matter, forces, and energy, organisms, actions, and events from the environment according to similarities and differences;

(D) communicate data and information in appropriate oral and written form. The student shall be provided opportunities to:

(i) obtain science information from varied resources;

(ii) describe objects, organisms, and events from the environment;

(iii) name objects, organisms, and events from a description of their properties;

(iv) describe changes that occur to objects and organisms in the environment;

(v) write the sequence of events in investigations;

(vi) record data and interpret the arrangement of data on bar graphs, line graphs, tables, and other visuals; and

(vii) write conclusions to science activities;

(E) measure using relationships to standards. The student shall be provided opportunities to:

(i) gather metric measurement data; and

(ii) time an event or a process and compare change over time;

(F) draw logical inferences, predict outcomes, and form generalized statements. The student shall be provided opportunities to:

(i) predict the outcomes of actions based on experience or data;

(ii) make inferences based on data;

(iii) form and state generalization about similarities and differences among observed objects,



organisms, and events, and phenomena;  
(iv) develop hypotheses;  
and

(v) draw conclusions  
from observed data;

(G) relate objects and  
events to other objects and events. The  
student shall be provided opportunities  
to:

(i) compare and con-  
tract objects, organisms, and events;

(ii) relate classroom ob-  
jects, science principles, and activities to  
daily life; and

(iii) relate knowledge  
and skills of science to careers;

(H) apply defined terms  
based on observations. The student shall  
be provided opportunities to:

(i) use observations to  
form definitions of objects, organisms,  
events, and processes;

(ii) state relationships  
among objects, organisms, and events us-  
ing operational definitions; and

(iii) apply knowledge of  
theories, facts, and concepts in explaining  
observations in experimental and con-  
trolled situations;

(I) identify and manipulate  
the conditions of investigations. The stu-  
dent shall be provided opportunities to:

(i) set up and conduct  
experiments using control groups and ex-  
perimental groups;

(ii) recognize changes in  
objects, organisms, and events over time;

(iii) identify the vari-  
ables that change and the variables that  
do not change in an investigation; and

(iv) manipulate the vari-  
ables in an investigation.

(6) Science, grade six, shall  
have a balance of content and activities,  
shall focus on the sciences, and shall in-  
clude the following the essential ele-  
ments:

(A) manipulate laboratory  
materials and equipment. The student  
shall be provided opportunities to:

(i) manipulate objects,  
organisms, and models;

(ii) use tools, instru-  
ments, and comparators appropriate for  
life, earth, and physical science activities;

(iii) construct two-  
dimensional and three-dimensional mod-  
els; and

(iv) practice safety;

(B) acquire data through  
the senses. The students shall be provided  
opportunities to:

(i) observe science mod-  
els;

(ii) observe properties  
and patterns of objects, organisms, and  
events in the environment;

(iii) observe similarities  
and differences in objects, organisms,  
and events;

(iv) observe phenomena  
and apply knowledge of theories, facts,  
and concepts from the life, earth, and  
physical sciences; and

(v) explore the environ-  
ment;

(C) classify, order, and se-  
quence data and information. The stu-  
dent shall be provided opportunities to:

(i) arrange time, events,  
and activities in sequential order; and

(ii) classify matter,  
forces, and energy, organisms, and ac-  
tions, and events from the environment  
according to similarities and differences;

(D) communicate data and  
information in appropriate oral and writ-  
ten form. The student shall be provided  
opportunities to:

(i) obtain science infor-  
mation from varied resources;

(ii) name and describe  
objects, organisms, and events from the  
environment;

(iii) describe the factors  
that govern rates of change;

(iv) write the sequence  
of events in investigations;

(v) record data and in-  
terpret the arrangement of data on  
graphs, tables, and other visuals;

(vi) describe patterns of  
data;

(vii) describe technologi-  
cal advances;

(viii) interpret consumer  
information obtained from tables, labels,  
and advertisements; and

(ix) write conclusions to  
science activities;

(E) measure using relation-  
ships to standards. The student shall be  
provided opportunities to:

(i) gather metric mea-  
surement data; and

(ii) time an event or a  
process and compare change over time;

(F) draw logical inferences,  
predict outcomes, and form generalized  
statements. The student shall be provided  
opportunities to:

(i) predict the outcomes  
of actions based on experience or data;

(ii) develop hypotheses;

(iii) make inferences  
based on data;

(iv) form and state gen-  
eralization about similarities and differ-  
ences among observed objects,  
organisms, events, and phenomena; and

(v) draw conclusions  
from observed data;

(G) relate objects and  
events to other objects and events. The  
student shall be provided opportunities  
to:

(i) compare and con-  
tract objects, organisms, and events;

(ii) relate classroom ob-  
jects, science principles, and activities to  
daily life; and

(iii) relate knowledge  
and skills of science to careers;

(H) apply defined terms  
based on observations. The student shall  
be provided opportunities to:

(i) use observations to  
form definitions of objects, organisms,  
events, and processes;

(ii) state relationships  
among objects, organisms, and events us-  
ing operational definitions; and

(iii) apply knowledge of  
facts and concepts in explaining observa-  
tions in experimental and controlled situ-  
ations;

(I) identify and manipulate  
the conditions of investigations. The stu-  
dent shall be provided opportunities to:

(i) set up and conduct  
experiments using control groups and ex-  
perimental groups;

(ii) recognize changes in  
objects, organisms, and events over time;

(iii) identify the vari-  
ables held constant, those variables being  
manipulated, and the variables respond-  
ing in an investigation; and

(iv) design and conduct  
investigations to test hypotheses.

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 July 21, 1989.

TRD-8908824 W. N. Kirby  
Commissioner of Education

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For further information, please call: (512) 463-9212

◆ ◆ ◆  
**Subchapter C. Essential  
Elements-Grades Seven-Eight  
• 19 TAC §75.43**

The amendment is proposed under the Texas Education Code, §21.101, which authorizes the State Board of Education to make rules concerning the well-balanced curriculum.

*§75.43. Mathematics.*

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

(c) Essential elements for mathematics, grades seven-eight, as described in subsections (c)-(d) shall be effective September 1991.

(1) Mathematics, grade seven, shall include the following essential elements.

(A) Problem solving. Experience in solving problems designed to systematically develop students' problem-solving abilities through a variety of strategies and approaches. The student shall be provided opportunities to engage in the following types of activities.

(i) develop an organized approach to solving application and nonroutine problems appropriate for grade seven;

(ii) analyze problems by identifying relationships, discriminating relevant from irrelevant information, sequencing, observing patterns, prioritizing, and questioning;

(iii) communicate an understanding of a problem by describing and discussing the problem and recording the relevant information;

(iv) select appropriate strategies from a variety of approaches;

(v) select appropriate materials and methods for solutions; and

(vi) generate and extend problems.

(B) Patterns, relations, and functions. Use of models and patterns to develop the algebraic concepts of relations and functions. The student shall be provided opportunities to:

(i) investigate patterns generated by repeating and terminating decimals;

(ii) build a concrete model of a functional relationship and describe the relationship using function notation;

(iii) introduce the concept of using letters to represent variables;

(iv) develop the concept of operations with variables using concrete materials as models;

(v) investigate solutions to simple open sentences (equalities and inequalities);

(vi) evaluate algebraic expressions using mental calculations and calculators when appropriate; and

(vii) formulate a possible problem when given a simple equation.

(C) Number and numeration concepts. Concepts and skills associated with the understanding of numbers and the place value system. The student shall be provided opportunities to:

(i) convert between fractions, decimals, whole numbers, and percents mentally, on paper, and with a calculator;

(ii) compare and order integers;

(iii) explore the absolute value of an integer;

(iv) explore the absolute value of an integer;

(v) simplify expressions involving exponents using a calculator when appropriate;

(vi) develop the meaning of squares and square roots using geometric models; and

(vii) express numbers in scientific notation including numbers less than one using a calculator when appropriate.

(D) Operations and computation. Basic operations on numbers, their properties, and their uses. The student shall be provided opportunities to:

(i) select an appropriate operation and/or strategy to solve a problem and justify the selection;

(ii) use the order of operations to solve multi-step problems using a calculator when appropriate;

(iii) add, subtract, multiply, and divide fractions and mixed numbers resulting from problem situations;

(iv) add, subtract, multiply, and divide integers resulting from problem situations using models and connecting to rules;

(v) write and solve a simple inequality resulting from a prob-

lem situation and graph the solution on a number line.

(vi) estimate solutions to problems using decimals and percent.

(E) Measurement. Concepts and skills using metric and customary units. The student shall be provided opportunities to:

(i) investigate the relationship between the perimeter and the area of a polygon;

(ii) develop the concept of volume for prisms/cylinders as the product of the area of the base and the height, using models;

(iii) develop the concept of volume for cones/pyramids as one-third the product of the area of the base and the height, using models;

(iv) explore surface area of three-dimensional figures using concrete models and graphing technology when appropriate;

(v) estimate and solve application and nonroutine problems involving volume; and

(vi) explore the relationships between the dimensions and the volumes of similar solids by changing one of the dimensions.

(F) Geometry. Properties and relationships of geometric shapes and their applications. The student shall be provided opportunities to:

(i) identify parts and characteristics of common geometric figures;

(ii) develop the concept of the Pythagorean Theorem using several different approaches;

(iii) classify triangles and quadrilaterals by sides and angles;

(iv) construct an angle bisector, the bisector of a segment, perpendicular lines, parallel lines, and triangles;

(v) construct a model of a three-dimensional figure when given the top, side, and front views;

(vi) use the properties and relationships of two- and three-dimensional figures to solve problems; and

(vii) apply geometry to such areas as art, architecture, construction, etc.

(G) Probability, statistics, and graphing. Use of probability and statistics to collect and interpret data. The student shall be provided opportunities to:

(i) compare different graphic representations of the same data to determine the appropriateness of the graph;

(ii) use box and whisker graphs, stem and leaf plots, and histograms to display information in ways that illustrate the appropriate uses of mean, median, and mode;

(iii) draw inferences and construct convincing arguments based on data analysis;

(iv) investigate and recognize misuses of statistical or numeric information;

(v) construct sample spaces by using listing, tree diagrams, and frequency distribution tables;

(vi) find the probability of simple events; and

(vii) use permutations and combinations in application problems.

(d) Mathematics, grade eight. Mathematics, grade eight, shall include the following essential elements.

(1) Problem solving. Experience in solving problems designed to systematically develop students' problem-solving abilities through a variety of strategies and approaches. The student shall be provided opportunities to engage in the following types of activities:

(A) develop an organized approach to solving application and nonroutine problems appropriate for grade eight;

(B) analyze problems by identifying relationships, discriminating relevant from irrelevant information, sequencing, observing patterns, prioritizing, and questioning;

(C) communicate an understanding of a problem by describing and discussing the problem and recording the relevant information;

(D) select appropriate strategies from a variety of approaches;

(E) select appropriate materials and methods for solutions; and

(F) generate and extend problems.

(2) Patterns, relations, and functions. Use of models and patterns to develop the algebraic concepts of relations and functions. The student shall be provided opportunities to:

(A) use patterns to develop the concept of negative exponents;

(B) extend function notation from concrete models to graphic representations;

(C) generate ordered pairs with and without a calculator to graph linear equations;

(D) investigate compound statements as they apply to simple reasoning situations (and, or, if, if not); and

(E) extend the investigation of number patterns such as those found in Pascal's triangle and the Fibonacci sequence.

(3) Number and numeration concepts. Concepts and skills associated with the understanding of numbers and the place value system. The student shall be provided opportunities to:

(A) extend scientific notation to numbers with a wide range of values using a calculator when appropriate;

(B) compare and order rational numbers;

(C) apply the concept of significant digits to solving problems with a calculator;

(D) investigate irrational numbers and their representations on a calculator as they arise from problem situations;

(E) describe the properties of terminating, repeating, and non-repeating decimals, and convert between fractions and decimals; and

(F) extend basic number concepts and properties to algebraic applications.

(4) Operations and computation. Basic operations on numbers, their properties, and their uses. The student shall be provided opportunities to:

(A) select an appropriate operation and/or strategy to solve a problem and justify the selection;

(B) estimate and solve application problems involving percent;

(C) add, subtract, multiply, and divide rational numbers in problem situations;

(D) estimate and solve application problems by writing and solving simple linear equations; and

(E) solve linear equations and inequalities with integer, fraction, and decimal solutions.

(5) Measurement. Concepts and skills using metric and customary units. The student shall be provided opportunities to:

(A) estimate and solve application and nonroutine problems involving surface area and volume;

(B) solve right triangle problems using the Pythagorean theorem, indirect measurement, and the properties of 30-60-90 and 45-45-90 triangles;

(C) use precision and relative error, given the degree of accuracy required and the nature of a particular problem situation;

(D) use the concept of volume for prisms/cylinders as the product of the area of the base and the height; and

(E) use the concept of volume for cones/pyramids as one-third the product of the area of the base and the height.

(6) Geometry. Properties and relationships of geometric shapes and their applications. The student shall be provided opportunities to:

(A) find the missing parts of similar figures;

(B) investigate the relationships between angles formed when parallel lines are cut by a transversal using graphing technology when appropriate;

(C) use a variety of methods to perform basic constructions;

(D) construct a geometric figure congruent to a given figure;

(E) draw three-dimensional figures from different perspectives;

(F) graph similar figures, reflections, translations, linear equations, and linear inequalities on a coordinate plane; and

⊕ (G) use geometry to solve problems in such areas as art, architecture, construction, etc.

(7) Probability, statistics, and graphing. Use of probability and statistics to collect and interpret data. The student shall be provided opportunities to:

(A) understand and apply reasoning with proportions in problem situations;

(B) select an appropriate format for presenting collected data;

(C) evaluate arguments based on data analysis;

(D) find the probability of simple and compound events;

(E) use mathematical probabilities and experimental results for making predictions and decisions; and

(F) investigate bias to determine validation of an inference made from a set of data.

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 July 21, 1989.

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W. N. Kirby  
Commissioner of Education

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For further information, please call: (512) 463-9212

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Subchapter D. Essential  
Elements - Grades Nine-12

• 19 TAC §§75.62, 75.63, 75.68,  
75.70

The amendments are proposed under the Texas Education Code, §21.101, which authorizes the State Board of Education to make rules concerning the well-balanced curriculum.

§75.62. *Other Languages*

(a)-(g) (No change.)

(h) American sign language (1/2-2 units).

§75.63. *Mathematics.*

(a) Fundamentals of mathematics (one unit) Fundamentals of mathematics shall include the following essential elements:

(1) measurement concepts and skills using metric and customary units. The student shall be provided opportunities to:

(A) identify and use [find] appropriate units of measure;

(B) solve word problems through problem-solving activities involving units of measure, including conversions within a system but not between systems [measures]; and

(C) solve [apply] ratio and proportion application problems;

(2) properties and relationships of shapes and their applications. The student shall be provided opportunities to:

(A) develop formulas and apply them to [find and use] perimeter, area, circumference, surface area and volume problems; and

(B) apply geometric properties ⊕ a variety of situations and nonroutine problems;

(3) concepts and skills associated with the understanding of numbers (whole, integer, and rational) and the place-value system. The student shall be provided opportunities to:

(A) use the operations of addition, subtraction, multiplication and division of [with] whole numbers and integers in problem-solving [practical] situations;

(B) use the operations of addition subtraction multiplication, and division of fractions and decimals in problem-solving situations;

[(B) use fractions and their relative values;]

(C) determine all equivalencies between fractions, decimals, percents, and ratios and use the appropriate form to solve problems;

[(C) use the operations of addition subtraction, multiplication, and division with fractions in problem situations;]

(D) compare and round decimal fractions; [and]

(E) use proportion and percent in problem-solving situations; and

[(E) use the operations of addition, subtraction, multiplication, and division with decimals in problem situations.]

(F) engage in problem-solving applications that reinforce computational skills and provide for extensions;

(4) concepts and skills involving personal finance [income, cost comparisons, and taxes]. The student shall be provided opportunities to:

(A) compute income and wages;

(B) interpret payroll deductions—Social Security, income tax, retirement, insurance, savings, etc. [on paycheck stubs];

(C) compare costs and savings on consumer purchases [apply percents];

[(C) determine taxes—sales, excise, and hidden;

[(D) make budgets; and]

(E) develop and maintain a personal weekly budget; and

(F)[(E)] open and maintain (simulated) checking and savings accounts including forms, computations, and balancing statements;

(5) experience in solving problems by selecting and matching strategies to given situations. The student shall be provided opportunities to:

(A) estimate answer(s) before solving and determine the reasonableness of answer(s) after solving a problem [solutions];

(B) use a wide variety of problem-solving strategies;

(C)[(B)] write and solve equations for application and nonroutine problems;

[(C) measure;]

(D) use a variety of methods to solve simple equations;

(E)[(D)] develop [apply] problem-solving strategies using geometric concepts;

[(E) determine proportion and percent;]

(F) develop problem-solving strategies using charts, [use] graphs, and tables; and

(G) use calculators and/or computers to solve problems;

[(G) use probability and statistics; and]

[(H) work with personal finance.]

(6) the use of probability and statistics to collect and interpret data. The student shall be provided opportunities to:

(A) use counting methods and factorials to solve problems;

(B) collect, organize, and interpret data;

(C)[(B)] construct charts, graphs, and frequency tables from given data;

(D)[(C)] find measures of central tendency (mean, median, and mode) [(mode, median, and mean)] and use each appropriately;

(E)[(D)] calculate the probability of [understand] simple and compound events;

(F)[(E)] make predictions using charts, graphs, frequency tables, measures of central tendency and probability calculations; and

[(F) apply skills.]

(G) engage in problem-solving applications involving probability and statistics.

(b) Consumer mathematics (one unit). Consumer mathematics shall include the following essential elements:

(1) use of concepts and skills in graphing and in statistics to gather information and make decisions. The student shall be provided opportunities to:

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

[(C) determine wages and deductions from given information;]

(C)[(D)] determine [use] mean, median, and mode and use each appropriately; and

(D)[(E)] investigate [find] the validity of claims involving statistical data;

(2) concepts and skills involved in determining costs and in making [Application of operations and properties of ratio, proportion, and percent to determine costs and to make] decisions from cost comparisons. The student shall be provided opportunities to:

(A) solve [find] problems involving costs of:

(i)-(iv) (No change.)

(v) insurance—life, health, and disability, etc;

(B) make decisions based on cost comparisons on housing, food, transportation, clothing, insurance, etc. [by comparing different types of the costs in subparagraph (A) of this paragraph]; and

(C) solve [find] problems involving discounts, sales, rebates, coupons, etc;

(3) use of probability concepts and skills to investigate possibilities of arrangements of occurrences and to make predictions from these probabilities. The student shall be provided opportunities to:

(A) use the fundamental counting principle to solve problems;

(B) use permutations and their applications in problem situations;

(C) construct and use tree diagrams to solve problems; and

(D) use sample spaces to determine probabilities and favorable odds [in favor of an event];

(4) investigation of financing procedures and costs and comparison of different types of financing. The student shall be provided opportunities to:

(A) investigate the use of credit cards and charge accounts including costs, procedures, and comparisons; and

(B) study loan options [of loans] for a [things such as] car, house [home], and personal loan, including types available, appropriate uses, choices, and hidden costs; [etc.]

(5) concepts and skills involved in banking and investment procedures. The students shall be provided opportunities to:

(A) use banking forms including [(deposit slips, checks, check book records, and bank statements)]; and

(B) compare the advantages and disadvantages of different types of investments;

(6) concepts and skills involved in following local, state, and federal tax laws. The student shall be provided opportunities to:

(A) (No change.)

(B) solve problems involving tax calculations; and

[(B) find various taxes on specified amounts; and]

(C) complete [use] tax reporting forms;

(7) concepts and skills involved in developing a budget. The student shall be provided opportunities to:

(A) calculate wages and deductions:

[(A) use the knowledge of costs and cost comparisons to make plans for managing specific amounts of money; and]

(B) prepare sample budgets based on costs, cost comparisons, and planning; and

(C)[(B)] prepare and maintain [develop] a sample personal budget.

(c)-(o) (No change.)

(p) Calculus (1/2-1 unit). Calculus shall include the following essential elements:

(1) concepts and skills associated with elementary functions. The student shall be provided opportunities to:

(A) use algebraic, trigonometric, exponential, and logarithmic functions;

(B) investigate properties of functions including;

(i) sum, product, quotient, composition, and inverse (including domain and range of each);

(ii) absolute value;

(iii) odd and even; and

(iv) zeros of a function;

(C) use fundamental identities including addition formulas for trigonometric functions;

(D) graph functions using;  
 (i) symmetry;  
 (ii) asymptotes; and  
 (iii) periodicity and amplitude;

(2) concepts associated with the limit of a function. The student shall be provided opportunities to:

(A) apply limit theorems and properties;

(B) investigate special limits, including;

- (i) the limit defining the Euler number  $e$ ;
- (ii) limits involving trigonometric functions; and
- (iii) nonexistent limits;

(C) use continuity, including the intermediate value theorem;

(3) concepts and skills associated with the derivative. The student shall be provided opportunities to:

(A) find tangent and normal lines to a curve;

(B) derive formulas for the derivatives from the limit of a function;

(C) use theorems and properties of the derivative including the relationship between differentiability and continuity;

(D) apply the mean value theorem;

(E) sketch curves using;

- (i) techniques for identifying intervals on which the curve is increasing or decreasing;
- (ii) relative and absolute maximum and minimum points;
- (iii) concavity; and
- (iv) points of inflection;

(F) apply concepts and skills including:

- (i) velocity and acceleration;
- (ii) related rates;
- (iii) maxima and minima; and
- (iv) l'Hospital's rule;

(G) differentiate special functions, such as:

- (i) trigonometric functions;
- (ii) logarithmic functions; and
- (iii) exponential functions;

(4) concepts and skills associated with the integral and techniques of integration. The student shall be provided opportunities to:

(A) find antiderivatives (indefinite integrals) of functions;

(B) apply antiderivatives to solve problems including;

- (i) distance and velocity from acceleration with initial conditions; and
- (ii) differential equations with separable variables including growth and decay;

(C) investigate the definite integral including:

- (i) the concept of the definite integral as an area;
- (ii) approximations to the definite integral using rectangles;
- (iii) definition of the definite integral as the limit of a sum;
- (iv) properties of the definite integral; and
- (v) the fundamental theorems of integral calculus;

(D) apply concepts of the definite integral to solve problems involving

- (i) the average value of a function;
- (ii) area between curves;
- (iii) volume of a solid of revolution (disc, washer, and shell method); and
- (iv) length of a curve;

(E) use techniques of integration including;

- (i) basic integration formulas;
- (ii) integration by substitution;
- (iii) integration by parts; and
- (iv) integration by partial fractions;

(F) integrate special functions including:

- (i) trigonometric functions;
- (ii) logarithmic functions; and
- (iii) exponential functions;

(5) applications of calculus to special functions.

[(p) Calculus (1/2-1 unit). Calculus shall include the following essential elements:

[(1) Concepts associated with the limit of a function. The student shall be provided opportunities to:

[(A) represent limits through geometric interpretations;

[(B) apply various limit theorems; and

[(C) understand continuity.

[(2) Concepts and skills associated with the derivative. The student shall be provided opportunities to:

[(A) investigate lines tangent to curves;

[(B) derive the formulas for the derivatives from the limit of a function;

[(C) use theorems and properties of the derivative;

[(D) find maxima and minima;

[(E) apply the mean value theorem;

[(F) sketch curves; and

[(G) use concepts and skills in applications (velocity, acceleration).

[(3) Concepts and skills associated with the integral and techniques of integration. The student shall be provided opportunities to:

[(A) approximate areas;

[(B) describe areas as a limit;

[(C) use the fundamental theorem of calculus;

[(D) develop and use formulas;

[(E) find volumes of revolution by the disk and shell methods;

[(F) work with continuous functions;

[(G) integrate by substitution;

[(H) integrate by parts; and

[(I) apply integral concepts to find fluid pressure, center of mass, etc.

[(4) Applications of calculus to special functions. The student shall be provided opportunities to:

[(A) differentiate and integrate special functions such as:

[(i) trigonometric functions;

[(ii) logarithmic functions;

[(iii) exponential functions; and

[(iv) functions written in polar coordinates; and

[(B) apply concepts to differential equations.

[(5) Concepts and skills associated with infinite series. The student shall be provided opportunities to:

[(A) relate infinite series to integrals;

[(B) investigate properties of infinite series; and

[(C) test for convergence or divergence.

(q) Essential elements for Algebra I, Algebra II, geometry, and trigonometry: as described in paragraphs (1)-(4) of this subsection shall be effective September 1990.

(1) Algebra I (one unit). Algebra I shall include the following essential elements:

(A) comparison of the real number system and its various subsystems in terms of structural characteristics including operations. The student shall be provided opportunities to:

(i) classify real numbers as members of the appropriate subset of real numbers:

(ii) identify and use properties of the real numbers;

(iii) investigate the density property of real numbers: that between every two real numbers there exists another real number:

(iv) investigate the order of operations:

(v) evaluate monomials with integral exponents: and

(vi) compare algebraic and geometric definitions of absolute value;

(B) algebraic representation, solution, and evaluation of problem situations. The student shall be provided opportunities to:

(i) write and evaluate linear expressions from verbal descriptions;

(ii) use the properties of equality or models to explain and justify the equation-solving process;

(iii) determine the solution to problem situations by writing and solving linear one-variable equations and inequalities;

(iv) make a convincing informal argument, orally or in writing, justifying the solution to a problem situation;

(v) solve literal equations for a specified linear variable;

(vi) solve systems of equations using linear combinations and substitution as appropriate;

(vii) use systems of equations in applications and problem-solving situations; and

(viii) solve absolute value equations and inequalities;

(C) graphing as a tool to interpret linear relations, functions, and inequalities. The student shall be provided opportunities to:

(i) investigate and compare the properties of relations and functions;

(ii) describe the domains and ranges of various functions and relations;

(iii) identify the relationships among a linear equation, a set of ordered pairs of numbers, and a set of points on a coordinate plane;

(iv) explore the concepts of slope and intercept by changing the parameters of a linear equation;

(v) graph a line given characteristics such as two points, one point, and slope, table, etc.;

(vi) graph a line from its equation in point-slope, general, slope-intercept, or nonstandard forms;

(vii) design a statistical experiment to study a problem, recording the results using techniques such as scatter plots, and communicating the outcomes;

(viii) write an equation of a line given its graph or description;

(ix) use linear equations as models of real-world problem situations;

(x) make predictions from scatter plots that fit linear models;

(xi) solve systems of linear equations;

(xii) graph linear inequalities with two variables;

(xiii) graph systems of inequalities; and

(xiv) explore the relationship between the graph of an absolute value function such as  $y = [AX + B] + C$  and the parameters A, B, and C, using computer graphing techniques;

(D) quadratic equations. The student shall be provided opportunities to:

(i) evaluate quadratic functions for one and for many values of the variable, using a computer or calculator where appropriate:

(ii) explore the effects of simple parameter changes on the graphs of quadratic relations, using computer graphing techniques where appropriate;

(iii) obtain decimal approximations for the solutions of quadratic equations, using the quadratic formula and a calculator; and

(iv) use quadratic equations to make predictions in problem situations;

(E) Polynomials. The student shall be provided opportunities to:

(i) use the definition of polynomial to distinguish between expressions that are polynomials and expressions that are not;

(ii) classify polynomials by degree and number of terms;

(iii) add, subtract, multiply, and divide polynomials, using concrete models where appropriate:

(iv) apply the laws of exponents to include zero and negative integral exponents; and

(v) factor simple polynomials using concrete models where appropriate;

(F) rational expressions. The student shall be provided opportunities to:

(i) evaluate rational expressions, avoiding division by zero;

(ii) apply operations on simple rational expressions (linear or monomial numerators and denominators only);

(iii) solve rational equations with linear numerators and denominators;

(iv) solve problem situations using ratio and proportion;

(v) use the definition of probability as a ratio of numbers of outcomes to solve problems involving uncertainty;

(vi) apply the concept of dimensional analysis (carrying units throughout a computation) in problem situations, to determine appropriate units for denominate numbers; and

(vii) perform operations on numbers in scientific notation, both mentally and by calculator, and use these numbers in problem situations;

(G) properties of and operations with square roots. The student shall be provided opportunities to:

(i) use the calculator to approximate numeric radical expressions involving square roots;

(ii) simplify algebraic radical expressions involving square roots;

(iii) add, subtract, multiply, and divide numeric and algebraic radical expressions involving square roots;

(iv) solve simple radical equations involving square roots; and

(v) use the Pythagorean theorem in problem situations.

[(q) Number theory (an independent study course—1/2 unit). Number theory shall include the following essential elements:

[(1) Concepts and skills involving the use of integers. The student shall be provided opportunities to:

[(A) understand mathematical induction;

[(B) apply the sieve of Eratosthenes;

[(C) use the Euclidean algorithm;

[(D) apply the fundamental theorem of arithmetic;

[(E) find the number of divisors and the sum of divisors of a given integer;

[(F) find the greatest common divisor; and

[(G) identify perfect numbers.

[(2) Concepts and skills relating to primes. The student shall be provided opportunities to:

[(A) identify Pythagorean triples;

[(B) prove there are infinitely many primes;

[(C) investigate Mersenne numbers; and

[(D) find the Euler function of a given integer.

[(3) Concepts and skills associated with divisibility and congruence. The student shall be provided opportunities to:

[(A) apply the properties of divisibility;

[(B) identify field properties for given modular systems;

[(C) determine a residue system for a given modulus;

[(D) apply Euler's theorem;

[(E) identify Diophantine equations;

[(F) apply Wilson's theorem;

[(G) apply the Chinese remainder theorem; and

[(H) find quadratic congruence.]

(2) Algebra II (one unit). Algebra II shall include the following essential elements:

(A) Development of mathematical structure. The student shall be provided opportunities to:

(i) compare and contrast the real number system and its vari-

ous subsystems in terms of structural characteristics:

(ii) investigate examples and nonexamples of fields using the real number system and its various finite and infinite subsystems; and

(iii) develop the complex number system and its operations;

(B) quadratic functions. The student shall be provided opportunities to:

(i) solve quadratic equations by completing the square;

(ii) develop and apply the quadratic formula;

(iii) find a quadratic equation given its roots;

(iv) explore the effects of simple parameter changes on the graph of a quadratic function using computer graphing techniques where appropriate;

(v) use characteristics of a quadratic function to sketch the related curve;

(vi) determine the equation of quadratic functions from their graphs; and

(vii) use quadratic functions as models in real-world problem situations;

(C) quadratic relations. The student shall be provided opportunities to:

(i) explore the graphs of algebraic representations of conic sections and make generalizations that allow classification of these algebraic representations as circles, ellipses, hyperbolas, or parabolas, using calculators or computers where appropriate;

(ii) verify graphs of conic sections using computer graphing techniques where appropriate;

(iii) use characteristics of conic sections to sketch the related curves;

(iv) determine equations of conic sections from their graphs; and

(v) use quadratic relations as models in real-world problem situations;

(D) systems of equations. The student shall be provided opportunities to:

(i) use the linear combination (addition-subtraction) method to solve systems of three linear equations in three variables;



(ii) use augmented matrices by hand or by computer to solve two- or three-variable linear systems;

(iii) apply linear programming techniques to model and solve real-world situations, using the computer or calculator, where appropriate; and

(iv) solve quadratic-quadratic and quadratic-linear systems, and confirm the solution by computer graphing techniques;

(E) numerical methods and higher degree polynomials. The student shall be provided opportunities to:

(i) use successive approximations on the calculator or computer to solve higher degree equations;

(ii) apply synthetic substitution to find functional values of higher degree polynomials;

(iii) use the fundamental theorem of algebra and the factor theorem to factor higher degree polynomials;

(iv) graph higher degree polynomial functions using computer graphing techniques;

(v) solve higher degree polynomial equations using computer graphing techniques; and

(vi) use an iterative process (algebraic or geometric) to approximate irrational roots of higher degree functions;

(F) Exponential and logarithmic functions. The student shall be provided opportunities to:

(i) investigate the concept of the root and convert between exponential and radical forms of an expression;

(ii) extend the properties of exponents to include rational exponents;

(iii) investigate exponential functions and their inverses to developing the definition of logarithm;

(iv) explore the graphs of exponential and logarithmic functions using computer graphing techniques;

(v) convert between logarithmic and exponential forms of an equation;

(vi) apply properties of logarithms to solve equations; and

(vii) apply logarithmic and exponential functions in problem situations using the computer or calculator.

(G) rational algebraic functions. The student shall be provided opportunities to:

(i) simplify complex fractions;

(ii) graph rational algebraic functions (using computer graphing techniques where appropriate) to develop an intuitive understanding of the concept of limit; and

(iii) use direct and inverse variation functions as models to make predictions in real-world situations;

(H) sequences and series. The student shall be provided opportunities to:

(i) investigate patterns in given sequences and use the patterns or recursive or generator formulas to find additional terms;

(ii) investigate and graph geometric and arithmetic sequences;

(iii) find the  $n$ th partial sum of geometric or arithmetic series and find  $n$  given the  $n$ th term or partial sum;

(iv) investigate convergent geometric series;

(v) use sequences and series as models in real-world problem situations;

(vi) use the binomial theorem to expand powers of binomial expressions; and

(vii) solve enumeration problems involving permutations and combinations;

(I) data handling and analysis. The student shall be provided opportunity to:

(i) recognize the importance of unbiased sampling and valid reasoning in statistical arguments;

(ii) select an appropriate sampling method for a given real-world problem situation;

(iii) interpret probabilities relative to the normal distribution;

(iv) design a simple statistical experiment to test a hypothesis generated by a real-world problem situation and interpret the results; and

(v) use computer simulation methods to represent and solve problem situations involving uncertainty.

[(r) Linear algebra (an independent study course—1/2 unit). Linear algebra shall include the following essential elements:

[(1) Linear equations and matrices. The student shall be provided opportunities to:

[(A) solve linear systems using matrices;

[(B) apply properties of matrix operations; and

[(C) identify the inverse of a matrix.

[(2) Determinants. The student shall be provided opportunities to:

[(A) apply definitions and properties;

[(B) use cofactor expansion; and

[(C) apply skills.

[(3) Vectors and vector spaces. The student shall be provided opportunities to:

[(A) investigate:

[(i) vectors in the plane;

[(ii)  $n$ -vectors; and

[(iii) vector spaces and subspaces;

[(B) identify linear independence;

[(C) find the rank of a matrix; and

[(D) work with orthonormal bases in  $R^n$ .

[(4) Linear transformations. The student shall be provided opportunities to use linear transformation and matrix representations.

[(5) Eigenvalues, Eigenvectors. The student shall be provided opportunities to investigate:

[(A) diagonalization; and

[(B) diagonalization of symmetric matrices.

[(6) Applications. The student shall be provided opportunities to apply skills to:

[(A) conic sections and quadric surfaces;

[(B) the theory of games; and

[(C) the Fibonacci sequence.]

(3) Geometry (one unit). Geometry shall include the following essential elements:

(A) axiomatic systems. The student shall be provided opportunities to:

(i) distinguish intuitively between the concepts of validity of an argument and truth of a statement;

(ii) distinguish between inductive and deductive reasoning;

(iii) use conditional statements in logical arguments;

(iv) investigate the relationship among a conditional statement and its converse, inverse, and contrapositive;

(v) identify patterns of inference that produce valid conclusions and apply in real-world situations;

(vi) apply logical arguments to geometric problem situations; and

(vii) explore Euclidean geometry as an axiomatic system (undefined terms, defined terms, postulates, and theorems);

(D) lines, segments, and angles. The student shall be provided opportunities to:

(i) use a coordinate approach to:

(I) develop distance, midpoint, and betweenness properties:

(II) investigate slopes of parallel and perpendicular lines using computer graphing techniques; and

(III) write equations for lines given prescribed geometric conditions (locus);

(ii) use a synthetic approach to:

(I) construct figures using a computer where appropriate;

(II) make a convincing informal argument, orally or in writing, to justify angle relationships such as vertical, supplementary, complementary congruent, and angles formed by transversals; and

(III) write formal proofs related to parallel lines;

(iii) use a vector approach to:

(I) determine whether two line segments are parallel; and

(II) determine whether two line segments are perpendicular;

(iv) solve real-world problems involving lines segments, and angles.

(C) Triangles. The student shall be provided opportunities to:

(i) use a coordinate approach to:

(I) investigate specific examples of properties of segments associated with triangles (altitudes medians, perpendicular bisectors, angle bisectors, etc.);

(II) make generalizations inductively about these properties; and

(III) make a convincing informal argument orally or in writing to validate these generalizations.

(ii) use a transformational approach to:

(I) express translations, rotations, reflections, and dilations as functions; and

(II) explore congruence and similarity through transformations;

(iii) use a synthetic approach to:

(I) discover triangle congruence postulates through construction;

(II) use triangle congruence propositions in proofs;

(III) explore triangle similarity postulates and proportionality of associated linear measures (sides, altitudes, medians, angle bisectors, perimeters, etc.);

(IV) compare various proofs of the Pythagorean Theorem;

(V) investigate special right triangles;

(VI) develop trigonometric functions using the right triangle (sin, cos, tan);

(VII) use theorems related to angle measures of triangles in formal proofs; and

(VIII) investigate triangle inequalities;

(D) solve real-world problems involving triangles;

(D) Other polygons. The student shall be provided opportunities to:

(i) use a coordinate approach to:

(I) explore specific examples of properties of quadrilaterals;

(II) make generalizations inductively for these properties; and

(III) make a convincing informal argument orally or in writing to validate these generalizations;

(ii) use a transformational approach to:

(I) explore symmetry of polygons; and

(II) generalize concepts of congruence and similarity;

(iii) use a synthetic approach to:

(I) prove properties of quadrilaterals;

(II) use properties of quadrilaterals in proofs;

(III) explore specific examples of functional angle relationships in polygons, including regular polygons;

(VI) make generalizations inductively about these relationships; and

(V) make a convincing informal argument orally or in writing to validate these functional relationships.

(iv) Solve real-world problems involving polygons;

(E) Circles. The student shall be provided opportunities to:

(i) use a coordinate approach to graph equations and circles to:

(I) use the distance formula to develop the equations for circles; and

(II) graph equations of circles;

(ii) use a synthetic approach to:

(I) investigate lines, segments and angles related to circles;

(II) investigate inscribed and circumscribed circles using a computer; and

(III) solve geometric problems involving segments and angles related to circles;

(iii) solve real-world problems involving circles;

(F) solid geometry. The student shall be provided opportunities to:

(i) use a synthetic approach to:

(I) investigate properties of polyhedra using concrete models (and computers where possible);

(II) investigate properties of cylinders, cones, and spheres using concrete models (and computers where possible);

(III) draw three-dimensional figures using computers where possible); and

(IV) build three-dimensional models;

(ii) use a transformational approach to explore symmetry of polyhedra and spheres in space.

(iii) solve real-world problems involving three-dimensional figures;

(G) measurement. The student shall be provided opportunities to:

(i) use a transformational approach to:

(I) explore distance and area as invariant conditions under translations, rotations, and reflections;

(II) explore the ratio of distances as an invariant condition under dilations; and

(III) explore angle measure as an invariant condition under translations, rotations, reflections, and dilations;

(ii) use a synthetic approach to:

(I) make a convincing informal argument (using models and computers where possible) to validate area and volume formulas;

(II) investigate the circumference and area of a circle as the limits of perimeters and areas of inscribed regular polygons;

(III) use ratio to investigate arc length and areas of sectors of circles; and

(IV) investigate the proportional relationships among linear measures, areas, and volumes in similar figures;

(iii) solve real-world problems involving measurement.

[(s) Linear programming (an independent study course—1/2 unit). Linear programming shall include the following essential elements:

[(1) Concepts involving mathematical modeling. The student shall be provided opportunities to:

[(A) investigate the objective function, the constraints, and the non negativity requirement for a given linear programming model; and

[(B) graph the constraints identifying convex and extreme points, the area of feasible solutions, and values of the variables that optimize.

[(2) Concepts and skills involving the simplex method. The student shall be provided opportunities to:

[(A) solve a linear programming model by the simplex method;

[(B) use a linear programming production model;

[(C) set up linear programming models from problem situations; and

[(D) interpret final tableaus for optimal strategies and limiting factors.

[(3) Variations and applications of the simplex method. The student shall be provided opportunities to:

[(A) use segmentation, multiple tableaus, or approximation by a linear function;

[(B) use goal programming; and

[(C) use linear programming to find solutions to practical situational problems.]

(4) Trigonometry (1/2 unit). Trigonometry shall include the following essential elements:

(A) circular/trigonometric functions. The student shall be provided opportunities to:

(i) explore periodic real-world phenomena;

(ii) apply definitions of sine, cosine, tangent, secant, cosecant and cotangent functions;

(iii) analyze the interrelationship between circular and trigonometric representations of functions;

(iv) find exact values of special cases of trigonometric functions; and

(v) find approximate values of trigonometric functions using the computer or calculator;

(B) graphs of circular/trigonometric functions. The student shall be provided opportunities to:

(i) investigate the effects of the parameters in the equation on the graph of a trigonometric function;

(ii) use these generalizations to sketch circular/trigonometric functions;

(iii) verify sketched graphs of trigonometric functions using computer graphics;

(iv) write the equation given the graph of a trigonometric function; and

(v) use circular functions that model real-world phenomena to solve problems;

(C) properties of circular/trigonometric functions and their inverses. The student shall be provided opportunities to:

(i) use trigonometric properties, including those involving functions of more than one argument, to

transform a trigonometric expression to another equivalent form;

(ii) verify trigonometric identities using computer graphics;

(iii) investigate the properties of inverse functions and relations;

(iv) analyze the interrelationship between circular/trigonometric functions and their inverses;

(v) solve trigonometric equations, and verify by accurate graphing; and

(vi) use inverses of trigonometric functions that model real-world phenomena to solve problems;

(D) Triangle problems. The student shall be provided opportunities to:

(i) solve right triangle problems that model real-world situations;

(ii) find the area of a triangle by trigonometric techniques;

(iii) derive the law of sines and the law of cosines and apply these laws to problem situations; and

(iv) use vectors to solve real-world problems;

(E) applications of trigonometry to other areas of mathematics. The student shall be provided opportunities to:

(i) analyze the connection between circular/trigonometric functions and polar coordinates;

(ii) analyze the connection between circular/trigonometric functions and complex numbers; and

(iii) analyze the connection between circular/trigonometric functions and series.

[(t) History of mathematics (an independent study course—1/2 unit). History of mathematics shall include the following essential elements:

[(1) Historical development of numbers and numerals. The student shall be provided opportunities to:

[(A) examine at least two ancient numeration systems;

[(B) investigate place-value systems other than 10;

[(C) research the origin of zero;

[(D) investigate prime and composite numbers and persons associated with their development;

[(E) understand rational numbers in fractional and decimal forms;

[(F) research persons responsible for proof of the Pythagorean theorem;

[(G) investigate irrational numbers and the persons who researched them; and

[(H) investigate complex numbers and their development

[(2) Historical development of methods of computation. The student shall be provided opportunities to:

[(A) investigate calculating devices;

[(B) examine the capability of various computers; and

[(C) investigate the use of logarithms.

[(3) Historical development of geometry. The student shall be provided opportunities to:

[(A) examine the applications of practical geometry in ancient civilization;

[(B) investigate Euclidean and non-Euclidean geometries;

[(C) investigate the golden rectangle and applications;

[(D) examine geometry in construction techniques;

[(E) research unsolvable construction problems from antiquity;

[(F) study regular polyhedrons and their discoverers; and

[(G) examine conic sections.

[(4) Historical development of algebra. The student shall be provided opportunities to:

[(A) contrast algebraic symbols with other symbols meaning the same thing, and research their use;

[(B) examine the algebra of ancient civilizations;

[(C) identify the contribution of Diophantus of Alexandria; and

[(D) investigate persons contributing to the solution of general polynomial equations of the third, fourth, and fifth degrees.

(5) Persons associated with modern mathematics. The student shall be provided opportunities to examine 19th or 20th century mathematicians or both and their contributions.]

(u)-(v) (No change.)

*§75.68. Social Studies, Texas, and United States History.*

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

(d) World geography studies (one unit). World geography studies shall include the following essential elements:

(1) nature of geography. The student shall be provided opportunities to:

(A) identify specialized fields of geography (e.g., physical, cultural, political, economic historical);

(B) define geographic terminology; and

(C) describe geographical tools and methodologies.

(2) physical setting of the earth. The student shall be provided opportunities to:

(A) analyze the earth-sun relationship;

(B) identify major landforms regions, and features of the earth; and

(C) describe the physical and human forces that alter the earth's features;

(3) interaction of physical and cultural environments. The student shall be provided opportunities to:

(A) describe the interrelationships of people and their environments;

(B) explain the economic importance of water, energy sources, and other productive resources to regions;

(C) describe the agricultural base of regions; and

(D) examine the uses, abuses, and preservation of natural resources and the physical environment;

(4) world regions. The student shall be provided opportunities to:

(A) identify the criteria for determining regions;

(B) describe the physical setting of world regions;

(C) analyze population distribution, growth, and movements;

(D) identify major cultural, political, and economic activities within and among major world regions;

(E) describe settlement patterns in terms of rural/urban location, structure, and function; and

(F) analyze geographic influences on various issues (e.g., environmental, political, cultural, economic).

[(d) World geography studies (one unit). World geography studies shall include the following essential elements:

(1) Nature of geography. The student shall be provided opportunities to:

(A) compare physical and cultural geography;

(B) explain geographical terminology; and

[(C) describe geographical tools and methodologies.

(2) Physical setting of the earth. The student shall be provided opportunities to:

(A) locate and describe major landforms and features of the earth;

(B) describe the physical forces that alter the features of the earth's crust;

[(C) describe the physical setting of selected regions;

(D) locate the major natural resources of the world and give their uses; and

(E) locate the major nations and regions of the world.

(3) Interaction of physical environments. The student shall be provided opportunities to:

(A) understand criteria for determining regions;

[(B) analyze the impact of environment on ways of life in a region;

[(C) describe major economic activities in a region;

(D) determine the economic, social, and cultural interchange among regions and countries;

[(E) explain the causes of population patterns, densities, and movements;

[(F) analyze forces that are causing changes in the landscapes of regions and countries;

[(G) explain the economic importance of water and other natural resources to regions and countries;

(H) determine kinds and sources of energy for regions and countries;

[(I) describe the agricultural base of regions; and

[(J) examine uses, abuses, and preservation of natural resources and the physical environment.

[(4) Urban analysis. The student shall be provided opportunities to:

[(A) analyze the site and situation of cities;

[(B) describe functions of cities;

[(C) understand patterns of urban growth;

[(D) analyze movements of people, goods, and services in an urban environment; and

[(E) analyze environmental issues associated with urban growth.]

(e)-(h) (No change.)

(i) Psychology (1/2 unit). Psychology shall include the following essential elements:

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

(3) development of the individual. The student shall be provided opportunities to:

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

(C) analyze the dynamics of group behavior and impact of groups on individual behavior; and

(D)[(C)] establish individual long-and short-term [range] goal [goals] setting.

(j) Sociology (1/2 unit). Sociology shall include the following essential elements:

(1) nature of sociology. The student shall be provided opportunities to:

(A) define sociology as a field of study;

(B) analyze research methods [the tools and techniques] of sociology; and

(C) understand sociological concepts [terminology];

(2) culture, socialization, groups, and institutions. The student shall be provided opportunities to:

(A) (No change.)

(B) analyze types of groups (e.g., primary, secondary, etc.) and interactions among groups;

(C) (No change.)

(D) understand the roles of [beliefs,] mores, traditions, values, norms, symbols, sanctions, and folk-ways in a culture;

(E) analyze social problems in selected cultures; [and]

(F) analyze status and roles of people in various situations and relationships; and [.]

(G) analyze social stratification and social mobility;

(3) (No change.)

(4) technological [Cultural] development and social change. The student shall be provided opportunities to:

(A) understand causes and effects of cultural and social changes [change];

(B) analyze the impact of industrialization and urbanization [science and technology] upon people and cultures; and

(C) describe the effects of cross-cultural contact, immigration, and cultural diversity [and diffusion].

(k) (No change.)

(l) World history studies (one unit). Essential elements for world history studies as described in subsection (l) shall be effective in September 1990. World history studies shall include the following essential elements:

(1) relationships between geography and history. The student shall be provided opportunities to:

(A) describe the physical and cultural geographic characteristics of places studied;

(B) understand the effects of the physical environment on the history of cultures and societies;

(C) examine the effects of human modifications of the physical environment in places and time periods studied;

(D) explain the effects of new forms of transportation, trade, and communications on historical developments; and

(E) compare the effects on the development of resources in countries where private property rights have been honored and where they have not;

(2) early civilizations of Asia, Africa, and the Western Hemisphere and their contributions to world civilizations. The student shall be provided opportunities to:

(A) analyze the river valley civilizations (Middle East, China, Indus Valley, Nile Valley);

(B) describe the kingdoms, societies, cultures of Africa;

(C) understand the cultures and societies of pre-Columbian North, Central, and South America; and

(D) trace the historical development, precepts, and influences of Buddhism, Hinduism, and Confucianism;

(3) Foundations of western civilization. The student shall be provided opportunities to:

(A) describe Greek and Roman societies and their contributions;

(B) trace the historical development, precepts, and influences of Judaism, Christianity, and Islam; and

(C) analyze the growth and impact of the Byzantine empire;

(4) emergence of European predominance. The student shall be provided opportunities to:

(A) trace the origins and basis for the concepts of liberty, individual freedom, property rights, and representative government;

(B) describe the political, social, economic, and cultural aspects of Europe in the Middle Ages;

(C) identify the causes, characteristics, and impact of the Reformation and Renaissance;

(D) analyze the development of nationalism and the nation-state (with emphasis on England, France, and Spain);

(E) describe the causes and effects of European expansion (discovery, exploration, colonization, investment, and mercantilism);

(F) identify the causes, characteristics, and effects of the Enlightenment;

(G) understand the causes and results of political revolutions (emphasis on 18th and 19th century North, Central, and South America, England, and France);

(H) analyze the causes, characteristics, and results of the Industrial Revolution (including the increased productivity and prosperity resulting from the Industrial Revolution);

(I) trace the development of capitalism, socialism, and communism;

(J) describe the development of nationalism and completion of nation-building (emphasis on Germany, Italy, and Soviet Union); and

(K) explain the causes and effects of Western imperialism;

(5) contemporary world developments. The student shall be provided opportunities to:

(A) examine nationalism, anticolonial revolutions, and development

of new states in Asia, Africa, and the Middle East noting economic and political perspectives:

(B) explain the causes and effects of limited and unlimited wars (WWI-II, Korea, Viet Nam, Afghanistan, Middle East, etc.);

(C) explain the causes and effects of Soviet expansion, imperialism, and the struggle for world domination based on the stated goal of world communism;

(D) analyze the impact of changing economic relations and economic interdependence among regions and nations;

(E) trace the developments in and impact of science and technology (space, medicine, and communications) noting the positive impact of individual freedom and incentives on technological advancement;

(F) identify developments in the arts, literature, religion, and philosophy;

(G) describe the growth of authoritarian and totalitarian governments (communist, socialist, and fascist) and their effects on liberty, freedom, and human rights;

(H) contrast the effects on productivity and living standards of countries with similar resource bases but with market economies vs. restricted economies;

(I) explain the positive aspects and effects of American capitalism upon the world; and

(J) describe democratic forms of governments, their growth, and explain the positive effects of American democracy on liberty, freedom, and human rights.

#### §75.70. Business Education.

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

(c) Business Computer Applications I (1/2-1 unit). Business Computer Applications I shall include the following essential elements:

(1) concepts and skills related to computer operations. The student shall be provided opportunities to:

(A) demonstrate comprehension of computer-related vocabulary;

(B) describe the functions of the components of a computer system;

(C) demonstrate and apply the capabilities of an operating systems; and

(D) explore the concepts of telecommunication techniques and networking;

(2) concepts and skills related to word processing. The student shall be provided opportunities to:

(A) demonstrate word processing concepts;

(B) apply higher level capabilities of word processing tools and software; and

(C) understand the procedures and recognize the importance of merging data processing and word processing;

(3) concepts and skills related to spreadsheets. The student shall be provided opportunities to:

(A) demonstrate higher level spreadsheet concepts; and

(B) apply higher level capabilities of spreadsheets;

(4) concepts and skills related to database management. The student shall be provided the opportunities to:

(A) demonstrate database concepts, procedures, and capabilities; and

(B) apply higher level capabilities of database management;

(5) concepts and skills related to advanced application software. The student shall be provided opportunities to:

(A) discuss interaction of people and computers for productivity;

(B) demonstrate the ability to apply information processing concepts and skills to realistic business situations;

(C) demonstrate the ability to apply information processing concepts and skills to realistic personal situations; and

(D) identify tools for preparing information for mass distribution,

including desktop publishing, graphics, and maintenance of electronic bulletin boards;

(6) concepts and skills associated with the social implications of computers. The student shall be provided opportunities to:

(A) examine issues concerning responsible use of computer systems; and

(B) understand the social ramifications of computer applications related to privacy, values, and reliability of systems.

[(c) Business data processing (1/2 unit). Business data processing shall include the following essential elements:

[(1) Overview of computers. The student shall be provided opportunities to:

[(A) learn the components of a computer system;

[(B) discuss interaction of people and computers for productivity; and

[(C) differentiate between computer languages.

[(2) Technological changes. The student shall be provided opportunities to:

[(A) develop computer-related vocabulary; and

[(B) merge data processing and word processing (information processing).

[(3) Computer applications. The student shall be provided opportunities to:

[(A) process business, industry, and government information;

[(B) explore telecommunications;

[(C) show relationships to education, medicine, entertainment, and everyday living; and

[(D) discuss facilitation of worldwide information processing (networking)

[(4) Systems and concepts. The student shall be provided opportunities to:

[(A) trace the computer cycle;

[(B) identify various types of input-output media;

[(C) format input and output information;

[(D) store and retrieve information; and

[(E) improve the decision-making process.

[(5) Electronic information processes. The student shall be provided opportunities to discuss the use of current electronic methods of compiling, storing, and accessing information as related to course content.]

(d)-(h) (No change.)

(i) Advanced [typewriting/word processing (1/2-1 unit). Advanced [typewriting/word processing shall include the following essential elements:

(1) proficiency in computer keyboarding. The student shall be provided opportunities to:

(A) refine techniques, speed, and accuracy;

(B) improve level of proficiency [in manipulating machine];

(C) refine work habits; and

(D) care for equipment;

(2) communication skills. The student shall be provided opportunities to:

(A) Interpret and follow directions;

(B) [(A) refine communication skills [for producing usable copy]; and

[(B) express numbers correctly;]

(C) compose various types of business documents; [messages; and]

[(D) refine proofreading abilities.]

(3) problem document processing [typing] skills. The student shall be provided opportunities to:

(A) refine proofreading abilities;

[(A) interpret and follow directions;

**[(B) complete business forms, both printed and unprinted;**

**[(C) prepare copy for various types of duplicating processes;]**

**[(B) [(D)] make decisions about placement, format, and priority of completion; and**

**[(E) tabulate tables; and]**

**[(C) [(F)] produce correspondence, manuscripts, tables, reports, [and] legal documents[,] and business forms, both printed and unprinted;**

**(4) correspondence skills. The student shall be provided opportunities to produce on computers copy of different kinds of business documents, messages, and forms from rough draft, corrected, and handwritten copy under timed situations.**

**[(4) Production skills. The student shall be provided opportunities to produce under timed situations usable copy of different kinds of business documents, messages, and forms from rough draft, corrected, and handwritten copy. ]**

**(5) advanced word [Word] processing skills. The student shall be provided opportunities to:**

**(A) develop word processing skills including spell check, thesaurus, merge, global search and replace, block movement, print options, macros, and column layout; and**

**(B) use computer hardware and software;**

**[(B) use word processing equipment when available.]**

**(6) office style simulation. The student shall be provided opportunities to:**

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

**(C) increase awareness of the various word processing [typing] tasks found in specialized offices; and**

**(D) (No change.)**

**(7) concepts and skills associated with the social implications of computers. The student shall be provided opportunities to:**

**(A) examine issues concerning responsible use of computer systems; and**

**(B) understand the social ramifications of computer applications related to privacy, values, and reliability of systems.**

**[(7) Electronic information processes. The student shall be provided opportunities to discuss the use of current electronic methods of transmitting and receiving information as related to course content.]**

**(j)-(k) (No change.)**

**(l) Business Computer Programming I (1/2-1 unit). Business Computer Programming I shall include the following essential elements:**

**(1) concepts and skills related to computer data processing. The student shall be provided opportunities to:**

**(A) demonstrate comprehension of computer-related terminology; and**

**(B) identify the major components of computer systems;**

**(2) concepts and skills related to hardware utilization. The student shall be provided opportunities to:**

**(A) review computer hardware operations:**

**(B) understand categorization of hardware according to size, application, and configurations;**

**(C) reinforce the ability to use basic operating systems; and**

**(D) review the proper care of hardware and software;**

**(3) concepts and skills associated with algorithmic approaches to problem solving. The student shall be provided opportunities to:**

**(A) demonstrate the skills related to structured approaches to problem solving; and**

**(B) translate problems into logical steps using appropriate program design techniques;**

**(4) concepts and skills associated with commands and statements of a programming language. The student shall be provided opportunities to:**

**(A) identify and use variables, constants, and literals;**

**(B) demonstrate the use of input and output statements;**

**(C) demonstrate and use conditional and unconditional branching statements;**

**(D) demonstrate and use looping techniques; and**

**(E) develop and use subroutines for modular programming;**

**(5) concepts and skills related to program execution, testing, debugging, and documentation. The student shall be provided opportunities to:**

**(A) demonstrate the ability to execute computer programs with sample data;**

**(B) distinguish between syntax and logic errors;**

**(C) apply standard debugging procedures; and**

**(D) develop internal and external program documentation, including record layout and report spacing chart;**

**(6) concepts and skills associated with data storage. The student shall be provided opportunities to:**

**(A) demonstrate an understanding of the types of media for data storage;**

**(B) identify methods of storing data on storage devices; and**

**(C) create and maintain a program to store and retrieve data from a file;**

**(7) concepts and skills associated with the social implications of computer. The student shall be provided opportunities to:**

**(A) examine issues concerning responsible use of computer systems; and**

**(B) understand the social ramifications of computer applications related to privacy, values, and reliability of systems.**

**[(1) Introduction to computer programming (1/2 unit). Introduction to computer programming shall include the following essential elements:**

**[(1) Introduction to programming. The student shall be provided opportunities to:**



[(A) keyboard prewritten simplified input;

[(B) differentiate between control statements and programming statements;

[(C) understand the difference between a data file and a program;

[(D) store and retrieve information from different media;

[(E) edit programming statements; and

[(F) take care of the computer and media.

[(2) Simulating computer program. The student shall be provided opportunities to:

[(A) learn the order in which commands and conditional/unconditional statements are accepted by the computer;

[(B) identify the uses of variables, constants, and literals; and

[(C) identify action words in language.

[(3) Flowcharting. The student shall be provided opportunities to:

[(A) follow logical steps in the problem-solving process;

[(B) follow direction flow and use connectors;

[(C) determine alternatives and make decisions;

[(D) sequence and link; and

[(E) loop and complete.

[(4) Structuring programs. The student shall be provided opportunities to:

[(A) correlate read and input statements;

[(B) format input and output;

[(C) use branch statements;

[(D) use subroutines and repetitive operations;

[(E) apply graphics to business applications;

[(F) use string manipulation; and

[(G) debug.

[(5) Documentation. The student shall be provided opportunities to:

[(A) follow proper methods of software documentation;

[(B) list facts about the program; and

[(C) list bugs.

[(6) Electronic information processes. The student shall be provided opportunities to discuss how computer programs provide for efficient flow of information.]

(m) (No change.)

(n) Office administrative systems (1/2-1 unit). Office administrative procedures shall include the following essential elements:

(1) concepts and skills related to office administration. The student shall be provided opportunities to:

(A) identify duties and responsibilities common to most offices;

(B) delineate the work flow of an office or system;

(C) relate office operations to the entire business organization;

(D) establish priorities and develop organizational abilities;

(E) interpret and apply information from resource materials; and

(F) identify and apply concepts and skills related to safety and safe working conditions in the office environment;

(2) concepts and skills related to successful employment and/or postsecondary training. The student shall be provided opportunities to:

(A) identify employment opportunities and preparation requirements in the chosen field; and

(B) identify effective methods to secure, maintain, and terminate employment;

(3) concepts and skills necessary for effective communications in the

office environment. The student shall be provided opportunities to:

(A) identify proper techniques in business telephone usage;

(B) prepare effective communication using the document production cycle;

(C) identify and use proper oral and written language skills relating to business;

(D) identify current terminology relating to business and technology; and

(E) identify classes of mail, special mailing services, and procedures of handling incoming and outgoing mail;

(4) concepts and skills related to information management and control. The student shall be provided opportunities to:

(A) identify equipment and supplies necessary for a filing system;

(B) identify correct usage in applying terminology and procedures for indexing, coding, and filing using the alphabetic, numeric, subject, and geographic system;

(C) identify, describe, and/or demonstrate procedures for controlling manual records and computerized information; and

(D) identify a transfer and retention schedule;

(5) concepts and skills necessary for the operation of office equipment. The student shall be provided opportunities to:

(A) use the touch system to produce accurate, mailable business documents using electronic equipment;

(B) demonstrate the ability to enter and retrieve data using a computer;

(C) use the touch system on the electronic calculator/computer to compute business problems;

(D) identify appropriate reprographic processes for specific tasks; and

(E) demonstrate ability to produce legible copies;

(6) concepts and skills associated with the social implications of computers. The student shall be provided opportunities to:

(A) examine issues concerning responsible use of computer systems; and

(B) understand the social ramifications of computer applications related to privacy, values, and reliability of systems.

[(n) Office procedures (cannot be taken concurrently with vocational office education) (1/2-1 unit). Office procedures shall include the following essential elements:

[(1) General office knowledge. The student shall be provided opportunities to:

[(A) identify duties and responsibilities common to most offices;

[(B) delineate the work flow of an office or system;

[(C) relate office operations to the entire business organization;

[(D) plan and organize work;

[(E) maintain supplies; and

[(F) effect good human relations

[(2) Clerical duties. The student shall be provided opportunities to:

[(A) develop a working knowledge of various kinds of banking services;

[(B) calculate and verify business computations;

[(C) disburse and replenish a petty cash fund; and

[(D) operate calculator with proficiency.

[(3) Communications and information. The student shall be provided opportunities to:

[(A) follow oral and written directions;

[(B) use appropriate telephone techniques;

[(C) transform dictated or handwritten copy into final product;

[(D) set priorities for completion of work;

[(E) record minutes of meetings and conferences; and

[(F) prepare reports and documents.

[(4) Filing and records management. The student shall be provided opportunities to:

[(A) identify equipment and supplies necessary for a filing system;

[(B) establish and maintain a filing system;

[(C) relate micrographic processes with filing systems; and

[(D) establish a transfer and retention schedule.

[(5) Handling mail. The student shall be provided opportunities to:

[(A) process incoming and outgoing mail; and

[(B) identify different classes of mail and special mailing services.

[(6) Travel, meetings, and conferences. The student shall be provided opportunities to:

[(A) arrange travel and transportation services; and

[(B) schedule meetings and conferences.

[(7) Electronic information processes. The student shall be provided opportunities to discuss the use of current electronic office technology, including methods of transmitting and receiving information as related to course content.]

(o)-(r) (No change.) Pan>This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

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## Subchapter D. Essential Elements-Grades 9-12

### Vocational Education

#### • 19 TAC §75.85, §75.87

The amendments are proposed under the Texas Education Code §21.101, which authorizes the State Board of Education to make rules concerning the well-balanced curriculum.

#### §75.85. Industrial Technology Education.

(a)-(n) (No change.)

(o) Principles of Technology I (1 unit). Principles of Technology I shall be a laboratory-oriented course applying concepts of force, work, rate, resistance, energy, power, and force transformers as they relate to mechanical, fluid, electrical, and thermal systems. The student shall be provided opportunities to:

(1) observe and examine phenomena present in the various concepts under study;

(2) measure with typical instruments the phenomena as applied to given standards;

(3) describe orally and in writing the parameters of the findings under study;

(4) predict through calculations the parameters of the expected outcome of the phenomena being studied;

(5) analyze the relationships between the various concepts under study and show how they are applied in technological products and systems;

(6) read and develop graphs, charts, and other graphic displays that detail the data under study;

(7) classify and sequence physical actions reactions, and interactions;

(8) identify various careers that are related to the concepts under study;

(9) conduct experiments and activities safely with apparatus, devices, computer software and hardware, and other equipment that will illustrate direct technological application;

(10) evaluate the social/cultural impacts of products or systems that have been or may be developed from the synthesis of the concepts studied;

(11) apply the concepts studied through the use of the scientific method to creatively solve technological problems;

(12) interact socially to reach group (team) conclusions and solve problems;

(13) predict the anticipated outcome of experiments by the use of data extracted and interpreted from previous studies;

(14) define and describe accepted terms used in explaining the findings of experiments; and

(15) identify and control variables in experiments to test a hypothesis, and observe cause and effect relationships.

(p) Principles of Technology II (1 unit). Principles of Technology II shall be a laboratory-oriented course applying concepts of momentum waves and vibrations, energy convertors, transducers, radiation, optical systems and time constants as they relate to mechanical, fluid, electrical, and thermal systems. The student shall be provided opportunities to:

(1) observe and examine phenomena present in the various concepts under study;

(2) measure with advanced instruments the phenomena as applied to given standards;

(3) describe orally and in writing the parameters of the findings under study;

(4) predict through calculations the parameters of the expected outcome of the advanced phenomena being studied;

(5) analyze the relationships between the various concept under study and show how they are applied in advanced technological products and systems;

(6) read and develop graphs, charts, and other graphic displays that detail the data under study;

(7) classify and sequence physical actions, reactions, and interactions;

(8) identify various careers that are related to the concepts studied;

(9) conduct advanced experiments and activities safely with apparatus, devices, computer software and hardware, and other equipment that will illustrate direct technological application;

(10) evaluate the social/cultural impacts of advanced products or systems that have been or may be developed from the synthesis of the concepts studied;

(11) apply the concepts studied through the use of the scientific method to creatively solve advanced technological problems;

(12) interact socially to reach group (team) conclusions and solve problems;

(13) predict the anticipated outcome of advanced experiments by the

use of data extracted and interpreted from previous studies;

(14) define and describe accepted terms used in explaining the findings of advanced experiments; and

(15) identify and control variables in advanced experiments to test a hypothesis, and observe cause and effect relationships.

*§75.87. Office Education.*

(a) (No change.)

(b) Office administrative systems (one, two, or three units) shall include the following essential elements;

(1) concepts and skills related to office administration. The student shall be provided opportunities to:

(A) identify duties and responsibilities common to most offices;

(B) delineate the work flow of an office or system;

(C) relate office operations to the entire business organization;

(D) establish priorities and develop organizational abilities;

(E) interpret and apply information from resource materials; and

(F) identify and apply concepts and skills related to safety and safe working conditions in the office environment;

(2) concepts and skills related to successful employment and/or postsecondary training. The student shall be provided opportunities to:

(A) identify employment opportunities and preparation requirements in the chosen field; and

(B) identify effective methods to secure, maintain, and terminate employment;

(3) concepts and skills necessary for effective communications in the office environment. The student shall be provided opportunities to:

(A) identify proper techniques in business telephone usage;

(B) prepare effective communication using the document production cycle;

(C) identify and use proper oral and written language skills relating to business;

(D) identify current terminology relating to business and technology; and

(E) identify classes of mail, special mailing services, and procedures of handling incoming and outgoing mail;

(4) concepts and skills related to information management and control. The student shall be provided opportunities to:

(A) identify equipment and supplies necessary for a filing system;

(B) identify correct usage in applying terminology and procedures for indexing, coding, and filing using the alphabetic, numeric, subject, and geographic system;

(C) identify, describe, and/or demonstrate procedures for controlling manual records and computerized information; and

(D) identify a transfer and retention schedule;

(5) concepts and skills necessary for the operation of office equipment. The student shall be provided opportunities to:

(A) use the touch system to produce accurate, mailable business documents using electronic equipment;

(B) demonstrate the ability to enter and retrieve data using a computer;

(C) use the touch system on the electronic calculator/computer to compute business problems;

(D) identify appropriate reprographic processes for specific tasks; and

(E) demonstrate ability to produce legible copies;

(6) concepts and skills associated with the social implications of computers. The student shall be provided opportunities to:

(A) examine issues concerning responsible use of computer systems; and

**(B) understand the social ramifications of computer applications related to privacy, values, and reliability of systems.**

**[(b) Office administration (one, two, or three units) shall include the following essential elements:**

**[(1) concepts and skills involved in keyboarding in office administration. The student shall be provided opportunities to:**

**[(A) recognize proofreader marks and use them in editing;**

**[(B) demonstrate the ability to apply basic touch keyboarding skills;**

**[(C) demonstrate procedures necessary in keyboarding business documents; and**

**[(D) demonstrate the ability to enter and retrieve data on a micro-computer;**

**[(2) concepts and skills necessary for records control and management in office administration. The student shall be provided opportunities to:**

**[(A) identify correct usage in applying terminology and procedures for indexing, coding, and filing using the alphabetic numeric, subject, and geographic system;**

**[(B) identify, describe and/or demonstrate procedures for controlling manual and automated records; and**

**[(C) identify the procedures of handling incoming and outgoing mail;**

**[(3) concepts and skills necessary for the operation of office machines in office administration. The student shall be provided opportunities to:**

**[(A) use the touch system on the electronic calculator to compute mathematical business problems, including petty cash, banking, and payroll accurately;**

**[(B) identify correct procedures for producing legible copies; and**

**[(C) produce accurate, legible business forms and business correspondence on the electronic typewriter and/or computer;**

**[(4) concepts and skills necessary for effective communication in office administration. The student shall be provided opportunities to:**

**[(A) identify proper techniques in business telephone usage;**

**[(B) prepare effective written communication using the document production cycle;**

**[(C) identify and use language skills relating to business; and**

**[(D) identify terminology relating to basic business information Processing, and computer applications.]**

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

**(e) Business Computer Applications I (one, two, or three units) shall include the following essential elements:**

**(1) concepts and skills related to computer operations [general data processing]. The student shall be provided opportunities to:**

**(A) demonstrate comprehension of computer-related vocabulary [data processing terms];**

**(B) describe the functions of the components of a computer system;**

**[(B) identify the major components of data processing;]**

**(C) demonstrate [identify] and apply the capabilities [functions] of an operating system; and**

**(D) explore the concepts of telecommunication techniques and networking;**

**[(D) demonstrate the ability to enter, manipulate, and retrieve data on a computer terminal; and**

**[(E) understand concepts of networked and multi-user configurations;]**

**(2) concepts and skills related to word [information] processing. The student shall be provided opportunities to:**

**(A) demonstrate word [basic information] processing concepts; [and]**

**(B) apply higher-level [the general] capabilities of word [information] processing tools and software; and**

**(C) understand the procedures and recognize the importance of merging data processing and word processing;**

**(3) concepts and skills related to spreadsheets. The student shall be provided opportunities to:**

**(A) demonstrate higher-level [basic] spreadsheet concepts; and**

**(B) apply higher-level [general] capabilities of spreadsheets;**

**(4) concepts and skills related to database management. The student shall be provided opportunities to:**

**(A) demonstrate [basic] database concepts, procedures, and capabilities; and**

**(B) apply higher-level [general] capabilities of database management;**

**(5) concepts and skills related to advanced [business] application software. The student shall be provided opportunities to [demonstrate the ability to use automated business application concepts, principles, and practices in realistic situations.]:**

**(A) discuss interaction of people and computers for productivity;**

**(B) demonstrate the ability to apply information processing concepts and skills to realistic business situations;**

**(C) demonstrate the ability to apply information processing concepts and skills to realistic personal situations; and**

**(D) identify tools for preparing information for mass distribution including desktop publishing, graphics, and maintenance of electronic bulletin boards;**

**(6) concepts and skills associated with the social implications of computers. The student shall be provided opportunities to:**

**(A) examine issues concerning responsible use of computer systems; and**

**(B) understand the social ramifications of computer applications related to privacy, values, and reliability of systems.**

**[(6) concepts and skills related to computer operations. The student shall be provided opportunities to:**

**[(A) observe and/or participate in computer activities in business and industry;**

**[(B) understand responsibilities and procedures involved in computer operations with individuals working in the field; and**

[(C) identify emerging computer tools and understand their impact on business and industry.]

(f) (No change.)

(g) Business Computer Programming I (one, two, or three units) shall include the following essential elements:

(1) concepts and skills related to computer [general] data processing. The student shall be provided opportunities to:

(A) demonstrate comprehension of computer-related terminology [data processing terms]; and

(B) identify the major components of computer systems [data processing system];

(2) concepts and skills related to hardware [equipment] utilization. The student shall be provided opportunities to:

(A) review [become familiar with operating] computer hardware operations;

(B) understand categorization of [categorize] hardware according to size, application, and configurations [configuration]; and;

(C) reinforce [demonstrate] the ability to use basic operating systems[.]; and

(D) review the proper care of hardware and software;

(3) concepts and skills associated with algorithmic approaches to problem solving [programming]. The student shall be provided opportunities to:

(A) demonstrate the skills related to structured [algorithmic] approaches to problem solving; and

[(B) demonstrate an understanding of computer language concepts;]

(B)[(C)] translate problems into logical steps using appropriate program design [analytical analysis] techniques;

[(D) translate solutions to a common programming language; and

[(E) demonstrate an understanding of preparation and uses of process documentation.]

(4) concepts and skills associated with commands and statements of a

programming language. The student shall be provided opportunities to:

(A) identify and use variables, constants, and literals;

(B) demonstrate the use of input and output statements;

(C) demonstrate and use conditional and unconditional branching statements;

(D) demonstrate and use looping techniques; and

(E) develop and use subroutines for modular programming;

[(4) concepts and skills associated with data storage. The student shall be provided opportunities to:

[(A) demonstrate an understanding of the types of media for data storage;

[(B) identify methods of storing data on storage devices;

[(C) create and maintain a program to store and retrieve data from a file; and

[(D) demonstrate knowledge of computer numbering systems and data representation on storage devices.]

(5) concepts and skills related to program execution, testing, debugging, and documentation. The student shall be provided opportunities to:

(A) demonstrate the ability to execute computer programs with sample data;

(B) distinguish between syntax and logic errors;

(C) apply standard debugging procedures; and

(D) develop internal and external program documentation including record layout and report spacing chart;

(6) concepts and skills associated with data storage. The student shall be provided opportunities to:

(A) demonstrate an understanding of the types of media for data storage;

(B) identify methods of storing data on storage devices; and

(C) create and maintain a program to store and retrieve data from a file;

(7) concepts and skills associated with the social implications of computers. The student shall be provided opportunities to:

(A) examine issues concerning responsible use of computer systems; and

(B) understand the social ramifications of computer applications related to privacy, values, and reliability of systems.

(h)-(l) (No change.)

(m) Coordinated vocational academic education (CVAE) business office clerical (one-two units) shall include the following essential elements:

(1) concepts and skills involved in keyboarding. The student shall be provided opportunities to:

(A) demonstrate the skills involved in keyboarding;

(B) apply appropriate procedures for proofreading and correcting errors; and

(C) demonstrate and identify information processing concepts in keyboarding;

(2) concepts and skills necessary for filing. The student shall be provided opportunities to:

(A) demonstrate procedures used in alphabetic and numeric filing; and

(B) identify procedures used in electronic filing;

(3) concepts and skills related to the operation of office equipment:

(A) identify the procedures and equipment used in completing layouts for reprographics;

(B) identify the procedures used in operating reprographic equipment;

(C) demonstrate the ability to solve mathematical problems using the touch method on the electronic calculator; and

(D) demonstrate the ability to enter and retrieve data on a micro-computer;

(4) concepts and skills necessary for processing mail. The student shall be provided opportunities to:

(A) identify the procedures involved in processing incoming and outgoing mail; and

(B) identify the procedures involved in transmitting mail electronically;

(5) concepts and skills necessary for effective communications. The student shall be provided opportunities to:

(A) develop effective listening skills;

(B) identify and use proper business techniques when using the telephone;

(C) prepare effective written communications; and

(D) identify and use proper language usage skills in business;

(6) concepts and skills necessary for securing and maintaining employment. The student shall be provided opportunities to:

(A) demonstrate the skills necessary for job application and interview; and

(B) apply human relations skills and the ability to work with others.

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

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◆ ◆ ◆  
Subchapter D. Essential  
Elements-Grades 9-12

Vocational Education

• 19 TAC §75.89

The new section is proposed under the Texas Education Code §21.101, which authorizes the State Board of Education to make rules concerning the well-balanced curriculum.

**§75.89. Basic Vocational Education.** Basic vocational education (1-2 units). Basic vocational education shall include the following essential elements:

(1) concepts and skills related to self awareness. The student shall be provided opportunities to:

(A) explore individual aptitudes, values, interests, and career goals:

(B) analyze personal traits identifying positive characteristics of oneself;

(C) participate in formal assessment of their vocational interests, abilities and special needs; and

(D) formulate and write an education plan leading to graduation and employment or continuing education.

(2) concepts and skills relating academics to vocational education. The student shall be provided opportunities to:

(A) integrate communication skills including reading, writing, speaking, and listening into all assigned tasks;

(B) integrate mathematics skills into consumer and budget problems;

(C) identify and practice various methods of problem solving;

(D) recognize how specific academic skills are transferable to specific vocational tasks; and

(E) identify and apply basic academic skills relevant to the duties of a variety of careers.

(3) concepts and skills related to study habits. The student shall be provided opportunities to:

(A) understand principles related to time management and develop a time plan;

(B) demonstrate effective learning habits and skills;

(C) identify techniques for developing successful study habits; and

(D) understand proven techniques to prepare for taking written tests.

(4) concepts and skills associated with productive work habits, attitudes, and employability skills. The student shall be provided opportunities to:

(A) identify effective methods to secure and terminate employment;

(B) demonstrate dependability and punctuality;

(C) understand productive work habits as they relate to school activities and holding a job;

(D) explore attitudes related to following instructions and working under supervision;

(E) discuss personal social relationships with peers/co-workers;

(F) explore the importance of work ethics and of developing a quality product;

(G) recognize the importance of taking pride in the quality of work performed;

(H) recognize the dignity of work;

(I) develop skills in planning and organizing work;

(J) apply required methods and sequences when performing tasks; and

(K) apply principles of time management and work simplification when performing assigned tasks.

(5) concepts and skills related to consumer management. The student shall be provided opportunities to:

(A) identify personal priorities, goals, and standards;

(B) discuss job satisfaction and income as related to budget, and standard of living;

(C) understand principles related to budget, bank, and tax requirements; and

(D) understand consumer finance, loans, and credit cards.

(6) concepts and skills associated with occupational awareness. The student shall be provided opportunities to:

(A) demonstrate an awareness of the United States Office of Education's job cluster classifications and career opportunities;

(B) explore job titles which are of high personal interest; and

(C) survey the vocational skill and academic competencies required for each occupation identified with high personal interest.

(7) concepts and skills related to occupational exploration and career decision making. The student shall be provided opportunities to:

(A) explore the specific vocational skills taught in the high school;

(B) through cooperative arrangements, participate in visits to existing vocational laboratory facilities;

(C) participate in hands-on exploration of vocational training available in the high school program; and

(D) participate in visits to local business, industry and postsecondary institutions.

(8) concepts and skills associated with human relations and personality development. The student shall be provided opportunities to:

(A) understand the importance of maintaining good health and proper appearance for effective job performance;

(B) understand oneself and others;

(C) exercise self-control;

(D) accept and use criticism;

(E) recognize basic human relationships as they relate to business and success; and

(F) demonstrate characteristics for successful work relationships.

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

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### Subchapter E. Well-Balanced Curriculum

#### • 19 TAC §75.142

The amendment is proposed under the Texas Education Code §21.101, which authorizes the State Board of Education to make rules concerning the well-balanced curriculum.

§75.142. Description of a Well-Balanced Secondary Curriculum.

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

(c) Secondary grades 9-12.

(1) Each school district shall offer the courses listed in this subsection and shall maintain evidence that students have the opportunity to take these courses every year or at least every other year:

(A)-(H) (No change.)

(I) business education—typing or microcomputer applications, accounting or recordkeeping, personal business management;

(J)-(K) (No change.)

(L) computer science—one unit course selected from a variety of computer-related courses as provided for in Subchapter D of this chapter (relating to Essential Elements—Grades 9-12), including Computer Mathematics I or II, [business data processing and introduction to computer programming,] Business Computer Applications I or II, Business Computer Programming I or II, Business Computer Applications I (1/2 unit) and Business Computer Programming I (1/2 unit), advanced word processing, business information processing, microcomputer applications, or Computer Science I or II. Computer science, as used in this instance, refers to a variety of computer-related courses rather than to any one specific course. Titles listed are for approved courses available within this category as provided for in Subchapter D of this chapter (relating to Essential Elements—Grades 9-12).

(2)-(4) (No change.)

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### Subchapter F. Graduation Requirements

#### • 19 TAC §75.152

The amendment is proposed under the Texas Education Code §21.101, which authorizes the State Board of Education to make rules concerning the well-balanced curriculum.

§75.152. Advanced High School Program.

(a) (No change.)

(b) The required units shall include the following:

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

(9) computer science—one unit selected from a variety of computer-related courses as provided for in Subchapter D of this chapter (relating to Essential Elements—Grades 9-12), including:

(A) (No change.)

(B) business computer applications I (1/2 unit) and business computer programming I (1/2 unit) [business data processing and introduction to computer programming];

(C)-(D) (No change.)

(E) advanced [typewriting/] word processing;

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

(H) microcomputer applications. Computer science as used in this instance, refers to a variety of computer-related courses rather than to any one specific course. Titles listed are for approved courses available within this category as provided for in Subchapter G of this chapter (relating to Essential Elements—Grades 9-12).

(10)-(11) (No change.)

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

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Subchapter I. Special  
Provisions for Vocational  
Education

• 19 TAC §75.214, §75.217

The amendments are proposed under the Texas Education Code §21.101, which authorizes the State Board of Education to make rules concerning the well-balanced curriculum.

§75.214. Vocational Course Requirements.

(a) Specific course requirements by vocational program area are shown in the following table. Subsections (b)-(k) of this section provide additional information about course requirements for students.

Vocational Course Requirements			
	Grade Range	Minimum Age	Specific Requirements
AGRICULTURAL SCIENCE AND TECHNOLOGY through VOCATIONAL EDUCATION FOR THE HANDICAPPED - (No change.)			
INDUSTRIAL TECHNOLOGY EDUCATION			
Introductory Industrial Technology I & II	7-8		
Comprehensive	9-12		
Technical	9-12		
<u>Principles of Technology I &amp; II</u>	<u>11-12</u>		
CAREER INVESTIGATION through INDIVIDUALIZED VOCATIONAL EDUCATION - (No change.)			
<u>BASIC VOCATIONAL EDUCATION</u>	<u>9-12</u>	<u>14</u>	<u>See (k)</u>

(b)-(j) (No change.)

(k) Enrollment for the basic vocational education (BVE) course shall be limited to students who are two or more years below grade level in reading and mathematics and/or students identified as handicapped in Chapter 89, Subchapter G of this title (relating to Special Education), who have been placed in the program through the Admission, Review, and Dismissal (ARD) Committee and have an individual educational plan (IEP).

§75.217. Specific Program Requirements.

(a)-(h) (No change.)

(i) Principles of technology.

(1) The principles of technology may be taught by:

(A) a science teacher holding a high school certificate with a teaching field in physics or science composite and verifiable physics applications experience in business and industry; and

(B) a certified industrial technology teacher, agricultural science and technology teacher, or trade and industrial education teacher with verifiable physics applications experience in business and industry, or, in lieu of the business and industry experience, completion of a minimum of six semester hours of college physics, chemistry, or electricity/electronics.

(2) all teachers assigned to teach the principles of technology shall participate in a Central Education Agency sponsored workshop for beginning principles of technology teachers prior to teaching the course.

(j) Basic vocational education.

(1) The basic vocational education (BVE) course may be offered at grades 9-12 for students who are 14 years of age and older and who are eligible for special education programs and have an individual educational plan (IEP) or for students who are two or more years below grade level in reading and mathematics. The course shall be taught for one or two hours per day and shall be a full-year course. The program components shall include:

(A) informal counseling and guidance;

(B) instruction to include functional academic concepts as they relate to vocational education;



(C) emphasis on employability skills and application of productive work habits and attitudes;

(D) occupational awareness;

(E) hands-on occupational exploration; and

(F) vocational assessment of interests, abilities, needs, and job readiness skills.

(2) Teachers assigned to the BVE class must have certification in one of the vocational education program areas and shall participate in a Central Education Agency sponsored workshop for beginning BVE teachers prior to teaching the course.

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 July 24, 1989

TRD-8906625 W. N. Kirby  
Commissioner of Education

Proposed date of adoption: October 14, 1989

For further information, please call: (512) 463-9212

## Chapter 141. Teacher Certification

### Subchapter T. Requirements for Provisional Certificates and Specialized Assignments or Programs

#### • 19 TAC §141.453

The Texas Education Agency proposes an amendment to §141.453, concerning requirements for provisional vocational certificates. The proposed amendment would eliminate the options for non degreed individuals to qualify for certification and establish one credential which would be valid for assignment to any office education course. Individuals who may have the academic training necessary to be successful in the classroom, but who may lack adequate experience in the office occupations for certification, would have the option of satisfying the experience requirement through an internship provided by the amendments. A person currently pursuing a certification plan issued by the agency or a college or university under the existing rule would have until September 1, 1991, to complete requirements. The proposed amendments would not affect the status of teachers previously certified under the current rule.

Lynn Moak, deputy commissioner for research and information, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal

implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Moak and Oscar A Rodriguez, planner I, have determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing these amendments is increased flexibility in experience requirements for individuals seeking vocational supervisor certificates. There is no anticipated economic cost for individuals who are required to comply with the sections

The amendment is proposed under the Texas Education Code, §13.032(a), which directs the State Board of Education to make rules concerning the issuance of teacher certificates.

#### §141.453. Specific Requirements for Provisional Vocational Certificates Based on Experience and Preparation in Skill Areas.

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

(d) Provisional [vocational] office education certificate [certificates].

(1) Certificate [Certificates] issued. Provisional [vocational] office education certificate [certificates] shall be based on preparation and experience in the skill area and professional development. There shall be one [three] certificate [certificates] issued, the provisional office education certificate which shall be required to teach office education courses taught by the cooperative or preemployment laboratory method of instruction.[:]

[(A)]provisional vocational office education certificate, which shall be required to teach cooperative training and preemployment laboratory programs;

[(B)] provisional vocational office education—CVAE/VEH certificate, which shall be required to teach CVAE and VEH programs; and

[(C)] provisional vocational data processing certificate, which shall be required to teach cooperative training and preemployment laboratory programs in data processing.]

(2) Academic specialization. The provisional office education certificate shall require the following:

[(A)] Provisional vocational office education certificate. This certificate requires the following:]

(A)/(i) bachelor's degree with major in business/business education [the equivalent of a major] or the equivalent of a minor in the course area to be

taught [business from an accredited institution];

(B)/(ii) completion of State Board of Education requirements in United States and Texas constitutions; and

(C)/(iii) two years of wage-earning experience in a business setting or three/six semester hours of business internship approved by the employing superintendent or certification officer of a college or university approved to prepare teachers for the vocational certificate in office occupations.

[(B)] Provisional vocational office education—CVAE/VEH certificate

[(i)] Option I. Option I requires the following:

[(I)] bachelor's degree from an accredited institution;

[(II)] completion of State Board of Education requirements in United States and Texas constitutions; and

[(III)] two years of wage-earning experience approved by the employing superintendent or certification officer of a college or university approved to prepare teachers for the vocational certificate in office occupations.

[(ii)] Option II. Option II requires the following:

[(I)] high school diploma or equivalent;

[(II)] completion of State Board of Education requirements in United States and Texas constitutions; and

[(III)] five years of successful wage-earning experience approved by the employing superintendent or certification officer of a college or university approved to prepare teachers for the vocational certificate in office occupations.

[(C)] Provisional vocational data processing certificate.

[(i)] Option I. Option I requires the following:

[(I)] bachelor's degree from an accredited institution;

[(II)] completion of State Board of Education requirements in United States and Texas constitutions; and

[(III) two years of wage-earning experience approved by the employing superintendent or certification officer of a college or university approved to prepare teachers for the vocational certificate in data processing, one of which must be continuous and full time.

[(ii) Option II. Option II requires the following:

[(I) high school diploma or equivalent;

[(II) completion of State Board of Education requirements in United States and Texas constitutions;

[(III) two years of post-high school education or training in technical, scientific, or mathematical fields; and

[(IV) three years of wage-earning experience approved by the employing superintendent or certification officer of a college or university approved to prepare teachers for the vocational certificate in data processing, one of which must be continuous and full time.]

(3) Professional development The professional development component for the provisional office education certificate [each certification area] shall be completed in an approved institution and shall require [include] the following:

[(A) Provisional vocational office education certificate. This certificate requires the following:]

(A)[(i)] completion of six to [a minimum of] 12 semester hours of professional development, which must include, but need not be limited to:

(i)[(I)] instructional strategies;

(ii)[(II)] management of office education programs; and [history and philosophy of vocational education;]

(iii)[(III)] six semester hours recommended by the office education teacher educator in the course area to be taught. [occupational analysis; and]

[(IV) organization and implementation of cooperative office education.]

(B)[(ii)] completion of Central Education Agency-sponsored workshop for new teachers [in management of vocational office education programs]; and

(C)[(iii)] two years of [successful] teaching [experience] on emergency

[teaching] permit [permits] for those teachers required to complete 12 semester hours [in the area of vocational office education].

[(B) Provisional vocational office education—CVAE/VEH certificate. This certificate requires the following:

[(i) completion of a minimum of nine semester hours of professional development, which must include, but need not be limited to:

[(I) instructional strategies;

[(II) history and philosophy of vocational education; and

[(III) occupational analysis;

[(ii) completion of two Central Education Agency-sponsored workshops in the following:

[(I) management of vocational office education; and

[(II) teaching procedures and machines; and

[(iii) two years of successful teaching experience on emergency teaching permits in the area of vocational office education.

[(C) Provisional vocational data processing certificate. This certificate requires the following:

[(i) completion of a minimum of nine semester hours of professional development, which must include, but need not be limited to:

[(I) instructional strategies;

[(II) history and philosophy of vocational education; and

[(III) occupational analysis;

[(ii) completion of Central Education Agency-sponsored workshop in management of vocational office education programs; and

[(iii) two years of successful teaching experience on emergency teaching permits in vocational data processing.]

(4) Effective dates.

(A) All Central Education Agency evaluations and college or uni-

versity plans based on previous standards must be completed by September 1, 1991.

(B) Effective September 1, 1990, no student may be admitted to a certification program based on previous standards.

(e)-(h) (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 July 24, 1989.

TRD-8906633

W. N. Kirby  
Commissioner of Education

Proposed date of adoption: October 14, 1989

For further information, please call: (512) 463-9212

◆ ◆ ◆  
**TITLE 22. EXAMINING  
BOARDS**  
**Part III. Texas Board of  
Chiropractic Examiners**  
**Chapter 77. Advertising and  
Public Communications**

• 22 TAC §77.2

The Texas Board of Chiropractic Examiners proposes an amendment to §77.2, concerning advertising and public communications. The amendment is proposed to broaden the scope of advertising for doctors of chiropractic.

Jennie Smetana, executive director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Smetana, also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the section will broaden the public's choice of doctors through advertising. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Jennie Smetana, Executive Director, 8716 MoPac Expressway North, Suite 301, Austin, Texas 78759.

The amendment is proposed under Texas Civil Statutes, Article 4512b, which provides the Texas Board of Chiropractic Examiners with the authority to promulgate procedural rules and regulations as deemed necessary.

§77.2. *Publicity.* A licensee shall not, on behalf of himself, his partner, associate, or any other licensee affiliated with him, use or participate in the use of any form of public communication which contains a false, fraudulent, misleading, deceptive, [self-laudatory,] or unfair statement or

claim, or which has the tendency or capacity to mislead or deceive the general 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 July 20, 1989.

TRD-8908529

Jennie Smetana  
Executive Director  
Texas Board of  
Chiropractic

Earliest possible date of adoption: September 4, 1989

For further information, please call: (512) 343-1895

#### • 22 TAC §77.5

The Texas Board of Chiropractic Examiners proposes new §77.5, concerning advertising and public communications to advise the patient what the doctor is charging them at each visit.

Jennie Smetana, executive director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Smetana, also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that patients will know what they are being charged for each visit and any disputes concerning their charges can be discussed at that time. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Jennie Smetana, Executive Director, Texas Board of Chiropractic Examiners, 8716 MoPac Expressway North, Suite 301, Austin, Texas 78759.

The new section is proposed under Texas Civil Statutes, Article 4512b, which provide the Texas Board of Chiropractic Examiners with the authority to promulgate procedural rules and regulations as deemed necessary.

**§77.5. Miscellaneous.** Except as provided herein, a licensee shall, prior to or on the date of providing goods or services to a patient, disclose to the patient in writing the full amount of the licensee's charges. This requirement shall not apply to goods or services for which payment is or will be paid for by worker's compensation insurance, a health maintenance organization or preferred provider organization. Compliance with this rule may be in any written form reasonably calculated to notify the patient of the actual charges for the goods or services provided.

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 July 21, 1989.

TRD-8906527

Jennie Smetana  
Executive Director  
Texas Board of  
Chiropractic Examiners

Earliest possible date of adoption: September 4, 1989

For further information, please call: (512) 343-1895

#### Chapter 78. Chiropractic Radiologic Technologists

##### • 22 TAC §78.1

The Texas Board of Chiropractic Examiners proposes an amendment to §78.1, concerning chiropractic radiologic technologist. The amendment will stipulate that procedures that have the potential to be more dangerous and hazardous should only be performed by a practitioner or a certified radiologist.

Jennie Smetana, executive director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Smetana also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the sections will be that only qualified individuals will be administering the more dangerous and hazardous procedures. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Jennie Smetana, Executive Director, 8716 MoPac Expressway North, Suite 301, Austin, Texas 78759.

The amendment is proposed under Texas Civil Statutes, Article 4512b, which provide the Texas Board of Chiropractic Examiners with the authority to promulgate procedural rules and regulations as deemed necessary.

##### *§78.1. Registration of Chiropractic Radiologic Technologists*

(a)-(g) (No change.)

(h) Any non-static procedure has the potential to be more dangerous and hazardous and by definition, may only be performed by a practitioner or a certified radiologist.

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 July 21, 1989.

TRD-8906528

Jennie Smetana  
Executive Director  
Texas Board of  
Chiropractic Examiners

Earliest possible date of adoption: September 4, 1989

For further information, please call: (512) 343-1895

## Part XIV. Texas Optometry Board Chapter 271. Examinations

### • 22 TAC §271.6

The Texas Optometry Board proposes an amendment to §271.6, concerning board examinations. The proposed section allows the board to accept a national board examination in lieu of the state written examinations. Following adoption, the state written examinations will be phased out over a period of three examinations, and the board will accept only the national board examination to satisfy the requirements of the Texas Optometry Act, §3.05 and §3.06 Texas Civil Statutes, Article 4552.

Lois Ewald executive director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Ewald also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that optometrists passing a national board examination, in addition to a clinical examination administered by the Texas Optometry Board, will be entitled to a license to practice optometry in Texas. The public will be receiving examinations for eye care based on the criteria established by examinations. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Lois Ewald, Executive Director, Texas Optometry Board, 9101 Burnet Road, Suite 214, Austin, Texas 78758.

The amendment is proposed under Texas Civil Statutes, Article 4552, §2.14 which provide the Texas Optometry Board with the authority to promulgate procedural and substantive rules, and set fees

### *§271.6. National Board Examination.*

(a) The board determines that the written examination by the National Board of Examiners in Optometry (NBEO) complies in all material respects with the requirements of the Act, §3.05 and §3.06. Beginning June 1, 1986, an applicant for licensure shall have the option of taking and passing all parts of the NBEO written examination or taking and passing the written examination given by the Texas Optometry Board. The passing score of each part of the national board is determined by a criterion-referenced standard setting approach, in which the passing score is set at a scaled score of 300. An applicant may take either the written examination given by the NBEO or the written examination given by the board, or both, and passage of either shall be acceptable. Beginning January 1, 1992, all applications shall take and pass all parts of the NBEO written examination

all applications shall take and pass all parts of the NBEO written examination and the written examination by the board will no longer be administered. The last written examination to be administered by the board will be in June 1991. As a phase-out of the board's written examination; an applicant sitting for the first time at the January 1990 examination will have three subsequent sittings to pass the examination; an applicant sitting for the June 1990 examination will have two subsequent sittings to pass the examination; an applicant sitting for the January 1991 examination will have one subsequent sitting to pass the examination, and an applicant sitting for the June 1991 examination will have no subsequent sittings to pass the examination. If the entire written examination given by the board is not passed by the June 1991 examination, an applicant will be required to take the NBEO written examination in its entirety. [It is the intent of the board to determine, no later than February 1, 1988, whether or not to eliminate the written examination given by the Texas Optometry Board].

(b) (No change.)

(c) All applicants must comply with the application process and qualification criteria of the Act, §3.02, as well as all applicable board rules. [Applicants choosing the option of taking and passing the NBEO written examination, as well as those choosing to take the written examination given by the board, must comply with the application process and qualification criteria of the Act, §3.02, as well as all applicable board rules].

(d) All applicants [Applicants choosing the option of taking and passing the written examination of the NBEO] must pay an examination fee of \$55 to the Texas Optometry Board. No fee for examination will be returned to any applicant after the applicant has been approved by the board.

(e) In addition to the written examination administered by the NBEO, all applicants shall [For those applicants choosing the option of taking and passing the written examination given by the NBEO, those applicants shall, nevertheless, be required to apply for,] take, and pass the practical examination given by the board, as well as a written jurisprudence examination given by the board in order to be eligible for licensure.

(f) Each applicant [choosing the option of taking the written examination of the NBEO] shall submit a true and correct copy of the applicant's score report to the executive director, and such other evidence of having achieved a passing grade on each part of the NBEO examination as the executive director in her discretion may determine. Such satisfactory evidence of passage of the NBEO written examination must be submitted to the executive director prior to

approval by the board of the issuance of a license to an applicant.

(g)-(h) (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 July 25, 1989

TRD-8906695

Lois Ewald  
Executive Director  
Texas Optometry Board

Earliest possible date of adoption: September 4, 1989

For further information, please call: (512) 835-1938

## TITLE 25. HEALTH SERVICES

### Part VII. Texas Medical Disclosure Panel

#### Chapter 601. Informed Consent

##### Medical Treatments and

##### Surgical Procedures

##### Established by the Texas Medical Disclosure Panel

##### • 25 TAC §§601.1, 601.3, 601.4

The Texas Medical Disclosure Panel proposes amendments to §601.1 and §601.3, and new §601.4, concerning informed consent. Section 601.1 adopts by reference lists of medical treatments and surgical procedures which physicians and health care providers are required to disclose to patients or persons authorized to consent for the patients. Section 601.3 adopts by reference the disclosure and consent form to be used for such disclosure and consent. New §601.4 adopts by reference the disclosure and consent form to be used for radiation therapy procedures.

The amendment to §601.1 will modify the text of the section itself by updating the effective dates of the changes to List A. The amendment also modifies the text of List A (procedures requiring full disclosure), by adding a new subsection concerning radiation therapy procedures for adults and children, including the related risks from early and late reactions.

The amendment to §601.3 will modify the text of the section itself by adding a provision which clarifies the relation of the disclosure and consent form to the procedures in §601.1 and to the radiation therapy disclosure and consent form in proposed new §601.4. The panel is not proposing any changes to the disclosure and consent form itself.

The radiation therapy disclosure and consent form which is adopted by reference in new §601.4 is the form to be used by the physician or health care provider to inform the patient or person authorized to consent for the patient of the possible risks and hazards involved in radiation therapy treatments and procedures.

The Medical Liability and Insurance Improvement Act, Texas Civil Statutes, Article 4590i,

§6.04, requires that the lists of medical treatments and surgical procedures and the forms for disclosure be published in the *Texas Register*. Therefore, the proposed changes to List A in §601.1 and the proposed radiation therapy disclosure and consent form in new §601.4 are being published in the In Addition Section of this issue of the *Texas Register*.

James H. Duke, Jr., M.D., chairman, Texas Medical Disclosure Panel, has determined that for the first five-year period the proposed sections are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections. In some cases involving hospitals which are small businesses, there may be a cost for forms and related paperwork, but the cost will vary in each case and will be extremely minimal.

Dr. Duke also has determined that for each year of the first five year that the sections will be in effect the public benefit will be that providers of medical care will be made aware of the radiation therapy treatments and procedures for adults and children, including the related risks from early and late reactions. There is no possible cost to individuals who are required to comply with the amendments and new section as proposed.

Comments on the proposals may be submitted to Nance Kerrigan, Director, Health Facility Licensure and Certification Division, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7245. Comments will be accepted for 30 days after publication of the proposed amendments and new section in the *Texas Register*.

The amendments and new section are proposed under Texas Civil Statutes, Article 4590i, §6.04, which authorize the Texas Medical Disclosure Panel to prepare separate lists of the medical treatments and surgical procedures that do and do not require disclosure by physicians and health care professionals of the possible risks and hazards to the patient or persons authorized to consent for the patients, and to prepare the form for the treatments and procedures which do require disclosure.

#### §601.1. Procedures Requiring Full Disclosure (List A).

(a) The procedures in this section, the procedures in §601.2 of this title (relating to Procedures Requiring No Disclosure), and the form described in §601.3 of this title (relating to Disclosure and Consent Form), were first published in the December 15, 1981, issue of the *Texas Register* and initially became effective on June 1, 1982. The first amendments to §601.1 and §601.2 were published in the December 3, 1982, issue of the *Texas Register* and became effective on January 1, 1983. The second [Additional] amendments to §601.1 and §601.2 were published in the November 23, 1984, issue of the *Texas Register* and became effective on January 1, 1985. The third amendments to §601.1 and §601.2 were published in the April 19, 1988, issue of the *Texas Register* and became effective on May 2, 1988. Additional amendments to §601.1 were published in the July 21, 1989, issue of the *Texas Register*.

(b) The Texas Medical Disclosure Panel adopts by reference the list of medical treatments and surgical procedures requiring full disclosure, as amended December, 1989 [August 3, 1989]. The list is indexed and filed in the office of the Texas Medical Disclosure Panel, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, and is available for public inspection during regular working hours.

**§601.3. Disclosure and Consent Form.** The Texas Medical Disclosure Panel adopts by reference the form to be used by the physician or health care provider to inform the patient or person authorized to consent for the patient of the possible risks and hazards involved in the medical treatments and surgical procedures named in the form. This form pertains to the medical treatments and surgical procedures described in §601.1 of this title (relating to Procedures Requiring Full Disclosure (List A)) except as stated in §601.4 of this title (relating to Radiation Therapy Disclosure and Consent Form). This form is indexed and filed in the office of the Texas Medical Disclosure Panel, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, and is available for public inspection during regular working hours.

**§601.4. Radiation Therapy Disclosure and Consent Form.** The Texas Medical Disclosure Panel adopts by reference the form to be used by the physician or health care provider to inform the patient or person authorized to consent for the patient of the possible risks and hazards involved in the radiation therapy named in the form. This form is indexed and filed in the office of the Texas Medical Disclosure Panel, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, and is available for public inspection during regular working hours.

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 July 28, 1989.

TRD-8906737 James H. Duke, Jr., M.D.  
Chairman  
Texas Medical Disclosure Panel

Earliest possible date of adoption: September 4, 1989.

For further information, please call. (512) 458-7245

◆ ◆ ◆  
**TITLE 31. NATURAL  
RESOURCES AND  
CONSERVATION**  
Part II. Texas Parks and

**Wildlife Department**

**Chapter 53. Finance**

• 31 TAC §§53.1-53.7

*(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Parks and Wildlife Commission or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)*

The Texas Parks and Wildlife Commission proposes the repeal of §§53.1-53.7, concerning price adjustment and establishment, publications, lists, obsolete license plates, salvage material, obsolete stamps and decals, and free materials.

This proposal would repeal rules which are unnecessary because the cost of providing copies of public records and the disposition of surplus property is provided by state statutes and will allow other improved rules regarding pricing of informational items to be adopted in their place.

Jim Dickson director of finance, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Dickson also has determined that for each year of the first five years the repeals are in effect the public will be benefited in that fees will be based on related costs and desired products should be readily available.

The increase in costs to individuals affected will be: black and white prints-5 x 7, \$1.75; black and white prints-8 x 10, \$2.50, color prints-5 x 7, \$7.00; color prints-8 x 10, \$9.00; color prints-11 x 14, \$13; color prints-16 x 20, \$23; color prints-20 x 24, \$46; border mounting-per print, \$2.00; color inter-negatives, \$9.00; duplicate slides, \$.60; video footage-commercial useage-per finished second, \$.45; video footage-theatrical useage-per finished second, \$.15; video footage-television useage (net.)-per finished second, \$.15, video footage-television useage (syn.)-per finished second, \$.15; video footage-television useage (for.)-per finished second, \$.15; video footage-pay television useage (U.S.)-per finished second, \$.15; video footage-pay television useage (for.)-per finished second, \$.15, video footage-corporate useage-per finished second, \$.15; video footage-presentation useage-per finished second, \$.15; video footage-point of purchase useage-per finished second, \$.15; video footage-television useage (pub.)-per finished second, \$.10, video footage-educational useage-per finished second, \$.10, video footage-government useage-per finished second, \$.10; video footage-library search and dub-per hour (one hour minimum), \$.60; video footage materials-per betacam cassette, \$.15, video programs-completed productions, 1/2 hour or less, \$19.95.

Comments on the proposed amendments maybe submitted to Roy Hogan, Director of Administrative Services, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, 1-800-792-1112, ext. 4803 or (512) 389-4803.

The repeals are proposed under Texas Parks and Wildlife Code, Chapter 12, Subchapter A,

§12.006, which provides the Texas Parks and Wildlife Commission with authority to sell information to the public about wildlife values and management; and, Chapter 11, Subchapter B, §11.027, which provides the Texas Parks and Wildlife Commission with authority to establish fees.

**§53.1. Price Adjustment and Establishment.**

**§53.2. Publications.**

**§53.3. Lists.**

**§53.4. Obsolete License Plate.**

**§53.5. Salvage Material.**

**§53.6. Obsolete Stamps and Decals.**

**§53.7. Free 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 July 26, 1989.

TRD-8906615 Boyd M. Johnson  
General Counsel  
Texas Parks and Wildlife

Proposed date of adoption: September 4, 1989

For further information, please call: (512) 389-4805

◆ ◆ ◆  
**Chapter 53. Administrative  
Services**

• 31 TAC §§53.1-53.4

The Texas Parks and Wildlife Commission proposes new 31 TAC §§53.1-53.4, concerning sales price establishment and adjustment; magazine and audio-visual products, publications and services; obsolete stamps and decals; and fee exempt information materials. The sections would accomplish the following: rename Chapter 53, administrative services; establish fees for informational items provided to the public employing a definitive formula; and establish fees for obsolete stamps and decals sold for wildlife informational purposes.

The proposed sections will replace existing sections concerning fees of informational items which are proposed for repeal.

Jim Dickson, director of finance, has determined that for the first five-year period the sections are in effect there will be no increased costs to state or local government as a result of enforcing or administering the sections.

Mr. Dickson, also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections as proposed are in effect the public will be benefited in that

fees will be based on related costs, and desired products should be readily available. The increase in costs to individuals affected will be:

(1) Magazine Subscriptions - 1 year	\$8.00 to \$10.00
(2) Magazine Subscriptions - 2 years	15.00 to 18.00
(3) Magazine Subscriptions - 3 years	26.00
(4) Magazine Advertising - 1 page	1,800.00 to 2,280.00
(5) Magazine Advertising - 2/3 page	1,245.00 to 1,580.00
(6) Magazine Advertising - 1/2 page	955.00 to 1,210.00
(7) Magazine Advertising - 1/3 page	650.00 to 820.00
(8) Magazine Advertising - 1/6 page	330.00 to 415.00
(9) Magazine Advertising - 1/12 page	170.00 to 210.00
(10) Black and White Prints - 5 x 7	1.75
(11) Black and White Prints - 8 x 10	2.50
(12) Color Prints - 5 x 7	7.00
(13) Color Prints - 8 x 10	9.00
(14) Color Prints - 11 x 14	13.00
(15) Color Prints - 16 x 20	23.00
(16) Color Prints - 20 x 24	46.00
(17) Border Mounting - Per Print	2.00
(18) Color Inter-negatives	9.00
(19) Duplicate Slides	.60
(20) Video Footage-Commercial Useage - Per finished second	45.00
(21) Video Footage-Theatrical Useage - Per finished second	15.00
(22) Video Footage-Television Useage (net.)-Per finished second	15.00
(23) Video Footage-Television Useage (syn.)-Per finished second	15.00
(24) Video Footage-Television Useage (for.)-Per finished second	15.00
(25) Video Footage-Pay T.V. Useage (U.S.) - Per finished second	15.00



Comments on the proposal may be submitted to Roy Hogan, Director of Administrative Services, Texas Parks and Wildlife Department 4200 Smith School Road, Austin, Texas 78744, 1-800-792-1112, ext. 4803 or (512) 389-4803.

The new sections are proposed under Texas Parks and Wildlife Code, Chapter 12, Subchapter A, §12.006, which provides the Texas Parks and Wildlife Commission with authority to sell information to the public about wildlife values and management; and, Chapter 11, Subchapter B, §11.027, which provides the Texas Parks and Wildlife Commission with authority to establish fees.

*§53.1. Sales Price Establishment and Adjustment.*

(a) All reasonable items of expense involved in the creation and delivery of departmental information is included in determining the selling price.

(b) Selling prices may be established for any newly developed informational services and products. Sales prices shall recover development and distribution costs but shall not exceed industry standards for like products and services.

(c) The selling price of an item may be adjusted annually to offset a change in the production cost, salary cost, material and equipment cost, and any other incidental cost to the item being sold, or because of changes in the average industry sales price of like items.

(d) Rate waivers of discounts are authorized in exchange for equivalent benefits or services received by the Texas Parks and Wildlife Department.

(e) Usage contract guidelines for items may be established with restrictions or procedures deemed necessary to protect the interests of the State of Texas and the Texas Parks and Wildlife Department.

*§53.2 Magazine and Audio-Visual Products, Publications, and Services.* The Texas Parks and Wildlife Department will sell or contract to sell magazine subscriptions and advertising space, photographic prints, slides, video, and other related infor-

mational products, for private, public, and commercial use.

*§53.3 Obsolete Stamps and Decals.*

(a) Obsolete stamps and decals shall be sold for informational purposes at face value, plus a processing charge sufficient to recover shipment, postage, and sales tax.

(b) Stamps and decals shall remain on sale for a maximum of one fiscal year after expiration. During the second year, obsolete stamps and decals shall be sold only by book or sheet.

(c) The executive director may maintain a limited number of stamps and decals of each type and year.

(d) All other obsolete stamps and decals shall be destroyed.

*§53.4. Fee Exempt Informational Materials.* Any item enumerated to be distributed without a fee will be furnished in a reasonable amount to each qualified requestor. A list of such fee exempt distributed material is as follows.

(1) A teacher's packet is furnished without a fee to any teacher in Texas, but a packet requested by an out-of-state teacher is sold for \$1.00 each, plus postage.

(2) A technical bulletin is furnished without a fee only to a scientific organization and to departmental personnel who are concerned with the specific subject matter of each bulletin.

(3) Information may be furnished without a fee to scientific personnel, a scientific organization, departmental personnel, and any other agency or organization with the prior approval of the executive director.

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 July 26, 1989.

TRD-8906614

Boyd M. Johnson  
General Counsel  
Texas Parks and Wildlife

Proposed date of adoption: September 4, 1989

For further information, please call: (512) 389-4805

◆ ◆ ◆  
Chapter 59. Parks

Naming State Parks and Park Features

• 31 TAC §59.91

The Texas Parks and Wildlife Commission proposes an amendment to §59.91, concerning criteria for naming parks. This amendment will permit the department to recognize historic grantors, grantees, and donors, by naming parks for them.

Robert C. Hauser, chief, park operations, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Hauser also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that it allows for more appropriate naming of state parks. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Mike Herring, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4520.

The amendment is proposed under the Parks and Wildlife Code, Chapters 11 and 13, which provides authority for the commission to establish and operate the state park system.

*§59.91. Naming Sites and Features.* The commission shall:

(1) (No change.)

(2) Follow established criteria when considering names for individual state park sites or park features, in order of preference, for:

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



(E) names of features long established by local custom, as McKinney Falls or Dinosaur Valley; [and]

(F) (No change.)

(G) historic grantees, grantors, or donors; and

(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 July 24, 1989.

TRD-8906531

Boyd Johnson  
General Counsel  
Texas Parks and Wildlife

Earliest possible date of adoption: September 4, 1989

For further information, please call: (512) 389-4805

◆ ◆ ◆  
Chapter 65. Wildlife

Subchapter O. Late Season  
Migratory Game Bird  
Proclamation

• 31 TAC §§65.332-65.335

The Texas Parks and Wildlife Commission proposes amendments to §§65.332-65.335, concerning the late season migratory game bird proclamation. The proposed amendments add language concerning tagging and importation of migratory game birds, adjust season dates to coincide with weekends, permit the taking of masked ducks, change waterfowl bag limits, reinstate 1/2 hour before sunrise shooting, modify the boundaries of all three sandhill crane zones, and combine the three sandhill crane zones for the extended falconry season into a single zone.

Robin Riechers, staff economist, has determined that the first five-year period the amendments are in effect there will be minimal fiscal implications to state or local government or small businesses as a result of enforcing or administering the rules.

Ms. Riechers also has determined that for each year of the first five years the sections are in effect the public benefits anticipated as a result of enforcing amendments will be to allow the taking of migratory wildlife resources consistent with their populations. It is anticipated that there will be minimal economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposed amendments may be submitted to Robert Jessen, Waterfowl Program Leader, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, 1-800-792-1112, ext. 4578 or (512) 389-4578.

The amendments are proposed under the Texas Parks and Wildlife Code, Chapter 64, Subchapter C, which provides the Texas Parks and Wildlife Commission with authority to regulate seasons, means, methods, and devices for taking and possessing migratory game bird wildlife resources.

§65.332. Means, Methods, and Special Requirements.

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

(d) Tagging requirements.

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

(3) Tagging is required if the transfer or receipt of birds constitutes a number of birds in excess of the daily

bag or possession limit, the birds are being transported by another person for the hunter, or if the birds have been left for cleaning, storage (including temporary storage), shipment, or taxidermy services.

(e) (No change.)

(f) Importation of migratory game birds.[:]

(1) Documentation Required. It is unlawful to import or possess migratory game birds taken in another state or country unless a verification document accompanies the wildlife. Documentation is required if:

(A)[(1)] the species is required to be tagged in this state;

(B)[(2)] the number possessed exceeds the possession limit in this state; and

(C)[(3)] the size limits do not comply with size limits in this state.

(2)[(g)] Legible document required. A separate legible document is required for each species and must contain:

(A)[(1)] license number from the state or country where the wildlife was taken;

(B)[(2)] number and species of wildlife taken;

(C)[(3)] location wildlife was taken (nearest town, county, parish, name of area such as landowner's name, public hunting area name); and

(D)[(4)] signature, printed name, address, and telephone number of person verifying where wildlife was taken.[: and]

[(5) tag, permit, or other document required by the other state or country.]

(3)[(h)] Substitute for verification document. In lieu of this verification document, a statement from the United

States Customs officer at the port of entry showing that the wildlife was brought from Mexico is required.

(4) Defense of prosecution. It is a defense to prosecution if the person receiving the wildlife resource does not exceed the possession limit or does not possess a wildlife resource or a part of a wildlife resource that is required to be tagged if the wildlife resource or part of the wildlife resource is tagged.

§65.333. Open Seasons.

(a) (No change.)

(b) The season is closed on migratory game birds on public roads and highways, or rights-of-way of public roads and highways; the state-owned riverbeds in Dimmit, Uvalde, and Zavala Counties, including, but not limited to, the Nueces and Frio Rivers; and state wildlife preserves and sanctuaries, unless an open season is otherwise provided. The open seasons for the taking of migratory game birds on any federal wildlife refuge shall be in accordance with the special hunting regulations duly adopted and published by the United States Fish and Wildlife Service.

(1) Ducks and coots.

(A) High Plains Mallard Management Unit: November 11, 1989-December 30, 1989 [November 12, 1988-January 1, 1989], from 1/2 hour before sunrise to sunset in that portion of Texas lying west of a line from the international toll bridge at Del Rio, thence northward following U.S. Highway 277 through San Angelo to Abilene, thence along State Highway 351 from Abilene to Albany and U.S. Highway 283 from Albany to Vernon, thence easterly along U.S. Highway 183 to the point of intersection with the Texas-Oklahoma state line in Wilbarger County.

(B) Remainder of the state: November 18-26[19-27] and December 9, 1989-January 7, 1990 [December 10, 1988-January 8, 1989], from 1/2 hour before sunrise to sunset.

(C) Special provision: The season is closed on canvasbacks [and masked ducks].

(2) Geese.

(A) West of U.S. Highway 81: October 21, 1989-January 21, 1990 [October 22, 1988-January 22, 1989].

(B) East of U.S. Highway 81: Light goose species (snow, blue, and Ross'), November 11, 1989-February 4, 1990 [November 12, 1988-February 5, 1989]. Dark goose species (Canada, black-brant, and white-fronted) November 11, 1989-January 21, 1990 [November 12, 1988-January 22, 1989].

(C) Shooting hours entire state: 1/2 hour before sunrise to sunset.

(D) (No change.)

(3) Sandhill cranes.

(A) Zone A: Second Saturday in November for 93 consecutive days from 1/2 hour before sunrise to sunset in that portion of Texas lying west of a line beginning at the international toll bridge at Laredo, thence northeast along U.S. Highway 81 to its junction with Interstate Highway 35 in Laredo, thence north along Interstate Highway 35 to its junction with Interstate Highway 10 in San Antonio, thence northwest along Interstate Highway 10 to its junction with U.S. Highway 83 at Junction, thence north along U.S. Highway 83 to its junction with U.S. Highway 62, 16 miles north of Childress, thence east along U.S. Highway 62 to the Texas-Oklahoma state line [from the international toll bridge at Del Rio, Val Verde County, thence northward following U.S. Highway 277 to its junction with U.S. Highway 87 at San Angelo, Tom Green County; thence northwesterly following U.S. Highway 87, and including all of Howard and Lynn Counties; to its junction with U.S. Highway 287 at Dumas, Moore County; thence northwesterly following U.S. Highway 287 to the point of intersection with the Texas-Oklahoma state line in Dallam County].

(B) Zone B: Fourth Saturday in November for 72 consecutive days from 1/2 hour before sunrise to sunset in that portion of Texas lying within boundaries beginning at the junction of Interstate Highway 35 and the Texas-Oklahoma state line, thence south along Interstate Highway 35 (following Interstate Highway 35 West through Fort Worth) to its junction with Interstate Highway 10 in San Antonio thence northwest along Interstate Highway 10 to its junction with U.S. Highway 83 in Junction, thence north along U.S. Highway 83 to its junction

with U.S. Highway 62, 16 mile north of Childress, thence east along U.S. Highway 62 to the Texas-Oklahoma state line, thence eastward along the Texas-Oklahoma state line to Interstate Highway 35 [west of a line from San Angelo along U.S. Highway 277 to Abilene, thence along State Highway 351 from Abilene to Albany and U.S. Highway 283 from Albany to Vernon, thence easterly along U.S. Highway 183 to the point of intersection with the Texas-Oklahoma state line in Wilbarger County, and east of a line from San Angelo along U.S. Highway 87, excluding all of Howard and Lynn Counties, to the junction of U.S. Highway 87 and U.S. Highway 287 at Dumas, Moore County, and thence along U.S. Highway 287 from Dumas to the point of intersection with the Texas-Oklahoma state line in Dallam County].

(C) Zone C: First Saturday in January for 37 consecutive days from 1/2 hour before sunrise to sunset in that portion of Texas lying within boundaries beginning at the international toll bridge at Brownsville, thence north and east along U.S. Highway 77 to its junction with U.S. Highway 87 at Victoria, thence eastward along U.S. Highway 87 to its junction with FM 616 at Placedo, thence north and east along FM 616 to its junction with State Highway 35, thence north and east along State Highway 35 to its junction with State Highway 6 at Alvin, thence west and north along State Highway 6 to its junction with U.S. Highway 290, thence westward along U.S. Highway 290 to its junction with Interstate Highway 35 at Austin, thence south along Interstate Highway 35 to its junction with U.S. Highway 81 in Laredo, thence southwest along U.S. Highway 81 to the international toll bridge in Laredo, [U.S. Highway 277 at Sonora, thence south along U.S. Highway 277 to its junction with the United States-Mexico international boundary at Del Rio] thence south and east along the United States-Mexico international boundary to its junction with the U.S. Highway 77 international toll bridge at Brownsville

(D) (No change.)

(4) Common snipe or Wilson's snipe or jacksnipe. Fourth Saturday in October for 107 consecutive days from 1/2 hour before sunrise to sunset.

(5) Woodcock. Fourth Saturday in November for 65 consecutive days from 1/2 hour before sunrise to sunset.

§65.334. Bag and Possession Limits.

(a) (No change.)

(b) The bag and possession limits are as follows.

(1) Ducks and coots.

(A) Ducks: the daily bag limit is three ducks daily which may include no more than two mallards (no more than one of which may be a female mallard), one mottled duck, two [one] pintail, one redhead, one hooded merganser, and two wood ducks. Possession limit: possession limit shall be twice the daily bag.

(B) (No change.)

(2) Geese.

(A) (No change.)

(B) East of U.S. Highway 81: daily bag limit is five light geese (Snow, blue, and Ross') and daily bag limit for dark geese is one Canada or black brant or [an]d one white-fronted goose. Possession limit is twice the daily bag.

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

(c)-(f) (No change.)

§65.335. Extended Falconry Season.

(a) (No change.)

(b) It is lawful to take migratory game birds during the following prescribed open seasons.

(1) Ducks and coots. October 28[29] for 107 consecutive days from 1/2 hour before sunrise to sunset.

(2) Geese. October 15 for 107 consecutive days from 1/2 hour before sunrise to sunset.

(3) Sandhill cranes. [(A) Zone A:] October 28 [29] for 107 consecutive days from 1/2 hour before sunrise to sunset in that portion of Texas lying west of a line beginning at the international toll bridge at Brownsville, thence north and east along U.S. Highway 77 to its junction with U. S. Highway 87 at Victoria, thence eastward along U.S. Highway 87 to its junction with FM 616 at Placedo, thence north and east along Farm Road 616 to its junction with State Highway 35, thence north and east along State Highway 35 to its junction with State Highway 6 at Alvin, thence west and north along State Highway 6 to its junction with U.S. Highway 290, thence westward along U.S. Highway 290 to its junction with Interstate Highway 35 at Austin, thence north along Interstate Highway 35 (following 35 West through Fort Worth) to the Texas-Oklahoma state line [from the international toll bridge at Del Rio, Val Verde County, thence northward following U.S. Highway 277 to its junction with U. S. Highway 87 at San Angelo, Tom Green County, thence northwesterly following U. S. Highway 87 and including all of Howard and Lynn Counties, to its junction with U.S. Highway 287 at Dumas, Moore County, thence northwesterly following U.S. Highway 287 to the

point of intersection with the Texas-Oklahoma state line in Dallam County.

(B) Zone B: October 29 for 107 consecutive days from sunrise to sunset in that portion of Texas lying west of a line from San Angelo along U.S. Highway 277 to Abilene, thence along State Highway 351 from Abilene to Albany and U.S. Highway 283 from Albany to Vernon, thence easterly along U.S. Highway 183 to the point of intersection with the Texas-Oklahoma state line in Wilbarger County; and east of a line from San Angelo along U.S. Highway 87, excluding all of Howard and Lynn Counties, to the junction of U.S. Highway 87 and U.S. Highway 287 at Dumas, Moore County, and thence along U.S. Highway 287 from Dumas to the point of intersection with the Texas Oklahoma state line in Dallam County.

(C) Zone C: October 29 for 107 consecutive days from sunrise to sunset in that portion of Texas lying within boundaries beginning at the international toll bridge at Brownsville, thence north and east along U.S. Highway 77 to its junction with U.S. Highway 87 at Victoria, thence eastward along U.S. Highway 87 to its junction with FM 616 at Placedo, thence north and east along FM 616 to its junction with State Highway 35, thence north and east along State Highway 35 to its junction with State Highway 6 at Alvin, thence west and north along State Highway 6 to its junction with U.S. Highway 290, thence westward along U.S. Highway 290 to its junction with U.S. Highway 277 at Sonora, thence south along U.S. Highway 277 to its junction with the United States-Mexico international boundary at Del Rio, thence south and east along the United States-Mexico international boundary to its junction with the international toll bridge at Brownsville.

(4) Common snipe or Wilson's snipe or jacksnipe. October 28 [29] for 107 consecutive days from 1/2 hour before sunrise to sunset.

(5) Woodcock. October 28 [29] for 107 consecutive days from 1/2 hour before sunrise to sunset.

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

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

Issued in Austin, Texas, on July 24, 1989

TRD-8906532 Boyd M. Johnson  
General Counsel  
Texas Parks and Wildlife  
Department

Earliest possible date of adoption September 4, 1989

For further information, please call 1 (800) 792-1112, ext. 4505, or (512) 389-4505

## Chapter 67. Texas Parks and Wildlife Magazine

### • 31 TAC §67.1

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Parks and Wildlife Commission or in the Texas Register Office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Parks and Wildlife Commission proposes the repeal §67.1, concerning subscription rates.

This proposal would repeal rules in Chapter 67 in order to allow adoption of improved rules in Chapter 53.

Jim Dickson, director of finance, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Dickson also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be benefited in that fees will be based on related costs and desired products should be readily available.

The increase in costs to individuals affected will be: magazine subscriptions—1 year, \$8.00 to \$10; magazine subscriptions—2 years, \$15 to \$18; magazine subscriptions—3 years, \$26; magazine advertising—1 page, \$1,800 to \$2,280; magazine advertising—2/3 page, \$1,245 to \$1,580; magazine advertising 1/2 page, \$955 to \$1,210; magazine advertising—1/3 page, \$650 to \$820; magazine advertising—1/6 page, \$330 to \$415; magazine advertising—1/12 page, \$170 to \$210.

Comments on the proposed amendments may be submitted to Roy Hogan, Director of Administrative Services, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, 1-800-792-1112, ext. 4803 or (512) 389-4803.

The repeal is proposed under Texas Parks and Wildlife Code, Chapter 12, Subchapter A, §12.006, which provides the Texas Parks and Wildlife Commission with authority to sell information to the public about wildlife values and management; and, Chapter 11, Subchapter B, §11.027, which provides the Texas Parks and Wildlife Commission with authority to establish fees.

### §67.1. Subscription Rates.

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 July 26, 1989.

TRD-8906616 Boyd M. Johnson  
General Counsel  
Texas Parks and Wildlife  
Department

Proposed date of adoption: September 4, 1989

For further information, please call: (512) 389-4805

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

#### Chapter 14. County Indigent Health Care Program

##### Subchapter E. SLIAG Reimbursement for County Indigent Health Care Program Services Provided to Eligible Legalized Aliens

### • 40 TAC §14.406

The Texas Department of Human Services (DHS) proposes new §14.406, concerning claiming state legalization impact assistance grant (SLIAG) reimbursement for federal fiscal year (FFY) 1988.

DHS first proposed this section in the February 10, 1989, issue of the *Texas Register* (14 TexReg 778), but withdrew the proposal because the United States Department of Health and Human Services (HHS) disapproved the methodology proposed at that time. HHS has provisionally approved DHS's methodology as presented in this proposal. The section also has received the unanimous approval of a 14-member committee, consisting of county judges, commissioners, auditors, and program administrators associated with County Indigent Health Care Programs in each DHS region, and a representative of the Texas Association of Counties.

Burton F. Raiford, deputy commissioner for support operations, has determined that for the first five-year period the proposed section is in effect there will be fiscal implications for state and local government as a result of enforcing or administering the section. Since the SLIAG program is a reimbursement program and there are unreimbursed claims pending from fiscal year 1988, DHS has projected the fiscal impact only for 1988. The effect on state government for the first five-year period the section is in effect will be an estimated increase in revenue of \$115,520 in fiscal year 1988 and \$0 in fiscal years 1989-1992. The effect on local government for the first five-year period the section is in effect will be an estimated increase in revenue of \$362,843 in fiscal year 1988 and \$0 in fiscal year 1989-1992. There will be no fiscal implications for small businesses as a result of enforcing or administering the section.

Mr. Raiford also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be increased federal sharing of costs for indigent health care and a reduction in the tax burden on state and local governments. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Services Division-383, Texas Department of Human Services 222-E, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

The new section is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

*§14.406. Claiming SLIAG Reimbursement for Federal Fiscal Year (FFY) 1988 (October 1, 1987 to September 30, 1988).*

(a) DHS administration of LIAG funds.

(1) DHS serves as a conduit for federal SLIAG funds as specified in §14.401 of this title (relating to SLIAG Program Administration) in accordance with 45 Code of Federal Regulations, Parts 16 and 402.

(2) DHS submits and updates a federally required end-of-year report for FFY 1988 to the Department of Health and Human Services (HHS) to request FFY 1988 SLIAG administrative and program funds for counties. This end-of-year report specifies that a county may claim FFY 1988 program and administrative costs based upon either actual FFY 1988 SLIAG costs paid by counties and reported to DHS or a formula that adjusts quarterly actual FFY 1989 SLIAG program and administrative cost data reported to DHS to determine a county SLIAG allocation for a comparable quarter(s) of FFY 1988.

(3) Procedures counties must follow to claim FFY 1988 program and administrative costs using either FFY 1988 actual cost data or the formula adjusting FFY 1989 cost data are specified in subsection (b) of this section.

(4) DHS computes quarterly FFY 1988 SLIAG program cost allocations for a county based upon actual FFY 1989 comparable quarterly SLIAG program costs reported by the county and adjusted by a HHS-approved formula that utilizes:

(A) actual SLIAG funds payable to each county for FFY 1989 program costs, as adjusted by HHS;

(B) HHS-estimated total state ELA population for comparable quarter(s) of FFY 1988 and FFY 1989;

(C) statewide average number of CIHCP recipients, per application;

(D) county monthly financial/activity report forms for comparable quarter(s) of FFY 1988 and FFY 1989; and

(E) any other data specified by DHS in consultation with HHS.

(5) DHS computes quarterly FFY 1988 SLIAG program administrative cost allocations for a county based upon actual FFY 1989 comparable quarterly

SLIAG administrative costs reported by the county and adjusted by a HHS-approved formula that utilizes:

(A) FFY 1989 program administrative costs, as adjusted by HHS;

(B) the number of FFY 1989 CIHCP-eligible ELA recipients per county as adjusted by HHS; and

(C) information specified in paragraph (4)(B)-(E) of this subsection.

(6) If a county chooses to receive funds for any quarter of FFY 1988 based upon the HHS-approved formulas described in this subsection, DHS must receive SLIAG claims from a county for comparable FFY 1989 quarters and all monthly financial/activity report forms not previously submitted to DHS for any month(s) in FFY 1988 and 1989.

(7) Factors in the HHS-approved formulas are subject to adjustments by HHS; therefore, counties claiming FFY 1988 SLIAG funds based on these formulas may receive additional funds at a later date or may be required to return a portion of funds previously received.

(8) DHS amends the 1988 end-of-year report to claim county funds based on FFY 1989 actual cost data applied to the HHS-approved formulas, county-reported FFY 1988 actual SLIAG expenditures, or adjustments to any of this data. SLIAG expenditures for FFY 1988 may be claimed up to December 29, 1994.

(b) County claims for FFY 1988 SLIAG funds.

(1) Counties must claim SLIAG funds for FFY 1988 on a purchase voucher completed as specified in §14.404 of this title (relating to Procedures for Claiming SLIAG Funds).

(2) If a county chooses to request FFY 1988 SLIAG funds based on FFY 1988 actual data:

(A) the county must attach the following documentation to the purchase voucher to support the claim:

(i) identification and documentation of each eligible ELA for whom the county expended funds for health care services in FFY 1988, as specified in §14.402 of this title (relating to SLIAG Documentation Requirements);

(ii) identification and documentation of allowed actual program and administrative costs, as specified in §14.403 of this title (relating to Determining Allowed SLIAG Costs); and

(iii) documentation of ELA eligibility and the total costs computed in accordance with subparagraphs (A) and

(B) of this paragraph;

(B) upon receipt of a FFY 1988 SLIAG claim based upon actual FFY 1988 cost data, DHS processes the claim and requests SLIAG funds on the county's behalf.

(3) If a county chooses to request funds for FFY 1988 based on the allocation DHS computes utilizing FFY 1989 actual data and the HHS-approved formulas:

(A) the county must:

(i) notify DHS of this decision by a cover letter attached to the first submittal of a SLIAG claim for FFY 1989, filed after the effective date of this section; and

(ii) complete and attach all FFY 1988 and 1989 monthly financial/activity report forms not previously submitted to DHS for any months in FFY 1988 and 1989;

(B) upon receiving notice of a county's decision to claim FFY 1988 SLIAG costs based upon actual FFY 1989 SLIAG costs, DHS:

(i) submits the FFY 1989 cost data to HHS for processing;

(ii) uses the HHS-processed data to compute the county's FFY 1988 SLIAG quarterly allocation(s);

(iii) sends a letter notifying the county of its FFY 1988 allocation(s), and requests the county submit a purchase voucher claiming the allocation within 120 days from the date of the DHS notification letter.

(c) Procedures affecting counties that received state assistance funds in FFY 1988.

(1) State assistance fund expenditures are included in the FFY 1988 initial SLIAG program allocation for 12 state assistance fund counties.

(2) DHS claims the portion of the SLIAG program cost allocations computed for these counties which portion represents the SLIAG program costs reimbursed by state assistance funds.

(3) DHS applies the following formula to compute the state assistance fund share of these counties' claims for SLIAG program costs:

(A) divide the total state assistance funds expended in FFY 1988 by the total CIHCP county and state program funds expended in FFY 1988 and multiply the result by 100 to compute the percentage of state assistance funds expended in relation to total CIHCP funds expended;

(B) apply the state assistance fund percentage to either the county's total SLIAG end-of-year report program allocation, or total actual documented SLIAG program expenditures claimed by the county, to compute the state assistance fund's share;

(C) subtract the state assistance fund's share from the county's total SLIAG program claim to compute the county's share.

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 July 28, 1989.

TRD-8906722

Charles Stevenson  
Acting Commissioner  
Texas Department of  
Human Services

Proposed date of adoption: October 1, 1989.

For further information, please call: (512) 450-3765

## Chapter 15. Medicaid Eligibility

### Subchapter D. Resources

#### • 40 TAC §§15.431-15.433

The Texas Department of Human Services proposes new §§15.431-15.433, concerning transfer of resources after July 1, 1988, in its Medicaid Eligibility chapter. The new sections define compensation for transfer and undue hardship.

Burton F. Raiford, deputy commissioner for support operations, has determined that for the first five-year period the proposed sections are in effect there will be fiscal implications for state government as a result of enforcing or administering the sections. The anticipated estimated cost to state government will be \$15,473 for fiscal year (FY) 1989; \$494,023 for FY 1990; \$1,072,560 for FY 1991; \$1,678,751 for FY 1992; and \$2,128,116 for FY 1993. There will be no fiscal implications for local government or small businesses as a result of enforcing or administering the sections.

Mr. Raiford also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that people who transfer resources and receive less than fair market value as compensation are ineligible for long-term care services for the lessor of 30 months or the number of months the value of the resource would have paid for institutional care at the average private pay rates. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Services Division-302, Texas Department of Human Services 222-E, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

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

#### §15.431. Transfer of Resources—July 1, 1988, and After.

(a) Purpose. The Medicare Catastrophic Coverage Act of 1988 (Public Law 100-360) restricts the transfer-of-resource policy to clients eligible under institutional criteria for any uncompensated transfer occurring on or after July 1, 1988. The uncompensated value of a transfer occurring on or after July 1, 1988, may result in the client's ineligibility for nursing facility care or home/community-based waiver services for the lessor of

(1) 30 months from the month of transfer; or

(2) the number of months the uncompensated value would have paid for institutional care at the average cost for a private-pay patient.

(b) Compensation. Compensation, in the form of funds or services, must actually have been provided to the client. Future compensation does not satisfy the compensation requirement. Compensation, however, may be in the form of payment or assumption of a legal debt owed by the individual making the transfer. Compensation is not allowed for services that would be normally provided by a family member. The client must provide valid receipts for financial expenditures or written statements from the people who were paid to provide the services. If the client receives additional cash compensation that was not a part of the transfer agreement from the party who received the transferred resource, the uncompensated value of the transferred resource must be reduced by the amount of the additional compensation and as of the date the compensation is received. Cash compensation includes direct payments to a third party to meet the client's food, shelter, or medical expenses, including nursing home bills, when the compensation occurs after the date of the transfer. Compensation for a transferred resource must be provided according to terms of an agreement established on or before the date of transfer. This agreement must have been established exclusively for purposes other than obtaining or retaining eligibility for Medicaid.

(c) Undue hardship. A client may claim undue hardship when denial of Medicaid would result in discharge to the community and inability to obtain necessary medical services. Undue hardship relates to hardship to the client, not the relatives or responsible parties of the client. Undue hardship may exist when any one of the following three conditions exists:

(1) location of the receiver of the resource is unknown to the client, or other family members, or other interested

parties, and the client has no place to return in the community and receive the care required to meet his needs;

(2) client can show that physical harm may come as a result of pursuing the return of the resource, and the client has no place to return in the community and receive the care required to meet his needs; or

(3) receiver of the resource is unwilling to cooperate with the client and the department, resulting in the client's needs not being met, and the client has no place to return in the community and receive the care required to meet his needs.

(d) Uncompensated value. If any amount of uncompensated value exists, the department advises the client or responsible party of the amount. The amount is then counted toward the resource limit for the appropriate amount of time (based on the uncompensated value and the date of the transfer), unless the client provides convincing evidence that the disposal was solely for some purpose other than to establish eligibility for Medicaid. If, within the periods specified in this subsection, the client or responsible party makes no effort to rebut the presumption that the transfer was solely to establish eligibility for Medicaid, the department will assume that the presumption is valid. The rebuttal period is five workdays after oral notification (by the department to the client) and seven workdays after written notification.

(e) Rebuttal of the presumption. Transfer-of-resources statutes presumes that all transfers for less than fair market value are for the purpose of establishing Medicaid eligibility. The client or responsible party is responsible for providing convincing evidence that the transaction in question was exclusively for some other purpose. To rebut the presumption, the client or responsible party must provide a written statement and any relevant documentation to substantiate his statement. The statement, oral or written, must include at least the following items:

(1) purpose for transferring the resource;

(2) attempts to dispose of the resource at fair market value;

(3) reason for accepting less than fair market value for the resource;

(4) means of or plan for self-support after the transfer; and

(5) relationship to the person to whom the resource was transferred.

#### §15.432. Exceptions to Transfer of Resources—July 1, 1988, and After.

(a) Transfer of the client's home does not affect his eligibility when the title is transferred to his

(1) spouse, who lives in the home;

(2) minor or disabled child (a disabled child must meet Social Security Administration disability criteria);

(3) sibling who has equity interest in the home and has lived there for at least one year before the client's institutionalization; or

(4) son or daughter (other than a disabled or minor child) who lived in the home for at least two years before the client's institutionalization and provided care that prevented institutionalization. To substantiate this claim, there must be a written statement from the client's attending physician or a professional social worker familiar with the case documenting the care provided by the son or daughter.

(b) Resources, including the client's home, may be transferred without affecting eligibility when

(1) the resources are transferred to the client's spouse (who lives in the community), or his disabled child, or to another person for the sole benefit of the spouse or child (if transferred to another person, the resources must be held in trust or a fiduciary account);

(2) satisfactory evidence exists that the client intended to dispose of the resource at fair market value;

(3) satisfactory evidence exists that the transfer was exclusively for some purpose other than to qualify for Medicaid; or

(4) denial of eligibility would cause undue hardship.

(c) The transfer-of-resource policy does not apply when

(1) a client's Medicaid eligibility is transferred from SSI to MAO because he enters a long term care facility, and he applied for SSI before March 1, 1981; or

(2) a client's most recent MAO application for assistance was made before March 1, 1981, and the client transferred nonexcludable resources on or after July 1, 1988.

**§15.433. Transfer of Resources Penalty Period.** Penalty period. The penalty period begins with the month the transfer occurred. The penalty applies only to nursing facility care and home/community-based waiver services (Type Program 19). The client remains eligible for all other Medicaid benefits and continues to receive a monthly identification card. SSI clients or clients in the community who are eligible under Type Programs 03, 11, 18, or 22 or Waiver V may transfer resources without penalty provided they do not become institutionalized. For community-based MAO clients, except Type Program 19, the department gathers information about transfers occurring on or after July 1, 1988, and notifies the client of potential penalty if he is institutionalized.

Type Program 19 clients may be ineligible for home/community-based waiver services for up to 30 months if the transfer results in any uncompensated value.

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

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Charles Stevenson  
Acting Commissioner  
Texas Department of  
Human Services

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For further information, please call: (512) 450-3765

## Chapter 31. Case Management for Persons with Mental Retardation or Related Condition

### Program Requirements

- 40 TAC §§31.1, 31.3, 31.5, 31.7, 31.9, 31.11, 31.13

The Texas Department of Human Services (DHS) proposes new §§31.1, 31.3, 31.5, 31.7, 31.9, 31.11, and 31.13 concerning optional targeted case management as a Medicaid service. The purpose of the new chapter is to maximize the use of Title XIX federal Medicaid funds to expand services to the client populations served by both DHS and the Texas Department of Mental Health and Mental Retardation (TDMHMR). The proposal defines target populations, service definitions and limitations, provider qualifications, and the rate setting methodology

DHS has received approval from the Health Care Financing Administration (HCFA) to amend the Medicaid state plan by adding optional targeted case management services. The Consolidated Omnibus Reconciliation Act of 1985 (COBRA, Public Law 99-272) added targeted case management services as an optional Medicaid benefit. The provisions of COBRA allow states to disregard statutory requirements that Medicaid be provided on a statewide and comparable basis. States may target case management services to a population by age, or by type or degree of disability, illness, or condition.

The Omnibus Budget Reconciliation Act of 1987 (OBRA, Public Law 100-203), included an amendment that authorizes states to limit the case managers to those who are capable of ensuring that persons with developmental disabilities receive needed services.

DHS has determined that the Texas Department of Mental Health and Mental Retardation (TDMHMR), the state mental retardation authority, is qualified to ensure that Medicaid eligible persons with mental retardation and related conditions receive the full range of services that they need. The services will be provided through case management to assist these clients in achieving their maximum level of functioning in the community.

Burton F. Raiford, deputy commissioner for support operations, has determined that for

the first five-year period the proposed sections are in effect there will be fiscal implications for state government as a result of enforcing or administering the sections. The effect on state government for the first five-year period the sections are in effect is an estimated additional increase in revenue of \$2,853,318 in fiscal year (FY) 1990; \$3,183,768 in FY 1991; \$3,429,724 in FY 1992; \$3,600,313 in FY 1993; and \$3,731,768 in FY 1994. There will be no fiscal implications for local government or small businesses as a result of enforcing or administering the sections.

Mr. Raiford also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be an expansion of case management services to Medicaid eligible persons with mental retardation and related conditions who would otherwise be at risk of institutionalization. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

DHS intends to adopt sections effective October 1, 1989. Because of the brief amount of time available to prepare responses to comments, DHS staff would appreciate receiving comments within 20 days of publication of this new chapter. Comments on the proposal may be submitted to Cathy Rosberg, Administrator, Policy Development Services Division-416, Texas Department of Human Services 222-E, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

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

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

**Allowable costs**—Those expenses that are reasonable and necessary costs in the normal conduct of operations relating to case management services. See also definitions of the terms "reasonable cost" and "necessary cost" in this section, and §31.11(e)(2) of this title (relating to Reimbursement Methodology for Case Management for Individuals with Mental Retardation or Related Condition).

**Case management contact**—An action taken by a case manager on behalf of a client to locate, coordinate, and monitor necessary and appropriate services with a specific person or organization.

**Developmental period**—The period of time from conception to 18 years of age.

**Functional retardation**—Arrest or deterioration of intellectual ability that occurs after the developmental period. It is not the same as mental retardation.

**Mental retardation**—Significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and originating during the developmental period.

**Necessary cost**—A cost that is usual and customary in the operation of case

management services and that meets the following requirements:

(A) the cost is not for personal or other activity not specifically related to the provision of case management services;

(B) the cost does not appear on the list of specific unallowable costs and is not unallowable under other federal, state, or local laws or regulations. See definition of the term "unallowable cost" in this section, and see §31.11(e)(3) of this title (relating to Reimbursement Methodology for Case Management for Individuals with Mental Retardation or Related Condition);

(C) the cost bears a significant relationship to case management services. The test of significance is whether there would be an adverse impact on the delivery of case management services if the expenditure were eliminated.

Prospective rates—Fixed costs that are determined for a future period of time and that are not to be readjusted during that period.

Reasonable cost—The amount that does not exceed the cost which would be incurred by a prudent business operator seeking to contain costs.

Related condition—A severe, chronic disability that meets all the criteria outlined in 42 Code of Federal Regulations 435.1009.

Subaverage general intellectual functioning—Measured intelligence on standardized psychometric instruments of two or more standard deviations below the age group mean for the tests used.

Unallowable cost—A cost that is not a reasonable or necessary cost for the provision of case management services. See definitions of the terms "necessary cost" and "reasonable cost" in this section.

§31.3. *Eligible Individuals.* To be eligible for case management services, individuals, regardless of age, must be:

- (1) mentally retarded or have related conditions;
- (2) eligible for Medicaid; and
- (3) require long term care in the community.

§31.5. *Case Management Services.* Case management services are provided to assist eligible clients, as defined in §31.3 of this title (relating to Eligible Individuals), in gaining access to medical, social, educational, and other appropriate services to help these individuals reach or maintain an optimal level of functioning in a community-based setting. The case management services system includes:

- (1) case management intake. Initial contact is made with the client to

determine the level of assessment needed. At intake, the case manager will decide if the individual is in need of crisis intervention or if a comprehensive assessment is appropriate. Intake screening must include client identifying information and the nature of the current presenting problem. Intake may be done by telephone, through a face-to-face interview, or by referral from another professional;

(2) crisis intervention. Crisis intervention is appropriate for eligibles whose circumstances are a threat to either themselves or others and who require an immediate response. These services must be available 24 hours, seven days a week;

(3) comprehensive assessment.

(A) The written comprehensive assessment is completed by the case manager using the TDMHMR case manager standards and procedures. At a minimum, the written assessment must address the following:

- (i) identifying information;
- (ii) physical health;
- (iii) social and/or emotional status;
- (iv) diagnosis and/or level of functioning;
- (v) social relationships and/or support network;
- (vi) existing care being provided through the informal support system (including family);
- (vii) activities of daily living;
- (viii) physical living environment and/or housing and/or transportation;
- (ix) analysis of source of income and/or resources;
- (x) vocational and/or educational status;
- (xi) legal status;
- (xii) unmet care needs of the client.

(B) If the comprehensive assessment reveals that there is no need for case management services, referrals may be made that will meet the client's other needs.

(4) service plan. The written service plan is developed to address the specific care needs of the client. The service plan is developed, to the extent possible, with the client, his family, or other support system(s). The service plan must include at a minimum, documentation of:

- (A) the persons involved in the development of the service plan;

(B) measurable goals to be achieved via the provision of care;

(C) a description of all services to be provided;

(D) the periodic review of the service plan and description of unmet needs; and

(E) schedules for the case manager to monitor the service plan and to perform a formal reassessment;

(5) service implementation. The case manager arranges for the delivery of appropriate services to the client. Through negotiation, the case manager will act as an advocate for the client and assist service provider agencies in planning and program development that will meet the needs of persons who are mentally retarded or have a related condition;

(6) staff consultation. The case manager may provide consultation to other human service and health care professionals regarding the needs of the client. Staff consultation may be provided in a residential or community based setting, unless the consultation is specifically excluded in this section or the Medicaid state plan;

(7) monitoring.

(A) The case manager will monitor to determine:

- (i) what services have been delivered;
- (ii) whether the services were delivered as scheduled;
- (iii) whether the services are adequate for the client's needs.

(B) Modifications to the service plan or a change of service provider may be required. Monitoring will be conducted on a periodic basis. Each monitoring visit will be documented in writing.

(8) reassessment. A formal reassessment of the client's progress and needs will be conducted on a periodic basis and will be documented in writing. At the reassessment, the case manager will determine if modifications to the service plan are necessary and if the level of involvement by the case manager should be adjusted.

§31.7. *Service Limitations.*

(a) Case management services will not be reimbursable as a Medicaid service if it is duplicative or if it is associated with the proper and efficient administration of the state plan. Case management activities associated with the following are not reimbursable as an optional targeted case management service:



(1) Medicaid eligibility determinations and redeterminations;

(2) Medicaid eligibility intake processing;

(3) Medicaid preadmission screening;

(4) prior authorization for Medicaid services;

(5) required Medicaid utilization review;

(6) EPSDT administration; and

(7) Medicaid lock-in provided for under the Omnibus Reconciliation Act of 1987, §1915(a).

(b) Specifically, reimbursement will not be made for the following:

(1) services that are an integral and inseparable part of another Medicaid service such as discharge planning from a Medicaid-certified acute care facility, skilled nursing facility (SNF), intermediate care facility (ICF), or intermediate care facility for mentally retarded (ICF-MR). This exclusion does not include case management services provided in a mental retardation facility that is certified by TDMHMR and that is not already being reimbursed by Medicaid for case management services;

(2) outreach activities that are designed to locate individuals who are potential Medicaid eligibles. This exclusion does not include Medicaid eligibles requiring services outlined in §31.5(a)(1) of this title (relating to Case Management Intake).

(3) any medical evaluation, examination, or treatment billable as a distinct Medicaid covered benefit. However, referral arrangements and staff consultation for such services are reimbursable as a case management service;

(4) services provided under the home and community-based services waiver for mentally retarded individuals.

### §31.9. Provider Qualifications.

(a) Public Law 100-203, §4118(i), Omnibus Reconciliation Act of 1987, is invoked to limit the provider of case management services to the state mental retardation authority, the Texas Department of Mental Health/Mental Retardation (TDMHMR) or its designated providers authorized under Texas Civil Statutes Article 5547-204. The department has determined that TDMHMR is qualified to ensure that persons with mental retardation receive, through case management, the full range of services that they need to assist them in achieving their maximum level of functioning in the community.

(b) Standards and procedures must be implemented to ensure that case management services are:

(1) offered on a statewide basis with procedures to ensure continuity of services and avoidance of duplication;

(2) provided by case managers who meet the educational and work experience requirements commensurate with their job responsibilities and who have also completed the TDMHMR case management curriculum;

(3) provided through an identifiable unit of an organization that is vested with sole responsibility for the provision of case management services;

(4) delivered through a system with written standards and procedures that ensures that an individual case manager is responsible for the overall coordination of services for the Medicaid eligible participant;

(5) made available to all persons with mental retardation or a related condition, regardless of their ability to pay;

(6) administered through a community-based agency provided for under Texas Civil Statutes Article 5547-202 or 203;

(7) provided through a service delivery system that provides CORE and essential services outlined in Texas Civil Statutes Article 5547-204, to persons with mental retardation as defined by TDMHMR in the TDMHMR Community Standards for Mental Retardation;

(8) provided in compliance with federal, state, and local laws, including directives, settlements, and resolutions applicable to the target population;

(9) provided in accordance with the TDMHMR Community Standards for Mental Retardation; and

(10) provided in compliance with the TDMHMR guidelines for annual financial and compliance audit.

### §31.11. Reimbursement Methodology for Case Management for Individuals with Mental Retardation or Related Condition.

(a) General information. DHS will reimburse qualified providers for case management services provided to Medicaid eligible individuals with mental retardation or a related condition. The Texas Board of Human Services determines reimbursement rates at least annually for case management services. These rates are:

(1) uniform statewide;

(2) prospective (see §31.1 of this title (relating to Definitions)); and

(3) cost related.

(b) Basis for rate analysis.

(1) For the initial reimbursement period, providers will be reimbursed based on rates set as a result of an analysis of a survey of actual costs reported by a sample

of qualified providers and an analysis of anticipated costs required to provide the relevant targeted case management services.

(2) The anticipated costs will reflect the estimated costs of hiring qualified staff, as specified by DHS, in sufficient number and appropriate mix to meet the projected client load service mix.

(3) At some future date, as yet unspecified, reimbursement rates will be based on actual costs reported by qualified providers.

(c) Reporting of cost.

(1) Cost reporting. Each individual case management provider unit must submit financial and statistical information in a cost report or survey format designated by DHS. The cost report will capture the expenses of the case management unit including salaries and benefits, administration, building and equipment, utilities, supplies, travel, and indirect overhead expenses related to the case management unit.

(2) The following requirements apply:

(A) accounting requirements. All information submitted on the cost reports must be based upon the accrual method of accounting unless the governmental entity operates on a cash basis. The provider must complete the cost report according to the prescribed statement of allowable and unallowable costs. Cost reporting should be consistent with generally accepted accounting principles (GAAP). In cases in which cost reporting rules conflict with GAAP, Internal Revenue Service, or other authorities, the cost reporting rules take precedence for Medicaid provider cost reporting;

(B) reporting period. The provider must prepare the cost report to reflect activities during the provider's fiscal year. The cost report is due three months after the end of this fiscal year, although an extension may be granted for good cause. DHS may require cost reports or other information for other time periods. Failure to file an acceptable cost report or complete required additional information will result in a hold on the vendor payments until the cost report information or additional information is provided. The provider must certify the accuracy of the cost report or additional information;

(C) review of cost reports. DHS reviews each cost report or survey to ensure that all financial and statistical information submitted conforms to all applicable rules and instructions. Cost reports not completed according to instructions or rules are returned to the provider for proper completion;



(D) on-site audit of cost reports. DHS staff perform a sufficient number of audits each year to ensure the fiscal integrity of the case management reimbursement rate. The number of on-site audits actually performed each year may vary. Adjustments consistent with the results of on-site audits are made to the rate base until the rate base is closed for final rate analysis;

(E) record-keeping requirements. Each provider must maintain records for at least three years after the date he submits his cost report. The provider must ensure that the records are accurate and sufficiently detailed to support the financial and statistical information reported in the cost report. If a provider does not maintain records which support the financial and statistical information submitted on the cost report, the provider will be given 90 days to correct this record-keeping. A hold of the vendor payments to the provider will be made if the deficiency is not corrected within 90 days from the date the provider is notified;

(F) access to records. The provider must allow DHS or its designated agents access to any and all records necessary to verify information on the cost report;

(G) reviews of cost report disallowances. A provider who disagrees with disallowances of the items on a cost report may request a review by DHS staff of the disallowance; however, the request must be in writing.

(d) Rate setting methodology.

(1) Rates by unit of service. Reimbursement rates for case management services will be determined for a unit of service defined as a case management contact. The action can be face-to-face or by telephone. See §31.1 of this title (relating to Definitions).

(2) Exclusion or adjustment of expenses. Providers must eliminate unallowable expenses from the cost report. DHS or TDMHMR excludes from the rate base any unallowable expenses included in the cost report and makes adjustments to expenses reported by providers to ensure that the rate base reflects costs which are consistent with efficiency, economy and quality of care, are necessary for the provision of case management services, and are consistent with federal and state Medicaid regulations. If there is doubt as to the accuracy or allowability of a significant part of the information reported, individual cost reports may be eliminated from the rate base.

(3) Rate determination process. The Texas Board of Human Services determines reimbursement rates for a contact which will reasonably reimburse the cost of

an economic and efficient provider. DHS submits recommendations for reimbursement rates. Recommended rates are determined in the following manner.

(A) Total allowable costs for each provider will be determined from analyzing the allowable historical costs reported on the cost report and the allowable anticipated costs. This cost is based on the estimated cost of having qualified staff in sufficient number and appropriate mix to meet the projected client load service mix.

(B) Each provider's total allowable costs are projected from the historical cost reporting period to the prospective rate period using inflation factors that reasonably reflect expected changes in the cost of providing case management services.

(C) An allowable cost per contact will be calculated for each case management site. The allowable costs per contact for each site are arrayed and the median point is calculated. A provider's cost may be excluded from the cost array based on a determination that there were errors in cost reporting or the program was not operating within the appropriate standard of quality.

(D) The median cost component is multiplied by an appropriate percentage determined by the Texas Board of Human Services to calculate the recommended contact reimbursement rate for an economic and efficient provider.

(e) General information. Only allowable cost information is used to compile the rate base. See §31.1 of this title (relating to Definitions) for definitions of allowable and unallowable costs.

(1) List of allowable costs. The following list of allowable costs is not comprehensive; instead, it is meant to serve as a general guide and to clarify certain key expense areas. The absence of a particular cost does not necessarily mean that that expense is not an allowable cost.

(A) Compensation of case management staff. Compensation may be provided only to those staff who provide case management services directly to the clients or who support the work of staff of the case management unit in the normal conduct of operations relating to case management services. Examples of staff include case managers, case manager supervisors, case management unit administrator, accountant or bookkeeper, clerical workers, janitors, and buildings and equipment maintenance staff. This category includes:

(i) wages and salaries;

(ii) payroll taxes and insurance, including Federal Insurance Con-

tributions Act (FICA or Social Security), unemployment compensation insurance, workman's compensation insurance; and

(iii) employee benefits.

This category includes employer paid health, life accident, liability, and disability insurance for employees; contributions to employee retirement funds; and deferred compensation limited to the dollar amount the employer contributes.

(B) Indirect costs. Costs incurred at levels of management above the individual case management unit are allowable only if the costs were incurred in the purchase of materials, supplies, or services used by the case management unit in the conduct of normal operations. Allowable costs are limited to the allocated portion of these costs which can be documented as being related to the delivery of case management services by the case management unit.

(C) Utilization review committee.

(D) Materials and supplies. This category includes office supplies, housekeeping supplies, and materials and supplies for the operation, maintenance, and repair of buildings, grounds, and equipment.

(E) Utilities. This category includes electricity, natural gas, fuel oil, water, waste water, garbage collection, telephone, and telegraph.

(F) Buildings, equipment, and capital expenses.

(i) Buildings, equipment, and capital used by the case management site or in support of the case management staff, and not for personal business. If these costs are shared with other program operations, the portion of these costs relating directly to case management may be allowed on a pro rata basis if the proportion of use for case management is documented.

(ii) Depreciation and amortization expense. Property owned by the provider entity and improvements to owned, leased, or rented case management property that are valued at more than \$500 at the time of purchase must be depreciated or amortized, using the straight line method. The minimum usable lives to be assigned to common classes of depreciable property are:

(I) buildings up to 30 years, with a minimum salvage value of 10%;

(II) transportation equipment used for the transport of clients, materials, and supplies, or staff providing

case management services: a minimum of three years for passenger automobiles; five years for light trucks and vans, with a minimum salvage value of 10%.

(G) Provider-owned property. Property may be treated by the provider as ordinary expenses when the property and improvements to the property owned, leased, or rented by the provider are valued at less than \$500 at the time of purchase.

(H) Rental and lease expense. This category includes buildings, building equipment, transportation equipment, equipment, materials, and supplies. Allowable rental or lease expense paid to a related party is limited to the actual allowable cost incurred by the related party.

(I) Transportation expense. This category includes depreciation, lease, or mileage claimed at the allowable reimbursement per mile set by the state legislature for state employees.

(J) Business and professional association dues limited to associations devoted primarily to the issues of case management.

(K) Outside training costs. These expenses are limited to direct costs (transportation, meals, lodging, and registration fees) for training provided to personnel rendering services directly to the clients or staff of the case management unit. The training must be directly related to issues concerning case management, and it must be located within the continental United States.

(2) List of unallowable costs. Unallowable costs are not included in the rate base used to determine recommended rates. The following list clarifies certain expense categories of unallowable costs. See also §31.3 of this title (relating to Definitions) for definition of unallowable costs:

(A) compensation in the form of salaries, benefits, or any form of compensation given to individuals who do not provide case management services either directly to clients or in support of staff;

(B) personal expenses not directly related to the provision of case management services;

(C) management fees or indirect costs that are not derived from the actual cost of materials, supplies, or services provided directly to the case management unit;

(D) advertising expenses other than those for advertising in the yellow

pages, ads for employee recruitment, and advertising to meet any statutory or regulatory requirement;

(E) business expenses not directly related to the provision of case management services;

(F) political contributions;

(G) depreciation and amortization of unallowable costs. This category includes amounts in excess of those resulting from straight line depreciation method, capitalized lease expenses in excess of the actual lease payment, and goodwill or any excess above the actual value of the physical assets at the time of purchase;

(H) trade discounts of all types. This category includes returns, allowances, and refunds;

(I) donated facilities, materials, supplies, and services, including the values assigned to the services of unpaid workers and volunteers;

(J) dues to all types of political and social organizations, and to professional associations not directly and primarily concerned with case management services;

(K) entertainment expenses except those incurred for entertainment provided to the staff of the case management unit as an employee benefit;

(L) boards-of-directors fees;

(M) fines and penalties for violations of regulations, statutes, and ordinances of all types;

(N) fundraising and promotional expenses;

(O) interest expenses on loans pertaining to unallowable items and on that portion of interest paid which is reduced or offset by interest income;

(P) insurance premiums pertaining to items of unallowable cost;

(Q) accrued expenses that are not a legal obligation of the provider or are not clearly enumerated as to dollar amount. This category includes any form of profit sharing and the accrued liabilities of deferred compensation plans;

(R) mileage expense exceeding the current reimbursement rate set by

the Texas Legislature for state employee travel;

(S) costs of purchases from a related party which exceed the original cost to the related party;

(T) out-of-state travel expenses, except for provision of case management-related services including training and quality assurance functions;

(U) contributions to self-insurance funds which do not represent payments based on current liabilities;

(V) expenses incurred because of imprudent business practices;

(W) expenses which cannot adequately be documented;

(X) expenses not reported according to the instructions of the cost report;

(Y) expenses not allowable under other pertinent federal, state, or local laws or regulations;

§31.13. Right to Appeal. Applicants have the right to appeal DHS decisions according to DHS's fair hearing rules contained in Chapter 79 of this title (relating to Legal Services).

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 July 31, 1989.

TRD-8906745

Charles Stevenson  
Acting Commissioner  
Texas Department of  
Human Services

Proposed date of adoption: October 1, 1989.

For further information, please call: (512) 450-3765

◆ ◆ ◆  
Chapter 41. Utilization Review  
Waiver for Utilization Review  
Procedures

• 40 TAC §41.102

The Texas Department of Human Services (DHS) proposes an amendment to §41.102, concerning the utilization review case selection process. The purpose of the amendment is to allow DHS to increase the number of reviews for a specific provider that exceeds a diagnostic related group (DRG) error threshold without having to intensify reviews for all hospitals. This will avoid the possibility of unnecessarily intensifying hospital admission reviews for all providers because of the performance of a few.

This amendment will also change the sampling methodology for hospitals reimbursed under the Tax Equity and Fiscal Responsibility Act (TEFRA) principles. This change will allow DHS to select a 15% random sample of cases from each hospital instead of selecting cases on the basis of a statistical sampling formula. The amendment functions to more clearly define an equitable and efficient sampling methodology.

Burton F. Raiford, deputy commissioner for support operations, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local governments or small businesses as a result of enforcing or administering the section.

Mr. Raiford also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a more effective and efficient utilization review of hospitals. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Services Division-341, Texas Department of Human Services 222-E, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

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

**§41.102. Case Selection Process.** A systematic sampling methodology may be used for the selection of:

(1) TMRP cases.

(A) (No change.)

(B) DHS may review additional cases, up to 100%, for any provider [100% of cases for any DRG in a quarter], if

(i) admission denials statewide for a given DRG are 10% or greater; [statewide admission denials are greater than 10%; or]

(ii) admission denials for a particular provider are 10% or greater; [the percentage of changes for that DRG is greater than 20%.]

(iii) admission denials for a given DRG for a particular provider are 10% or greater.

(iv) DRG changes statewide for a given DRG are 20% or greater;

(v) DRG changes for a particular provider are 20% or greater; or

(vi) DRG changes for a given DRG for a particular provider are 20% or greater.

(2) TEFRA cases.

(A) DHS reviews a 15% random sample of cases from each hospital. [DHS determines cases for review by

drawing a random sample of cases, stratified by hospital.] The sample is drawn quarterly.

[(i) is drawn quarterly.

[(ii) has a confidence level of 90% with a plus or minus 5% margin of error.]

(B) DHS may review up to 100% of cases in a quarter for any provider, if [at any hospital, if the percentage of]:

(i) inappropriate transfers from TEFRA hospitals to PPS hospitals are identified; [hospital admissions denials is greater than 10%; or]

(ii) admission denials are 10% or greater for that provider; [continued stay denials is greater than 20%.] or

(iii) continued stay denials are 20% or greater for that provider.

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 July 28, 1989.

TRD-8906723

Charles Stevenson  
Acting Commissioner  
Texas Department of  
Human Services

Proposed date of adoption: September 9, 1989.

For further information, please call: (512) 450-3765



# Adopted Sections

An agency may take final action on a section 30 days after a proposal has been published in the *Texas Register*. The section 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.

If an agency adopts the section without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. If an agency adopts the section with changes to the proposed text, the proposal will be republished with the changes.

## TITLE 10. COMMUNITY DEVELOPMENT

### Part V. Texas Department of Commerce

#### Chapter 178. Texas Community Development Program

##### Subchapter B. Contract Administration

###### • 10 TAC §178.41

The Texas Department of Commerce (Commerce) adopts new §178.41, without changes to the proposed text as published in the June 23, 1989, issue of the *Texas Register* (14 TexReg 3087).

The new section establishes variances under the Uniform Grant and Contract Management Standards (UGCMS). The variances pertain to contracts awarded to units of general local government under the Texas Community Development Program (TCDP).

The new section establishes additional assurances with which TCDP recipients are required to comply.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 4413(301), which provides Commerce with the authority to allocate CDBG nonentitlement area funds to eligible counties and municipalities according to department rules.

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 July 24, 1989

TRD-8906556 J. William Lauderback  
Executive Director  
Texas Department of  
Commerce

Effective date: August 14, 1989

Proposal publication date: June 23, 1989

For further information, please call: (512) 320-9666

#### Chapter 179. Texas Rental Rehabilitation Program

##### Subchapter A. Contract Administration

###### • 10 TAC §179.1

The Texas Department of Commerce (Commerce) adopts new §179.1, without changes to the proposed text as published in the June 23, 1989, issue of the *Texas Register* (14 TexReg 3087).

The new section establishes variances from the Uniform Grant and Contract Management Standards (UGCMS) adopted by the Office of the Governor in 1 TAC §§5.141-5.167. The variances pertain to contracts awarded to units of general local government under the Texas Rental Rehabilitation Program (TRRP).

The new section establishes variances from the uniform administrative principles applicable to TRRP recipients and additional assurances required by federal statute and regulations with which TRRP recipients are required to comply.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 4413 (32g), which provides Commerce with the authority to establish variations from the UGCMS through rulemaking, if such variations are required or specifically authorized by federal statute or regulation or state statute.

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 July 24, 1989

TRD-8906558 J. William Lauderback  
Executive Director  
Texas Department of  
Commerce

Effective date: August 14, 1989

Proposal publication date: June 23, 1989

For further information, please call: (512) 320-9666

## TITLE 16. ECONOMIC REGULATION

### Part I. Railroad Commission of Texas

#### Chapter 5. Transportation Division

##### Subchapter Z. Base Rates,

##### Deviations, and Suspensions

###### • 16 TAC §5.582

The Railroad Commission of Texas, pursuant to a petition filed by the Sand & Gravel Motor Carrier Association, adopts an amendment to §5.582, with changes to the proposed text as published in the January 31, 1989, issue of the *Texas Register* (14 TexReg 613).

The amendment is adopted to allow greater competition among sand and gravel motor carriers. The amendment will allow deviations only on shipments which weigh 10,000 pounds or more, move 100 miles or less, and which are currently rated under Item 411 of the Sand & Gravel Motor Carrier Association Tariff 2 series. The adopted version conforms with the action originally requested, while the proposed version was broadened to allow the commission greater flexibility.

Comments were received from the Sand & Gravel Motor Carrier Association, Inc. and the Associated General Contractors of Texas, Inc. urging the adoption of the amendment as originally requested. Comments in opposition to the proposed amendment were received from the Independent Aggregate Haulers of Texas, Inc., stating that the proposed amendment would work to the detriment of smaller carriers not affiliated with large shippers, and that owner-operators leased to motor carriers will be unable to make a profit with lower rates.

The commission disagrees with the comments in opposition to the amendment. The amendment will serve to enhance competition and will benefit efficient carriers.

The amendment is adopted under the Texas Motor Carrier Act, Texas Civil Statutes, Article 911b, which authorize the commission to regulate motor carriers in all matters.

###### §5.582. Deviations from Base Rates.

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

(g) Specialized motor carriers subject to Sand & Gravel Motor Carrier Association Tariff 2 series shall be permitted to deviate by an amount not to exceed 10% below the applicable minimum rate for shipments weighing 10,000 pounds or more moving 100 miles or less, other than shipments transported in pneumatic trailer, tank trailer, or pneumatic-tank trailer equipment, of the following commodities:

- (1) aggregate, concrete;
- (2) aggregate, lightweight;
- (3) aggregate, lightweight expanded;

destination;

- (6) base, flexible;
- (7) brick, crushed;
- (8) caliche;
- (9) cement, bulk, mixed with

gravel;

(10) cement, bulk, mixed with crushed limestone;

(11) cement, bulk, mixed with sand;

(12) cement, dry batch;

(13) cement, ready mix, in dry form;

(14) cinder, soil;

(15) clam shell;

(16) clay, unprocessed;

(17) dirt;

(18) dust;

(19) ferro ore;

(20) filings, iron, powdered and granulated;

(21) gravel

(22) iron ore;

(23) limestone, crushed;

(24) manganese ore;

(25) oyster shell;

(26) pipe, crushed sewer;

(27) rocks;

(28) rocks, shatt or roofing;

(29) sand;

(30) sand, cement stabilized;

(31) screenings, gypsum;

(32) shale;

(33) shell marine;

(34) shells, crushed;

(35) silico ore;

(36) slag, crushed, powdered and granulated;

(37) soil, top;

(38) stabilized soil supplement;

(39) stone, building, crushed, cut and ground;

(40) tile, crushed; and

(41) uranium ore.

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 July 24, 1989.

TRD-8906598 Kent Hance  
Chairman  
Railroad Commission of  
Texas

Effective date: August 15, 1989

Proposal publication date: January 31, 1989

For further information, please call: (512) 463-7187

## Part IV. Department of Labor and Standards

### Chapter 80. Tow Trucks

#### • 16 TAC §80.3

The Department of Labor and Standards adopts an amendment to §80.3, without changes to the proposed text as published in the February 7, 1989, issue of the *Texas Register* (14 TexReg 673).

The amendment allows a tow truck owner who is replacing a tow truck that is being put out of service due to fire, theft, or irreparable damage to obtain a replacement certificate rather than a new registration at the time of replacement. This will be a fee savings for individuals who are replacing a tow truck.

The amendment will allow the owner to submit the required information on a replacement truck and a \$25 duplicate registration fee to the department, at which time the department will issue a replacement certificate of registration that will remain valid for the replacement truck until the expiration date on the certificate for the truck being replaced.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 6687-9b, which provide the Department of Labor and Standards with the authority to adopt rules regarding minimum safety and insurance standards for the operation of tow trucks.

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 July 24, 1989.

TRD-8906537 Joseph L. Huertas  
Program Manager  
Department of Labor and  
Standards

Effective date: August 14, 1989

Proposal publication date: February 7, 1989

For further information, please call: (512) 463-2907

## Part VIII. Texas Racing Commission

### Chapter 319. Veterinary Practices and Drug Testing

#### Subchapter A. General Provisions

#### • 16 TAC §§319.1-319.12

The Texas Racing Commission adopts new §§319.1-319.12. Sections 319.1-319.7 and 319.10-319.12, are adopted with changes to the proposed text as published in the February 14, 1989, issue of the *Texas Register* (14 Tex Reg 829). Sections 319.8 and 319.9 are

adopted without changes and will not be republished.

The new sections are adopted to ensure that race animals are monitored for prohibited medication and are treated safely and humanely. The new sections restrict supervision of and reporting by veterinarians on race-tracks; restrict access to pre-race and test areas; require labeled medication and submission and cooperation regarding examinations and drug testing; prohibit certain devices on racetracks; and authorize the search for and seizure of prohibited devices.

The changes from the proposed text clarify the meaning of prohibited drugs and establish permissible trace levels of certain substances. The changes also provide that a positive finding is prima facie evidence of a violation and clarify the duties of the commission veterinarian.

The commission received comments on the sections from Texans Who Care. The comments recommended prohibiting all syringes from association grounds, and notifying the stewards and racing judges after investigators conduct searches. The commission disagrees partially with the comments because the stewards and racing judges must always be kept informed of administrative searches. The commission amended the size of the permissible syringes, to only authorize extremely large syringes used for dispensing feed supplements.

The new sections are adopted under Texas Civil Statutes, Article 179e, §3.02 and §14.03, which require the commission to adopt rules regarding the conduct of pari-mutuel racing and the illegal influencing of races.

**§319.1. Purpose.** The purpose of this chapter is to protect the integrity of horse and greyhound racing, to insure the health of race animals, and to safeguard the interests of the public and the participants in racing through the prohibition and control of all prohibited drugs, chemicals, and other substances.

#### §319.2. Treatment Restricted.

(a) Except as otherwise provided by this section, a person other than a veterinarian licensed by the commission may not administer a veterinary treatment or medication to a race animal that is entered in a race or that is located on an association's grounds.

(b) This section does not apply to the administration of:

(1) a recognized feed supplement or other substance approved by the commission veterinarian; or

(2) a noninjectable substance on the direction or by prescription of a veterinarian licensed by the commission.

#### §319.3. Medication Restricted.

(a) For purposes of this chapter, prohibited drugs, chemicals, or other substances means:

(1) any stimulants, depressants, tranquilizers, local anesthetics, drugs, or drug metabolites which could affect the performance of a race animal, except as expressly permitted by this chapter;

(2) a drug permitted by this chapter in excess of the maximum or other restrictions in this chapter; and

(3) a drug or substance regardless of how harmless or innocuous it might be which interferes with the detection of stimulants, depressants, tranquilizers, local anesthetics, drugs, or drug metabolites which could affect the performance of a race animal or quantitation of drugs permitted by this chapter.

(b) The maximum permissible plasma concentration of phenylbutazone in horses is 5.0 micrograms per milliliter.

(c) Regarding trace levels of drugs of possible dietary origin, the maximum permissible urine concentration in horses is as follows:

(1) of theobromine, 2.0 micrograms per milliliter;

(2) for arsenic, 0.2 micrograms per milliliter; and

(3) for salicylic acid, 750 micrograms per milliliter.

(d) Trace levels of drugs which are therapeutic and necessary for treatment of illness or injury in race animals are permissible, provided:

(1) the therapeutic drug is on a written list approved by the commission, maintained by the commission veterinarian, and posted in the commission veterinarians' office; and

(2) the maximum permissible urine or blood concentration of the drug does not exceed the published limit, if any, on the written list of therapeutic drugs.

(c) Except as otherwise provided by this section, a horse or greyhound participating in a race may not carry in its body a prohibited drug, chemical, or other substance.

(f) Except as otherwise provided by this chapter, a person may not administer or cause to be administered to a horse or greyhound a prohibited drug, chemical, or other substance by injection, oral or topical administration, by rectal infusion or suppository, or by inhalation, during the 24-hour period before the post time for the race in which the animal is entered.

(g) A positive finding by a chemist of a prohibited drug, a chemical, or other substance in a test specimen of a horse or greyhound, subject to the rules of the commission relating to split specimens, is prima facie evidence that the prohibited drug, chemical, or other substance was administered to the animal and was carried in the body of the animal while participating in a race.

#### §319.4. Veterinarians.

(a) The commission veterinarians shall oversee the veterinarians practicing at a racetrack and may:

(1) observe any of a veterinarian's practices at the racetrack; and

(2) require a veterinarian to report at any time regarding the veterinarian's practices at the racetrack.

(b) The commission veterinarians shall report to the stewards or racing judges an alleged violation of the Act or a rule of the commission by a veterinarian.

(c) The commission veterinarians must be licensed by the Texas State Board of Veterinary Medical Examiners.

(d) The commission veterinarians shall advise the stewards on all veterinary matters and shall:

(1) maintain the veterinarian's list as required by these rules;

(2) conduct racing soundness examinations as required by these rules;

(3) inspect race animals in the pre-race holding area or lockout kennel as required by these rules;

(4) attend to the race animals in the paddock or lockout kennel, at the starting gate, and during the running of the race;

(5) supervise the operation of the test barn and the collection of specimens for testing;

(6) maintain a list, approved by the commission, of permissible trace levels of drugs which are therapeutic and necessary for the treatment of illness or injury in race animals; and

(7) perform any other duties imposed on the commission veterinarian by these rules or the commission.

#### §319.5. Report By Veterinarians.

(a) Not later than 24 hours after a veterinarian treats a race animal that is entered in a race or on an association's grounds, the veterinarian shall report the treatment to the commission veterinarian.

(b) A report under this section must be made on a form prescribed by the commission. The report must contain:

(1) the name of the race animal;

(2) the name of the trainer or kennel owner;

(3) the date and time of treatment;

(4) the veterinarian's diagnosis;

(5) a description of the treatment, including the name and amounts of any medication, drug, chemical, or other substance administered to or prescribed or

dispensed for the animal; and

(6) the signature of the veterinarian.

(c) A report made under this section is confidential and its contents may not be disclosed except in a proceeding before the stewards or racing judges or the commission.

#### §319.6. Access to Pre-race and Test Areas Restricted.

(a) The commission veterinarian shall exclude from the pre-race holding area, the lockout kennel, and the test areas:

(1) all race animals who are not participating in a race, being schooled, or being tested; and

(2) all persons who are not required for the attendance of the race animals.

(b) Except on authorization by the commission veterinarian or the custodian of the area, a person may not enter a stall in which a horse is housed in the pre-race holding area or in the test barn.

#### §319.7. Medication Labelling.

(a) A person may not possess, dispense, or sell on an association's grounds a drug, chemical, or other substance or a substance containing a drug, chemical, or other substance that is prohibited in a race animal on a race day unless the product is labelled in accordance with this section.

(b) The label on a product required to be labelled must contain:

(1) the name of the person prescribing or dispensing the product;

(2) the name of the race animal for whom the product is intended;

(3) the purpose for which the product is prescribed or dispensed;

(4) the dosage of the product; and

(5) the name of the person to whom the product is dispensed.

#### §319.10. Devices and Substances Prohibited.

(a) Except as otherwise provided by this section, a person may not possess on association grounds an injectable substance or a hypodermic syringe, hypodermic needle, or other device for making hypodermic injections into a race animal.

(b) A person may make a written request to the commission veterinarian for permission to possess on association grounds a hypodermic syringe with a capacity of 35 cc or more. The syringe must be obtained from a veterinarian licensed by the commission and must be labeled, and the label must be initialed by the commission

veterinarian. The commission veterinarian shall grant permission to possess a syringe under this subsection if the veterinarian determines that the purpose for which the syringe is wanted is consistent with the rules of the commission relating to medication and drug testing. The commission veterinarian shall maintain a record of all requests approved under this subsection.

(c) This section does not apply to an individual who has a valid prescription from a physician for an injectable medication for the individual's own use, provided the individual has notified the stewards or racing judges and has received their approval in writing on a form prescribed by the commission.

(d) This section does not apply to a veterinarian licensed by the commission.

#### *§319.11. Search and Seizure.*

(a) The commission, the stewards or racing judges, an association, or a person designated by the commission, stewards or racing judges, or an association may enter any area on association grounds to examine an individual's personal property in that area.

(b) An individual licensee, on accepting a license from the commission, consents to a search conducted under this section and to the seizure of any prohibited hypodermic syringes, hypodermic needles, prohibited drugs, chemicals, or other substances.

(c) Before conducting a search under this section, a person shall notify the stewards or racing judges.

*§319.12. Cooperation Required.* An association and each employee of an association shall cooperate fully with the commission, the Department of Public Safety, or other law enforcement agency in the investigation or prosecution of a violation of the Act or rules of the commission regarding prohibited drugs, chemicals, or other substances and drug-related contraband.

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 June 26, 1989.

TRD 8908545 Paula Cochran Carter  
Legal Counsel  
Texas Racing Commission

Effective date August 14, 1989

Proposal publication date February 14, 1989

For further information, please call (512) 476-7223



## Subchapter B. Treatment of Horses

### Veterinary Practices

#### • 16 TAC §§319.101-319.108

The Texas Racing Commission adopts new §§319.101-319.108. Sections §§319.101-319.106, and 319.108, are adopted with changes to the proposed text as published in the February 14, 1989, issue of the *Texas Register* (14 TexReg 831). Section 319.107 is adopted without changes and will not be re-published.

The new sections are adopted to ensure that race horses will receive high quality veterinary care and that pari-mutuel racing is conducted safely and with the highest integrity. The new sections provide for a racing soundness examination, a pre-race examination, a postmortem examination, and a veterinarian's list, as well as prohibiting and regulating certain veterinary practices. The changes made to the proposed text clarify the duties of the commission veterinarian relating to the posting of the veterinarian's list, to the desensitizing of horses, legs and to the performance of palmer digital neurectomys.

The commission received comments on the sections from Texans Who Care. The comments recommended that horses not be allowed to be on any drugs while competing or in a work out. The comments also had suggestions relating to the desensitizing of horse's legs and the types of specimens that should be taken during a postmortem examination. The commission disagrees with the comments because it believes that the rules relating to veterinary practices should be strict without being overly burdensome.

The new sections are adopted under Texas Civil Statutes, Article 179e, §3.02 and §14.03, which require the commission to adopt rules regarding the conduct of pari-mutuel racing and the illegal influencing of races.

#### *§319.101. Racing Soundness Examination.*

(a) Not later than two hours before a race, a commission veterinarian shall examine each horse entered in the race to determine the horse's health and soundness for racing.

(b) The examination may include:

(1) an inspection of the horse's eyes and legs;

(2) a recording of the horse's temperature; and

(3) an observation of the horse at rest and in motion.

(c) The veterinarian conducting the examination shall make a written report of the results of the examination and file the report with the commission veterinarian. The report must be made on a form prescribed by the commission veterinarian.

#### *§319.102. Veterinarian's List.*

(a) The commission veterinarian shall maintain a veterinarian's list of the

horses that are determined to be unfit to compete in a race due to physical distress, unsoundness, or infirmity. The commission veterinarian shall ensure that a current version of the veterinarian's list is posted daily in the commission veterinarian's office and in the racing office.

(b) On a form prescribed by the commission, the commission veterinarian shall notify the racing secretary and the trainer of a horse placed on the veterinarian's list not later than 72 hours after placing the horse on the list.

(c) A horse that is placed on the veterinarian's list may not be removed from the list before the fourth day after the date the horse is placed on the list. A horse may be removed from the veterinarian's list only on demonstrating to the commission veterinarian that the horse is raceably sound and in fit physical condition to exert its best effort in a race.

(d) Before removing a horse from the veterinarian's list, the commission veterinarian may require the horse to perform satisfactorily in a work-out or qualifying race. The commission veterinarian may require the collection of test specimens from a horse after a work-out or race required under this subsection. If a specimen is collected under this subsection, the commission veterinarian may not remove the horse from the veterinarian's list until the results of the test are negative.

#### *§319.103. Examination in Pre-race Holding Area.*

(a) The commission veterinarian shall examine each horse scheduled to race to determine the horse's fitness to start.

(b) The horse identifier shall examine each horse in the pre-race holding area to identify the horse. The identifier may use photographs, record of pedigree, tattoo or brand number, and other points of identification.

(c) The horseshoe inspector shall inspect the horseshoes of each horse in the pre-race holding area.

(d) The stewards shall declare a horse ineligible to start in a race if an examination conducted under this section reveals that the horse is unfit to race, not properly identified, or improperly shod.

#### *§319.104. Blocking of Legs.*

(a) On a race day on which a horse is scheduled to race, a person may not desensitize any part of the horse's leg by a means other than ice.

(b) Except as otherwise provided by this subchapter, a person may not permit a horse to run in a race if the person knows the horse is desensitized at the time the horse arrives in the pre-race holding area.

(c) For purposes of this section, desensitize means to create a condition in which a horse's body does not respond appropriately to tests for feeling administered by the commission veterinarian.

**§319.105. Bandages.** On leaving the paddock to enter the racetrack for a race, a horse may not have any leg coverings other than bandages approved by the commission veterinarian.

**§319.106. Nerved Horses.**

(a) Except as otherwise provided by this section, a person may not allow to be entered in a race, a horse that has had a nerve removed from one of its legs.

(b) This section does not apply to a horse on which a palmar digital neurectomy has been performed provided:

(1) the commission veterinarian determines that the loss of sensation caused by the palmar digital neurectomy will not endanger the safety of a horse or rider;

(2) the commission veterinarian has given prior approval before the horse is entered in the race;

(3) the racing secretary of the association is notified of the palmar digital neurectomy at the time the horse is entered in the race; and

(4) the horse's registration or eligibility certificate is marked to indicate the palmar digital neurectomy.

(c) The racing secretary shall maintain a list of nerved horses that are on association grounds and make the list available for inspection by other licensees participating in the race meeting.

(d) A veterinarian who performs a palmar digital neurectomy on a horse located on association grounds shall report that fact to the commission veterinarian in accordance with §319.5 of this title (relating to Report by Veterinarians).

**§319.108. Postmortem Examination.**

(a) The commission veterinarian shall order a postmortem examination on each horse that, while on an association's grounds, dies, or suffers a breakdown in training or in competition and is subsequently destroyed. The examination shall be conducted at a time and place acceptable to the commission veterinarian to determine the injury or sickness that resulted in the death or breakdown of the horse.

(b) An examination required by this section must be conducted by a veterinarian licensed by the commission on the authority of the commission veterinarian. The commission veterinarian shall either witness the examination or designate another veterinarian to witness the examination.

(c) Specimens may be obtained from the carcass on which a postmortem

examination is conducted and may be delivered for testing to an approved laboratory in accordance with Subchapter D of this chapter. When practical, specimens should be procured before euthanasia.

(d) The owner of a deceased horse shall pay any charges due the veterinarian or laboratory who conducts the postmortem examination or subsequent laboratory tests.

(e) Not later than 72 hours after a postmortem examination, the veterinarian who conducted the examination shall file a report of the examination with the commission veterinarian on a form prescribed by the commission.

(f) An owner or trainer who fails to comply with this section is subject to disciplinary action by the commission.

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

Issued in Austin, Texas, on June 26, 1989.

TRD-8906544

Paula Cochran Carter  
Legal Counsel  
Texas Racing Commission

Effective date: August 14, 1989

Proposal publication date: February 14, 1989

For further information, please call: (512) 476-7223

## Subchapter C. Treatment of Greyhounds Veterinary Practices

### • 16 TAC §§319.201-319.203

The Texas Racing Commission adopts new §§319.201-319.203, without changes to the text as published in the February 14, 1989, issue of the *Texas Register* (14 TexReg 832).

The new sections are adopted to ensure that racing greyhounds will receive high quality veterinary care at racetracks and that pari-mutuel racing is conducted safely and with the highest integrity. The new sections provide for a racing soundness examination, a veterinarian's list, and the inspection of kennels.

The commission received comments on the new sections from Texans Who Care. The comments suggested placing more emphasis on the welfare of the greyhound. The commission disagrees with the comments because the changes suggested are unnecessary to provide adequate protection for the greyhounds.

The new sections are adopted under Texas Civil Statutes, Article 179e, §3.02 and §14.03, which require the commission to adopt rules regarding the conduct of pari-mutuel racing and the illegal influencing of races.

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 June 26, 1989.

TRD-8906543

Paula Cochran Carter  
Legal Counsel  
Texas Racing Commission

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Proposal publication date: February 14, 1989

For further information, please call: (512) 476-7223

## Subchapter D. Drug Testing General Provisions

### • 16 TAC §§319.301-319.309

The Texas Racing Commission adopts new §§319.301-319.309. Sections 319.301, 319.302, 319.304-319.308 are adopted with changes to the proposed text as published in the February 14, 1989, issue of the *Texas Register* (14 Tex Reg 833). Section 319.303 and §319.309, are adopted without changes and will not be republished.

The new sections are adopted to ensure that pari-mutuel racing is conducted safely and with the highest integrity. The new sections describe general provisions relating to testing, including authorization for testing, reasonable diligence, tampering with specimens, disqualification on positive tests, penalties, the effects of rulings on purses, suspension, exclusion, and commission review.

The changes to the proposed text clarify the definitions of prohibited drugs and the authority of the stewards to impose penalties and declare race animals ineligible and to exclude violators from all areas of racetracks.

The commission received comments on the sections from Texans Who Care. The comments suggested an absolute insurer rule be added. The commission disagrees with the comment because an absolute insurer rule is included in Chapter 311 of the Texas Racing Commission's rules.

The new sections are adopted under Texas Civil Statutes, Article 179e, §3.02 and §14.03 which require the commission to adopt rules regarding the conduct of pari-mutuel racing and the illegal influencing of races.

**§319.301. Testing Authorized.**

(a) The stewards and racing judges may require a specimen of urine, blood, saliva, or other bodily substance to be taken from a race animal for the purpose of testing for the presence of a prohibited drug, chemical, or other substance.

(b) Testing under this subchapter may be required at any time in accordance with these rules and may be conducted in an area approved by the commission veterinarian under the supervision of the commission veterinarian.

**§319.302. Reasonable Diligence Required.** The owner, trainer, groom, or other person who has care and custody of a race animal shall use reasonable diligence in preventing the administration of a drug, chemical, or other substance prohibited by these rules.



**§319.304. Disqualification on Positive Test.** On a finding by the stewards or racing judges that a test specimen from a race animal that participated in a race contains a prohibited drug, chemical, or other substance, the animal shall be immediately disqualified.

**§319.305. Penalties.**

(a) On a finding by the stewards or racing judges that a test specimen from a race animal that participated in a race contains a prohibited drug, chemical, or other substance, the stewards or racing judges may:

(1) immediately suspend all individuals who have administered or applied the drug, chemical, or other substance, pending a hearing by the stewards or judges with the right to appeal to the commission; and

(2) impose penalties as authorized by Chapter 307 of this title (relating to Practice and Procedure).

(b) The commission may approve a fine schedule with recommended disciplinary action for use by stewards and racing judges in assessing penalties for various violations under this chapter.

**§319.306. Effects of Rulings on Purse.**

(a) Except as otherwise provided by this section, if the stewards or racing judges disqualify a race animal under §319.304 of this title (relating to Disqualification for Positive Test), the stewards or racing judges shall order the purse for the affected race held until the commission approves the redistribution of the purse.

(b) The stewards or racing judges may not require an association to hold the purse for a race affected by the results of a drug test conducted more than 21 days after the date of the race.

**§319.307. Suspension.** On a finding by the stewards or racing judges that a test specimen from a race animal that participated in a race contains a prohibited drug, chemical, or other substance, the stewards or racing judges may:

- (1) declare the race animal ineligible to race for a period of time; and
- (2) suspend the license of:

(A) the animal's trainer or kennel owner;

(B) any other person responsible for the care and custody of the animal; and

(C) a person determined by the stewards or racing judges to have ad-

ministered or to have attempted, caused, or conspired to administer the prohibited drug, chemical, or other substance.

**§319.308. Exclusion.** After notice and hearing in accordance with Chapter 307 of this title (relating to Practice and Procedure), the stewards or racing judges may issue an order excluding an individual from any or all areas of the racetracks licensed by the commission if:

(1) the stewards or racing judges have determined that an individual has violated the Act or a rule of the commission regarding prohibited drugs, chemicals, or other substances, or drug-related contraband; or

(2) the stewards or racing judges have determined that the violation is of a nature that could illegally influence the outcome of a race.

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 June 26, 1989.

TRD-8906542 Paula Cochran Carter  
Legal Counsel  
Texas Racing Commission

Effective date: August 14, 1989

Proposal publication date: February 14, 1989

For further information, please call: (512) 476-7223

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## Chapter 319. Veterinary Practices and Drug Testing

### Subchapter D. Drug Testing Testing Procedures

• 16 TAC §§319.331-319.337

The Texas Racing Commission adopts new §§319.331-319.337. Sections 319.331-319.334 are adopted with changes to the proposed text as published in the February 14, 1989, issue of the *Texas Register* (14 Tex Reg 833). Sections 319.335-319.337 are adopted without changes and will not be republished.

The new sections are adopted to ensure that pari-mutuel racing is conducted safely and with the highest integrity. The new sections describe the equipment for testing, the procedure for obtaining specimens, specimen tags, the delivery and retention of specimens, auditing and approval of testing costs, payment of testing costs, and interference with testing. The changes to the proposed text clarify the types of equipment the association must provide and the types of tags that must be used. The changes also clarify the need for the courier service to be approved by the commission.

The commission received comments from Texans Who Care. The comments recommended retaining specimens for at least three years after the date of the test. The commission disagrees with the comment because the

Texas Racing Act requires storage of the specimens for only one year; storage of specimens for a longer period would be prohibitively expensive.

The new sections are adopted under Texas Civil Statutes, Article 179e, §3.02 and §14.03, which require the commission to adopt rules regarding the conduct of pari-mutuel racing and the illegal influencing of races.

**§319.331. Equipment for Testing.** An association shall provide the equipment and supplies for collecting specimens and operating and maintaining the test barn of the types and in the quantities prescribed by the commission or the commission veterinarian.

**§319.332. Procedure for Obtaining Specimens.**

(a) The commission veterinarian shall directly supervise the persons and procedures for obtaining specimens for conducting tests under this chapter.

(b) Except as authorized by the commission veterinarian, each specimen must be obtained in the test area approved by the commission.

(c) The owner, trainer, or kennel owner of a race animal being tested or a designee of the owner, trainer, or kennel owner shall witness or acknowledge the taking of the specimen and shall sign the tag for the specimen. A person signing a specimen tag under this section must be at least 18 years of age and be licensed by the commission.

**§319.333. Specimen Tags.**

(a) Each specimen obtained for testing must be marked for identification with a tag with multiple parts, as required by the commission. A part of the tag must accompany the specimen to the testing laboratory and the commission veterinarian shall retain a part of the tag in the veterinarian's office.

(b) The part of the tag that is sent with the specimen to the laboratory may contain only a unique identification number assigned by the commission veterinarian. The part of the tag that is retained by the commission veterinarian must contain:

- (1) the initials of the commission veterinarian or a designee of the veterinarian;
- (2) the date the specimen was obtained;
- (3) the unique identification number;
- (4) the name of the race animal;
- (5) the signature of the witness; and
- (6) any other information required by the commission.

**§319.334. Delivery and Retention of Specimens.**

(a) The commission veterinarian shall ensure that a specimen that is to be sent to a testing laboratory is delivered to the laboratory in a timely manner and by a method that ensures the integrity of the specimen. The courier service to be used by an association and the contract with that courier service is subject to the approval of the commission or a designee of the commission.

(b) The testing laboratory shall freeze and store each urine specimen on which a test was conducted. A specimen shall be retained for at least one year after the date of the test.

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 June 26, 1989.

TRD-8906541 Paula Cochran Carter  
Legal Counsel  
Texas Racing Commission

Effective date: August 14, 1989

Proposal publication date: February 14, 1989

For further information, please call: (512) 476-7223

◆ ◆ ◆  
**Provisions for Horses**

• 16 TAC §§319.361-319.364

The Texas Racing Commission adopts new §§319.361-319.364. Sections 319.361-319.363 are adopted with changes to the proposed text as published in the February 14, 1989, issue of the *Texas Register* (14 Tex Reg 834). Section 319.364, is adopted without changes and will not be republished.

The new sections are adopted to ensure that pari-mutuel racing is conducted safely and with the highest integrity. The new sections provide for the testing of horses, split specimens, the storage of splits, and the representation of the owner or trainer. The changes in the proposed text identify which horses are to be tested, the quantity of a specimen needed to be split, and the procedures for the testing and storage of split specimens.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 179e, §3.02 and §14.03, which require the commission to adopt rules regarding the conduct of pari-mutuel racing and the illegal influencing of races.

**§319.361. Testing of Horses.**

(a) The stewards shall order specimens collected for testing under this subchapter in accordance with this section.

(b) A specimen shall be collected from each horse that finishes first or second in a race.

(c) In addition to horses designated under subsection (b) of this section, a specimen may be collected from the following horses:

- (1) a beaten favorite;
- (2) for a race with a gross purse of \$20,000 or more, the horse that finishes third;
- (3) a horse selected at random by the stewards; and
- (4) any other horse designated for cause by the stewards or the commission veterinarian.

**§319.362. Split Specimen.**

(a) Before sending a specimen from a horse to a testing laboratory, the commission veterinarian shall divide the specimen into two parts. The veterinarian shall ensure that the part of the specimen that is to be sent to the laboratory is of a quantity sufficient for testing and subsequent storage by the laboratory.

(b) The commission veterinarian shall retain the part of the specimen that is not sent to the laboratory. The veterinarian shall store the retained part in a manner that ensures the integrity of the specimen.

(c) The owner or trainer of a horse for which a positive result on a drug test is obtained may request, in writing, that the stewards submit the retained part of the specimen for testing in accordance with this subchapter to a laboratory on a list maintained by the commission and acceptable to the commission and the owner or trainer. The request must be submitted not later than 48 hours after the owner or trainer receives notice of the positive result.

(d) If the retained part of a specimen is sent for testing, the commission veterinarian shall arrange for the transportation of the specimen in a manner that ensures the integrity of the specimen. The person requesting the tests shall pay all costs of transporting and conducting tests on the specimen.

(e) Notwithstanding this section, a urine specimen will not be split if less than 50 cc of urine are obtained. In such instances, the commission is entitled to submit the entire urine specimen for testing or detain the horse until an adequate amount of urine can be obtained.

(f) If the test on the split specimen confirms the findings of the original laboratory, it is considered to be a prima facie violation of the applicable provisions of the chapter.

(g) If the test on the split specimen portion does not substantially confirm the findings of the original laboratory, the stewards may not take disciplinary action regarding the original test results.

(h) If an act of God, power failure, accident, labor strike, or any other event,

beyond the control of the commission or its representatives, prevents the split from being tested, the findings of the original laboratory shall be prima facie evidence of the condition of the horse at the time of the race.

**§319.363. Storage of Splits.**

(a) The commission veterinarian shall store the retained part of a specimen at a site approved by the commission for the period required by this section. The retained part shall be stored in a manner that ensures the safety and integrity of the part.

(b) If the result of the initial test on a specimen is negative, the commission veterinarian may discard the retained part of the specimen on receipt of the negative result. If the result of the initial test on a specimen is positive, the commission veterinarian may discard the retained part of the specimen after the expiration of the period during which an owner or trainer may request the retained part be sent for testing.

(c) The association at which a specimen is obtained shall pay all the costs of storage incurred under this section.

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

Issued in Austin, Texas, on June 26, 1989.

TRD-8906540 Paula Cochran Carter  
Legal Counsel  
Texas Racing Commission

Effective date: August 14, 1989

Proposal publication date: February 14, 1989.

For further information, please call: (512) 476-7223

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**Provisions for Greyhounds**

• 16 TAC §319.391

The Texas Racing Commission adopts new §319.391, without changes to the text as published in the February 14, 1989, issue of the *Texas Register* (14 TexReg 835).

The new section is adopted to ensure that pari-mutuel racing is conducted safely and with the highest integrity. The section provides for the collection of specimens from certain greyhounds participating in pari-mutuel racing.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 179e, §3.02 and §14.03, which require the commission to adopt rules regarding the conduct of pari-mutuel and the illegal influencing of races.

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 June 26, 1989

Effective date: August 14, 1989

Proposal publication date: February 14, 1989

For further information, please call: (512)  
476-7223

## TITLE 22. EXAMINING BOARDS

### Part XIV. Texas Optometry Board

#### Chapter 273. General Rules

##### • 22 TAC §273.4

The Texas Optometry Board adopts an amendment to §273.4, without changes to the proposed text as published in the June 30, 1989, issue of the *Texas Register* (14 TexReg 3188).

The amendment is a housekeeping change to provide sufficient revenue for the appropriation pattern established by the State Legislature, and to provide for the issuance of a duplicate license when a name has been changed within the law.

Licensees will be fully informed of the required fee to renew their license on an annual basis, as required by statute.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4552, §2.14, which provide the Texas Optometry Board with the authority to promulgate procedural and substantive rules, and set fees.

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 July 25, 1989.

TRD-8906696

Lois Ewald  
Executive Director  
Texas Optometry Board

Effective date: August 18, 1989

Proposal publication date: June 30, 1989

For further information, please call: (512)  
835-1938

## Part XV. Texas State Board of Pharmacy

### Chapter 281. General Provisions

##### • 22 TAC §§281.1, 281.2, 281.30, 281.32, 281.39, 281.59, 281.60

The Texas State Board of Pharmacy adopts amendments to §§281.1, 281.2, 281.30, 281.32, 281.39, 281.59, and 281.60, without changes to the proposed text as published in the May 12, 1989, issue of the *Texas Register* (14 TexReg 2323).

The amendments will provide consistency with other board rules by clarifying the definitions of "Act" and "APTRA".

The amendments will clarify that Act means the Texas Pharmacy Act and APTRA means Administrative Procedures and Texas Register Act.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 4542a-1, §16(a), which provides the Texas State Board of Pharmacy with the authority to adopt rules for the proper administration and enforcement of this Act, consistent with this Act. The rules shall be adopted in accordance with the Administrative Procedure 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 July 12, 1989.

TRD-8906566

Fred S. Brinkley, Jr.  
Executive Director  
Texas State Board of  
Pharmacy

Effective date: August 15, 1989

Proposal publication date: May 12, 1989

For further information, please call: (512)  
832-0661

## Part XXV. Structural Pest Control Board

### Chapter 593. Licenses

##### • 22 TAC §593.23

The Structural Pest Control Board adopts new §593.23, with changes to the proposed text as published in the June 20, 1989, issue of the *Texas Register* (14 TexReg 3038).

The new section is adopted to establish the criteria for evaluating continuing education programs required under existing §593.22.

The function of this section is to set criteria for individuals submitting continuing education programs for approval to a standing training and evaluation committee.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control Board with the authority to test, license, regulate, and develop standards for the structural pest control industry.

##### §593.23. *Criteria and Evaluation of Continuing Education.*

(a) Each continuing education program submitted for approval shall contain the following:

(1) a brief statement giving the course objective(s), information to be gained, or teaching points;

(2) the procedure to be used in verifying the participant's comprehension

of subject matter presented. These methods may include, but are not limited to, examination and post-activity questionnaires, practical applications, field demonstrations, in-class workbooks, or any other recognized educational technique that would assure mastery of subject matter;

(3) a list of handout materials, if any, which will be distributed to participants during the course;

(4) inclusive length of time of the course stated in minutes, hours, or days;

(5) first date of presentation;

(6) category(ies) in which continuing education units are requested; and

(7) a course outline in sufficient detail so as to indicate the scope of the course.

(b) The minimum requirements to qualify as a speaker or course presenter are:

(1) a degree from a recognized institution of higher learning which pertains to the course being taught; or

(2) five years' experience as an applicator certified by the Structural Pest Control Board with a current license in the specialty to be taught; and

(3) verifiable proof of training and teaching experience within the preceding three years; or

(4) a combination of education, work related training, and teaching experience which, in the opinion of the board, would be equivalent to two of the three requirements as previously stated.

(c) Each continuing education program submitted for approval shall be accompanied by the following information on each speaker or course presenter:

(1) speaker name, address, telephone number and company, organization, or institution of higher learning affiliation;

(2) a resume which includes, but is not limited to, the following information:

(A) formal education-degrees held and granting institutions;

(B) industry-related technical experience which relates to the subject matter to be taught;

(C) industry-related teaching experience which relates to the subject matter to be taught;

(D) address and telephone number of at least three references;

(E) membership in trade associations and/or professional organizations; and

(F) publications as sole or junior author.

(d) Each continuing education program submitted for approval will be accompanied by:

(1) a means or system which verifies that participants attended the training program throughout its stated length. These systems may include, but are not limited to, sign-in-sign-out rosters, course completion certificates, or the system may be incorporated into the means to verify the participant's comprehension of subject matter presented;

(2) a certificate of completion. This document must include at least the following information:

(A) certified applicator name and certified applicator's assigned number;

(B) name of sponsor or sponsoring agency, company, or organization;

(C) number of continuing education units awarded;

(D) date and location of training event.

(3) a statement that the sponsor agrees to maintain attendance records for three years and that a list of participants will be forwarded to the board within 14 days of completion of the training course.

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 July 24, 1989.

TRD-8906567

David A. Ivia  
Executive Director  
Structural Pest Control  
Board

Effective date: August 15, 1989

Proposal publication date: June 20, 1989

For further information, please call: (512) 835-4066

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**TITLE 25. HEALTH SERVICES**  
**Part I. Texas Department of Health**  
**Chapter 337. Water Hygiene**  
**Drinking Water Standards**  
**Governing Drinking Water Quality and Reporting Requirements for Public Water Supply Systems**

• 25 TAC §337.18

The Texas Department of Health adopts under federal mandate an amendment to

§337.18, concerning drinking water standards governing drinking water quality and reporting requirements for public water supply systems. The section covers fees for services to drinking water systems.

The amendment adds a new subsection (e) which provides for a chemical analysis of water samples from drinking fountains in order to detect lead, and provides for a fee.

The amendment will permit the department to comply with the Lead Contamination Control Act of 1988, Public Law 100-572, which amends the Safe Drinking Water Act, 42 United States Code 300f. Section 2 of the Act requires the testing of all water fountains which are not lead free in day care centers, kindergartens, elementary schools, and high schools in Texas. The testing may be performed by an independent laboratory according to the methods established by USEPA. The amendment allows the Bureau of Laboratories, Texas Department of Health, to offer the service of lead testing to schools and day care centers needing special assistance to verify results, to be of service where a laboratory may not be available to a school or day care, and to aid in other situations requiring public health assistance.

Section 2 of Public Law 100-572 also requires that the department begin implementing this program not later than nine months after the effective date of the law. Since the law became effective on October 31, 1988, the department has to begin implementing the program not later than July 31, 1989. Therefore, the Board of Health is adopting this amendment under federal mandate to become effective on July 31, 1989.

The amendment is adopted under Texas Civil Statutes, Article 4414c, §2, which provide the Texas Board of Health with the authority to charge fees by rule to persons who receive public health services from the department; Article 4414b, §1.05, which provides the board with the authority to adopt rules to implement every duty imposed by law on the board, the department, and the commissioner of health; Article 6252-13a, §10, which provides the board with the authority to adopt rules under federal mandate; and Article 4477-1, §23, which provides the board with the authority to adopt rules covering drinking water and water systems.

§337.18. Fees for Services to Drinking Water Systems.

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

(e) Services for detection of lead contamination in drinking fountains in day care centers, kindergartens, elementary schools, and high schools.

(1) This subsection covers fees for services in testing by the department for lead contamination in drinking fountains.

(2) The department will charge a fee to cover its cost, not to exceed \$20 per sample, for this chemical analysis.

(3) The fee shall be paid at the time the required sample container is obtained from the department, or the department may require payment upon delivery of the sample for testing; only the container provided by the department is acceptable.

(4) The fee shall be paid by check or money order and shall be payable to the Texas Department of Health. Cash will not be accepted. The analysis will not be performed until payment is received.

(5) The department will provide only a chemical analysis; verification of compliance with the federal law is the responsibility of the submitting agency.

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 July 26, 1989.

TRD-8906823

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

Effective date: July 31, 1989.

For further information, please call: (512) 458-7318

◆ ◆ ◆  
**TITLE 31. NATURAL RESOURCES AND CONSERVATION**  
**Part II. Texas Parks and Wildlife Department**  
**Chapter 65. Wildlife**  
**Subchapter N. Early Season Migratory**

• 31 TAC §§65.312, 65.313, 65.315

The Texas Parks and Wildlife Commission, adopts amendments to §§65.312, 65.313, and 65.315, with changes to the proposed text as published in the May 12, 1989, issue of the *Texas Register* (14 TexReg 2328). The first of these changes reformats §65.312(f). The next change (in §65.313 and §65.315) re-establishes 1/2 hour before sunrise openings for all early-season migratory game bird hunting seasons. This change was the result of U.S. Fish and Wildlife Service action and commission direction to permit maximum hunting opportunities consistent with federal regulations. The final change (in §65.313) corrected errors in the text relating to bag limits during the whitewing season where "U.S. Highway 277 South" should read "U.S. Highway 277 Spur".

Fluctuations in migratory game bird populations, changes in federal frameworks, and the need to provide better hunting opportunities for sportsmen require the Parks and Wildlife Commission to adopt regulation changes for the 1989-1990 hunting seasons. The U.S. Fish and Wildlife Service continued the suspension of the teal season due to drought on the breeding grounds, reinstated 1/2 hour before sunrise openings for all early season migratory game bird hunting seasons, and accepted a modified version of the Texas proposal for a more liberal mourning dove bag limit during the whitewing season.

The sections allow the taking of early season migratory game bird wildlife resources consistent with their populations.

The department received a total of 15 comments from individual commenters, including nine letters, four telephone calls, and two public hearing comments. Of the comments received, two wanted to close the mourning dove season for three or more years, two wanted an earlier dove season opening, two wanted increased hunting opportunities during the whitewing season, two opposed the continued closure of the teal season, and two questioned the wisdom of all-day dove hunting. All public comments are available for public inspection at the Texas Parks and Wildlife Department Headquarters Complex, 4200 Smith School Road, Austin, Texas 78744, 1-800-792-1112, ext. 4778 or (512) 389-4778.

No public comments were made during the public hearing regarding adoption of the amendment.

The Texas Parks and Wildlife Commission disagreed with some recommendations made by the public because they were judged not to be consistent with recognized wildlife management principles and regulations as published in the federal frameworks. The sections as adopted are based upon scientific studies and investigations which monitor trends in relative abundance and permit optimum harvest of the wildlife resources.

The amendments are adopted under the Texas Parks and Wildlife Code, Chapter 64, Subchapter C, which provides the commission with the authority to regulate seasons, means, methods, and devices for taking and possessing migratory game bird wildlife resources.

#### *§65.312. Means, Methods, and Special Requirements.*

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

(e) Tagging requirements.

(1) (No change.)

(2) Tagging is required if the transfer or receipt of birds constitutes a number of birds in excess of the daily bag or possession limit, the birds are being transported by another person for the hunter, or if the birds have been left for cleaning, storage (including temporary storage), shipment, or taxidermy services.

(f) Importation of migratory game birds.

(1) Documentation Required. It is unlawful to import or possess migratory game birds taken in another state or country unless a verification document accompanies the wildlife. Documentation is required if:

(A) the species is required to be tagged in this state;

(B) the number possessed exceeds the possession limit in this state; or

(C) the size limits do not comply with size limits in this state.

(2) Legible document required.

A separate legible document is required for each species and must contain:

(A) license number from the state or country where the wildlife was taken;

(B) number and species of wildlife taken;

(C) location wildlife was taken (nearest town, county, parish, name of area such as landowner's name, public hunting area name); and

(D) signature, printed name, address, and telephone number of person verifying where wildlife was taken.

(3) Substitute for verification document. In lieu of this verification document, a statement from the United States Customs Officer at the port of entry showing that the wildlife was brought from Mexico is required.

(4) Defense to prosecution. It is a defense to prosecution if the person receiving the wildlife resource does not exceed any possession limit or possess a wildlife resource or a part of a wildlife resource that is required to be tagged if the wildlife resource or part of the wildlife resource is tagged.

#### *§65.313. Open Seasons, Shooting Hours, Bag and Possession Limits.*

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

(g) Every migratory game bird wounded by hunting and retrieved by the hunter shall be immediately killed and become a part of the daily bag limit.

(1) Rails. Statewide:

(A) (No change.)

(B) Shooting hours: from 1/2 hour before sunrise to sunset.

(C) (No change.)

(2) (No change.)

(3) White-winged doves. Special white-winged dove area: That portion of the state south and west of a line beginning at the International Bridge south of Fort Hancock; thence north along FM Road 1088 to State Highway 20; thence west along State Highway 20 to State Highway 148; thence north along State Highway 148 to Interstate Highway 10 at Fort Hancock; thence east along Interstate Highway 10 to U.S. Highway 90 at Van Horn; thence southeast along U.S. Highway 90 to U.S. Highway 83 at Uvalde; thence south along U.S. Highway 83 to State Highway 44; thence east along State Highway 44 to State

Highway 16 at Freer; thence south along State Highway 16 to State Highway 285 at Hebronville; thence east along State Highway 285 to FM Road 1017; thence southeast along FM Road 1017 to State Highway 186 at Linn; thence east along State Highway 186 to the Mansfield Channel at Port Mansfield; thence east along the Mansfield Channel to the Gulf of Mexico.

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

(C) Bag and possession limits.

(i) In that portion of the special white-winged dove area north and west of the International Toll Bridge and U.S. Highway 277 Spur at Del Rio: 10 white-winged doves, mourning doves, and white-tipped (white-fronted) doves, in the aggregate to include no more than two white-tipped doves per day; 20 white-winged doves, mourning doves, and white-tipped doves in the aggregate to include no more than four white-tipped doves in possession.

(ii) In that portion of the special white-winged dove area south and east of the International Toll Bridge and United States Highway 277 Spur at Del Rio: 10 white-winged doves, mourning doves, and white-tipped (white-fronted) doves, in the aggregate to include no more than five mourning doves and two white-tipped doves per day; 20 white-winged doves, mourning doves, and white-tipped doves in the aggregate to include no more than 10 mourning doves and four white-tipped doves in possession.

(4) Gallinules (moorhen or common gallinule and purple gallinule) statewide.

(A) (No change.)

(B) Shooting hours: from 1/2 hour before sunrise to sunset.

(C) (No change.)

(5)-(7) (No change.)

#### *§65.315. Extended Falconry Season.*

(a) (No change.)

(b) It is lawful to take migratory game birds by means of falconry during the following prescribed open seasons.

(1) Rails. September 1-November 20 and January 1-January 26, from 1/2 hour before sunrise to sunset.

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

(4) Gallinules. September 1-November 20 and January 1-January 26, from 1/2 hour before sunrise to sunset.

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

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

Issued in Austin, Texas on July 25, 1989.

TRD-8906597

Boyd Johnson  
General Counsel  
Texas Parks and Wildlife  
Department

Effective date: September 1, 1989

Proposal publication date: May 12, 1989

For further information, please call: (512) 389-4778

◆ ◆ ◆  
**TITLE 37. PUBLIC  
SAFETY AND  
CORRECTIONS**

**Part V. Board of Pardons  
and Paroles**

**Chapter 141. General  
Provisions**

**Parole Commissioners**

• 37 TAC §141.21

The Board of Pardons and Paroles adopts an amendment to §141.21, without changes to the proposed text as published in the June 6, 1989, issue of the *Texas Register* (14 TexReg 2654).

The amendment is needed in order to comply with the Texas Code of Criminal Procedure, Article 42.18, §7(a), (b), (c), and (d).

The amendment provides help for the board in decision making as needed.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Code of Criminal Procedure, Article 42.18, §8, which provides the Board of Pardons and Paroles with the authority to adopt reasonable rules not inconsistent with law as it deems necessary.

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 July 24, 1989.

TRD-8906574

William Brooks  
Acting Executive Director  
Board of Pardons and  
Paroles

Effective date: August 15, 1989

Proposal publication date: June 6, 1989

For further information, please call: (512) 459-2708

◆ ◆ ◆  
**Parole Panels**

• 37 TAC §141.41, §141.42

The Board of Pardons and Paroles adopts amendments to §141.41 and §141.42, without changes to the proposed text as published in the June 6, 1989, issue of the *Texas Register* (14 TexReg 2654).

The amendments are needed to implement parole panels as provided for in the Texas Code of Criminal Procedure, Article 42.18, §7(3), (h).

The amendments are to provide for equitable division of work and ensure impartial decisions.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Code of Criminal Procedure, Article 42.18, which provides the Board of Pardons and Paroles with the authority to adopt rules not inconsistent with law as it deems necessary.

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 July 24, 1989.

TRD-8906572

William Brooks  
Acting Executive Director  
Board of Pardons and  
Paroles

Effective date: August 15, 1989

Proposal publication date: June 6, 1989

For further information, please call: (512) 459-2708

◆ ◆ ◆  
**Records and Reports**

• 37 TAC §141.72, §141.73

The Board of Pardons and Paroles adopts amendments to §141.72 and §141.73, without changes to the proposed text as published in the June 6, 1989, issue of the *Texas Register* (14 TexReg 2654).

The amendments are needed in order to comply with requirement of the Texas Code of Criminal Procedure, Article 42.18, §19.

The amendments will promulgate rules pertaining to parole actions. The amendments are necessary in order to provide records of decisions and to provide confidentiality of information furnished to the board for decision purposes.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Code of Criminal Procedures, Article 42.18, §8, which provides the Board of Pardons and Paroles with the authority to promulgate rules pertaining to parole actions

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 July 24, 1989.

TRD-8906573

William Brooks  
Acting Executive Director  
Board of Pardons and  
Paroles

Effective date: August 15, 1989

Proposal publication date: June 6, 1989

For further information, please call: (512) 459-2708

**Subpoenas**

• 37 TAC §141.101

The Board of Pardons and Paroles adopts an amendment to §141.101, without changes to the proposed text as published in the June 6, 1989, issue of the *Texas Register* (14 TexReg 2655).

The amendment is necessary to provide a means of securing information necessary to parole decisions as provided in the Texas Code of Criminal Procedure, Article 42.18, §12.

The amendment will promulgate rules pertaining to parole. It will allow witnesses with information necessary for decisions concerning parole to be compelled to testify by subpoena.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Code of Criminal Procedure, Article 42.18, §8, which provides the Board of Pardons and Paroles with the authority to promulgate rules pertaining to parole.

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 July 24, 1989.

TRD-8906570

William Brooks  
Acting Executive Director  
Board of Pardons and  
Paroles

Effective date: August 15, 1989

Proposal publication date: June 6, 1989

For further information, please call: (512) 459-2708

◆ ◆ ◆  
**Definitions**

• 37 TAC §141.111

The Board of Pardons and Paroles adopts an amendment to §141.111, without changes to the proposed text as published in the June 6, 1989, issue of the *Texas Register* (14 TexReg 2655).

The amendment is necessary because certain terms used in rules need to be defined to clarify the rule meaning

The amendment will promulgate rules concerning parole. It will provide specific meaning and intent of particular words and phrases as used in the rules of the board

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Code of Criminal Procedure, Article 42.18, which provides the Board of Pardons and Paroles with the authority to promulgate rules concerning parole

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 July 24, 1989

TRD-8906569

William Brooks  
Acting Executive Director  
Board of Pardons and  
Paroles

Effective date: August 15, 1989

Proposal publication date: June 6, 1989

For further information, please call: (512) 459-2708

## Chapter 143. Executive Clemency

### Full Pardon

#### • 37 TAC §§143.1-143.12

The Board of Pardons and Paroles adopts new sections and amendments to §§143.1-143.12, without changes to the proposed text as published in the June 6, 1989, issue of the *Texas Register* (14 TexReg 2655).

The sections are amended and new rule citations added to comply with the Texas Code of Criminal Procedure, Article 42.01.

The sections are amended and rule citations added; rule citations changed to conform to new rules; and the language was clarified.

No comments were received regarding adoption of the amendments.

The new sections and amendments are adopted under the Texas Code of Criminal Procedure, Article 42.01, which provides the Board of Pardons and Paroles with the authority to add rule citations and change citations to conform to new rules and to clarify language.

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 July 24, 1989.

TRD-8906593 William Brooks  
Acting Executive Director  
Board of Pardons and  
Paroles

Effective date: August 15, 1989

Proposal publication date: June 6, 1989

For further information, please call: (512) 459-2708

### Full Pardon

#### • 37 TAC §§143.2-143.11

The Board of Pardons and Paroles adopts the repeal of §§143.2-143.11, without changes to the proposed text as published in the June 6, 1989, issue of the *Texas Register* (14 TexReg 2656).

The sections were repealed in statutory compliance with the Texas Code of Criminal Procedure, Article 42.18, §8(g).

The sections were repealed where section numbers were changed

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Texas Code of Criminal Procedure, Article 42.18, §8(g), which provides the Board of Pardons and Paroles with the authority to adopt such

reasonable rules not inconsistent with law as it may deem proper and necessary.

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 July 24, 1989.

TRD-8906587 William Brooks  
Acting Executive Director  
Board of Pardons and  
Paroles

Effective date: August 15, 1989

Proposal publication date: June 6, 1989

For further information, please call: (512) 459-2708

### Conditional Pardon

#### • 37 TAC §143.22

The Board of Pardons and Paroles adopts an amendment to §143.22, without changes to the proposed text as published in the June 6, 1989, issue of the *Texas Register* (14 TexReg 2657).

The section was amended in statutory compliance with the Texas Code of Criminal Procedure, Article 48.01, and Article 48.03.

Information pertaining to immigration cases has been deleted from this section. In particular, language pertaining to the release of inmates to immigration officials for deportation has been deleted.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Code of Criminal Procedure, Article 48.01 and Article 48.03, which provides the Board of Pardons and Paroles with the authority to delete language pertaining to immigration cases.

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 July 24, 1989.

TRD-8906577 William Brooks  
Acting Executive Director  
Board of Pardons and  
Paroles

Effective date: August 15, 1989

Proposal publication date: June 6, 1989

For further information, please call: (512) 459-2708

### Commutation of Sentence

#### • 37 TAC §143.52

The Board of Pardons and Paroles adopts an amendment to §143.52, without changes to the proposed text as published in the June 6, 1989, issue of the *Texas Register* (14 TexReg 2657).

The section is an amendment of statute referred to by rule; the Texas Code of Criminal Procedure, Article 42.18, §8(i).

The amendment will conform the section to specific statutory amendment.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Code of Criminal Procedure, Article 42.18, §8(i), which provides the Board of Pardons and Paroles with the authority to change statutory reference in rule.

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

Issued in Austin, Texas on July 24, 1989.

TRD-8906571 William Brooks  
Acting Executive Director  
Board of Pardons and  
Paroles

Effective date: August 15, 1989

Proposal publication date: June 6, 1989

For further information, please call: (512) 459-2708

## Chapter 145. Parole

### Parole Process

#### • 37 TAC §§145.1-145.21

The Board of Pardons and Paroles adopts an amendment to §145.1 and new §§145.2-145.21, without changes to the proposed text as published in the June 6, 1989, issue of the *Texas Register* (14 TexReg 2657).

The amendment and new sections are adopted in order to comply with the Texas Code of Criminal Procedure, Article 42.18, §8.

The amendment and new sections amend and add new policies and procedures regarding tentative parole dates.

No comments were received regarding adoption of the amendment and new sections.

The amendment and new sections are adopted under the Texas Code of Criminal Procedure, Article 42.18, §8, which provides the Board of Pardons and Paroles with the authority to propose and adopt rules for parole.

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 July 24, 1989.

TRD-8906586 William Brooks  
Acting Executive Director  
Board of Pardons and  
Paroles

Effective date: August 15, 1989

Proposal publication date: June 6, 1989

For further information, please call: (512) 459-2708

### Parole Process

#### • 37 TAC §§145.2-145.12, 145.14-145.16

The Board of Pardons and Paroles adopts the repeal of §§145.2-145.12, 145.14-



145.16, without changes to the proposed text as published in the June 6, 1989, issue of the *Texas Register* (14 TexReg 2659).

The sections are repealed in order to be in statutory compliance with the Texas Code of Criminal Procedure, Article 42.18, §8(g).

The sections were repealed where the section numbers were changed.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Texas Code of Criminal Procedure, Article 42.18, §8(g), which provides the Board of Pardons and Paroles with the authority to adopt such reasonable rules not inconsistent with law as it may deem proper and necessary.

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 July 24, 1989.

TRD-8906590

William Brooks  
Acting Executive Director  
Board of Pardons and  
Paroles

Effective date: August 15, 1989

Proposal publication date: June 6, 1989

For further information, please call: (512) 459-2708



## Terms and Conditions of Parole

### • 37 TAC §§145.21-145.28

The Board of Pardons and Paroles adopts the repeal of §§145.21-145.28, without changes to the proposed text as published in the June 6, 1989, issue of the *Texas Register* (14 TexReg 2660).

The sections are repealed in order to be in statutory compliance with the Texas Code of Criminal Procedure, Article 42.18, §8(g).

The sections were repealed where section numbers were changed.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Texas Code of Criminal Procedure, Article 42.18, §8(g), which provides the Board of Pardons and Paroles with the authority to adopt such reasonable rules not inconsistent with law as it may deem proper and necessary.

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 July 24, 1989.

TRD-8906588

William Brooks  
Acting Executive Director  
Board of Pardons and  
Paroles

Effective date: August 15, 1989

Proposal publication date: June 6, 1989

For further information, please call: (512) 459-2708



### • 37 TAC §§145.22-145.26

The Board of Pardons and Paroles adopts new §§145.22-145.26, without changes to the proposed text as published in the June 6, 1989, issue of the *Texas Register* (14 TexReg 2660).

The new sections are added so as to be in statutory compliance with the Texas Code of Criminal Procedure, Article 42.18, §8(g).

Terms and conditions of parole and special conditions have been added to these sections; and the languages used in the sections has been clarified.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Code of Criminal Procedure, Article 42.18, §8(g), which provides the Board of Pardons and Paroles with the authority to add terms and conditions of parole and special conditions and to clarify language used in rules.

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 July 24, 1989.

TRD-8906579

William Brooks  
Acting Executive Director  
Board of Pardons and  
Paroles

Effective date: August 15, 1989

Proposal publication date: June 6, 1989

For further information, please call: (512) 459-2708



## Revocation of Administrative Release (Parole, Mandatory Supervision, and Executive Clemency)

### • 37 TAC §§145.41-145.43

The Board of Pardons and Paroles adopts amendments to §§145.41-145.43, without changes to the proposed text as published in the June 6, 1989, issue of the *Texas Register* (14 TexReg 2662).

The sections are amended in order to be in statutory compliance with Texas Code of Criminal Procedure, Article 42.18, §15(a).

Preliminary hearing has been added to the hearing process in §145.43 and language in the other sections has been clarified.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Code of Criminal Procedure, Article 42.18, §15(a), which provides the Board of Pardons and Paroles with the authority to clarify language used in sections and to add preliminary hearing to the hearing process.

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 July 24, 1989

TRD-8906594

William Brooks  
Acting Executive Director  
Board of Pardons and  
Paroles

Effective date: August 15, 1989

Proposal publication date: June 6, 1989

For further information, please call: (512) 459-2708



### • 37 TAC §§145.44-145.55

The Board of Pardons and Paroles adopts the repeal of §§145.44-145.55, without changes to the proposed text as published in the June 6, 1989, issue of the *Texas Register* (14 TexReg 2663).

The sections are repealed in order to be in statutory compliance with the Texas Code of Criminal Procedure, Article 42.18, §8(g).

The sections were repealed where the section numbers were changed.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Texas Code of Criminal Procedure, Article 42.18, §8(g), which provides the Board of Pardons and Paroles with the authority to adopt such reasonable rules not inconsistent with law as it may deem proper and necessary.

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 July 24, 1989.

TRD-8906589

William Brooks  
Acting Executive Director  
Board of Pardons and  
Paroles

Effective date: August 15, 1989

Proposal publication date: June 6, 1989

For further information, please call: (512) 459-2708



### • 37 TAC §§145.44-145.58

The Board of Pardons and Paroles adopts new §§145.44-145.58, without changes to the proposed text as published in the June 6, 1989, issue of the *Texas Register* (14 TexReg 2664).

The new sections are added in order to be in statutory compliance with the Texas Code of Criminal Procedure, Article 42.18, §15(a).

The new sections add procedures pertaining to preliminary hearings.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Code of Criminal Procedure, Article 42.18, §15(a), which provides the Board of Pardons and Paroles with the authority to add procedures pertaining to preliminary hearings and change section citations accordingly.

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 July 24, 1989.

TRD-8906585

William Brooks  
Acting Executive Director  
Board of Pardons and  
Paroles

Effective date: August 15, 1989

Proposal publication date: June 6, 1989

For further information, please call: (512)  
459-2708

## Reparole After Revocation

### • 37 TAC §145.62

The Board of Pardons and Paroles adopts an amendment to §145.62, without changes to the proposed text as published in the June 6, 1989, issue of the *Texas Register* (14 TexReg 2669).

The section is amended to be in statutory compliance with the Texas Code of Criminal Procedure, Article 42.18, §8(a) and §15(a).

The amendment amends the initial review waiting period for rep parole consideration for revoked parolees.

No comments were received regarding adoption of the amendment. The amendment is adopted under Texas Code of Criminal Procedure, Article 42.18, §8(a) and §15(a) which provides the Board of Pardons and Parole with the authority to change the initial review waiting period for rep parole consideration for revoked parolees.

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 July 24, 1989.

TRD-8906584

William Brooks  
Acting Executive Director  
Board of Pardons and  
Paroles

Effective date: August 15, 1989

Proposal publication date: June 6, 1989

For further information, please call: (512)  
459-2708

## Reinstatement of Administrative Release (Parole and Mandatory Supervision After Revocation)

### • 37 TAC §145.71, §145.72

The Board of Pardons and Paroles adopts amendments to §145.71, 145.72, without changes to the proposed text as published in the June 6, 1989, issue of the *Texas Register* (14 TexReg 2669).

The sections are amended in order to be in statutory compliance with the Texas Code of Criminal Procedure, Article 42.18, §15(a).

The amendments clarify language used in the sections.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Code of Criminal Procedure, Article 42.18, §15(a), which provides the Board of Pardons and Paroles with the authority to clarify language used in rules.

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 July 24, 1989.

TRD-8906583

William Brooks  
Acting Executive Director  
Board of Pardons and  
Paroles

Effective date: August 15, 1989

Proposal publication date: June 6, 1989

For further information, please call: (512)  
459-2708

## Chapter 147. Hearings

### General Rules for Hearings

#### • 37 TAC §§147.1, 147.3, 147.5, 147.7

The Board of Pardons and Paroles adopts amendments to §§147.1, 147.3, 147.5, 147.7, without changes to the proposed text as published in the June 6, 1989, issue of the *Texas Register* (14 TexReg 2669).

The sections are amended in order to be in statutory compliance with the Texas Code of Criminal Procedure, Article 42.18, §15(a).

The amendments add language regarding witnesses who fail to appear.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Code of Criminal Procedure, Article 42.18, §15(a), which provides the Board of Pardons and Paroles with the authority to clarify language used in rules.

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 July 24, 1989.

TRD-8906576

William Brooks  
Acting Executive Director  
Board of Pardons and  
Paroles

Effective date: August 15, 1989

Proposal publication date: June 6, 1989

For further information, please call: (512)  
459-2708

## Evidence

### • 37 TAC §147.27

The Board of Pardons and Paroles adopts an amendment to §147.27, without changes to the proposed text as published in the June 6, 1989, issue of the *Texas Register* (14 TexReg 2670).

The section is amended in order to be in statutory compliance with the Texas Code of Criminal Procedure, Article 42.18, §15(a).

The amendment adds language for attorneys objecting to hearing officers rulings.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Code of Criminal Procedure, Article 42.18, §15(a), which provides the Board of Pardons and Paroles with the authority to clarify language used in rules.

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 July 24, 1989.

TRD-8906575

William Brooks  
Acting Executive Director  
Board of Pardons and  
Paroles

Effective date: August 15, 1989

Proposal publication date: June 6, 1989

For further information, please call: (512)  
459-2708

## Chapter 149. Mandatory Supervision

### Rules and Conditions of Mandatory Supervision

#### • 37 TAC §§149.1-149.6

The Board of Pardons and Paroles adopts new sections and amendments to §§149.1-149.6, without changes to the proposed text as published in the June 6, 1989, issue of the *Texas Register* (14 TexReg 2670).

The amendments and new sections added in statutory compliance with the Texas Code of Criminal Procedure, Article 42.18, §8(g).

Terms and conditions of mandatory supervision and special conditions have been added to the sections; and the language used in the rules have been clarified.

No comments were received regarding adoption of the amendments.

The new sections and amendments are adopted under the Texas Code of Criminal Procedure, Article 42.18, §8(g), which provides the Board of Pardons and Paroles with the authority to add terms and conditions of mandatory supervision and special conditions, and clarify the language used in the rules.

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 July 24, 1989.

TRD-8906582

William Brooks  
Acting Executive Director  
Board of Pardons and  
Paroles

Effective date: August 15, 1989

Proposal publication date: June 6, 1989

For further information, please call: (512) 459-2708

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• 37 TAC §149.2-149.7

The Board of Pardons and Paroles adopts the repeal of §§149.2-149.7, without changes to the proposed text as published in the June 6, 1989, issue of the *Texas Register* (14 TexReg 2673).

The sections were repealed in compliance with the Texas Code of Criminal Procedure, Article 42.18 §8(g).

The sections were repealed where the section numbers were changed.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Texas Code of Criminal Procedure, Article 42.18, §8(g), which provides the Board of Pardons and Paroles with the authority to adopt such reasonable rules not inconsistent with law as it may deem proper and necessary.

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 July 24, 1989.

TRD-8906592 William Brooks  
Acting Executive Director  
Board of Pardons and  
Paroles

Effective date: August 15, 1989

Proposal publication date: June 6, 1989

For further information, please call: (512) 459-2708

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Selection for Mandatory Supervision

• 37 TAC §§149.11, 149.13, 149.15-149.17

The Board of Pardons and Paroles adopts new sections and amendments to §§149.11, 149.13, 149.15-149.17, without changes to the proposed text as published in the June 6, 1989, issue of the *Texas Register* (14 TexReg 2670).

The amendments and new sections added in statutory compliance with Texas Code of Criminal Procedure, Article 42.18, §3(c).

The statutory reference has been changed in the sections and the language has been clarified.

No comments were received regarding adoption of the amendments.

The new sections and amendments are adopted under the Texas Code of Criminal Procedure, Article 42.18, §8(c), which provides the Board of Pardons and Paroles with the authority to change statutory reference in rules and clarify language used in rules.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agen-

cy's legal authority.

Issued in Austin, Texas on July 24, 1989.

TRD-8906581 William Brooks  
Acting Executive Director  
Board of Pardons and  
Paroles

Effective date: August 15, 1989

Proposal publication date: June 6, 1989

For further information, please call: (512) 459-2708

◆ ◆ ◆ ^

• 37 TAC §§149.13, 149.16, 149.17, 149.18

The Board of Pardons and Paroles adopts the repeal of §§149.13, 149.16, 149.17, and 149.18, without changes to the proposed text as published in the June 6, 1989, issue of the *Texas Register* (14 TexReg 2674).

The sections were repealed in statutory compliance with the Texas Code of Criminal Procedure, Article 42.18, §8(g).

The sections were repealed where the section numbers were changed.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Texas Code of Criminal Procedure, Article 42.18, §8(g), which provides the Board of Pardons and Paroles with the authority to adopt such reasonable rules not inconsistent with law as it may deem proper and necessary.

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 July 24, 1989.

TRD-8906591 William Brooks  
Acting Executive Director  
Board of Pardons and  
Paroles

Effective date: August 15, 1989

Proposal publication date: June 6, 1989

For further information, please call: (512) 459-2708

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Chapter 150. Board Policy Statements; Memoranda of Understanding

Memoranda of Understanding

• 37 TAC §§150.1-150.9

The Board of Pardons and Paroles adopts new §§150.1-150.9. Section 150.8 is adopted with changes to the proposed text as published in the June 6, 1989, issue of the *Texas Register* (14 TexReg 2674). The change to §150.8 occurs in the adoption by reference material, therefore the section will not be republished. Sections 150.1-150.7, 150.9 are adopted without changes and will not be republished.

The new sections are adopted in order to be in statutory compliance with Senate Bill 245, Article 6203c-11 of the 70th Legislature, Reg-

ular Session, Title 108, Revised Statutes; Section 32; Section 25, Title 108, Revised Statutes, Article 6203c-4, Acts of the 70th Legislature, Regular Session 1987; Senate Bill 341, Section 7, Acts of the 70th Legislature; Article 42.18 Code of Criminal Procedure, Section 2, Chapter 427, Acts of the 69th Legislature, Regular Session 1985; and the Texas Code of Criminal Procedure, Article 42.18, §8(j).

The new sections are adopted in order to promulgate rules pertaining to memoranda of understanding between various state agencies.

Language added to comply with and providing accessibility and usability for physically handicapped people. The Texas Rehabilitation Commission commented against the adopted sections. The commission felt there should be language added, concerning accessibility and usability for physically handicapped people, to the sections in order to comply with the American National Standard for Buildings.

The Board of Pardons and Paroles agreed with the comments and therefore changed the language to comply with the comments.

The new sections are adopted under Senate Bill 245, Article 6203c-11 of the 70th Legislature, Regular Session, Title 108, Revised Statutes; Section 32; Section 25, Title 108, Revised Statutes, Article 6203c-4, Acts of the 70th Legislature, Regular Session 1987; Senate Bill 341, Section 7, Acts of the 70th Legislature; Article 42.18 CCP, Section 2, Chapter 427, Acts of the 69th Legislature, Regular Session 1985; and the Texas Code of Criminal Procedures, Article 42.18, §8(j), which provides the Board of Pardons and Paroles with the authority to promulgate rules pertaining to memoranda of understanding.

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 July 24, 1989.

TRD-8906580 William Brooks  
Acting Executive Director  
Board of Pardons and  
Paroles

Effective date: August 15, 1989

Proposal publication date: June 6 1989

For further information, please call: (512) 459-2708

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Board Policy Statements

• 37 TAC §§150.51-150.58

The Board of Pardons and Paroles adopts new §§150.51-150.58, without changes to the proposed text as published in the June 6, 1989, issue of the *Texas Register* (14 TexReg 2676).

The new sections are adopted in order to be in statutory compliance with the Texas Code of Criminal Procedure, Article 42.18.

The new sections promulgate rules pertaining to Board of Pardons and Paroles policies.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Code of Criminal Procedure, Article 42.18, which provides the Board of Pardons and Paroles with the authority to promulgate rules pertaining to Board of Pardons and Paroles policies.

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 July 24, 1989.

TRD-8906578 William Brooks  
Acting Executive Director  
Board of Pardons and  
Paroles

Effective date: August 15, 1989

Proposal publication date: June 6, 1989

For further information, please call: (512) 459-2708

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**TITLE 40. SOCIAL  
SERVICES AND  
ASSISTANCE**

**Part I. Texas Department  
of Human Services**

**Chapter 48. Community Care  
for Aged and Disabled**

**Eligibility**

• 40 TAC §48.2940

The Texas Department of Human Services (DHS) adopts new §48.2940, with changes to the proposed text as published in the May 30,

1989, issue of the *Texas Register* (14 TexReg 2607).

The new section defines services, establishes eligibility requirements, defines limitations to services, and explains the availability of funds.

The new section will function by providing to adult protective services clients the services needed to alleviate abuse, neglect, and/or exploitation.

No comments were received regarding adoption of the new section. The department, however, has made minor editorial changes for the sake of clarity.

The new section is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

**§48.2940. Adult Protective Emergency Client Services.**

(a) Emergency client services are services provided in accordance with of the Human Resources Code, §48.002(5), including, but not limited to, emergency shelter, medical and psychiatric assessments, in-home care, residential care, heavy housecleaning, minor home repairs, money management, transportation, emergency food, medication, and other supplies. Specific emergency client services are only available in a community if those specific services are not available through other state and local resources.

(b) To be eligible for emergency client services, an elderly or disabled adult must be receiving adult protective services from DHS in accordance with the Human Resources Code, §§48.002(5) and 48.021(a), and have a service plan which has been developed by the department un-

der these sections and which indicates that emergency client services are needed to remedy abuse, neglect, or exploitation. All other available resources must be used where feasible before emergency client services are initiated.

(c) All services are not available in all geographic areas of the state. The department may limit the units of service or length of time that clients can receive emergency client services, based upon service plans, availability of funds, and availability of service providers.

(d) If the region does not have sufficient funds to serve all eligible clients, or if the provider agency in an eligible client's area is operating at capacity, the client will not be able to receive services at the time he is determined eligible. Clients who are still in need of services when services are again available will be given priority based upon the date of the service plan indicating the need for emergency client services.

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 July 27, 1989.

TRD-8906882 Charles Stevenson  
Acting Commissioner  
Texas Department of  
Human Services

Effective date: September 1, 1989.

Proposal publication date: May 30, 1989.

For further information, please call: (512) 450-3765

◆ ◆ ◆  
**State Board of Insurance Exempt Filing**

**Notification Pursuant to the Insurance Code, Chapter 5, Subchapter L**

(Editor's note: As required by the Insurance Code, Article 5.96 and Article 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 amendments to the rules of the Texas General Basis Schedules and the Key Rate Schedules for Cities and Towns in Texas to recognize the use of a draft extension system as an alternative to a conventional fire hydrant system for fire insurance rating pur-

poses for certain peninsular seacoast communities.

The draft extension system does not afford the same fire protection of a conventional fire hydrant waterworks system but the draft extension system, which consists of a piping system used for drafting from tidewaters with the use of approved fire apparatus, does not provide limited fire protection to peninsular seacoast communities when installed in accordance with the rules and standards for the installation of a draft extension system.

These changes are to be effective October 1, 1989.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register 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 July 25, 1989.

TRD-8906536 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: October 1, 1989

For further information, please call: (512) 463-6327

◆ ◆ ◆  
The State Board of Insurance has approved amendments to the Texas Standard Policy and Texas Standard Homeowners Policy to implement Senate Bill 410, as enacted by the 71st Texas Legislature, which requires that a homeowners policy or fire policy promulgated under the Insurance Code, Article 5.35, cannot be issued, delivered, or renewed unless the policy contains specific language regarding coverage for residential community property and the interest of each spouse covered by the policy.

The amendments consist of endorsement Form Number 133C, Residential Community Property Mandatory Endorsement, to be attached to the Texas Standard Policy and en-

endorsement Form Number HO-100, Residential Community Property Mandatory Endorsement, to be attached to a Texas Standard Homeowners Policy. In addition, there are two exclusion endorsements, Form Numbers 133D and HO-100A, which allow exclusion of the coverage outlined in Form Numbers 133C and HO-100. Proper rules and regulations are to be set forth in the Texas General Basis Schedules.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register 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 July 25, 1989.

TRD-8906535      Nicholas Murphy  
                         Chief Clerk  
                         State Board of Insurance

Effective date: January 1, 1990

For further information, please call: (512) 463-6327



The State Board of Insurance has adopted amendments to the Texas General Basis

Schedules to provide for fringe rating to certain cities and towns as set forth in House Bill 2017, as enacted by the 71st Texas Legislature.

The rules in the Texas General Basis Schedules will provide for fringe rating of any dwelling located within five miles of the outer boundary of a platted subdivision classified as a first key town.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register 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 July 25, 1989.

TRD-8906534      Nicholas Murphy  
                         Chief Clerk  
                         State Board of Insurance

Effective date: January 1, 1990

For further information, please call: (512) 463-6327



The State Board of Insurance has adopted amendments to the *Texas Automobile Manual*.

The Board has adopted adjusted physical damage rating symbols for certain 1989 model private passenger automobiles. The symbols adopted were developed from manufacturers list price data and adjusted in accordance with the prescribed Vehicle Series Rating Rule contained in the Symbol and Identification Section of the *Texas Automobile Manual*. The amendments are effective at 12:01 on the 16th day after notice of this action is published in the *Texas Register*.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register 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 July 27, 1989.

TRD-8906694      Nicholas Murphy  
                         Chief Clerk  
                         State Board of Insurance

Effective date: October 4, 1989

For further information, please call: (512) 463-6327



# Open Meetings

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. Some notices may be received too late to be published before the meeting is held, but all notices are published in the *Texas Register*.

**Emergency meetings and agendas.** Any of the governmental entities named above must have notice of an emergency meeting, 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.

**Posting of open meeting notices.** 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, Austin. These notices may contain more detailed agenda than what is published in the *Texas Register*.

## Texas Adult Probation Commission

Friday, July 28, 1989, 9 a.m. The commission submitted an emergency revised agenda for a meeting held in Suite 600, Building B, 8100 Cameron Road, Austin. According to the agenda, the commission discussed executive director's report-standards; discretionary standards; legislative update; supplemental grant application-Taylor County; other administrative business; date and site of next meeting. The emergency status was necessary because the item was omitted from agenda.

Contact: Virginia Grote, 8100 Cameron Road, Suite 600, Building B, Austin, Texas 78753, (512) 834-8188.

Filed: July 26, 1989, 3:55 p.m.

TRD-8906669

## Texas Department on Aging

Thursday, August 24, 1989, 10 a.m. The State Citizens Advisory Council (CAC) will meet on the Third Floor Conference Room, 1949 South IH 35, Texas Department on Aging, Austin. According to the agenda summary, the council will call to order; approve minutes of May 11, 1989 meeting; approve legal hotline for older Texans; elect CAC member to serve as vice-chairman; area agency on aging (AAA) reports: Brazos Valley AAA, Central Texas AAA, Coastal Bend AAA, and Harris County AAA; program reports: provision of direct reports by AAAs; retired senior volunteer program funding formula; appointment of CAC member to options for independent living advisory committee; Houston-Galveston AAA, North Central Texas AAA, Southeast Texas AAA, and South Texas AAA.

Contact: Ann Ammons, P.O. Box 12786, Austin, Texas 78711, (512) 444-2727.

Filed: July 31, 1989, 10:57 a.m.

TRD-8906749

## Texas Department of Agriculture

Thursday, August 10, 1989, 11 a.m. The Texas Soybean Producers Board will meet at the Ramada Love Field Hotel, 3232 West Mockingbird Lane, Dallas. According to the agenda, the board will receive minutes of previous meeting; financial report, 1989-90 budget and allocations; and administer oath of office to new board member.

Contact: Trent Roberts, P.O. Box 2182, Dallas, Texas 75221, 1- 800-247-8691.

Filed: July 25, 1989, 2:29 p.m.

TRD-8906611

## Texas Commission for the Blind

Monday, August 7, 1989, 1:30 p.m. The Budget Committee of the board will meet at Administrative Building, Suite 320, 4800 North Lamar, Austin. According to the agenda, the committee will discuss work session on the agency's 1990 budget.

Contact: Jean Wakefield, P.O. Box 12866, Austin, Texas 78711, (512) 459-2600.

Filed: July 28, 1989, 9:40 a.m.

TRD-8906693

## Texas Conservation Foundation

Tuesday, August 15, 1989, 2 p.m. The Board of Directors will meet in Room 833, Stephen F. Austin Office Building, 1700 North Congress, Austin. According to the agenda, the board will discuss minutes of last meeting; the foundation's future and authorization for receipt and dispersal of funds for established programs; select a treasurer and a delegate financial authority; and consider the contract with the General Land office for conservation of archival materials.

Contact: Alicia Reban, 1701 North Congress, Austin, Texas 78711, (512) 463-2196.

Filed: July 28, 1989, 4:12 p.m.

TRD-8906736

## Texas State Board of Dental Examiners

Saturday, July 29, 1989, 9 a.m. The board held an emergency meeting in Suite 400, 8317 Cross Park Drive, Austin. According to the agenda, the board considered use of 1989 written prosthodontic examination for survey purposes only and immediate notification of the affected applicants. The emergency status was necessary in order to immediately notify applicants of their status prior to their preparation for the August examination.

Contact: Crockett Camp, 8317 Cross Park Drive, Suite 400, Austin, Texas 78754, (512) 834-6021.

Filed: July 27, 1989, 3:37 p.m.

TRD-8906688

## Texas Education Agency

Friday, August 18, 1989, 2 p.m. The Proprietary School Advisory Commission will meet in Room 1-104, William B. Travis Office Building, 1701 North Congress, Austin. According to the agenda, the commission will discuss proposed State Board of Education rule changes.

Contact: Joe L. Price, 1701 North Congress, Austin, Texas 78701, (512) 463-9475.

Filed: July 31, 1989, 1:32 p.m.

TRD-8906757

## Texas Employment Commission

Tuesday, August 8, 1989, 2 p.m. The Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, they will discuss prior meeting notes and internal

procedures of commission appeals; consider and take action of tax liability cases and higher level appeals in unemployment compensation cases listed on commission Docket 32 and set date for next meeting.

Contact: Courtenay Browning, 101 East 15th Street, Austin, Texas 78778, (512) 463-2226.

Filed: July 31, 1989, 4:13 p.m.

TRD-8906769

## Texas Department of Health

Friday, August 4, 1989, 10 a.m. The Home Health Services Advisory Council met in Conference Room T-803, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the council elected officers and considered: resolution for Reverend Elliot Means; drafted rules to implement legislation (HB 2117, 1466, SB 487, 332); proposed rules concerning home dialysis technician education and experience; special waste rules for home health agencies; and proposed rules for home health aid training and competency programs.

Contact: Becky Beechinor, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7240.

Filed: July 26, 1989, 3:25 p.m.

TRD-8906639

Wednesday, August 16, 1989, 10 a.m. The Advisory Committee on Mental Retardation Facilities will meet in Room T-607, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the committee will consider personal care homes; architectural manual for facilities serving the mentally retarded; medication aides; 23 day and 90 day termination procedures; legislative update; informal appeals process; special waste regulations in health care regulations in health care related facilities ICF-MR facilities (related conditions).

Contact: Richard Butler, 1100 West 49th Street, Austin, Texas (512) 458-7706.

Filed: July 26, 1989, 3:19 p.m.

TRD-8906634

## Texas Health and Human Services Coordinating Council

Wednesday, August 16, 1989, 9 a.m. The Children and Youth Service State Coordinating Committee will meet in Room M-652, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda, the council will approve minutes of June meeting; receive status report on CASSP Subcommittee; receive report of Community Resource Coordination Sub-

committee; and discuss Commission on Children, Youth and Family Services.

Contact: Tom Olsen, 311-A East 14th Street, Austin, Texas 78711, (512) 463-2195.

Filed: August 1, 1989, 9:46 a.m.

TRD-8906780

Friday, August 18, 1989, 10 a.m. The Level of Care Subcommittee of the PPPG will meet in Room 240, Texas Department of MHMR, 909 West 45th Street, Austin. According to the agenda, the subcommittee will review minutes, receive report of the monitoring subcommittee; technical workgroup and discuss implementation and training schedules for the levels of care process.

Contact: Tom Olsen, 311-A East 14th Street, Austin, Texas 78711, (512) 463-2195.

Filed: August 1, 1989, 9:46 a.m.

TRD-8906779

Thursday, August 24, 1989, 9 a.m. The Public Private Policy Group will meet in the Sergeant's Committee Room, 2nd Floor, State Capitol, Austin. According to the agenda, the group will receive the report on June Health and Human Service Coordinating Council meeting; Levels of Care Committee, update of 1988 cost report; discuss agency rate schedules for fiscal year 1990 and Commission on Children, Youth and Family Services.

Contact: Tom Olsen, 311-A East 14th Street, Austin, Texas 78711, (512) 463-2195.

Filed: August 1, 1989, 9:46 a.m.

TRD-8906778

## Texas Housing Agency

Friday, August 4, 1989, 9:30 a.m. The Ad Hoc Executive Administrator Search Committee met at Dallas Marriott Quorum, 14901 Dallas Parkway, Dallas. According to the agenda summary, the committee will review and consider candidates for the position of executive administrator for the purpose of making a recommendation to the board.

Contact: Timothy R. Kenny, P.O. Box 13941, Austin, Texas 78711, (512) 474-2974.

Filed: July 27, 1989, 1:36 p.m.

TRD-8906673

Friday, August 4, 1989, 9:30 a.m. The Ad Hoc Executive Administrator Search Committee met at Dallas Marriott Quorum, 14901 Dallas Parkway, Dallas. According to the agenda summary, the committee will review and consider Request for Proposals (RFP) from Real Estate Owned (REO) Contractors and staff's recommendation thereon

for the purpose of making a recommendation to the Board, and review and consider reports from Internal Auditor.

Contact: Timothy R. Kenny, P.O. Box 13941, Austin, Texas 78711, (512) 474-2974.

Filed: July 27, 1989, 1:36 p.m.

TRD-8906674

## Department of Information Resources (A.I.T.C.)

Friday, August 11, 1989, 9 a.m. The Open Council will meet in Room 106, John H. Reagan Office Building, 105 West 15th Street, Austin. According to the agenda summary, the council will register witnesses; take executive director's report; receive the technology development committee work proposal; propose operating budget for fiscal year 1990; receive staff reports, consultant services, procurements and any new business.

Contact: Lynn B. Polson, 510 South Congress, Austin, Texas, (512) 463-5530.

Filed: August 1, 1989, 9:21 a.m.

TRD-8906774

## State Board of Insurance

Tuesday, August 8, 1989, 9 a.m. The Commissioner's Hearings Section will meet in Room 342, 1110 San Jacinto, Austin. According to the agenda, the hearings section will conduct a public hearing to consider the application of Clifford Earl Jefferson, Dallas, for a group II, life, health and accident insurance agent's license to be issued by the State Board of Insurance.

Contact: Will McCann, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 31, 1989, 3:19 p.m.

TRD-8906764

Tuesday, August 8, 1989, 10 a.m. The Board will meet in Room 414, 1110 San Jacinto, Austin. According to the agenda summary, the commission will consider request for admission as party to hearing concerning proposed amendment to 28 TAC 9.1., adoption of ethics policy; also board orders on several matters as itemized on the complete agenda; personnel matters; pending and contemplated litigation and solvency matters.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: July 31, 1989, 3:49 p.m.

TRD-8906768

Tuesday, August 8, 1989, 1:30 p.m. The Commissioner's Hearing Section will meet

in Room 353, 1110 San Jacinto, Austin. According to the agenda, the hearing section will conduct a public hearing to consider issuance of a certificate of authority for Cumberland Rest, Inc., doing business as Trinity Terrace, Fort Worth, Texas, under the Texas Continuing Care Facility Disclosure and Rehabilitation Act, §4(g).

Contact: Earl Corbitt, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 31, 1989, 3:19 p.m.

TRD-8906766

Tuesday, August 8, 1989, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 442, 1110 San Jacinto, Austin. According to the agenda, the hearing section will reopen a public hearing to consider whether disciplinary action should be taken against Linscomb & Williams, Inc., Bellaire, Texas, who holds a Group I, legal reserve life insurance agent's license.

Contact: Wendy L. Ingham, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 31, 1989, 3:19 p.m.

TRD-8906765

Wednesday, August 9, 1989, 9 a.m. The Commissioner's Hearing Section will meet in Room 353, 1110 San Jacinto, Austin. According to the agenda, the hearing section will conduct a public hearing to consider the application for original charter of Mission American Insurance Company, Houston, Texas.

Contact: O. A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 31, 1989, 3:19 p.m.

TRD-8906767

Wednesday, August 9, 1989, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 342, 1110 San Jacinto, Austin. According to the revised agenda, the hearing section will conduct a public hearing to consider whether disciplinary action should be taken against Mason Wilkins Fields, Jr., doing business as Fields Associates Insurance Agency, San Antonio, Texas, who holds a Group II, health and accident insurance agent's license, a Group I, legal reserve life insurance agent's license and a prepaid legal services insurance agent's license.

Contact: Wendy L. Ingham, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 31, 1989, 3:19 p.m.

TRD-8906763

Friday, August 11, 1989, 10 a.m. The Commissioner's Hearing Section will meet in Room 353, 1110 San Jacinto, Austin. According to the revised agenda, the hearing section will conduct a public hearing to

consider the renewal application of Paul Joseph Bruck, San Antonio, Texas, for a Group I, legal reserve life insurance agent's license; and to consider if disciplinary action should be taken against Paul Joseph Bruck who holds a Group I, legal reserve life insurance agent's license.

Contact: James Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 31, 1989, 3:20 p.m.

TRD-8906761

Friday, August 11, 1989, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 353, 1110 San Jacinto, Austin. According to the agenda, the hearing section will conduct a public hearing to consider the license renewal application of Michael Scott Byers, Humble, Texas, for his Group I, legal reserve life, health and accident insurance agent's license and if disciplinary action should be taken against Michael Scott Byers, Humble, Texas, who holds a Group I, legal reserve life, health and accident insurance agent's license.

Contact: Earl Corbitt, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 31, 1989, 3:19 p.m.

TRD-8906762

### Texas Department of Labor and Standards

Wednesday, August 16, 1989, 9 a.m. The Labor, Licensing and Enforcement division will meet in Room 1012, E. O. Thompson State Building, Austin. According to the agenda, the division will include proceedings that consider suspension, revocation, denial, or a civil penalty of Respondent's, Sherman Griffin, boxing license, for violation of the department's boxing rules and regulations.

Contact: Jack Shriver, E. O. Thompson Building, Austin, Texas 78711, (512) 463-3127.

Filed: July 31, 1989, 10:24 a.m.

TRD-8906730

### Texas Low-Level Radioactive Waste Disposal Authority

Thursday, August 10, 1989, 10 a.m. The Board of Directors will meet at Fort Hancock Community Center, Fort Hancock. According to the agenda summary, the board will discuss approval of minutes of previous meetings; general manager's report and staff reports, including financial year-to-date report; 1990 operating budget; governor's milestone certification; designation of study area; status of site studies, status of facility design work; FY 1990

workplan; and approval of 1990 technical contracts. The authority will meet in executive session to discuss pending litigation.

Contact: L. R. Jacobi, 7701 North Lamar, Suite 300, Austin, Texas 78752, (512) 451-5292.

Filed: July 28, 1989, 11:07 a.m.

TRD-8906715

### Texas State Board of Medical Examiners

Thursday, July 27, 1989, 3:30 p.m. The Disciplinary Process Review Committee submitted a revised agenda for the meeting held at 1101 Camino LaCosta, Austin. According to the agenda summary, the commission discussed informal settlement matter; investigation of allegations brochure. The emergency status was necessary because information has come to attention of board and merits consideration prior to next scheduled meeting.

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

Filed: July 26, 1989, 3:48 p.m.

TRD-8906644

Friday and Saturday, July 28 & 29, 1989, 8 a.m. and 8:30 a.m. respectively. According to the agenda summary, the board submitted a revised agenda for the meeting held at 1101 Camino LaCosta, Austin. The board will discuss president's remarks; deletion of probation appearance; additional orders. The emergency status was necessary because information has come to attention of board and merits consideration prior to next scheduled meeting.

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

Filed: July 26, 1989, 3:49 p.m.

TRD-8906645

### Interagency Council on Mentally Retarded, Developmentally Disabled and Mentally Ill Offenders

Friday, August 4, 1989, 10 a.m. The executive committee met in the office of the Association for Retarded Citizens, 2818 San Gabriel, Austin. According to the agenda summary, the committee will receive a status report on the fiscal year 1990-91 budget; hear a fiscal report on fiscal year 1988-89; hear an overview of the mentally retarded offenders committee meeting; discussion of personnel; prepare agenda for August council meeting, and discuss new business.

Contact: Cher Roquemore, 2818 San Gabriel, Austin, Texas 78705, (512) 476-7044.

Filed: July 25, 1989, 3:02 p.m.

TRD-8906605

### Board of Nurse Examiners

Friday, August 11, 1989, 9:30 a.m. The Advisory Committee on Advanced Nurse Practitioners will meet in the Conference Room, Suite 104, Board of Nurse Examiners, 9101 Burnet Road, Austin. According to the agenda, the committee will review the minutes of the April 20, 1989 meeting; receive a report on the board's action to adopt rule 219, Advanced Nurse Practitioner program; establish guidelines for development of protocols; consider a request to recognize the American College of Nurse Midwives' Accreditation Process in lieu of the state accreditation process; review a request for Family Planning Nurse Practitioner category; receive an update on the development of the ANP computer file; and the board's plans for implementation of HB 18.

Contact: Aileen Kishi, P.O. Box 140466, Austin, Texas 78714, (512) 835-4880, ext. 31.

Filed: July 31, 1989, 2:17 p.m.

TRD-8906756

### Board of Pardons and Paroles

Monday-Friday, August 7-11, 1989, 1:30 p.m. except 11 a.m. on Friday. The Board will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the board will receive, review and consider information and reports concerning prisoners/inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: K. Armstrong, 8610 Shoal Creek, Austin, Texas (512) 459-2713.

Filed: July 28, 1989, 11:22 a.m.

TRD-8906719

Tuesday, August 8, 1989, 1:30 p.m. The board will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions (other than Out of Country Conditional Pardons), including full pardons/restoration of Civil Rights of Citizenship; emergency medical reprieves; commutations of sentence; other reprieves, remissions and executive clemency actions.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2749.

Filed: July 28, 1989, 11:23 a.m.

TRD-8906720

### Texas State Board of Examiners of Professional Counselors

Friday, August 4, 1989, at 1 p.m. and Saturday, August 5, 1989, 8 a.m. The board met in the Driskell Hotel, 604 Brazos, Austin. According to the agenda summary, the board approved minutes of prior meeting; heard public comments; considered the surrender of licenses by James Moody; administrative reports; amendments to rules (S. 681.1-681.260); financial report, expenditures; report of ad hoc testing committee; June test results; four or more exam failures; renewals; applications for licenses; appeals; complaint processing; pending hearings; next newsletter; TACD conference workshop; news columns and other public relations projects; HB 1667; specialty designations; supervisory contracts; testing by counselors; reciprocity with Louisiana; and election of officers.

Contact: Don F. Rettberg, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7531.

Filed: July 26, 1989, 3:25 p.m.

TRD-8906638

Saturday, August 5, 1989, 8 a.m. The Applications, Ethics, Suspensions and Revocations Committee will meet at the Driskill Hotel, 604 Brazos, Austin. According to the agenda summary, the committee will prepare report concerning license applications and appeals.

Contact: Don F. Rettberg, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7531.

Filed: July 26, 1989, 3:21 p.m.

TRD-8906635

Saturday, August 5, 1989, 8 a.m. The Testing, Licensing, Continuing Education and Renewals Committee will meet at the Driskill Hotel, 604 Brazos, Austin. According to the agenda summary, the committee will prepare a report concerning an ad hoc testing committee report; June test results; four or more exam failures; and status of renewals.

Contact: Don F. Rettberg, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7531.

Filed: July 26, 1989, 3:21 p.m.

TRD-8906636

Saturday, August 5, 1989, 8 a.m. The Fees and Budget Committee will meet at the Driskill Hotel, 604 Brazos, Austin. According to the agenda summary, the committee will prepare a financial report which includes action concerning expenditures.

Contact: Don F. Rettberg, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7531.

Filed: July 26, 1989, 3:21 p.m.

TRD-8906637

Saturday, August 5, 1989, 8 a.m. The Complaint Committee will meet at the Driskill Hotel, 604 Brazos, Austin. According to the agenda summary, the committee will prepare a report concerning complaints processing and pending hearings.

Contact: Don F. Rettberg, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7531.

Filed: July 26, 1989, 3:21 p.m.

TRD-8906640

Saturday, August 5, 1989, 8 a.m. The Professional Relations Committee will meet at the Driskill Hotel, 604 Brazos, Austin. According to the agenda summary, the committee will prepare report concerning next newsletter and workshop at Texas Association for Counseling and Development conference.

Contact: Don F. Rettberg, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7531.

Filed: July 26, 1989, 3:21 p.m.

TRD-8906641

Saturday, August 5, 1989, 8 a.m. The Public Relations Committee will meet at the Driskill Hotel, 604 Brazos, Austin. According to the agenda summary, the committee will prepare report concerning news columns and other public relations projects.

Contact: Don F. Rettberg, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7531.

Filed: July 26, 1989, 3:21 p.m.

TRD-8906642

Saturday, August 5, 1989, 8 a.m. The Rules, Supervisors, Specialties and Reciprocity Committee will meet at the Driskill Hotel, 604 Brazos, Austin. According to the agenda summary, the committee will prepare report concerning House Bill 1667, specialty designations, supervisory contracts, testing by counseling, and reciprocity with Louisiana.

Contact: Don F. Rettberg, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7531.

Filed: July 26, 1989, 3:21 p.m.

TRD-8906643

### Texas State Board of Registered Professional Engineers

Wednesday, August 9, 1989, 10 a.m. The Ad Hoc Committee will meet in the Board Room, 1917 IH 35 South, Austin. According to the agenda, the committee will recognize and welcome visitors; discuss contracting with the James Murdough Center at Texas Tech University for assistance with the professionalism and ethics program.



Contact: Charles E. Nemir, 1917 IH 35 South, Austin, Texas 78741, (512) 440-7723.

Filed: July 31, 1989, 2:42 p.m.

TRD-8906755

## Texas State Board of Public Accountancy

Tuesday, August 4, 1989, 9 a.m. The Informal Conferences Committee met in Suite 340, 1033 La Posada, Austin. According to the agenda, the committee will review complaint 89-02-07L; 89-02-08L; 89-02-09L and 89-02-12L.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: July 26, 1989, 4:27 p.m.

TRD-8906649

Tuesday, August 4, 1989, 9 a.m. The Technical Standards Review Committee met in Suite 340, 1033 La Posada, Austin. According to the agenda, the committee will review status report June; recommendations regarding specific complaints-licenses complaint 89-01-10L; 89-04-29L; 89-06-01L; 89-05-17L; discuss Croxton; Gibson; Gressett; Jamieason; Sinclair; Womack; review of backlog of complaints; new system to monitor status of peer review cases.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: July 26, 1989, 4:27 p.m.

TRD-8906671

Thursday, August 17, 1989, 9 a.m. The Public Hearing Division will meet in Room 104, the Reagan Building, 105 West 15th Street, Austin. According to the agenda, the division will conduct a hearing on continuing education substantive rules: 523.61, establishment of mandatory continuing education program; 523.62, mandatory CD reporting; 526.63, mandatory CD attendance; 523.64, disciplinary actions relating to CD; 523.65, denial of license. Oral testimony limited to 5 minutes; written testimony should be submitted to the board office prior to the hearing.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: July 28, 1989, 4:43 p.m.

TRD-8906743

Thursday, August 17, 1989, 9 a.m. The Public Hearing Division will meet in Room 106, the Reagan Building, 105 West 15th Street, Austin. According to the agenda, the division will conduct a hearing on licensing substantive rules: 51.141-143, certification reciprocity; 513.21-27, registration of a

partnership; 513.41-45, registration of a corporation; 513.61-63, registration of offices; 517.1-2, temporary practice; and 512.9, permanent disability. Oral testimony will be limited to 5 minutes; written testimony should be submitted to the board office prior to the hearing.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: July 28, 1989, 4:43 p.m.

TRD-8906742

Thursday, August 17, 1989, 9 a.m. The Public Hearing Division will meet in Room 109, the Reagan Building, 105 West 15th Street, Austin. According to the agenda, the division will conduct a hearing on rules of professional conduct: 501.2, definitions; 501.3, applicability; 501.11, independence; 501.25, mandatory continuing education; 501.44, soliciting; 501.45, competitive bidding; 503.1 definitions; 501.4, practice of public accountancy; and 505.10, board committees. Oral testimony will be limited to 5 minutes; written testimony should be submitted to the board prior to hearing.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: July 28, 1989, 4:43 p.m.

TRD-8906741

Thursday, August 17, 1989, 9 a.m. The Public Hearing Division will meet in Room 101, the Reagan Office Building, 105 West 15th Street, Austin. According to the agenda, the division will conduct a public hearing on examination substantive rules: 511.24, independent investigation; 511.26, applications under the 1945 Act; 511.27, qualifications of candidates who initially apply to sit under the 1979 Act; 511.52, recognized colleges and universities; 511.53, transcript substitute; 51.72, uniform examination - subjects; 511.73, exemption for attorneys; 511.74, positive identification and mechanical or other aids; 511.76, refund policy; 511.81, reexamination; 511.84, partial examination upon transfer of credit; and proposed substantive rules: request for review; investigations; filing complaints; action relating to moral character; action relating to unusual similarities; confidentiality and examination hearings. Oral testimony should be limited to 5 minutes; written testimony should be submitted to the board prior to the hearing.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: July 28, 1989, 4:43 p.m.

TRD-8906740

## Public Utility Commission of Texas

Wednesday, August 2, 1989, 9 a.m. The commission met in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda summary, the commission held an open meeting in which the commissioners considered the following dockets: Nos. 8595, 8700, 8078, 8649, 7489, 8221, and 8317.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 25, 1989, 2:02 p.m.

TRD-8906604

Wednesday, August 2, 1989, 1 p.m. The commission met in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The commission held an administrative meeting to discuss: reports, discussion and action on budget and fiscal matters including a report on the status of the lease of PUC offices, approval of proposed comments in FCC rulemaking to amend Part 69 to create access charge sub-elements for open network architecture; approval of amendment to contract among Decision Management Company, Gulf States Utilities, and the PUC; staff recommendation of auditor and expert witness to conduct a prudence review of the Comanche Peak nuclear power plant. Adjourned for executive session to consider: litigation and personnel matters. Reconvened for discussion and decision considered in executive session, set time and place for next meeting.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 25, 1989, 2:03 p.m.

TRD-8906608

Thursday, August 3, 1989, 10 a.m. The hearings division met in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the hearings division held a prehearing conference concerning Docket No. 8928--application of Texas-New Mexico Power Company for authority to change rates.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 25, 1989, 2:01 p.m.

TRD-8906603

Wednesday, August 9, 1989, 10 a.m. The Hearings Division will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the hearings division will discuss Docket 8897-application of AT&T Communications of the Southwest Inc., to offer AT&T Multiquest service.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 28, 1989, 2:57 p.m.

TRD-8906734

Friday, August 11, 1989, 9 a.m. The Hearings Division will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will discuss Docket 8915-application of Lake Dallas Telephone Company to discontinue offering mobile telephone service.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 27, 1989, 2:37 p.m.

TRD-8906686

Friday, August 18, 1989, 10 a.m. The hearings division will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will discuss Docket 8631-complaint of Michael Schaefer against Houston Lighting & Power Company regarding the sufficiency of security deposit.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 26, 1989, 10:13 a.m.

TRD-8906622

Monday, August 28, 1989, 10 a.m. The hearings division will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the commission will consider Docket No. 8690-complaint of United Export Trading Association against Southwestern Bell Telephone Company. The prehearing is rescheduled from August 9, 1989.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 31, 1989, 3:38 p.m.

TRD-8906760

Wednesday, September 6, 1989, 10 a.m. The Hearings Division will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the hearings division will discuss Docket 8425-application of Houston Lighting & Power Company for authority to change rates.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 28, 1989, 2:57 p.m.

TRD-8906733

Wednesday, October 11, 1989, 10 a.m. The hearings division will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the hearings division will hear the merits on Docket No. 8912-application of Southwestern Bell Telephone Company for C.O. LAN Service for Brownsville, I.S.D.

Contact: Mary Ross McDonald, 7800

Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 25, 1989, 2:02 p.m.

TRD-8906606

Tuesday, October 31, 1989, 10 a.m. The hearings division will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the hearings division will conduct a hearing on the merits of Docket No. 8910-application of AT&T for depreciation rates.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 25, 1989, 2:02 p.m.

TRD-8906607

Tuesday, November 14, 1989, 10 a.m. The hearings division will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the hearings division will discuss Docket 8902-complaint of Waterwood MUD against Sam Houston Electric Cooperative, Inc.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 26, 1989, 1:40 p.m.

TRD-8906664

Monday, November 27, 1989, 10 a.m. The hearings division will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the hearings division will discuss Docket 8880-petition of Texas-New Mexico Power company for approval of deferred accounting treatment for TNP One, Units 1 and 2, and adjustment to PCRF calculation.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 27, 1989, 2:38 a.m.

TRD-8906685

Monday, December 4, 1989, 10 a.m. The hearings division will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the hearings division will discuss Docket 8900-petition for a reconciliation of the fuel costs of Southwestern Electric Power Company.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 27, 1989, 2:39 a.m.

TRD-8906684

## Texas Racing Commission

Saturday, August 5, 1989, 11 a.m. The Horse Section will meet at Apollo Room, Houston Intercontinental Airport Marriott Hotel, 18700 JFK Boulevard, Houston. Ac-

ording to the agenda, the commission will discuss the purpose of viewing potential sites for the Harris County racetrack; then proceed to Houston Turf Club site located at Beltway 8 and North Gessner, then travel to Houston Downs site located at Airport Boulevard and South Freeway 288.

Contact: Paula Carter, P.O. Box 12080, Austin, Texas 78711, (512) 476-7223.

Filed: July 28, 1989, 11:06 a.m.

TRD-8906714

## Railroad Commission of Texas

Monday, August 7, 1989, 9 a.m. The Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. Agendas follow.

The commission will consider and act on the Administrative Services Division director's report on division administration, budget, procedure, and personnel matters. Discussion of the development of a natural gas clearing house that would match companies that need gas to fuel new plants with producers that have gas to sell-possible action.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7257.

Filed: July 28, 1989, 10:48 a.m.

TRD-08906702

The commission will consider and act on the Automatic Data Processing 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) 463-7251.

Filed: July 28, 1989, 10:50 a.m.

TRD-08906708

The commission will consider and act on the division director's report on division administration, budget, procedures and personnel matters; consideration of proposal for public comment amendment to §13.3 and proposed new §13.100 pertaining to the regulations for compressed natural gas of the liquefied petroleum gas division of the Railroad Commission of Texas.

Contact: Meredith Kawaguchi, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7009.

Filed: July 28, 1989, 10:50 a.m.

TRD-08906706

The commission will consider and act on the Flight Division director's report on division administration, budget, procedures and personnel matters.

Contact: Ken Fossler, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6787.

Filed: June 28, 1989, 10:51 a.m.

TRD-08906710

The commission will consider and act on the Office of Information Services/Office of Research and Statistical Analysis Director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78753, (512) 463-6710.

Filed: July 28, 1989, 10:49 a.m.

TRD-08906704

The commission will consider and act on the Investigation Division director's report on division administration, investigations, budget, and personnel matters.

Contact: Mary Anne Wiley, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6828.

Filed: July 28, 1989, 10:52 a.m.

TRD-08906713

The commission will consider and act on the Legal Division report on division administration, budget, procedures, and personnel matters. The commission will meet in executive session to receive legal advice regarding pending and/or contemplated litigation including the following matters: cause 465,506 Parkway Transport Inc., et al. v. Railroad Commission of Texas. Report to commission on gas storage.

Contact: Cue Boykin, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6921.

Filed: July 28, 1989, 10:50 a.m.

TRD-08906707

The commission will consider statewide Oil and Gas Hearing.

Contact: Paula Middleton, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6729.

Filed: July 28, 1989, 10:50 a.m.

TRD-08906701

The commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time of date.

Contact: Andy Taylor, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6924.

Filed: July 28, 1989, 10:53 a.m.

TRD-08906712

The commission will consider category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108.

Contact: Margia L. Osborn, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6755.

Filed: July 28, 1989, 10:51 a.m.

TRD-08906709

The commission will consider and act on the Personnel Division director's report on division administration, budget, procedures, and personnel matters. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline, and/or dismissal of personnel.

Contact: Mark Bogan, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6981.

Filed: July 28, 1989, 10:48 a.m.

TRD-08906703

The commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time of date.

Contact: Jerry Hill, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6900.

Filed: June 28, 1989, 10:49 a.m.

TRD-08906705

The commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time or date. Consideration of a declaratory order to interpret the certificates listed in Appendix A.

Contact: Raymond Bennett, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7122.

Filed: July 28, 1989, 10:54 a.m.

TRD-08906699

The commission will consider revisions to its procedures for allowing statewide rule 14(b)(2)(A)(i) extensions for inactive wells, (16 TAC §3.14).

Contact: Andy Taylor, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6924.

Filed: July 28, 1989, 10:54 a.m.

TRD-08906700

The commission will consider and act on the Office of the Executive Director's report on Commission budget and fiscal matters, administrative and procedural matters, personnel and staffing, state and federal legislation, and contracts and grants; consider

reorganization of various commission divisions; consolidation of positions; and appointment, reassignment and/or termination of various positions, including division directors; consider reorganization of the well plugging program; consider appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel.

Contact: Office of the Executive Director, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7274.

Filed: July 28, 1989, 10:54 a.m.

TRD-08906711

## Texas Rehabilitation Commission

Friday, August 11, 1989, 9:30 a.m. The Texas Planning Council for Developmental Disabilities will meet in DD Program Conference Room 4240, Texas Rehabilitation Commission, 4900 North Lamar, Austin. According to the agenda, the council will approve summary report of April 27, 1989; discuss federal legislative/policy; state legislative/policy and receive the director's report.

Contact: Charles Schiesser, 4900 North Lamar, Austin, Texas 78751-2316, (512) 483-4087.

Filed: August 1, 1989, 9:03 a.m.

TRD-8906773

Monday, August 21, 1989, 9:30 a.m. The Texas Planning Council for Developmental Disabilities will meet in Room 4240, 4900 North Lamar boulevard, Austin. According to the agenda, the council will discuss approval of summary report May 12, 1989; review of council input on draft state plan for 1990-91; discuss FY 1990 funding activities; executive director's report. This meeting is rescheduled from August 4, 1989.

Contact: Roger A. Webb, 4900 North Lamar Boulevard, Austin, Texas 78751-2316, (512) 483-4087.

Filed: July 26, 1989, 4:27 p.m.

TRD-8906648

## San Jacinto Historical Advisory Board

Friday, August 4, 1989, 10 a.m. The Advisory Board met in San Jacinto Monument, San Jacinto Battleground State Historical Park. According to the agenda, the board will discuss proposal to purchase flags for Texas Parks & Wildlife Department; report on "Texas Forever! The Battle of San Jacinto" project; report on Battleship Texas restoration project; report on storm damage to San Jacinto monument.

Contact: Frank W. Calhoun, 3400 Texas Commerce Tower, Houston, Texas 77002, (713) 226-1200.

Filed: July 27, 1989, 3:41 p.m.

TRD-8906689

## Office of the Secretary of State

Friday, July 28, 1989, 1:30 p.m. The Secretary of State held an emergency meeting in Room 127, Capitol Building, Austin. According to the agenda, the meeting was held to determine the order of the proposed constitutional amendments as they will appear on the November 7, 1989, Constitutional Amendment election. The emergency status was necessary because of scheduling conflicts.

Contact: Tom Harrison, P.O. Box 12060, Austin, Texas 78711, (512) 463-5650.

Filed: July 25, 1989, 11:20 a.m.

TRD-8906568

## Texas Southern University

Friday, August 4, 1989, 10 a.m. The Board of Regents met in the University Library, Fifth Floor, Texas Southern University, Houston. According to the agenda, the board met to review and consider academic, personnel, student services, and fiscal matters related to the 1989 fall term.

Contact: Evertt O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: July 26, 1989, 8:39 a.m.

TRD-8906618

## Texas Tech University

Thursday, August 3, 1989, 9 a.m. The Academic, Student, Clinical & Administrative Affairs Committee met at Room 2B152, Health Sciences Center Building, Lubbock. According to the agenda, the board approved May 11, 1989 minutes; considered Texas Educational Opportunity Plan for Public higher education ratify agreement with Dr. G.S. Laros; grant tenure with appointment; general policy about emergency enrollment loans, tuition scholarships; academic scholarships, and Texas Public education grants; revise policy re retirement of employees; interagency agreement with Texas Department of Corrections for prison inmate services at Amarillo & Snyder; agreement with El Paso County Hospital District for pathology services & physician services in emergency rooms; agreement with St. Mary of the Plains Hospital for resident services and with Medical Center Hospital-Odessa for resident service agreement with West Texas Rural Health

Education Center; reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 26, 1989, 2:40 p.m.

TRD-8906659

Thursday, August 3, 1989, 9 a.m. The Finance Committee met in Room 2B152, Health Science Center Building, Lubbock. According to the agenda, the committee approved May 11, 1989 minutes; considered operating budget for FY 1990; budget adjustments; revising of board policies re budget rules & procedures; contracting policy & procedures, and Tuition & fee installment payment options; ratify delegation of authority; reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 26, 1989, 2:40 p.m.

TRD-8906658

Thursday, August 3, 1989, 9 a.m. The Campus & Building Committee met in Room 2B152, Health Science Center Building, Lubbock. According to the agenda, the committee approved May 11, 1989 minutes; considered completion date for El Paso Clinical Education Building; receive bids for Phase ii, Second Floor addition to Odessa Regional Academic Health Center; space for student services, registrar & bursar on Third Floor; Pod B, HSC Building, Lubbock; renovation & upgrading of clinical on Fourth Level, Pod C, HSC Building, Lubbock; relocation of plant operations department to basement level, Pod C of HSC Building, Lubbock; lease agreement with Medical Center Hospital-Odessa for helicopter landing site; reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 26, 1989, 2:40 p.m.

TRD-8906657

Thursday, August 3, 1989, 9 a.m. The Research Affairs Committee met in Room 2B152, Health Sciences Center Building, Lubbock. According to the agenda, the board approved May 11, 1989 minutes; reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 26, 1989, 2:41 p.m.

TRD-8906656

Thursday, August 3, 1989, 9 a.m. The Committee of the Whole of Board of Regents met in Room 2B152, Health Sciences Center Building, Lubbock. According to the agenda, the committee considered policy re-election of chairman; establish premium rates for risk classes 1-5; adjust risk classification for anesthesiologists; employment of part-time Medical faculty to assist with night call and setting premium rates; consultation/discussion with general counsel about litigation, settlement offers and set-

ted suits, & issues confidential pursuant to Code of Professional Responsibility of state Bar of Texas; lease of real property & contractual negotiations about lease; evaluation of employees, duties & responsibilities; specific employees' information and propounding questions to such employees without discussion between members of board; reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 26, 1989, 2:41 p.m.

TRD-8906655

Thursday, August 3, 1989, 9 a.m. The Committee of the Whole of Board of Regents met in Room 2B152, Health Sciences Center Building, Lubbock. According to the agenda, the committee considered policy re-election of chairman; establish premium rates for risk classes 1-5; adjust risk classification for anesthesiologists; employment of part-time Medical faculty to assist with night call and setting premium rates; consultation/discussion with general counsel about litigation, settlement offers and settled suits, & issues confidential pursuant to Code of Professional Responsibility of state Bar of Texas; lease of real property & contractual negotiations about lease; evaluation of employees, duties & responsibilities; specific employees' information and propounding questions to such employees without discussion between members of board; reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 26, 1989, 2:41 p.m.

TRD-8906650

Thursday, August 3, 1989, 9 a.m. The Research Affairs Committee of the Whole of Board of Regents met in Room 2B152, Health Sciences Center Building, Lubbock. According to the agenda, the committee approved May 11, minutes; considered reaffirmation of managerial group for protection of classification information and updating of statement of self-exclusion of board of regents regarding security clearances; ratify establish institute for multi-disciplinary research & audit risk-taking behavior; reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 26, 1989, 2:41 p.m.

TRD-8906651

Thursday, August 3, 1989, 9 a.m. The Research Affairs Committee of the Whole of Board of Regents met in Room 2B152, Health Sciences Center Building, Lubbock. According to the agenda, the committee approved May 11, minutes; considered operating budget for FY 1990; budget adjustments; revise policies about budget rules and procedures; contracting policy & procedures; tuition & fee installment payment options; lease restaurant facility for RHIM

program; award campus bus service contract; ratify delegation of authority; reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 26, 1989, 2:41 p.m.

TRD-8906652

Thursday, August 3, 1989, 9 a.m. The Academic, Student and Administrative Affairs Committee met in Room 2B152, Health Sciences Center Building, Lubbock. According to the agenda, the committee discussed approval of May 11, 1989 minutes; granting of tenure with appointment; Texas Educational Opportunity Plan for Public Higher Education; revisions to student affairs handbook and code of student conduct; revision policy re retirement of employees; application to Texas Alcoholic Beverage Commission for permits and license for Home Economics to operate dining facility with RHIM program; ratify leaves of absence; reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 26, 1989, 2:41 p.m.

TRD-8906664

Thursday, August 3, 1989, 9 a.m. The Campus & Building Committee met in Room 2B152, Health Sciences Center Building, Lubbock. According to the agenda, the committee discussed approval of May 11, 1989 minutes; project budget for interconnect with Lubbock Power & Light Cogeneration Facility & Central Heating and Cooling Plant #1; receive bids to connect boiler auxiliary equipment in Central Heating and Cooling Plant #II to emergency generator; revise management plan for pyramid plaza; appoint project architect for reroofing of Central Heating and Cooling Plant #1; appoint project engineer for renovation of freezer in Central Foods Facility; award contract to install piping to provide cooling water for science equipment for Science Building; rename buildings; reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 26, 1989, 2:41 p.m.

TRD-8906664

Friday, August 4, 1989, 9:40 a.m. The Board of Regents will meet in Board Suite, Administration Building, Campus, Lubbock. According to the agenda summary, the board will consider reports and action on minutes; president's report; academic, student and administrative affairs; campus and building; development and public affairs; research affairs; and committee of the whole.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 26, 1989, 2:40 p.m.

TRD-8906661

Friday, August 4, 1989, 8:30 a.m. The Board of Regents will meet in Board Suite,

Administration Building, Campus, Lubbock. According to the agenda summary, the board will consider reports and action on minutes; president's report; academic, student, clinical, administrative affairs; finance, campus and building; development and public affairs; and committee of the whole.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 26, 1989, 2:40 p.m.

TRD-8906660

### University Interscholastic League

Wednesday, August 2, 1989, 9:30 a.m. The Standing Committee on Music met in Room 2.102, Thompson Conference Center, 26th and Red River, UT Campus, Austin. According to the agenda summary, the committee will hear proposals for amendments to the University Interscholastic League Constitution and Contest Rules.

Contact: Bonnie Northcutt, (512) 471-5883.

Filed: July 27, 1989, 1:46 p.m.

TRD-8906679

### University of North Texas/Texas College of Osteopathic Medicine

Friday, July 28, 1989, 3:30 p.m. The Board of Regents held an emergency meeting at 201 Administration Building, University of North Texas, Denton. According to the agenda, the board discussed election of interim officers of the Board of Regents. The emergency status was necessary because the appointments of our Chair and Vice-Chair expired, and the governor named their successors. New officers must be elected immediately in preparation for the August meeting of the Board.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2904.

Filed: July 26, 1989, 2:31 p.m.

TRD-8906665

### Texas Water Commission

Monday, August 7, 1989, 10 a.m. The commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety for particular action at a future date or time.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161

Filed: July 25, 1989, 11:10 a.m.

TRD-8906610

Monday, August 7, 1989, 10 a.m. The commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the commission will consider various matters within the regulatory jurisdiction of the commission, as more fully stated on the attached agenda. In addition, the commission will consider items previously posted for open meeting and at such meetings verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: July 28, 1989, 4:45 p.m.

TRD-8906744

Wednesday, August 9, 1989, 10 a.m. The hearings examiners will meet in Council Chambers, Kerrville City Hall, 800 Junction Highway, Kerrville. According to the agenda summary, the hearings examiners will hear Docker No. 8053-G, Vernon H. Ladd, Sr., doing business as Ladd Water Supply for a rate increase.

Contact: Alex Schmandt, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: July 31, 1989, 4:21 p.m.

TRD-8906771

Thursday, August 10, 1989, 10 a.m. The commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety for particular action at a future date or time.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: July 25, 1989, 11:10 a.m.

TRD-8906609

Tuesday, August 22, 1989, 10 a.m. The commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the commission will consider the costs for watermaster operations in the South Texas Water Division, which consists of the Nueces, San Antonio, and Guadalupe

River Basins, as well as the Lavaca-Guadalupe Coastal Basin, the San Antonio-Nueces Coastal Basin, and the Nueces-Rio Grande Coastal Basin, except that part in Hidalgo, Cameron, Willacy, and Starr Counties, for fiscal year 1990, which begins on September 1, 1989.

Contact: Bob Johnson, P.O. Box 13087, Austin, Texas 78711, (512) 463-7915.

Filed: July 25, 1989, 1:27 p.m.

TRD-8906601

Tuesday, August 29, 1989, 10 a.m. The commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the commission will determine whether to issue a temporary order to Shell Oil Company to authorize the diversion into their wastewater treatment plant and subsequent discharge of 360,000 gallons per day average of treated refinery wastewater consisting of blowdown water from the boilers used in steam generation at its Odessa petroleum refinery. Shell's Odessa refinery wastewater treatment facility is located adjacent to South Grandview Street just south of the City of Odessa in Ector County, Texas. Shell Oil Company is requesting this temporary order while their application for amendment to waste discharge Permit 01437 is being processed by the Commission. Authorization to discharge pursuant to the temporary order shall terminate 180 days from date of issuance or upon final Commission action on the application to amend Permit 01437, whichever occurs first.

Contact: Gloria A. Vasquez, P.O. Box 13087, Austin, Texas 78711, (512) 463-7915.

Filed: July 27, 1989, 2:58 p.m.

TRD-8906687

Tuesday, September 12, 1989, 9 a.m. The Office of Hearing's Examiner will meet in Kaufman City Hall-Council Chambers, 209 South Washington, Kaufman. According to the agenda summary, the office will consider the City of Kaufman, 209 South Washington, Kaufman, Texas 75497, application to the Texas Water Commission for an amendment to Permit 12114-01 to authorize disposal of sludge on city-owned land and/or contracted land. The proposed amendment would also add effluent limitations for minimum dissolved oxygen concentration. Effective April 1, 1992, the proposed amendment would make the following changes in the effluent limitations; replace 20 mg/l biochemical oxygen demand with 10 mg/l carbonaceous biochemical oxygen demand; revise total suspended solids and minimum dissolved oxygen concentration from 20mg/l and 2 mg/l to 15 mg/l and 4 mg/l, respectively; and add ammonia nitrogen.

Contact: Angela Demerle, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: July 26, 1989, 3:54 p.m.

TRD-8906667

Tuesday, September 12, 1989, 10 a.m. The commission will meet in Room 1198, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the commission will consider B. Gill Clements, William P. Clements, Jr., Trust No. 1 for William Perry Clements, III, Trust No. 1 for Catherine Elizabeth Clements, Trust No. 1 for Margaret Gill Clements, Trust No. 1 for George E. Seay, III, and Trust No. 1 for Pauline Alley Seay, application No. 5153A, applicants seek to amend Permit No. 5153 to increase the reservoir capacity on Mine Creek, tributary of the Trinity River, Trinity River Basin, to impound not to exceed 443 acre-feet at elevation 319.0 above mean sea level to 1130 acre-feet at 325.0 above mean sea level for recreational purposes. The dam is in the Ancel C. Newton Survey, Abstract No. 582, Station 0+00 on the centerline of the dam is N 08 degrees 30' W, 2400 feet from the southwest corner of the aforesaid survey, approximately 8.5 miles south of Athens, Henderson County, Texas.

Contact: Rick Airey, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-3087.

Filed: July 25, 1989, 1:27 p.m.

TRD-8906602

Tuesday, September 19, 1989, 9 a.m. The hearings examiner will meet at the Environmental Pollution Control, 7411 Park Place, Houston (1 mile south of Loop 610 at the intersection of Telephone Road). According to the agenda summary, the hearings examiner will consider Baytank (Houston) Inc., 12211 Port Road, Seabrook Texas--application for a renewal of Permit No. 02547 which authorizes an intermittent flow of stormwater and filter backwash water at a volume variable with rainfall from a bulk liquid storage and tank terminal which is located on Port Road, adjacent to and south of the Bayport Ship Channel Turning Basin in the Bayport Industrial Complex, Harris County, Texas. The effluent is discharged into the Bayport Channel in segment No. 2438 of the bays and estuaries.

Contact: Carl Forrester, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: July 25, 1989, 1:27 p.m.

TRD-8906600

Tuesday, October 17, 1989, 10 a.m. The commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the commission will discuss the Sabine Mining Company, Application 5246, applicant seeks to construct and maintain a dam creating a reservoir (Sediment Pond 91-E1-000) on an unnamed tributary of Clarks Creek (Fish Trap Slough), tributary of the Sabine River, Sabine River Basin, and to divert and use not to exceed 100 acre-feet of water per annum from the res-

ervoir at the South Hallsville Mine No. 1, approximately 13.5 miles southwest of Marshall, Harrison County.

Contact: Terry Slade, P.O. Box 13087, Austin, Texas 78711, (512) 463-8265.

Filed: July 26, 1989, 3:53 p.m.

TRD-8906668

Tuesday, October 24, 1989, 10 a.m. The commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the commission will discuss Lake Mount Pleasant Subdivision Association, Inc., Application 10-3933A, applicant seeks to amend Permit 10-3933 by increasing the capacity of the reservoir from 196 acre-feet to 207 acre-feet. The increase of 11 acre-feet in the reservoir capacity is due to the plugging of the service spillway outlet pipe during repairs to the dam to correct leaking beneath the lake water level. The reservoir is on a unnamed tributary of Caney Creek, tributary of the West Fork San Jacinto River, tributary of the San Jacinto River, San Jacinto River Basin, and the use of the impounded water for recreation purposes, approximately 16 miles northwest of Conroe, Montgomery County.

Contact: Pete Hawthorne, P.O. Box 13087, Austin, Texas 78711, (512) 463-8266.

Filed: July 26, 1989, 3:53 p.m.

TRD-8906666

Tuesday, October 24, 1989, 10 a.m. The commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the commission will discuss Helen Branham, Application 5248, applicant seeks to divert and use 90 acre-feet of water per annum from San Miguel Creek, tributary of the Frio River, tributary of the Atascosa River, tributary of the Nueces River, Nueces River Basin, to irrigate 80 acres within a 82.54-acre tract in Paul Strother Survey Number 136, Abstract Number 614, approximately 11.1 miles northeast of Pearsall, Frio County.

Contact: Rick Airey, P.O. Box 13087, Austin, Texas 78711, (512) 463-8151.

Filed: July 28, 1989, 11:21 a.m.

TRD-8906718

Tuesday, October 24, 1989, 10 a.m. The commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the commission will discuss Connie Bradley, Application 5247, applicant seeks to divert and use 90 acre-feet of water per annum from San Miguel Creek, tributary of the Frio River, tributary of the Atascosa River, tributary of the Nueces River, Nueces River Basin, to irrigate 60 acres within a 82.54-acre tract in Paul Strother Survey Number 136, Abstract Number 614, approximately 11.25 miles northeast of Pearsall, Frio County.



Contact: Rick Airey, P.O. Box 13087,  
Austin, Texas 78711, (512) 463-8151.

Filed: July 28, 1989, 11:21 a.m.

TRD-8906717

Tuesday, October 24, 1989, 10 a.m. The commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the commission will discuss Connie Bradley, Application 5247, applicant seeks to divert and use 90 acre-feet of water per annum from San Miguel Creek, tributary of the Frio River, tributary of the Atascosa River, tributary of the Nueces River, Nueces River Basin, to irrigate 80 acres within a 82.053-acre tract in Paul Strother Survey Number 136, Abstract Number 614, approximately 11.0 miles northeast of Pearsall, Frio County.

Contact: Rick Airey, P.O. Box 13087,  
Austin, Texas 78711, (512) 463-8151.

Filed: July 28, 1989, 11:21 a.m.

TRD-8906716

## Regional Meetings

### Meetings Filed July 25, 1989

The Austin-Travis County Mental Health Mental Retardation Center, executive committee met for an emergency meeting at 1430 Collier Street, Austin, July 27, 1989, at 7 a.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764, (512) 440-4031.

The Austin-Travis County Mental Health Mental Retardation Center, met for an emergency meeting at 1430 Collier Street, Austin, July 27, 1989, at 7 a.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764, (512) 440-4031.

The Harris County Appraisal District, Board of Directors, met at 2800 North Loop West, Eighth Floor, Houston, August 1, 1989, at 9:30 a.m. Information may be obtained from Margie Hilliard, P.O. Box 920975, Houston, Texas 77292-5291 (713) 957-5291.

The Middle Rio Grande Development Council, Board of Directors met at Fort Clark Springs, Highway 90 West, Bracketville, August 2, 1989, at 12 p.m. Information may be obtained from Michael Paterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533.

The San Antonio River Authority, Board of Directors met in SARA general offices, 100 East Guenther, San Antonio, August 2, 1989, at 2 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027, (512) 227-1373.

TRD-8906565

### Meetings Filed July 26, 1989

The Dawson County Central Appraisal District, Board of Directors, met at 920 North Dallas Avenue, Lamesa, August 2, 1989, at 7 a.m. Information may be obtained from Tom Anderson, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060.

The Kendall County Appraisal District, Board of Directors, met at 101 South Main Street, Boerne, August 2, 1989, at 5:30 p.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas, (512) 249-8012.

The Kendall County Appraisal District, Board of Directors, met at 101 South Main Street, Boerne, August 3, 1989, at 9 a.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas, (512) 249-8012.

The Region IX Education Service Center, Advisory Committee will meet in the Conference Rooms, Region IX Education Service Center, 301 Loop 11, Wichita Falls, August 18, 1989, at 10 a.m. Information may be obtained from Jim O. Rogers, 301 Loop 11, Wichita Falls, Texas 76305, (817) 322-6928.

The Region IX Education Service Center, Board of Directors will meet in the Board Room, Region IX Education Service Center, 301 Loop 11, Wichita Falls, August 18, 1989, at 1 p.m. Information may be obtained from Jim O. Rogers, 301 Loop 11, Wichita Falls, Texas 76305, (817) 322-6928.

The Sabine River Authority of Texas, Board of Directors met in the Longview Inn, 419 Spur 63, Longview, July 28, 1989, at 9 a.m. Information may be obtained from Sam F. Collins, P.O. Box 579, Orange, Texas 77630, (409) 746-3200.

The San Antonio River Authority, Board of Directors, met at 100 East Gunther Street, San Antonio, August 2, 1989, at 1 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027, (512) 227-1373.

The Scurry County Appraisal District, Board of Directors, met at 2612 College Avenue, Snyder, August 1, 1989, at 8 p.m. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549.

The Tarrant Appraisal District, Appraisal Review Board will meet at 2309 Gravel Road, Fort Worth, August 3, 7-10. 14-17, 21-24, and 28-31, 1989, at 8:30 a.m. Information may be obtained from Vernon Evans, 2309 Gravel Road, Fort Worth, Texas 76118, (817) 284-8884.

The Tarrant Appraisal District, Appraisal Review Board will meet at 2309 Gravel Road, Fort Worth, August 8, 1989, at 8:30 a.m. Information may be obtained from Vernon Evans, 2309 Gravel Road, Fort Worth, Texas 76118, (817) 284-8884.

The West Central Texas Council of Governments, Ombudsman Task Force met in an emergency meeting at 1025 East North 10th Street, Abilene, July 28, 1989 at 2 p.m. The emergency status was necessary because the only time presenter could meet. Information may be obtained from Jimmy Walls, 1025 East North Tenth Street, Abilene, Texas 79604, (915) 672-8544.

TRD-8906612

### Meetings Filed July 27, 1989

The Gonzales County Appraisal District, Appraisal Review Board, met at 928 St. Paul Street, Gonzales, July 31, 1989, at 6 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Gonzales County Appraisal District, Appraisal Review Board, met at 928 St. Paul Street, Gonzales, August 2, 1989, at 6 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Harris County Appraisal District, Board of Directors, met at 2800 North Loop West, Eighth Floor, Houston, August 1, 1989, at 1:30 p.m. Information may be obtained from Margie Hilliard, P.O. Box 920975, Houston, Texas 77292-5291 (713) 957-5291.

The High Plains Underground Water Conservation District #1, Board of Directors, will meet in Conference Room, 2930 Avenue Q, Lubbock, August 7, 1989, at 10 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181.

The Kendall County Appraisal District, Board of Directors, met at 101 South Main Street, Boerne, August 2, 1989, at 5:30 p.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

The Lavaca County Central Appraisal District, Board of Directors will meet at 113 North Main, Hallettsville, August 14, 1989, at 6 p.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396.

The Region One Education Service Center, Board of Directors will meet at 1900 West Schumior, Edinburg, August 10, 1989, at 12 Noon. Information may be obtained from Lauro R. Guerra, 1900 W. Schumior, Edinburg, Texas (512) 383-5611.

The Sandyland Underground Water Conservation District, Board of Directors will meet at Old Courthouse Clubroom, Plains, August 8, 1989, at 8 p.m. Information may be obtained from David Turnbough, Sandyland Underground Water Conservation District, Plains, Texas, (806) 592-3334.

TRD-8906646

## Meetings Filed July 28, 1989

The Austin Transportation Study, Planning Process Subcommittee, met in Reception Room, Austin History Center, 810 Guadalupe, Austin, August 2, 1989, at 3 p.m. Information may be obtained from Joseph P. Gieselman, 811 Barton Springs, Suite 700, Austin, Texas, (512) 472-7483.

The Austin-Travis County Mental Health Mental Retardation Center, Executive Committee met for an emergency meeting on the 13th Floor, 98 San Jacinto, Austin, July 31, 1989, at 7 a.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764, (512) 440-4031.

The Austin-Travis County Mental Health Mental Retardation Center, Board of Trustees met for an emergency meeting on the 13th Floor, 98 San Jacinto, Austin, July 31, 1989 at 7 a.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764, (512) 440-4031.

The Bexar Appraisal District, Appraisal Review Board met at 535 South Main, San Antonio, August 1-3, 1989 at 8:30 a.m. Information may be obtained from Bexar Appraisal District, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Bexar Appraisal District, Appraisal Review Board met at 535 South Main, San Antonio, August 7-11, 14-17, 21-25, 28-31, 1989 at 8:30 a.m. Information may be obtained from Bexar Appraisal District, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Central Texas Economic Development District, Executive Committee will meet in TSTI Food Service Technology Building, Avenue D, TSTI Campus, Waco, August 10, 1989 at 2 p.m. Information may be obtained from Bruce Gaines, P.O. Box 4408, Waco, Texas 76715, (817) 799-0258.

The Dallas Area Rapid Transit, Procurement Ad Hoc Committee, met in Board Room, 601 Pacific Avenue, Dallas, August 1, 1989, at 1 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Area Rapid Transit, Planning and Development Committee, met in Board Room, 601 Pacific Avenue, Dallas, August 1, 1989, at 3 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The East Texas Council of Governments, Executive Committee, met in East Texas Council of Governments Offices, Kilgore, August 3, 1989, at 2 p.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, (214) 984-8641.

The Hamilton County Appraisal District, will meet at Hamilton County Appraisal

District Boardroom, 119 East Henry (north side of square), Hamilton, August 7, 1989 at 12 noon. Information may be obtained from Doyis Roberts, 119 East Henry, Hamilton, Texas 76531, (817) 386-8945 or 386-8946.

The Middle Rio Grande Development Council, Texas Review and Comment System Committee, met at Fort Clark Springs, Highway 90 West, Brackettville, August 2, 1989, at 12 p.m. Information may be obtained from Dora Flores, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533.

The Middle Rio Grande Development Council, Texas Review and Comment System Committee, met at Fort Clark Springs, Highway 90 West, Brackettville, August 2, 1989, at 10 a.m. Information may be obtained from Michael M. Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533.

The Region VII Education Service Center, Board of Directors, will meet at Holiday Inn, Highway 259 South, Henderson, August 17, 1989, at 7 p.m. Information may be obtained from Don J. Peters, 818 Main, Kilgore, Texas (214) 984-3071.

TRD-8906692

## Meetings Filed July 31, 1989

The Barton Springs/Edwards Aquifer Conservation District, Board of Directors met at 1124-A Regal Row, Austin, August 3, 1989, at 3 p.m. Information may be obtained from Bill Couch, 1124-A Regal Row, Austin, Texas.

The Bexar Appraisal District, Appraisal Review Board met at 535 South Main, San Antonio, August 4, 1989, at 8:30 a.m. Information may be obtained from Walter Stoneham, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Carson County Appraisal District, Board of Directors will meet at 102 Main, Panhandle, August 9, 1989, at 9 a.m. Information may be obtained from Dianne Lavake, P.O. Box 970, Panhandle, Texas 79068-0970.

The Carson County Appraisal District, Board of Directors will meet at 102 Main, Panhandle, August 9, 1989, at 9:15 a.m. Information may be obtained from Dianne Lavake, P.O. Box 970, Panhandle, Texas 79068-0970.

The Erath County Appraisal District, Board of Directors will meet in the Board Room, 1309 Harbin Drive, Stephenville, August 8, 1989, at 9 a.m. Information may be obtained from Jerry Lee, P.O. Box 94, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434

The Fisher County Appraisal District, Board of Directors will meet in the Fisher County Appraisal/Tax Office, Roby, August 8, 1989, at 7:30 p. m. Information may be obtained from Teddy Kral, P.O. Box 516,

Roby, Texas 75548, (915) 776-2733.

The Garza County Appraisal District, Board of Directors will meet in the Appraisal Office, Courthouse, Post, August 18, 1989, at 9 a.m. Information may be obtained from Jean M. Westfall, P.O. Drawer F, Post, Texas 79356, (806) 495-3518.

The Grayson Appraisal District, Board of Directors will meet at 205 Travis, Sherman, August 9, 1989, at 12 noon. Information may be obtained from Deborah Renesa, 205 North Travis, Sherman, Texas 75090, (214) 893-9673.

The Heart of Texas Council of Governments, Board of Directors met at the Bellmead Community Center, 3900 Parrish, Waco, August 3, 1989, at 6:15 p. m. Information may be obtained from Mary McDow, 320 Franklin Avenue, Waco, Texas 76701-2297, (817) 756-6631.

The Mental Health Mental Retardation Authority of Brazos Valley, Board of Trustees met in the Brazos Center, 3232 Briarcrest Drive, Bryan, August 3, 1989, at 1:30 p.m. Information may be obtained from Leon Bawcom, P.O. Box 4588, Bryan, Texas, (409) 822-6467.

The North Plains Groundwater Conservation District, Board of Directors will meet in the PCA Office, 601 East First Street, Dumas, August 7, 1989, 10 a.m. Information may be obtained from Richard S. Bowers, P.O. Box 795, Dumas, Texas 79029, (806) 935-6401.

The Region II Education Service Center, Board of Directors and Regional Advisory Committee will meet at Joe Cotten's Bar-B-Que, Highway 77, Robstown, August 16, 1989, at 6 p.m. Information may be obtained from Gerald V. Cook, 209 North Water, Corpus Christi, Texas 78401, (512) 883-9288.

The Region IV Education Service center, Board of Directors met in the Board Room, Region IV Education Service Center, 7145 West Tidwell, Houston, August 8, 1989, at 6 p.m. Information may be obtained from William L. McKinney, 7145 West Tidwell, Houston, Texas 77001; (713) 462-7708.

The Region 14 Education Service Center, Board of Directors will meet at 1850 State Highway 351, Abilene, August 8, 1989, at 5:30 p.m. Information may be obtained from Tareasa Huey, Rt. 1, Box 70-A, Abilene, Texas 79601, (915) 676-8200.

The Region XVII Education Service Center, Board of Directors will meet in the Board Room, ESC Region XVII, 1111 West Loop 289, Lubbock, August 15, 1989, at 10 a.m. Information may be obtained from Weldon E. Day, 1111 West Loop 289, Lubbock, Texas 79416, (806) 792-4000, Ext. 202.

The South Plains Rural Rail Transportation District, Board of Directors met in the SPAG offices, 1323 58th Street, Lubbock, August 3, 1989, 10: 30 a.m. Information



may be obtained from Tim C. Pierce, P.O. Box 3736 Freedom Station, Lubbock, Texas 79432.

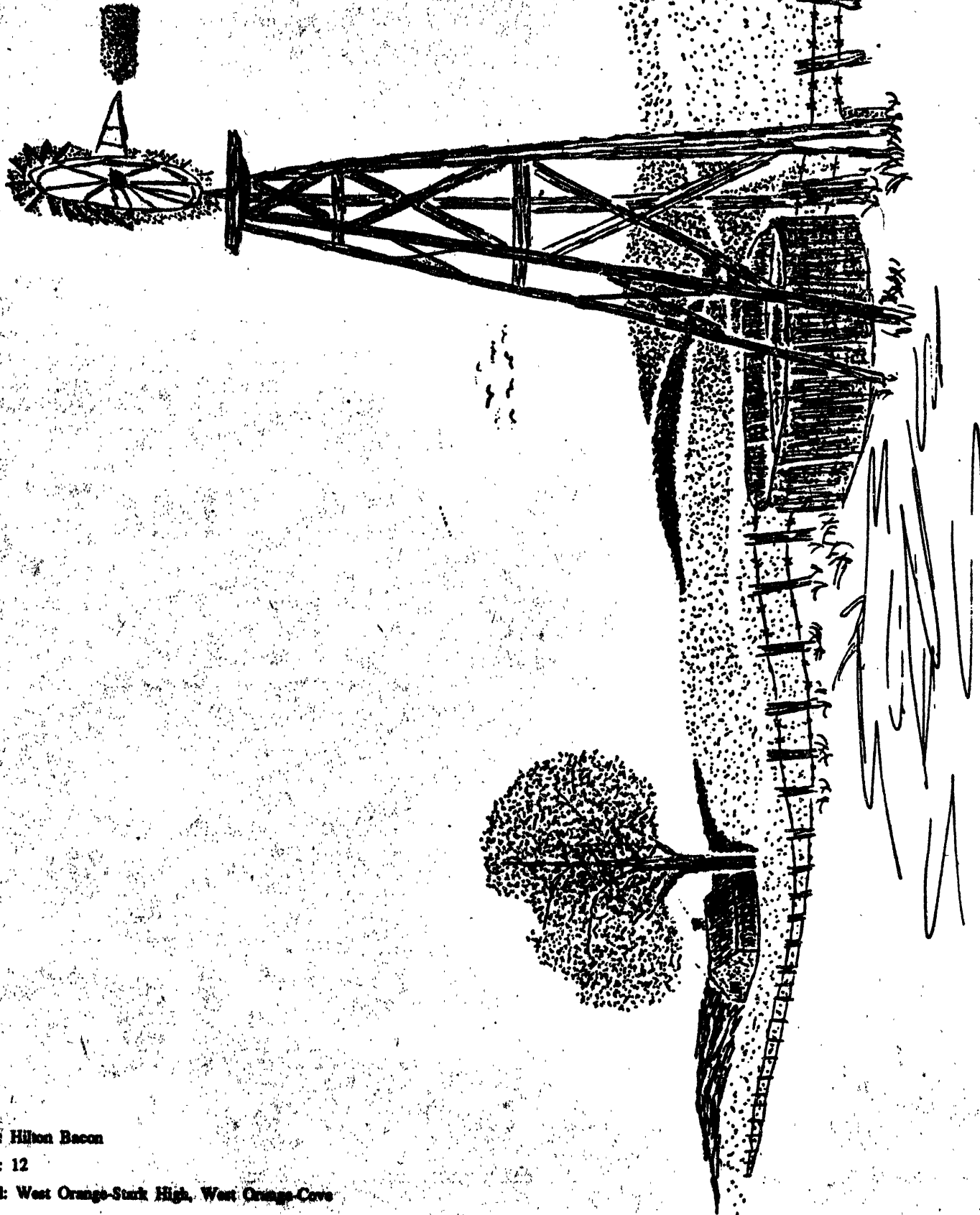
The Tyler County Appraisal District, Board of Directors will meet at 806 West Bluff, Woodville, August 8, 1989, at 4 p.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

The Upshur County Appraisal District, Board of Directors will meet in the district office, Warren and Trinity Street, Gilmer, August 10, 1989, at 1 p.m. Information may be obtained from Louise Stracener, Warren and Trinity Street, Gilmer, Texas.

TRD-8906747

### Meetings Filed August 1, 1989

The Brazos Valley Development Council, Executive Committee will meet in Suite 2, Council Offices, 3006 East 29th Street, Bryan, August 10, at 1:30 p.m. Information may be obtained from Glenn J. Cook, P.O. Drawer 4128, Bryan, Texas 77805, (409) 776-2277.



Name: Hilton Bacon

Grade: 12

School: West Orange-Stark High, West Orange, Ohio

# In Addition

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

## Texas Department of Banking Notice of Application

Texas Civil Statutes, Article 342-401a, requires any person who intends to buy control of a trust company to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular trust company. A hearing may be held if the application is denied by the commissioner.

On July 6, 1989, the banking commissioner received an application to acquire control of Bonstok Corporation, Dallas, by A.G. Edwards, Inc., St. Louis.

On July 26, 1989, 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) 479-1200.

Issued in Austin, Texas on July 26, 1989.

TRD-8908813 William F. Aldridge  
Director of Corporate Activities  
Texas Department of Banking

Filed: July 28, 1989

For further information, please call: (512) 479-1200.

Texas Civil Statutes, Article 342-401a, requires any person who intends to buy control of a 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 June 27, 1989, the banking commissioner received an application to acquire control of State Bank and Trust Company, Dallas, by Richard Roland Russell, Daniel Wayne Cameron, Harold Inge Bryars, and Steve Mark Floyd, all of Dallas.

On July 26, 1989, 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) 479-1200.

Issued in Austin, Texas, on July 26, 1989.

TRD-8908897 William F. Aldridge  
Director of Corporate Activities  
Texas Department of Banking

Filed: July 28, 1989.

For further information, please call: (512) 479-1200.

## Notice of Postponement of Hearing

The July 25, 1989, hearing on the cancellation of the

permit of Cox Funeral Home, Harlingen, has been postponed and will be rescheduled at a later date.

Additional information may be obtained from Ann Graham, General Counsel, Texas Department of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas on July 24, 1989.

TRD-8908813 Ann Graham  
General Counsel  
Texas Department of Banking

Filed: July 26, 1989

For further information, please call: (512) 479-1200

## State Banking Board Notice of Hearing

The hearing officer of the State Banking Board will conduct a hearing on September 11, 1989, at 9 a.m., at 2601 North Lamar Boulevard, Austin, on the change of domicile application for Commercial Acceptance Corporation, Dallas.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, Texas Department of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas on July 26, 1989.

TRD-8908890 William F. Aldridge  
Director of Corporate Activities  
Texas Department of Banking

Filed: July 27, 1989

For further information, please call (512) 479-1200

## Texas Department of Commerce Announcement of Contract Awards

The Texas Department of Commerce (Commerce) announces that the City of Livingston has been selected as a contract recipient for community development funds under the Texas Community Development Program established pursuant to Texas Civil Statutes, Article 4413 (301)

A contract is not effective until executed by the unit of general local government and the executive director of commerce.

Issued in Austin, Texas on July 21, 1989.

TRD-8908557 J. W. Lauderback  
Executive Director  
Texas Department of Commerce

Filed: July 24, 1989

For further information, please call (512) 320-8666

## Weekly Report on the 1989 Allocation of the State Ceiling on Certain Private Activity Bonds

The Tax Reform Act of 1986 (the Tax Act) imposes a volume ceiling on the aggregate principal amount of private activity bonds that may be issued within the State of Texas during any calendar year. The state ceiling for Texas, imposed by the Tax Act for calendar year 1988 is \$839,250,000.

State legislation, Texas Civil Statutes, Article 5190.9(a), (the Act), established the allocation process for the State of Texas. The Act specifies that one-third of the state ceiling is to be made available to qualified mortgage bonds and of that one-third, one-third is available to the Texas Housing Agency. One-fourth of the state ceiling is available to state-voted issues, and the balance of the state ceiling is available for all other issuers of bonds requiring an allocation.

Pursuant to the Act, the aggregate amount for qualified mortgage bond subceiling is \$279,750,000, with \$186,500,000 available to the local housing authorities and \$93,250,000 available to the Texas Housing Agency. The aggregate amount for state-voted issues is \$209,812,500 and the amount for all other bonds requiring an allocation is \$349,687,500.

Generally, the state ceiling is allocated on a first-come, first-served basis, with the Texas Department of Commerce (the department) administering the allocation system.

The information that follows is a weekly report of the allocation activity for the period, July 10, 1989-July 21, 1989.

Weekly report on the 1989 allocation of the state ceiling on certain private activity bonds as pursuant to Texas Civil Statutes, Article 5190.9(a).

Total amount of state ceiling remaining unreserved for the \$279,750,000 subceiling for qualified mortgage bonds under the Act as of July 21, 1989: \$48,251,166.

Total amount of state ceiling remaining unreserved for the \$209,812,500 subceiling for state-voted issues under the Act as of July 21, 1989: \$164,812,500.

Total amount of state ceiling remaining unreserved for the \$349,687,500 subceiling for all other bonds under the Act as of July 21, 1989: \$2,500.

Total amount of the \$839,250,000 state ceiling remaining unreserved as of July 21, 1989: \$213,066,166.

Comprehensive listing of bond issues which have received a reservation date pursuant to the Act from July 10, 1989-July 21, 1989: one.

Comprehensive listing of bonds issued and delivered as pursuant to the Act from July 10, 1989-July 21, 1989: Texas Housing Agency, Eligible Borrowers, Qualified Mortgage Bonds, \$45,000,000.

Issued in Austin, Texas, on July 24, 1989.

TRD-8906617

J. William Lauderback  
Executive Director  
Texas Department of Commerce

Filed: July 26, 1989

For further information, please call (512) 472-5059

## Texas Department of Community Affairs Request for Proposals

Human Services Reauthorization Act of 1984, Public Law 98-558

The Texas Department of Community Affairs (TDCA), administering agency for the Dependent Care Planning and Development Grant Program, announces a request for proposals (RFP) to provide planning and development services for activities related to dependent care resource and referral systems and activities related to school-age child care services.

Applicants whose proposals are approved will be expected to deliver services in accordance with the Human Services Reauthorization Act of 1984 (42 United States Code, §9871 et seq.) Proposals are solicited for: the planning, development, establishment, expansion, or improvement of resource and referral systems concerning the availability, types, costs, and locations of dependent care services; and/or the planning, development, establishment, expansion, or improvement of programs to furnish school-age child care services before and/or after school in public or private school facilities or in community centers in communities where school facilities are not available.

Proposals may be submitted for either the dependent care resource and referral concept or the school-age child care concept, or both. If an applicant submitting a proposal containing both concepts has experience in only one of the concepts, the applicant may subcontract with another organization that has experience in the other concept. All proposed programming with the subcontractor shall be submitted in the proposal by the applicant.

The total funding available pursuant to this RFP is approximately \$510,000. Forty percent of the funds must be used for dependent care resource and referral activities and 60% for school-age child care activities. TDCA plans to fund projects for the dependent care resource and referral concept at a maximum of \$25,000 (department share) per project and the school-age care concept at a maximum of \$35,000 per project. Each proposal must include a 25% matching share by the applicant. The contract period will be 12 months, from October 1, 1989, to September 30, 1990.

Eligible applicants for these funds include: local governments, regional councils of governments; public or non-profit private educational institutions; institutions directly involved in dependent care; community action agencies; and private nonprofit organizations. Applicants must document their ability to accomplish the proposed services, and their legal authority and eligibility to contract with TDCA. Preference will be given to applicants with demonstrated experience and ability to develop partnerships between the public and private sectors, provide good program management operations, and operate effective information and referral systems and dependent care programs serving children, elderly, or developmentally disabled.

**Deadlines.** Proposals must be received by TDCA by 5 p.m., Monday, September 11, 1989, except for proposals postmarked on or before September 8, 1989.

**General Information.** TDCA reserves the right to accept or reject any or all proposals submitted. TDCA is under no legal requirement to execute a contract on the basis of this request and intends this material only as a means of identifying the various contractor alternatives. TDCA intends to use responses as a basis for further negotiation of specific program details with potential contractors.

If TDCA selects a contractor(s) to provide the delivery of services, TDCA will base its choice(s) upon criteria including, but not limited to, the following: proposal order and content according to RFP packet instructions; description of applicant's background and experience; analysis of needs and priorities; description of service area; proper selection of allowable activities/services; adequacy of measurable activities/units in program narrative; interagency coordination; budgeting and cost-effectiveness; description of program operations and staffing responsibilities; description of applicant's reporting capabilities; coordination with public and private entities; description of evaluation method to determine planned program and client service effectiveness; and, applicant's ability to support the project after TDCA funding terminates.

This request does not commit TDCA to pay for any cost incurred prior to the execution of contracts, and is subject to the availability of funds from the United States Department of Health and Human Services. TDCA specifically reserves the right to vary all provisions at any time prior to the execution of a contract(s) if TDCA deems such variances to be in the best interest of the state, and to otherwise act as it determines at its sole discretion.

To obtain a RFP packet, a RFP packet or additional information regarding this notice may be obtained from Eddie Perles, Planner, Texas Department of Community Affairs, 8317 Cross Park Drive, Austin, Texas 78754-5124, (512) 834-6031.

Issued in Austin, Texas, on July 28, 1989.

TRD-8006730 Roger A. Coffield  
General Counsel  
Texas Department of Community Affairs

Filed: July 28, 1989.

For further information, please call: (512) 834-6010

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**Office of Consumer Credit  
Commissioner  
Notice of 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).

**NOTICE OF RATE CEILINGS**

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Articles 1.04, 1.05, 1.11 and 15.02, Title 79, Revised Civil Statutes of Texas, as amended (Articles 5069-1.04, 1.05, 1.11 and 15.02, Vernon's Texas Civil Statutes).

<u>Type of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer<sup>(3)</sup>/Agri- cultural/Commercial<sup>(4)</sup> thru \$250,000</u>	<u>Commercial<sup>(4)</sup> over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	07/31/89-08/06/89	18.00%	18.00%
Monthly Rate <sup>(1)</sup> Art. 1.04(c)	07/01/89-07/31/89	18.00%	18.00%
Standard Quarterly Rate - Art. 1.04(a)(2)	07/01/89-09/30/89	18.00%	18.00%
Retail Credit Card Quarterly Rate - Art. 1.11 <sup>(3)</sup>	07/01/89-09/30/89	18.00%	N.A.

Lender Credit Card Quarterly Rate - Art. 15.02(d) (3)	07/01/89-09/30/89	17.31%	N.A.
Standard Annual Rate - Art. 1.04(a) (2) (2)	07/01/89-09/30/89	18.00%	18.00%
Retail Credit Card Annual Rate - Art. 1.11 (3)	07/01/89-09/30/89	18.00%	N.A.
Annual Rate Applicable to Pre-July 1, 1983 Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from:	07/01/89-09/30/89	18.00%	N.A.
Judgment Rate - Art. 1.05, Section 2	08/01/89-08/31/89	10.00%	10.00%

- (1) For variable rate commercial transactions only.
- (2) Only for open-end credit as defined in Art. 5069-1.01(f) V.T.C.S.
- (3) Credit for personal, family or household use.
- (4) Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas this 24th day of July, 1989.

*Al Endsley*  
 Al Endsley, Commissioner

Issued in Austin, Texas, on July 24, 1989.

TRD-8808821 Al Endsley  
 Consumer Credit Commissioner

Filed: July 26, 1989

For further information, please call: (512) 478-1280

◆ ◆ ◆  
**Office of the Governor**  
**Budget Execution Proposals**

As authorized by Texas Government Code, §317.002(b)(1), relating to budget execution authority, I make the following budget execution proposal.

Funds were appropriated to the State Purchasing and General Services Commission for the fiscal year ending August 31, 1989, by the Texas Legislature pursuant to Senate Bill Number 1, 70th Legislature, Second Called Session, for the purpose of funding utility payments for the state office buildings. I propose to transfer to the Office of the Governor, and specifically to Disaster Contingency Fund Number 453, during the fiscal year ending August 31,

1989, certain of those funds that have not been encumbered by the State Purchasing and General Services Commission and to give the Office of the Governor the authority to spend or obligate the expenditure of such transferred funds for purposes of implementing the provisions of the Texas Disaster Act of 1975, Chapter 418, Government Code (House Bill Number 2032 64th Legislature, Regular Session). I find an emergency exists in that expenditures associated with Tropical Storm Allison have depleted the balance of Disaster Contingency Fund Number 453, preventing the State of Texas from having adequate resources on hand for emergency grants-in-aid and other necessary state expenditures in the event of a natural disaster.

Accordingly, I propose that unencumbered balances remaining as of August 31, 1989, out of the appropriations to the State Purchasing and General Services Commission for the fiscal year ending August 31, 1989, in Item 5, Utilities Distribution, at Page I-209 of Senate Bill Number 1, 70th Legislature, Second Called Session, in an amount not to exceed \$5,200,000, shall be transferred effective as of August 31, 1989, to the Office of the Governor, Disaster Contingency Fund Number 453, the unexpended balance of which is reappropriated to the Office of the

Governor, for the biennium beginning September 1, 1989, pursuant to Article I, Rider 15 to the appropriations to the Office of the Governor at Page I-141 of Senate Bill Number 222, 71st Legislature, Regular Session.

I hereby certify that this proposal has been reviewed by legal counsel and found to be within my authority.

Issued in Austin, Texas on July 28, 1989.

TRD-8906776 William P. Clements, Jr.  
Governor

Filed: August 1, 1989.

For further information, please call: (512) 463-1778

As authorized by Texas Government Code, §317.002(a), relating to budget execution authority and in accordance with Article V, §128, Page V-102, and Article II, Special Provisions, §5, Page II-93, of Senate Bill Number 222, 71st Legislature, Regular Session, I make the following budget execution proposal.

I propose that the Texas Department of Human Services (DHS), be prohibited from spending those monies appropriated for the fiscal year ending August 31, 1990, in Item 21, Implementation of Omnibus Budget Reconciliation Act of 1987, Page II-36 of Senate Bill Number 222, 71st Legislature, Regular Session, unless and until I and the Legislative Budget Board approve the comprehensive implementation plan required under Article II, Special Provisions, § 5, Page II-93, of Senate Bill Number 222. If that plan is approved, the monies shall be expended through interagency contracts with the Texas Department of Health, the Texas Department of Mental Health and Mental Retardation, and the Texas Department on Aging for pre-admission screening and annual resident review programs and for nurse aide training programs, as detailed in the plan. The plan must include the dollar amounts of the contracts and the responsibilities of the contracting agencies. The plan must be submitted to me and to the Legislative Budget Board by August 15, 1989.

If subsequent actions by the United States Congress substantially affect the aforementioned comprehensive implementation plan, if approved by me and the Legislative Budget Board, then DHS may request that the plan be amended. Such amendments would only take effect upon written approval of the amendments by the directors of my Office of Budget and Planning and the Legislative Budget Board.

I hereby certify that this proposal has been reviewed by legal counsel and found to be within my authority.

Issued in Austin, Texas, on July 28, 1989.

TRD-8906777 William P. Clements, Jr.  
Governor

Filed: August 1, 1989.

For further information, please call: (512) 463-1778

As authorized by Texas Government Code, §317.002, relating to budget execution authority and in accordance with Article V, §128, Page V-102, and Article II, Rider 21 to the appropriations to the Texas Youth Commission, Page II-79, of Senate Bill Number 222, 71st Legislature, Regular Session, I make the following budget execution proposal.

From the \$1,000,000 in unexpended balances remaining in various items of appropriation and unearned contingency appropriations to the Texas Youth Commission for fiscal year 1989 carried forward to fiscal year 1990 under Rider 21 to the appropriations to the Texas Youth Commission, I propose to make available and distribute to the Texas Youth Commission \$741,078 for the fiscal year beginning September 1, 1989 and ending August 31, 1990 for salary increases necessary to reallocate Youth Activities Supervisor positions to higher pay groups. The salary increases are as follows:

<u>Classification Number</u>	<u>Position</u>	<u>Current Pay Group</u>	<u>New Pay Group</u>
5191	Youth Activities Supervisor II	08	09
5192	Youth Activities Supervisor III	09	11
5193	Youth Activities Supervisor IV	10	12

The expenditure of the remainder of the \$1,000,000 which will be carried forward to fiscal year 1991 for the sole purpose of facilitating the continued funding of these salary increases is contingent upon a similar budget execution proposal and Legislative Budget Board approval next year.

I hereby certify that this proposal has been review by legal counsel and found to be within my authority.

Issued in Austin, Texas on July 28, 1989.

TRD-8906776 William P. Clements, Jr.  
Governor

Filed: August 1, 1989.

For further information, please call: (512) 463-1778

### Texas Department of Health Public Hearing

The department will conduct a public hearing on the following municipal solid waste disposal site:

Browning-Ferris, Inc., has filed Application Number 2027 with the Texas Department of Health for a permit to operate a proposed Type I municipal solid waste disposal

site to be located approximately 2,000 feet south of the southwest city limits of Beaumont, 1.5 miles southeast of the intersection of IH 10 and Amelia Road (FM 344), 3,000 feet south of the intersection of Pine Road/Drive and La Belle Road, and adjacent to and east of La Belle Road in Jefferson County.

The site consists of approximately 387.5 acres of land, and is to daily receive approximately 742.0 tons of solid waste under the regulatory jurisdiction of the department when disposed of or otherwise processed in accordance with the department's municipal solid waste management regulations.

Pursuant to the provisions of the Texas Solid Waste Disposal Act (Texas Civil Statutes, Article 4477-7), the department's said regulations, and the Administrative Procedure and Texas Register Act (Texas Civil Statutes, 6252-13a), a public hearing on the aforesaid application will be held at The Beaumont Hilton, 2355 Interstate 10 South at Washington, Beaumont, at 9:30 a.m. on Tuesday, September 19, 1989. The purpose of the hearing is to receive evidence for and against the issuance of a permit for the aforesaid application. The hearing will be conducted and the final decision will be rendered in accordance with the applicable rules contained in the department's said regulations, including all changes in effect as of May 10, 1988. All parties having an interest in this matter shall have the right to appear at the hearing, present evidence, and be represented by counsel. Pursuant to Texas Civil Statutes, Article 6252-13a, and the department's formal hearing procedures, the cost of a written hearing transcript may be assessed against one or more of the designated parties.

A copy of the complete application may be reviewed at the Texas Department of Health, 1100 West 49th Street, Austin, or at the Department's Public Health Region 4 office located at 10500 Forum Place Drive, Suite 200, Houston, Texas 77036, (713) 995-1112.

Issued in Austin, Texas on July 27, 1989.

TRD-8906759      Robert A. MacLean, M.D.  
Deputy Commissioner for Professional  
Services  
Texas Department of Health

Filed: July 27, 1989.

For further information, please call: (512) 458-7271

## State Board of Insurance Company Licensing

The following applications have been filed with the State Board of Insurance and are under consideration:

1. Application for admission to do business in Texas of USA Health and Life Insurance Company of Oklahoma, a foreign life insurance company. The home office is in Oklahoma City, Oklahoma.
2. Application for admission to do business in Texas of Wisconsin Life Insurance Company, a foreign life insurance company. The home office is in Des Moines, Iowa.
3. Application for name change by Rushmore Mutual Life Insurance Company, a foreign life insurance company. The home office is in Rapid City, South Dakota. The proposed new name is Rushmore National Life Insurance Company.
4. Application for admission to do business in Texas of Financial Benefit Life Insurance Company, a foreign life insurance company. The home office is in Boca Raton, Florida.

3. Application for admission to do business in Texas of Victoria Fire & Casualty Company, a foreign casualty insurance company. The home office is in Cleveland, Ohio.

6. Application for admission to do business in Texas of Eagle American Insurance Company, a foreign casualty insurance company. The home office is in Cincinnati, Ohio.

7. Application for admission to do business in Texas of American Spirit Insurance Company, a foreign casualty insurance company. The home office is in Indianapolis, Indiana.

8. Application for admission to do business in Texas of Security National Life Insurance Company, a foreign life insurance company. The home office is in Salt Lake City, Utah.

9. Application for incorporation in Texas of Managed Recovery, Inc., a domestic third party administrator. The home office is in San Antonio.

10. Application for admission to do business in Texas of Executive and Employee Benefit Plans, Inc., a foreign third party administrator. The home office is in Columbus, Ohio.

Issued in Austin, Texas, on July 24, 1989.

TRD-8906619      Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Filed: July 26, 1989

For further information, please call (512) 463-6327.

The following applications have been filed with the State Board of Insurance and are under consideration:

1. Application for name change by Southern Life Insurance Company, a foreign life insurance company. The home office is in Sacramento. The proposed new name is London Pacific Life & Annuity Company.
2. Application for name change by Diamond Life Insurance Company, a domestic life insurance company. The home office is in Mesquite. The proposed new name is Vision Service Plan Insurance Company.
3. Application for incorporation in Texas Commerce Service Corporation, a domestic third party administrator. The home office is in Dennison.

Issued in Austin, Texas, on July 13, 1989.

TRD-8906748      Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Filed: July 31, 1989

For further information, please call (512) 463-6327.

## Texas Medical Disclosure Panel Texas Medical Disclosure Panel Medical Treatment and Surgical Procedures

The Medical Liability and Insurance Improvement Act, Texas Civil Statutes, Article 4590i, §6.04, requires the Texas Medical Disclosure Panel to prepare separate lists of medical treatments and surgical procedures that do and do not require disclosure of the possible risks and hazards by physicians and health care providers to patients or persons authorized to consent for the patients. Section 6.04 also



requires the panel to establish the degree of disclosure required and the form for disclosure. In compliance with the Act, the panel has prepared List A (covering treatments and procedures which require full disclosure), List B (treatments and procedures which do not require disclosure), and a disclosure and consent form. List A, List B, and the form are adopted by reference in 25 TAC §§601.1, 601.2, and 601.3 respectively.

Article 4590i, §6.04 further requires the panel to publish the lists and amendments to them in the *Texas Register*. In

the proposed rule section of this issue of the *Texas Register*, the panel now proposes to amend §601.1 concerning List A, to amend §601.3 concerning the disclosure and consent form, and to adopt new §601.4 concerning a radiation therapy disclosure and consent form. The text of the amendments to the list in §601.1, and the form in new §6.04 are published as follows. Further information about the proposed amendments and new section is contained in the proposed rule section.

§601.1. Procedures Requiring Full Disclosure (List A). The following treatments and procedures require full disclosure by the physician or health care provider to the patient or person authorized to consent for the patient.

1. - 17. (No change)

18. Radiation Therapy.

1. Head and Neck

1. Early Reactions

1. Reduced and sticky saliva, loss of taste and appetite, altered sense of smell, nausea.

2. Sore throat, difficulty swallowing, weight loss, fatigue.

3. Skin changes: redness, irritation, scaliness, blistering or ulceration, color change, thickening, hair loss.

4. Hoarseness, cough, loss of voice, blockage of nasal passages, and swelling of airway.

5. Inflammation of ear canal, feeling of "stopped-up" ear, hearing loss, dizziness.

6. Dry and irritable eye(s).

7. In children, these reactions are likely to be intensified by chemotherapy before, during or after radiation therapy.

8. In children, depression of blood count leading to increased risk of infection and/or bleeding is more common.

2. Late Reactions

1. Dry mouth, altered sense or loss of taste.

2. Tooth decay and gum changes.

3. Bone damage, especially in jaws.

4. Stiffness and limitation of jaw movement.

5. Changes in skin texture and/or coloration, permanent hair loss, and scarring of skin.

6. Swelling of the tissues, particularly under the chin.

7. Throat damage causing hoarseness, pain or difficulty breathing.

8. Eye damage causing dry eye, cataract, loss of vision, or loss of eye.

9. Ear damage causing dryness of ear canal, fluid collection in middle ear, hearing loss.

10. Brain, spinal cord or nerve damage causing alteration of thinking ability or memory, and/or loss of strength, feeling or coordination in any part of the body.

11. Pituitary or thyroid gland damage requiring long-term hormone replacement therapy.

12. In children, there may be additional late reactions as follows:

1. Site-specific disturbances of bone and tissue growth.

2. Bone damage to spine, causing stunting of growth, curvature and reduction in height.

3. Bone damage to face, limbs or pelvis causing stunting of bone growth and/or abnormal development.

4. Underdevelopment or absence of development of female breast.

5. Brain damage causing a loss of intellectual ability, learning capacity, and reduced intelligence quotient (I.Q.).

6. Second cancers developing in the irradiated area.

## 2. Central Nervous System

### 1. Early Reactions

1. Skin and scalp reaction with redness, irritation, scaliness, blistering, ulceration, change in color, thickening, hair loss.

2. Nausea, vomiting, headaches.

3. Fatigue, drowsiness.

4. Altered sense of taste or smell.

5. Inflammation of ear canal, feeling of "stopped-up" ear, hearing loss, dizziness.

6. Depression of blood count leading to increased risk of infection and/or bleeding.

7. In children, these reactions are likely to be intensified by chemotherapy before, during or after radiation therapy.

8. In children, depression of blood count leading to increased risk of infection and/or bleeding is more common.

## 2. Late Reactions

1. Permanent hair loss of variable degrees, altered regrowth texture and color of hair.
2. Persistent drowsiness and tiredness.
3. Brain damage causing a loss of some degree of thinking ability or memory, or personality changes.
4. Scarring of skin.
5. Spinal cord or nerve damage causing loss of strength, feeling, or coordination in any part of the body.
6. Damage to eye(s), or optic nerve causing loss of vision.
7. Ear damage causing dryness of ear canal, fluid collection in middle ear, hearing loss.
8. Pituitary gland damage requiring long-term hormone replacement therapy.
9. In children, there may be additional late reactions as follows:
  1. Site-specific disturbances of bone and tissue growth.
  2. Bone damage to spine, causing stunting of growth, curvature and reduction in height.
  3. Bone damage to face, limbs or pelvis causing stunting of bone growth/or abnormal development.
  4. Underdevelopment or absence of development of female breast.
  5. Brain damage causing a loss of intellectual ability, learning capacity, and reduced intelligence quotient (I.Q.).
  6. Second cancers developing in the irradiated area.

## 3. Thorax

### 1. Early Reactions

1. Skin changes: redness, irritation, scaliness, ulceration, change in color, thickening, hair loss.
2. Inflammation of esophagus causing pain on swallowing, heartburn, or sense of obstruction.
3. Loss of appetite, nausea, vomiting.
4. Weight loss, weakness, vomiting.

5. Inflammation of the lung with pain, fever, and cough.
6. Inflammation of the heart sac with chest pain and palpitations.
7. Bleeding or creation of fistula resulting from tumor destruction.
8. Depression of blood count leading to increased risk of infection and/or bleeding.
9. Intermittent electric shock-like feelings in the lower spine or legs on bending the neck.
10. In children, these reactions are likely to be intensified by chemotherapy before, during or after radiation therapy.
11. In children, depression of blood count leading to increased risk of infection and/or bleeding is more common.

## 2. Late Reactions

1. Changes in skin texture and/or coloration, permanent hair loss and scarring of skin.
2. Lung scarring or shrinkage causing shortness of breath.
3. Narrowing of esophagus causing swallowing problems.
4. Constriction of heart sac which may require surgical correction.
5. Damage to heart muscle or arteries leading to heart failure.
6. Fracture of ribs.
7. Nerve damage causing pain, loss of strength or feeling in arms.
8. Spinal cord damage causing loss of strength or feeling in arms and legs, and/or loss of control of bladder and rectum.
9. In children, there may be additional late reactions as follows:
  1. Site-specific disturbances of bone and tissue growth.
  2. Bone damage to spine, causing stunting of growth, curvature and reduction in height.
  3. Bone damage to face, limbs or pelvis causing stunting of bone growth and/or abnormal development.
  4. Underdevelopment or absence of development of female breast.

5. Brain damage causing a loss of intellectual ability, learning capacity, and reduced intelligence quotient (I.Q.).

6. Second cancers developing in the irradiated area.

#### 4. Breast

##### 1. Early Reactions

1. Skin changes: redness, irritation, scaliness, blistering, ulceration, coloration, thickening, and hair loss.

2. Breast changes including swelling, tightness, or tenderness.

3. Inflammation of the esophagus causing pain on swallowing, heartburn, or sense of obstruction.

4. Lung inflammation with cough.

5. Inflammation of heart sac with chest pain and pal-pitations.

6. In children, these reactions are likely to be intensified by chemotherapy before, during or after radiation therapy.

7. In children, depression of blood count leading to in-creased risk of infection and/or bleeding is more common.

##### 2. Late Reactions

1. Changes in skin texture and/or coloration, permanent hair loss, scarring of skin.

2. Breast changes including thickening, firmness, tenderness, shrinkage.

3. Swelling of arm.

4. Stiffness and discomfort in shoulder joint.

5. Rib or lung damage causing pain, fracture, cough, shortness of breath.

6. Nerve damage causing pain, loss of strength or feeling in arm.

7. Damage to heart muscle or arteries or heart sac leading to heart failure.

8. In children, there may be additional late reactions as follows:

1. Site-specific disturbances of bone and tissue growth.

2. Bone damage to spine, causing stunting of growth, curvature and reduction in height.

3. Bone damage to face, limbs or pelvis causing stunting of bone growth and/or abnormal development.

4. Underdevelopment or absence of development of female breast.

5. Brain damage causing a loss of intellectual ability, learning capacity, and reduced intelligence quotient (I.Q.).

6. Second cancers developing in the irradiated area.

## 5. Abdomen

### 1. Early Reactions

1. Skin changes: redness, irritation, scaliness, ulceration, coloration, thickening, hair loss.

2. Loss of appetite, nausea, vomiting.

3. Weight loss, weakness, fatigue.

4. Inflammation of stomach causing indigestion, heartburn, and ulcers.

5. Inflammation of bowel causing cramping and diarrhea.

6. Depression of blood count leading to increased risk of infections and/or bleeding.

7. In children, these reactions are likely to be intensified by chemotherapy before, during and after radiation therapy.

8. In children, depression of blood count leading to increased risk of infection and/or bleeding is more common.

### 2. Late Reactions

1. Changes in skin texture and/or coloration, permanent hair loss, scarring of skin.

2. Stomach damage causing indigestion, pain, and bleeding.

3. Bowel damage causing narrowing or adhesions of bowel with obstruction, ulceration, or bleeding which may require surgical correction, chronic diarrhea, or poor absorption of food elements.

4. Kidney damage leading to kidney failure and/or high blood pressure.

5. Liver damage leading to liver failure.

6. Spinal cord or nerve damage causing loss of strength or feeling in legs and/or loss of control of bladder and/or rectum.

7. In children, there may be additional late reactions as follows:

1. Site-specific disturbances of bone and tissue growth.
2. Bone damage to spine, causing stunting of growth, curvature and reduction in height.
3. Bone damage to face, limbs or pelvis causing stunting of bone growth and/or abnormal development.
4. Underdevelopment or absence of development of female breast.
5. Brain damage causing a loss of intellectual ability, learning capacity, and reduced intelligence quotient (I.Q.).
6. Second cancers developing in the irradiated area.

## 6. Female Pelvis

### 1. Early Reactions

1. Inflammation of bowel causing cramping and diarrhea.
2. Inflammation of rectum and anus causing pain, spasm, discharge, bleeding.
3. Bladder inflammation causing burning, frequency, spasm, pain, bleeding.
4. Skin changes: redness, irritation, scaliness, blistering or ulceration, coloration, thickening, hair loss.
5. Disturbance of menstrual cycle.
6. Vaginal discharge, pain, irritation, bleeding.
7. Depression of blood leading to increased risk of infection and/or bleeding.
8. In children, these reactions are likely to be intensified by chemotherapy before, during or after radiation therapy.
9. In children, depression of blood count leading to increased risk of infection and/or bleeding is more common.

### 2. Late Reactions

1. Bowel damage causing narrowing or adhesions of bowel with obstruction, ulceration or bleeding which may require surgical correction, chronic diarrhea, or poor absorption of food elements.



2. Bladder damage with loss of capacity, frequency of urination, blood in urine, recurrent urinary infections, pain, or spasm which may require urinary diversion and/or removal of bladder.

3. Changes in skin texture and/or coloration, permanent hair loss, scarring of skin.

4. Bone damage leading to fractures.

5. Ovarian damage causing infertility, sterility or premature menopause.

6. Vaginal damage leading to dryness, shrinkage, pain, bleeding, or sexual dysfunction.

7. Swelling of the genitalia of legs.

8. Nerve damage causing pain, loss of strength or feeling in legs, and/or loss of control of bladder or rectum.

9. Fistula between the bladder and/or bowel and/or vagina.

10. In children, there may be additional late reactions as follows:

1. Site-specific disturbances of bone and tissue growth.

2. Bone damage to spine, causing stunting of growth, curvature and reduction in height.

3. Bone damage to face, limbs or pelvis causing stunting of bone growth and/or abnormal development.

4. Underdevelopment or absence of development of female breast.

5. Brain damage causing a loss of intellectual ability, learning capacity, and reduced intelligence quotient (I.Q.).

6. Second cancers developing in the irradiated area.

## 7. Male Pelvis

### 1. Early Reactions

1. Inflammation of bowel causing cramping and diarrhea.

2. Inflammation of rectum and anus causing pain, spasm, discharge, bleeding.

3. Bladder inflammation causing burning, frequency, spasm, pain, bleeding.

4. Skin changes: redness, irritation, scaliness, blistering or ulceration, coloration, thickening, hair loss.

5. Depression of blood count leading to increased risk of infection and/or bleeding.

6. In children, these reactions are likely to be intensified by chemotherapy before, during or after radiation therapy.

7. In children, depression of blood count leading to increased risk of infection and/or bleeding is more common.

## 2. Late Reactions

1. Bowel damage causing narrowing or adhesions of bowel with obstruction, ulceration or bleeding which may require surgical correction or colostomy, chronic diarrhea, or poor absorption of food elements.

2. Bladder damage with loss of capacity, frequency of urination, blood in urine, recurrent urinary infections, pain, or spasm which may require urinary diversion and/or removal of bladder.

3. Changes in skin texture and/or coloration, permanent hair loss, scarring of skin.

4. Bone damage leading to fractures.

5. Testicular damage causing reduced sperm counts, infertility, sterility, or risk of birth defects.

6. Impotence (loss of erection), or sexual dysfunction.

7. Swelling of the genitalia or legs.

8. Nerve damage causing pain, loss of strength or feeling in legs, and/or loss of control of bladder or rectum.

9. Fistula between the bowel and other organs.

10. In children, there may be additional late reactions as follows:

1. Site-specific disturbances of bone and tissue growth.

2. Bone damage to spine, causing stunting of growth, curvature and reduction in height.

3. Bone damage to face, limbs or pelvis causing stunting of bone growth and/or abnormal development.

4. Brain damage causing a loss of intellectual ability, capacity, and reduced intelligence quotient (I.Q.).

5. Second cancers developing in the irradiated area.

## **8. Skin**

### **1. Early Reactions**

1. Redness, irritation, or soreness.
2. Scaliness, ulceration, crusting, oozing, discharge.
3. Hair loss.
4. In children, these reactions are likely to be intensified by before, during or after radiation therapy.
5. In children, depression of blood count leading to increased risk of infection and/or bleeding is more common.

### **2. Late Reactions**

1. Changes in skin texture causing scaly or shiny smooth skin, thickening with contracture, puckering, scarring of skin.
2. Changes in skin color.
3. Prominent dilated small blood vessels.
4. Permanent hair loss.
5. Chronic or recurrent ulcerations.
6. Damage to adjacent tissues including underlying bone or cartilage.
7. In children, there may be additional late reactions as follows:

1. Site-specific disturbances of bone and tissue growth.
2. Bone damage to spine, causing stunting of growth, curvature and reduction in height.
3. Bone damage to face, limbs or pelvis causing stunting of bone growth and/or abnormal development.
4. Underdevelopment or absence of development of female breast.
5. Brain damage causing a loss of intellectual ability, learning capacity, and reduced intelligence quotient (I.Q.).
6. Second cancers developing in the irradiated area.

## **9. Extremities**

### **1. Early Reactions**

1. Skin changes: redness, irritation, scaliness, ulceration, coloration, thickening, hair loss.

2. Inflammation of soft tissues causing tenderness, swelling, and interference with movement.

3. Inflammation of joints causing pain, swelling and limitation of joint motion.

4. In children, these reactions are likely to be intensified by chemotherapy before, during or after radiation therapy.

5. In children, depression of blood count leading to increased risk of infection and/or bleeding is more common.

## 2. Late Reactions

1. Changes in skin reaction and/or coloration, permanent hair loss, scarring of skin.

2. Scarring or shrinkage of soft tissues and muscle causing loss of flexibility and movement, swelling of the limb.

3. Nerve damage causing loss of strength, feeling or coordination.

4. Bone damage causing fracture.

5. Joint damage causing permanent stiffness, pain and arthritis.

6. Swelling of limb below the area treated.

7. In children, there may be additional late reactions as follows:

1. Site-specific disturbances of bone and tissue growth.

2. Bone damage to spine, causing stunting of growth, curvature and reduction in height.

3. Bone damage to face, limbs or pelvis causing stunting of bone growth and/or abnormal development.

4. Underdevelopment or absence of development of female breast.

5. Brain damage causing a loss of intellectual ability, learning capacity, and reduced intelligence quotient (I.Q.).

6. Second cancers developing in the irradiated area.

## 10. Total Body Irradiation

### 1. Early Reactions

1. Loss of appetite, nausea, vomiting.

2. Diarrhea.

3. Reduced and sticky saliva, swelling of the salivary gland(s), loss of taste.

4. Hair loss.

5. Sore mouth and throat, difficulty swallowing.

6. Permanent destruction of bone marrow leading to infection, bleeding, and possibly death.

7. Inflammation of the lung with fever, dry cough and difficulty breathing with possible fatal lung failure.

8. Damage to liver with possible fatal liver failure.

9. In children, these reactions are likely to be intensified by chemotherapy before, during or after radiation therapy.

10. In children, depression of blood count leading to increased risk of infection and/or bleeding is more common.

## 2. Late Reactions

1. Lung scarring causing shortness of breath, infection and fatal lung failure.

2. Cataract formation in the eyes, possible loss of vision.

3. Testicular damage in males causing sterility.

4. Ovarian damage in females causing premature menopause and sterility.

5. In children, there may be additional late reactions as follows:

1. Site-specific disturbances of bone and tissue growth.

2. Bone damage to spine, causing stunting of growth, curvature and reduction in height.

3. Bone damage to face, limbs or pelvis causing stunting of bone growth and/or abnormal development.

4. Underdevelopment or absence of development of female breast.

5. Brain damage causing a loss of intellectual ability, learning capacity, and reduced intelligence quotient (I.Q.).

6. Second cancers developing in the irradiated area.

**§601.4. Radiation Therapy Disclosure and Consent Form.** The following form will be used by the physician or health care provider to inform the patient or person authorized to consent for the patient of the possible risks and hazards involved in the radiation therapy named in the form.

**Disclosure And Consent For Radiation Therapy**

As a patient, you have the right to be informed about your condition and the recommended radiation therapy procedure to be used to treat your condition. This disclosure is not meant to alarm you; however, there are certain risks which are associated with radiation therapy. This explanation is intended to inform you of those risks so that you may give or withhold your consent to the recommended procedure on an informed basis. Please carefully review the following and if you choose to proceed with this treatment, sign this consent in the space below.

I hereby voluntarily request and authorize Dr. \_\_\_\_\_ as my physician, and such associates, technicians and the health care providers as they may deem necessary to treat my condition which has been explained to me as:

\_\_\_\_\_  
\_\_\_\_\_  
I understand that my condition may be treated with external beam radiation therapy alone, with internal radiation implants alone or with both or in planned combination with surgery and/or chemotherapy.

I understand that the following radiation therapy procedure(s) are planned for me, and I consent to and authorize these procedure(s) (specify technique and site): \_\_\_\_\_

\_\_\_\_\_  
I further authorize the taking of photographs or the placing of tattoo or skin marks necessary for treatment.

I understand that radiation can be harmful to the unborn child. (For females only:  I am,  I could be,  I am not pregnant.)

I understand that there may be side-effects or complications from radiation therapy, either during or shortly after the course of treatment ("early reactions") or some time later ("late reactions"). Any of the side-effects or complications may be temporary or permanent.

These reactions may be worsened by chemotherapy or surgery before, during or after radiation therapy or by previous radiation therapy to the same area.

**Disclosure And Consent For Radiation Therapy**

**(Page 2)**

Early and late reactions which could occur as a result of the procedure(s) are listed below. With few exceptions, these reactions affect only the areas actually receiving radiation therapy.

(Place list(s) here.)

The nature and purpose of the proposed procedure, the alternative methods of treatment, and the risks and hazards if treatment is withheld have been explained to me by my physician. I have had an opportunity to discuss these matters with my physician and to ask questions about my condition, alternative methods of treatment and the proposed procedure(s). I understand that no warranty or guarantee has been made to me as a result or cure.

\_\_\_\_\_  
Patient/Other Legally Responsible Person (Signature)

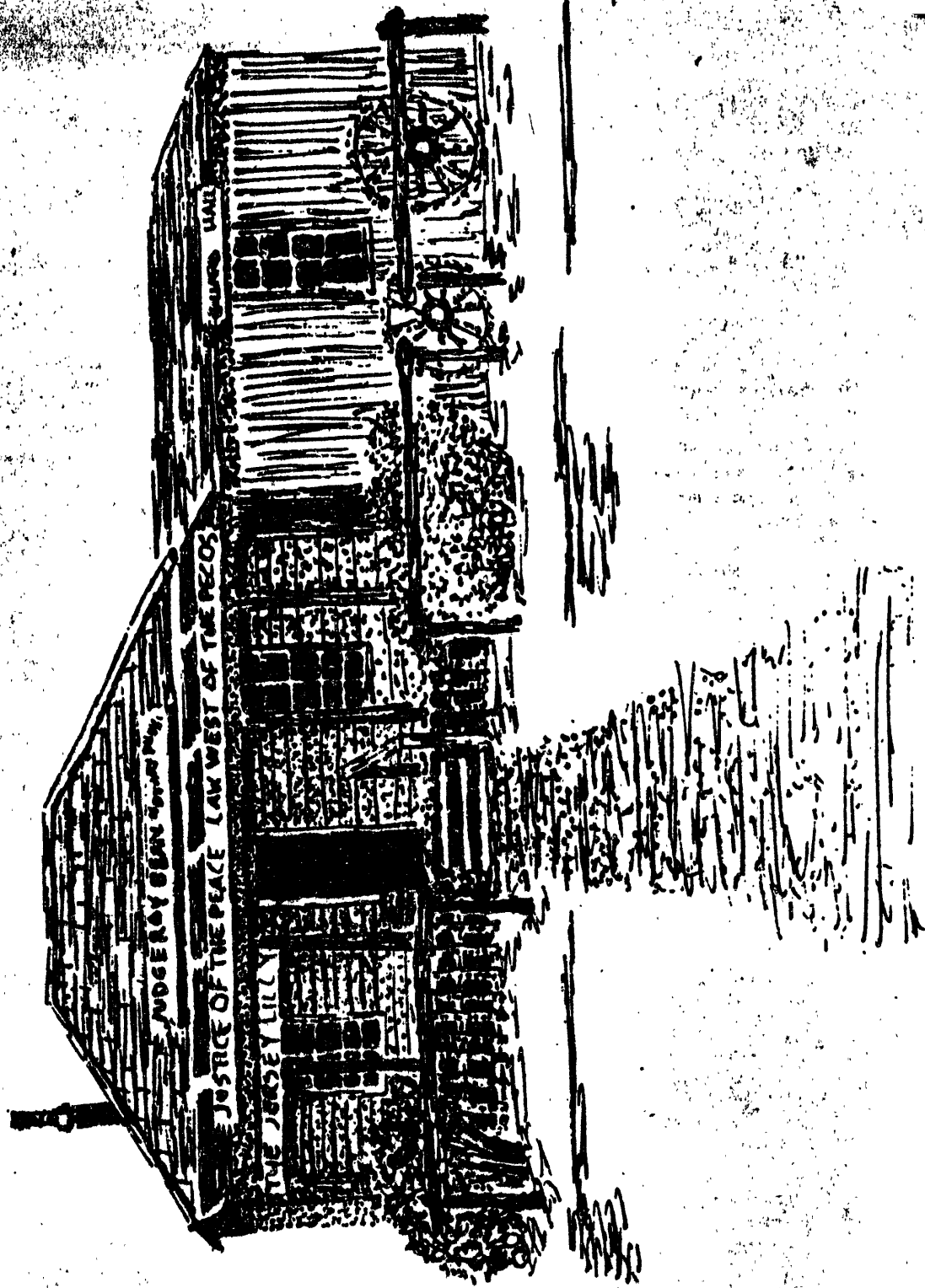
Date \_\_\_\_\_ Time \_\_\_\_\_

A.M.  
P.M.

\_\_\_\_\_  
Physician's Signature

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Address



Name: Billy Raymer

Grade: 11

School: West Orange-Stark High, West Orange-Cove



Issued in Austin, Texas, on July 28, 1989.

TRD-890738

James H. Duke, Jr.  
Chairman  
Texas Medical Disclosure Panel

Filed: July 28, 1989.

For further information, please call: (512) 458-7245

**Texas Department of Mental Health  
and Mental Retardation  
Request for Proposal**

The Texas Department of Mental Health and Mental Retardation (TDMHMR) invites interested parties to submit contract proposals to provide home and community-based services. This request is filed pursuant to Texas Civil Statutes, Article 6252-11c.

The Texas Department of Human Services (TDHS) and the TDMHMR received approval from the Health Care Financing Administration (HCFA) for a waiver authorized by the Social Security Act, §1915(c) to provide home and community-based services. Home and community-based services include the delivery of all of the following services: case management; respite services; homemaker services; habilitation services; nursing services; occupational therapy; physical therapy; speech and audiology services; psychology services; and social services.

These waived services provide cost-effective alternatives to institutionalization for a limited number of eligible individuals who meet the intermediate care facilities for the mentally retarded level-of-care criteria. The waiver renewal, effective September 1, 1989, enables the program to provide home and community-based services to additional individuals through contracts awarded through this procurement. Contracts are limited to providing services to a maximum of 30 eligible individuals.

Copies of the request for proposal (RFP) are available on written request mailed to Linda M. Hughes-Daniel, HCS Program Coordinator, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711-2668, beginning August 4, 1989. A conference for persons interested in offering a proposal is scheduled for 8:30 a.m.-5 p.m. on September 13, 1989, in the auditorium of the Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin, Texas 78756, (512) 323-3211.

All questions concerning this RFP must reference this RFP and be submitted in writing, date-stamped, and received in the mailroom of TDMHMR by 5 p.m., September 26, 1989.

The closing date for receipt of proposals by the TDMHMR is October 20, 1989. Offers must be date-stamped in the mailroom of the TDMHMR Central Office by 4 p. m. on October 20, 1989.

Providers will be selected on the basis of a review process established for that purpose. Recommendations will be based on criteria included in the RFP.

Issued in Austin, Texas on July 31, 1989.

TRD-8906748

Dennis R. Jones  
Commissioner  
Texas Department of Mental Health and  
Mental Retardation

Filed: July 31, 1989

For further information, please call: (512) 458-4591

**Public Utility Commission of Texas  
Notice of Application to Amend  
Certificate of Convenience and  
Necessity**

Notice is hereby given to the public of the filing with the Public Utility Commission of Texas of an application on July 7, 1989, to amend a certificate of convenience and necessity pursuant to the Public Utility Regulatory Act, §§16(a), 17(e), 50, 52, and 54. A summary of the application follows.

**Docket Title and Number.** Application of Central Power and Light Company to amend certificated service area boundaries within Karnes County, Docket 8918, before the Public Utility Commission of Texas.

**The Application.** In Docket 8918, Central Power and Light Company requests approval of its application to alter service area boundaries to provide service to a single customer outside its current service area in Karnes County.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0223, or (512) 458-0227, or (512) 458-0221 for typewriter for the deaf.

Issued in Austin, Texas on July 21, 1989.

TRD-8906547

Mary Rice McDonald  
Secretary of the Commission  
Public Utility Commission

Filed: July 24, 1989

For further information, please call (512) 458-0100

**Notice of Application to Amend  
Certificate of Convenience and  
Necessity**

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on July 14, 1989, to amend a certificate of convenience and necessity pursuant to the Public Utility Regulatory Act, §§16(a), 17(e), 50, 52, and 54. A summary of the application follows.

**Docket Title and Number.** Application of GTE Southwest Inc. to amend certificate of convenience and necessity within Hays County, Docket 8930 before the Public Utility Commission of Texas.

**The Application.** In Docket 8930, GTE Southwest requests approval of its application for a minor boundary change between its Wimberley Exchange and Dripping Springs Exchange to reflect service as it is currently provided.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0223, or (512) 458-0227, or (512) 458-0221 for typewriter for the deaf.

Issued in Austin, Texas on July 26, 1989.

TRD-8006680

Mary Ross McDonald  
Secretary of the Commission  
Public Utility Commission

Filed: July 27, 1989

For further information, please call: (512) 458-0100

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on July 13, 1989, to amend a certificate of convenience and necessity pursuant to the Public Utility Regulatory Act, §§16(a), 17(e), 50, 52, and 54. A summary of the application follows.

**Docket Title and Number.** Application of Brazos Electric Cooperative, Inc. for a certificate of convenience and necessity for proposed transmission line within King, Haskell, and Stonewall Counties, Docket 8926 before the Public Utility Commission of Texas.

**The Application.** In Docket 8926, Brazos Electric Cooperative requests approval of its application to build approximately 20 miles of 138kV transmission line in King, Haskell, and Stonewall Counties.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0223, or (512) 458-0227, or (512) 458-0221 for typewriter for the deaf.

Issued in Austin, Texas on July 26, 1989.

TRD-8006681

Mary Ross McDonald  
Secretary of the Commission  
Public Utility Commission

Filed: July 27, 1989

For further information, please call: (512) 458-0100

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on July 14, 1989, to amend a certificate of convenience and necessity pursuant to the Public Utility Regulatory Act, §§16(a), 17(e), 50, 52, and 54. A summary of the application follows.

**Docket Title and Number.** Application of Contel of Texas, Inc. to amend certificate of convenience and necessity within Liberty County, Docket 8925 before the Public Utility Commission of Texas.

**The Application.** In Docket 8925, Contel of Texas requests approval of its application to correct an error in official exchange area maps between Contel's Hull and Raywood Exchanges.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0223, or (512) 458-0227, or (512) 458-0221 for typewriter for the deaf.

Issued in Austin, Texas on July 26, 1989.

TRD-8006682

Mary Ross McDonald  
Secretary of the Commission  
Public Utility Commission

Filed: July 27, 1989

For further information, please call: (512) 458-0100

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on July 11, 1989, to amend a certificate of convenience and necessity pursuant to the Public Utility Regulatory Act, §§16(a), 17(e), 50, 52, and 54. A summary of the application follows.

**Docket Title and Number.** Application of West Texas Utilities Company to amend certificated service area boundaries within Hardeman County, Docket 8924 before the Public Utility Commission of Texas.

**The Application.** In Docket 8924, West Texas Utilities requests approval of its application to obtain a service area exception to serve one customer outside current service area boundaries.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0223, or (512) 458-0227, or (512) 458-0221 for typewriter for the deaf.

Issued in Austin, Texas on July 26, 1989.

TRD-8006683

Mary Ross McDonald  
Secretary of the Commission  
Public Utility Commission

Filed: July 27, 1989

For further information, please call: (512) 458-0100

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**Notice of Application to Revise a  
Telephone Service Base Rate Area**

Notice is given to the public of a filing with the Public Utility Commission of Texas. Southwestern Bell Telephone Company filed an application on June 28, 1989, to revise a base rate area under the jurisdiction of the Public Utility Commission pursuant to the Public Utility Regulatory Act, §§16(a), 18(b) and 37.

**Docket Title and Number.** Application of Southwestern Bell Telephone Company for base rate area revision within Collin County, Docket 8907, before the Public Utility Commission of Texas.

**The Application.** In Docket 8907, Southwestern Bell Telephone Company filed an application to extend a base rate area to include 629 additional telephone lines in Collin County.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0223, or (512) 458-0227, or (512) 458-0221 for typewriter for the deaf.

Issued in Austin, Texas on July 21, 1989.

TRD-8006648

Mary Ross McDonald  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: July 24, 1989

For further information, please call: (512) 458-0100  
◆ ◆ ◆

**The University of Texas M.D.  
Anderson Cancer Center  
Notice of Consultant Contract**

The University of Texas M.D. Anderson Cancer Center (MDACC) requests, pursuant to the provisions of Texas Civil Statutes, Article 6252-11c, the submission of proposals leading to the award of a contract for the development and implementation of a Compensation Program for Administrative Staff Services job classifications at MDACC.

M.D. Anderson Cancer Center is seeking consulting assistance to enhance and supplement the efforts of its staff in the development and implementation of a program to meet future compensation needs of MDACC.

The awarded consulting group will be responsible for developing an equitable compensation program which will emphasize internal equity, market competitiveness, and career and salary growth opportunities. Specific tasks will include collecting and analyzing position information and evaluating position relationships utilizing computer assisted techniques; gathering market data and developing salary structures; developing compensation policies for administration and maintenance of the program; meeting with institutional leadership to discuss recommendations; and program implementation to include education of users and communicating the program to employee population in administrative staff positions and MDACC Management.

Respondents must be regularly engaged in the business of compensation program development, communication, and maintenance in an academic/health care environment.

MDACC reserves the right to accept or reject any or all proposals. The proposals submitted will be the basis for contract negotiation and the representations made therein will be binding on respondent.

Selected respondents may be requested to conduct an on-site presentation, at their expense, to clarify and expand upon items provided in their proposals. The consulting group awarded a contract, if any, will be the respondent whose proposal, conforming to this request, is deemed to be most advantageous by MDACC. Factors in awarding a contract will include, but not be limited to, demonstrated competence, qualifications, experience in automated compensation programs, and reasonableness in the cost. Proposals must remain valid for acceptance and may not be withdrawn for a period of 90 days after the proposal closing date.

An original and five copies of the full proposal must be submitted to MDACC prior to 5 p.m., Wednesday, September 6, 1989. Proposals received thereafter will not be considered and will be returned unopened. Proposals should be sent to the address indicated below.

For further information or to obtain a complete proposal package, contact Jeffery Bonnardel, Assistant Purchasing Manager, 1515 Holcombe, Boulevard, HMB 231, Houston, Texas 77030, (713) 792-3090.

Issued in Austin, Texas on July 24, 1989.

TRD-8906735 Paul C. Poulides  
Director, Materials Management Services  
University of Texas M.D. Anderson Cancer  
Center

Filed: July 26, 1989

For further information, please call: (713) 792-3026

**Texas Water Commission  
Meeting Notice**

A meeting of the Scientific/Technical Advisory Committee (S/TAC) of the Galveston Bay National Estuary Program is scheduled for Thursday, August 3, 1989, 10 a.m., Forest Room, Bayou Building, University of Houston-Clear Lake, 2700 Bay Area Boulevard, Houston.

The committee will consider upcoming tasks, roles, and overlapping among S/TAC sub-committees followed by up-coming working sessions. Subsequently, the committee will consider a scope of work for a project to inventory existing bay-related programs and then will hear presentations by two guest speakers concerning data and information management approaches taken by other similar programs.

Issued in Austin, Texas on July 24, 1989.

TRD-8906598 Clyde Bohmfalk  
Vice Chairman  
Galveston Bay National Estuary Program

Filed: July 25, 1989

For further information, please call: (512) 475-2161.

**Notice of Application for Waste Disposal  
Permit**

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of July 17-July 21, 1989.

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) 463-7905.

Listed are the name of the applicant and the city in which the facility is located, type of facility, location of the facility, permit number, and type of application—new permit, amendment, or renewal.

Power Resources, Inc. (PRI); Houston; Big Spring electrical power cogeneration plant; located approximately 2 1/2 miles north of Big Spring, Howard County; WDW-280 and WDW281; new.

Mobil Oil Corporation; Dallas; service station; at the northeast corner of the intersection of the West Belt tollway and Kimberly Lane and just south of interstate Highway 10 in the City of Houston, Harris County; 03098; new.

Bob Thompson doing business as Thompson Water & Construction; Fairfield; wastewater treatment facility; ap-

proximately 0.2 mile east-northeast of the intersection of U.S. Highway 84 and FM Road 1580, Freestone County; 11508-01; amendment.

Malapai Resources Company; Bruni; in situ uranium mining project; in Sections 13, 15, 20, 22, 23, 24, and 25 of the Cole Petroleum Company Subdivision of the Santa Maria de Los Angeles Grant, approximately 4.5 miles east of Bruni, Webb County; UR02156-001; amendment.

issued in Austin, Texas on July 24, 1989.

TRD-8906599

Brenda W. Foster  
Chief Clerk  
Texas Water Commission

Filed: July 25, 1989

For further information, please call: (512) 463-7906

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**Texas Water Development Board**  
**Consultant Proposal Request**

Pursuant to Texas Civil Statutes, Article 6252-11c, the Texas Water Development Board (Board) of the State of Texas requests proposals from certified public accountants to provide consultant accounting services relating to the accounting treatment and financial presentation of the defeasance and portfolio sale transaction. In March, 1989 the Board sold a substantial portion of its political subdivision bond portfolio to the Texas Water Resources Finance Authority (Authority). The proceeds of the sale were used to defease most of the Board's existing general obligation debt. The Authority is a financing entity created to effect the transaction. The Board is portfolio manager through a sales and servicing agreement. The Authority purchased the portfolio with the proceeds of a revenue bond issue.

**Description of work.** The consultant will perform research, make calculations, and prepare the portion of the financial statements and accompanying notes that relate to the defeasance and portfolio sale transaction. Accounting treatment and presentation of the defeasance and portfolio sale transaction, in accordance with generally accepted accounting principles will be the goal of the project.

**Person to be contacted.** For clarification of this request, or additional information, contact Susan M. Taylor, Director of Accounting, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231, (512) 463-8249.

**Submittal.** Proposals will be accepted only if in writing and delivered to Room 430, Stephen F. Austin Building, 1700 Congress Avenue, or received at the previously stated mailing address on or before 5 p.m., August 25, 1989. Proposals must be submitted with an original and one copy. The Board reserves the right to reject any and all proposals.

**Selection procedure.** The agency will award the contract based upon the following evaluation criteria: qualifications to provide the services; technical competence and experience of proposed consultant staff; organizational capability for successful scheduling and completion of project; reasonableness of fees; and when other considerations are equal, give preference to a consultant whose principal place of business is in Texas or who will manage the engagement wholly from one of its offices in Texas.

Issued in Austin, Texas on July 24, 1989.

TRD-8906548

M. Reginak Arnold II  
Executive Administrator  
Texas Water Development Board

Filed: July 24, 1989

For further information, please call: (512) 463-7981  
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