

Texas Register

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Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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



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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 34. PUBLIC FINANCE

Part 1. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter J. Petroleum Products Delivery Fee

• 34 TAC §3.151

The Comptroller of Public Accounts adopts on an emergency basis new §3.151, concerning bonds and other security for fees. The emergency section sets out the requirements for bonds and other securities for persons who operate bulk facilities and collect Texas petroleum products delivery fees.

The new section is adopted on an emergency basis to provide guidance and establish bonding standards for permit applicants. The fee becomes effective September 1, 1989.

The new section is adopted on an emergency basis under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

§3.151. Bonds and Other Security for Fees.

(a) The comptroller may require a bulk facility operator to post a bond or other security to protect the revenues of the state.

(b) When determining the security required of a bulk facility operator, the comptroller will take into consideration the amount of fee that has or is expected to become due from the person, any past history of the person as a distributor or supplier of fuel, and the necessity to protect the state against the failure to pay the fee as it becomes due.

(c) The comptroller may require a bond equal to two times the highest amount of fees that will accrue during a reporting period. The minimum bond is \$30,000. The maximum bond is \$600,000 unless the comptroller believes there is undue risk of loss of fee revenues, in which event he may require one or more bond or securities in a total amount exceeding \$600,000.

(d) If the comptroller determines that a bulk facility operator has for four

consecutive years continuously complied with the conditions of the bond or other security on file, the operator is entitled on request to have the comptroller return, refund, or release of the bond or security. However, if the comptroller determines that the revenues of the state would be jeopardized by the return, refund, or release of the bond or security, the Comptroller may elect not to return, refund, or release the bond or security. The comptroller may reimpose a requirement of a bond or other security if necessary to protect the revenues of the state.

(e) A bond must be a continuing instrument, must constitute a new and separate obligation in the penal sum named in the bond for each calendar year or portion of a year while the bond is in force, and must remain in effect until the surety on the bond is released and discharged.

(f) In lieu of filing a surety bond, an applicant for a permit may substitute the following security:

(1) cash in the form of United States currency in an amount equal to the required bond, to be deposited in the suspense account of the state treasury;

(2) an assignment to the comptroller of a certificate of deposit in any bank or savings and loan association in Texas that is a member of the FDIC or the FSLIC in an amount equal to the bond amount required; or

(3) an irrevocable letter of credit to the comptroller from any bank or savings and loan association in Texas that is a member of the FDIC or the FSLIC in an amount of credit at least equal to the bond amount required.

(g) If the amount of an existing bond becomes insufficient or a security becomes unsatisfactory or unacceptable, the comptroller may require the filing of a new or of an additional bond or security.

(h) No surety bond or other form of security may be released until it is determined by examination or audit that no fee, penalty, or interest liability exists. The cash or securities shall be released within 60 days after the comptroller determines that no liability exists.

(i) The comptroller may use the cash or certificate of deposit security to satisfy a final determination of delinquent liability or a judgment secured in any action by this state to recover fees, costs, penalties, and interest found to be due this state by a person in whose behalf the cash or certificate security was deposited.

(j) A surety on a bond furnished by a permittee shall be released and discharged from liability to the state accruing on the bond after the expiration of 30 days after the date on which the surety files with the comptroller a written request to be released and discharged. The request does not relieve, release, or discharge the surety from a liability already accrued, or that accrues before the expiration of the 30-day period. Promptly after receipt of the request, the comptroller shall notify the permittee who furnished the bond, and unless the permittee, before the expiration date of the existing security, files with the comptroller a satisfactory new bond or other security, the comptroller shall cancel the permit.

(k) The comptroller shall notify immediately the issuer of a letter of credit of a final determination of the bulk facility operator's delinquent liability or a judgment secured in any action by this state to recover fees, costs, penalties, and interest found to be due this state by a bulk facility operator in whose behalf the letter of credit was issued. A letter of credit accepted as security shall contain a statement that the issuer agrees to respond to the comptroller's notice of liability with amounts sufficient to satisfy the comptroller's delinquency claim against the bulk facility operator.

(l) An examination or audit may be requested to obtain release of the security when the permit holder relinquishes the permit or desires to substitute one form of security for an existing one.

Issued in Austin, Texas, on September 15, 1989.

TRD-8908562

Bob Bullock
Comptroller of Public
Accounts

Effective Date: September 15, 1989

Expiration date: January 13, 1990

For further information, please call: (512) 463-4004

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 19. EDUCATION

Part I. Texas Higher Education Coordinating Board

Chapter 21. Student Services

Subchapter B. Determining Residence Status

• 19 TAC §§21.22, 21.24, 21.27

The Texas Higher Education Coordinating Board proposes amendments to §§21.22, 21.24, 21.27, concerning determining residence status. The proposed amendments are necessary to reflect changes in federal laws and rules that affect state rules. The amendments will function as clarification of the state rules and as some program protection from high default rates

Mack Adams, assistant commissioner for student services, 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. Adams 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 enforcement of federal law. 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 Kenneth H. Ashworth, Commissioner of Higher Education, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas 78711.

The amendments are proposed under the Texas Education Code, Chapter 52, which provides the Coordinating Board with the authority to adopt rules regarding determining residence status.

§21.22. Residence of Individuals Over 18.

(a)-(e) (No change.)

(f) Economic development and diversification employees. An individual who has come from outside Texas and registered in an educational institution before having resided in Texas for a 12-month period immediately preceding the date of registration and his dependents are entitled to pay the tuition fee and other fees required of Texas residents if the individual has located in Texas as an employee of a business or organization

that became established in this state as part of the program of state economic development and diversification authorized by the constitution and laws of this state and if the individual files with the Texas institution of higher education at which he registers a letter of intent to establish residency in Texas.

§21.24. Military Personnel and Veterans.

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

(g) NATO forces stationed in Texas. Nonresident aliens stationed in Texas in keeping with the agreement between the parties to the North Atlantic Treaty regarding status of forces, their spouses, and dependent children, are entitled to pay the same tuition rate at public institutions of higher education as residents of Texas.

§21.27. Competitive Academic Scholarship Recipients.

(a) To qualify for exemption from paying out-of-state tuition rates, a student must be awarded a competitive academic scholarship in the amount of \$200 or more for the academic year, the summer session or both by an official scholarship committee or committees of the public institution of higher education they are attending. If non-residents or foreign students in competition with other students, including Texas residents, obtain these competitive academic scholarships, the students may pay the same tuition as a resident of Texas during the registration period in which the competitive academic scholarship is in effect. A competitive academic scholarship that qualifies the holder for waiver of the difference between the tuition charged to resident and nonresident students shall be awarded for the purpose of encouraging academic excellence in the academic program in which the student is enrolled. Effective in the 1989-1990 academic year, an institution shall not waive nonresident tuition on the basis of competitive academic scholarships for more than 5.0 [2.0]% of its total enrollment in the corresponding semester or term of the previous academic year.

(b) (No change.)

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

Issued in Austin, Texas, on September 18, 1989.

TRD-8908591

James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Earliest possible date of adoption: October 23, 1989

For further information, please call: (512) 462-6420

Subchapter M. Texas College Work-Study Program

• 19 TAC §§21.401-21.410

The Texas Higher Education Coordinating Board proposes new §§21.401-21.410, concerning Texas College Work-Study Program. The new sections will authorize allocation of the funds appropriated for the Texas College Work-Study Program. The new sections set forth the guidelines for eligibility for the Texas College Work-Study Program.

Mack Adams, assistant commissioner for student services, 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. Adams 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 more money will be available for students in higher education. 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 Kenneth H. Ashworth, Commissioner of Higher Education, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas 78711.

The new sections are proposed under the Texas Education Code, §§56.071-56.077, which provides the Coordinating Board with the authority to adopt rules regarding Texas College Work-Study Program.

§21.401. Purpose. The purpose of the Texas College Work-Study Program is to provide eligible financially needy students with jobs, funded in part by the State of Texas, to enable those students to attend eligible institutions of higher education in Texas.

§21.402. Delegation of Powers and Duties. The Texas Higher Education Coordinating Board shall administer the Texas College Work Study Program.

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

Board—The Texas Higher Education Coordinating Board.

Commissioner—The commissioner of higher education, the chief executive officer of the board.

Financial need—A condition which exists when a student's financial resources (determined in accordance with board guidelines) are not sufficient to meet the cost of education at the institution.

Half-time student—

(A) For undergraduates—A person who has been formally admitted to the institution and is enrolled or expected to be enrolled for six or more semester credit hours, or for 12 or more clock hours; or who is enrolled or expected to be enrolled for an equivalent work load for a longer or shorter term.

(B) For graduates—A person who has been formally admitted to the institution and is enrolled or expected to be enrolled for 4.5 or more semester credit hours or who is enrolled or expected to be enrolled for an equivalent work load for a longer or shorter term.

Resident—Any person who is a permanent resident of the United States and otherwise meets the requirements for paying Texas resident tuition rates at fully state-supported institutions of higher education as specified in the Texas Education Code, Chapter 54, and in the rules for determining residency status as designated by the board.

§21.404. Advisory Committees. The board may appoint such advisory committees from outside its membership as it deems necessary to assist it in achieving the purposes of the program.

§21.405. Eligible Institutions.

(a) The board shall approve for participation in the Texas College Work-Study Program any public institution of higher education; or any nonprofit, independent Texas college or university which is a regular member of, or candidate for accreditation by, the Commission on Colleges of the Southern Association of Colleges and Schools. Nonprofit, independent professional schools which award bachelor's or other higher degrees, and which are not members of the Commission on Colleges of the Southern Association of Colleges and Schools, may petition the board for consideration of approval. In any case, a theological or religious seminary shall not be eligible for approval.

(b) Institutions participating in the work-study program shall designate a Texas

college Work-Study Program officer to administer the program at the institution. The Texas College Work-Study Program officer shall certify all work-study awards, program transactions and activities with respect to the Texas college Work-Study Program and shall be responsible for all records and reports reflecting transactions with respect to the program.

§21.406. Eligible Students.

(a) To be eligible for employment in the work-study program a person must:

(1) be a Texas resident as defined by board rules;

(2) be enrolled for at least one-half of a full course load as defined in these rules, and be seeking a degree or certification in an eligible institution; and

(3) establish financial need in accordance with board procedures.

(b) A person is not eligible to participate in the work-study program if the person:

(1) concurrently receives an athletic scholarship; or

(2) is enrolled in a seminary or other program leading to ordination or licensure to preach for a religious sect or is a member of a religious order.

§21.407. Eligible Employers. To be eligible to participate in the work-study program, an employer must:

(1) provide part-time employment to an eligible student in nonpartisan and nonsectarian activities;

(2) provide, insofar as is practicable, employment to an eligible student that is related to the student's academic interests;

(3) use Texas college work study program positions only to supplement and not to supplant positions normally filled by persons not eligible to participate in the work-study program;

(4) provide not less than 30% of an employed student's wages and 100% of other employee benefits for the employed student from sources other than federal college work-study program funds, if the employer is a nonprofit entity; and

(5) provide not less than 50% of an employed student's wages and 100% of other employee benefits for the employed student, if the employer is a profit making entity.

§21.408. Sources of Funding.

(a) The Texas College Work-Study Program is funded through two sources. The State of Texas provides one part of the funds through appropriations; eligible employers, through wages and other benefits to

participating students, provide the remaining funds.

(b) If the eligible employer is a nonprofit entity, its share of the fund is 30% of its student employee's wages plus 100% of other employee benefits; the state provides 70% of wages. If the eligible employer is a profit making entity, its share of the fund is 50% of its student employee's wages plus 100% of other employee benefits; the state provides 50% of wages.

§21.409. Allocation and Disbursement of Funds.

(a) Funds will be allocated to schools proportionately to the financial need of the students at each school. At the beginning of each year, schools will be disbursed 50% of their annual allocations. Upon certification by the program officer that 30% of the funds disbursed to the school have been expended, additional funds will be made available. Periodically the board will reallocate uncommitted funds to other eligible institutions that indicate a need for additional funds.

(b) Schools will be encouraged to utilize their state work-study funds during the nine-month academic year rather than during the summer term.

§21.410. Reporting Requirements. Reports showing the utilization of funds must be submitted to the board by the participating institution and any funds disbursed to the institution but not disbursed to eligible students must be returned to the board upon request.

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 September 18, 1989.

TRD-8908502

James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Earliest possible date of adoption: October 23, 1989

For further information, please call: (512) 462-6420

◆ ◆ ◆
Part II. Texas Education
Agency
Chapter 77. Comprehensive
Instruction

Subchapter R. Bilingual
Education and Other Special
Language Programs

• 19 TAC §77.362

The Texas Education Agency proposes amendment to §77.362, concerning the allocation of funding for the bilingual education

program. Pursuant to Senate Bill 1019 of the 71st Texas Legislature, this amendment would restrict a school district's use of its bilingual allotment to programs and pupil evaluation, instructional materials and equipment, staff development, salary for supplemental staff, salary supplements for teachers, and other supplies required for quality instruction and smaller class size. Also in accordance with this new law, the proposed amendment would provide that teachers base salaries could no longer be expended from these funds, although salary supplements above the base salary may be paid from this allotment. A portion of a teacher's base salary may be provided from this allotment in order to reduce the teacher-pupil ratio.

The new legislation also modified the use of the allotment by changing the language from general administrative costs to indirect costs. The proposed amendment would reflect this change in terminology, but the 15% allowable rate for general administrative costs would continue for the indirect costs. The proposed amendment would also repeal subsection (d) which was based on a section of law repealed by the 68th Texas Legislature.

Lynn Moak, deputy commissioner for research and information, has determined that for the first five-year period the section is in effect there will be fiscal implications for local governments. This change will cause significant redirection of funds in local school districts. However, there is no way to estimate the extent of the impact at this time. The redirection in some cases may require additional revenues and expenditures to maintain services. Allotments of state aid are unaffected by this rule. There will be no fiscal implications for state 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 section is in effect the public benefit anticipated as a result of enforcing this section will be in compliance with state legislation and the improvement of bilingual education and special language programs. There is no anticipated economic cost for individuals who are required to comply with the section as proposed.

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, §16.005, which authorizes the State Board of Education to make rules for the administration of the Foundation School Program; and the Texas Education Code, §16.153, which provides for allocations for bilingual education and special language programs.

§77.362. Bilingual Education Allotment.

- (a) (No change.)
- (b) A district may use up to 15% of

these funds for indirect [general administrative] costs but may not exceed the program's actual share of indirect [general administrative] costs as calculated in accordance with generally accepted accounting procedures. [No less than 85% of the district's entitlement shall be used for direct instructional services to students in a bilingual or special language program for purposes such as salaries for classroom teachers, teacher aides, evaluation costs, professional development, testing, materials and supplies, instructional equipment such as cassette tape recorders and language masters, software, and transportation costs, or such other purposes determined appropriate by the commissioner.]

(c) A district's bilingual education or special language allocation may be used only for program and annual evaluation, instructional materials and equipment, staff development, salary for supplemental staff (including a bilingual education coordinators and teacher's aides), salary supplement for teachers, and other supplies required for quality instruction. Instructional materials and equipment must have a direct impact on instruction and contribute toward the acquisition of essential element mastery. The allotment can be used for reduction of class size below the maximum 22:1 requirement or below the average class size on a campus, for the affected grade level. The bilingual allotment may be used to fund a summer program for limited English proficient students provided that the regular school year bilingual/English as a second language requirements are met. This summer program must be in addition to the required eight week summer program required for students entering kindergarten or the first grade.

(d)[(c)] Districts may compensate bilingual education and English as a second language program teachers or paraprofessionals who are directly involved with limited English proficient (LEP) students for participation in continuing education programs which are designed to increase their skills or which lead to bilingual education or English as a second language certification in accordance with the Texas Education Code, §21.459(f). These programs may be either formal training programs provided by an approved college or university, or special training programs provided by the district. Training may address one or more of the following:

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

[(d)] Districts shall request tentative entitlements for bilingual education and English as a second language funds on a form provided by the commissioner of education. A year-end report on program expenditures shall be submitted in accordance with guidelines developed by the commissioner of education.]

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 September 12, 1989

TRD-8908548

W. N. Kirby
Commissioner of Education

Proposed date of adoption: November 11, 1989

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

Chapter 105. Foundation School Program

Subchapter A. Tax Collections • 19 TAC §105.11

The Texas Education Agency proposes new §105.11, concerning the definition of tax collections in the Foundation School Program allocations. The proposed section would serve as a guide in interpreting many of the tax effort components of the Foundation School Program under Senate Bill 1019 of the 71st Texas Legislature. The proposed section would define collections as all current year collections through August 31, regardless of levy year, to a maximum of current year levies. Collections include rollback taxes but do not include penalty and interest. Preliminary data from the public education information management system would be used for payments, with corrections made after the school district independent audits are received by the agency.

Lynn Moak, deputy commissioner for research and information, 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. This change will have a fiscal impact on the state and local school districts by defining a key element of the formula for allocation of guaranteed yield funds. Alternative definitions would have different impacts on the amount and distribution of state aid for this allotment. There will be no fiscal impact on small businesses as a result of enforcing or administering the section.

Mr. Moak and Oscar A. Rodriguez, Planner I, 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 a relatively small penalty would be imposed on school districts in the form of reduced state aid. In addition, no new accounting or reporting would be required by school districts. 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 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 the sections has been published in the *Texas Register*.

The new section is proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the administration of the Foundation School Program.

§105.11. Rules for the Definition of Tax Collections to be Used in the Foundation School Program Allocations.

(a) General provisions. For the purpose of determining state aid under the Texas Education Code, Chapter 16, calculations that include tax collections as a data element shall reference subsection (b) of this section.

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

(1) Total levy—The sum of the maintenance and operation and debt service levies generated by applying a district's adopted tax rates to its assessed valuation of property for the current tax year determined under the Texas Education Code, §11.86.

(2) Tax collection—Total taxes collected September 1-August 31 of the current and all prior years' total levies, not to exceed total levy as defined in paragraph (1) of this subsection.

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, September 12, 1989.

TRD-8908547

W. N. Kirby
Commissioner of Education

Proposed date of adoption: November 11, 1989

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

Subchapter K. Distribution of Foundation School Fund

• 19 TAC §105.210

The Texas Education Agency proposes new §105.210, concerning a formula for proration of the state's share of the Foundation School Program. Pursuant to Senate Bill 1019 of the 71st Legislature, this new section would provide a formula by which the commissioner of education would reduce the total amount of state funds allocated to each school district if the total state's share of the Foundation School Program exceeded the total amount appropriated. The formula takes into consideration each district's taxable property value, each district's effective tax rate, the amount of delinquent taxes as a percent of the district's total tax levy, and other factors that the State Board of Education deems appropriate. The formula would reduce the impact of proration on districts with low wealth and high tax effort. Conversely, the impact of proration on districts with high wealth and low tax effort would be greater.

Lynn Moak, deputy commissioner for research and information, 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. This change has no fiscal impact on local school districts. If state aid should be prorated in the future, the distribution of the shortfall will be different under this section than the per average daily attendance basis found in previous statutes.

Mr. Moak and Oscar A. Rodriguez, Planner I, have 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 compliance with state law and a standard formula for the proration of state funds for school districts when necessary. 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 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 the sections has been published in the *Texas Register*.

The new section is proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the administration of the Foundation School Program; and the Texas Education Code, §16.254, which authorizes the State Board of Education to adopt a formula for proration.

§105.210. Distribution of Foundation School Fund.

(a) The commissioner of education shall annually determine the state's share of the Foundation School Program according to the provisions of the Texas Education Code, Chapter 16. If the state's share of the Foundation School Program exceeds the amount appropriated, the commissioner shall prorate each district's allocation. The proration formula shall reduce the state's share of the Foundation School Program for each district based on the district's taxable property value, total tax effort, and tax collection effort.

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

(1) Funding shortfall—The total funding shortfall that is determined by subtracting the state's share of the Foundation School Program as determined under the Texas Education Code, Chapter 16, including the guaranteed yield allotment, from the amount appropriated for that year.

(2) Taxable property value—The taxable value of property for each school district as certified by the State Property Tax Board.

(c) Each district's taxable property value shall be adjusted by the district's total effective tax rate. The adjustment shall be computed with the following formula:

$$ADJDPV = DPV \times [(1.50 + (DSTR \times 100)) - PTR \times 100]$$

where;

ADJDPV = the district's adjusted taxable property value

DPV = the district's taxable property value, as used under the Texas Education Code, §16.252

DSTR = the district's debt service tax rate, which is computed by dividing the district's tax collections for debt service by the district's taxable property value, as used under the Texas Education Code, §16.252

PTR = the district's proration tax rate, which is computed by dividing the district's total tax collections for the current year by the district's taxable property value, as used under the Texas Education Code, §16.252. Tax collection shall be defined as total taxes collected September 1 through August 31 for the current and all prior years' total levies, not to exceed total levy as defined in §105.11 of this title (relating to Tax Collections).

(d) A proration rate shall be calculated for each district by dividing the dis-

trict's adjusted taxable property value by the state total adjusted taxable property value. For districts with no property value or

whose tax rate as computed in subsection (c) of this subsection, is at least \$1.50, the proration rate shall be set at zero.

(e) The amount by which each school district's allocation of state funds is reduced shall be calculated by multiplying the district's proration rate by the funding shortfall.

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 September 12, 1989.

TRD-8908533 W. N. Kirby
Commissioner of Education

Proposed date of adoption: November 11, 1989

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

◆ ◆ ◆
**Chapter 109. Conduct
Anesthesia and Anesthetic
Agents**

• 22 TAC §109.175

The Texas State Board of Dental Examiners, proposes an amendment to §109.175, concerning permit requirements. The proposed section will clarify the duties authorized to be performed by dental auxiliaries.

Crockett Camp, 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.

Camp also has determined that for each year of the first five year period the section is in effect the public benefit anticipated as a result of enforcing the section will be the board will consider the section and solicit comments from all interested parties to determine whether the proposed section will improve the quality of dental care in the State of Texas. 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 Crockett Camp, Executive Director, 8317 Cross Park Drive, Suite 400, Austin, Texas 78754.

The amendment is proposed under Texas Civil Statutes, Article 4551d, which provide the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

§109.175. Permit Requirements.

(a) (No change.)

(1) (No change.)

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

(2) Standard of care requirements.

(A) Each dentist must maintain the minimum standard of care as noted in §109.173 of this title (relating to Minimum Standard of Care).

(B) Each dentist shall induce, [maintain], monitor, and provide continuous personal supervision of the inhalation conscious sedation procedure, or the dentist shall induce and may delegate under direct supervision the monitoring of the nitrous oxide inhalation conscious sedation procedure to a dental auxiliary, who has furnished proof to the board of the successful completion of a board approved course of instruction in the nitrous oxide inhalation conscious sedation 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 September 14, 1989.

TRD-8908575 Crockett Camp
Executive Director
Texas State Board of
Dental Examiners

Earliest possible date of adoption: October 23, 1989

For further information, please call: (512) 834-6021

◆ ◆ ◆
**Chapter 115. Extension of
Duties of Auxiliary
Personnel**

Dental Hygiene

• 22 TAC §115.2

The Texas State Board of Dental Examiners proposes an amendment to §115.2, concerning permitted duties. The proposed section would clarify the duties authorized to be performed by dental auxiliaries.

Crockett Camp, 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.

Mr. Camp 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 the board will consider the section and solicit comments from all interested parties to determine whether the proposed rule will improve the quality of dental care in the State of Texas. 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 Crockett Camp, Executive Director, 8317 Cross Park Drive, Suite 400, Austin, Texas 78754.

The amendment is proposed under Texas Civil Statutes, Article 4551d, which provide

the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

§115.2. Permitted Duties.

(a) (No change.)

(1)-(20) (No change.)

(21) monitoring of the nitrous oxide inhalation conscious sedation procedure under the direct supervision of a dentist as provided in §109.175(a) (2)(B).

(b) (No change.)

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

Issued in Austin, Texas on September 14, 1989.

TRD-8908576 Crockett Camp
Executive Director
Texas State Board of
Dental Examiners

Earliest possible date of adoption: October 23, 1989

For further information, please call: (512) 834-6021

◆ ◆ ◆
**TITLE 28. INSURANCE
Part II. Industrial Accident
Board
Chapter 55. Lump Sum
Payments**

• 28 TAC §55.3

The Industrial Accident Board proposes new §55.3, concerning advances of compensation. The new section defines conditions for eligibility for advances and criteria regarding amount and frequency; establishes procedures for informally requesting advances from the carrier, and for appealing denials to the board.

Richard Fulcher, acting 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.

Mr. Fulcher has determined that the proposed section will have no effect on local employment.

Mr. Fulcher 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 alleviation of financial hardship suffered by a disabled worker. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

The board will hold a public hearing on September 22, 1989, for the purpose of taking public testimony on the proposed section, as

well as proposed §§61.5, 61.7, 61.20, and 61.65 (published elsewhere in this issue); proposed repeal of §§61.5, 61.10, 61.20, and 61.65 (published elsewhere in this issue); and proposed amendments to §§61.15, 61.60 and 61.75 (published elsewhere in this issue). The hearing will commence at 9 a.m. in Room 101, Reagan Building, 15th and Congress, Austin. Comments on the proposed sections may be submitted to Richard Fulcher, Acting Executive Director, Industrial Accident Board, 200 East Riverside Drive, First Floor, Austin, Texas 78704-1287. Comments will be accepted for 20 days after publication of this proposal in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 8307, §4(a), which authorizes the board to adopt rules necessary to administer the workers' compensation laws.

§55.3. Petition for Advance Payment of Compensation.

(a) A claimant who suffers financial hardship because of loss of wages due to an uncontested injury may petition the carrier for an advance payment of compensation ("advance") to be credited against future indemnity benefits.

(b) A petition for an advance shall be:

- (1) prepared on a board-approved form;
- (2) signed and sworn by the claimant unless waived for good cause; and
- (3) submitted in the original to the carrier, with a copy filed with the board.

(c) If, within 15 days of receipt of the petition, the carrier fails to tender an adequate advance, the board shall set a hearing and notify the parties in writing.

(d) After the hearing the board may direct the carrier to make an advance if the board determines that:

- (1) an emergency or impending necessity exists; and
- (2) the future indemnity benefits due the claimant exceed the amount of the advance directed.

(e) The board will not direct the carrier to:

- (1) advance an amount in excess of four times the claimant's weekly compensation rate; or
- (2) make more than four advances in a single claim.

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 September 15, 1989.

TRD-9206580 Inez "Tippy" Foster
Assistant Executive Director
Industrial Accident Board

Proposed date of adoption: October 23, 1989
For further information, please call: (512) 448-7982

Chapter 61. Prehearing Conferences

• 28 TAC §§61.5, 61.10, 61.20, 61.65

(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 Industrial Accident Board or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Industrial Accident Board proposes repeal of §§61.5, 61.10, 61.20, and 61.65, concerning prehearing conferences. These sections are being repealed in order to contemporaneously propose new sections concerning the same issues.

Richard Fulcher, acting executive director, 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 repeals.

Mr. Fulcher has determined that the proposed repeals will have no effect on local employment.

Mr. Fulcher also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be clarity and improved compliance with statutory and regulatory requirements for prehearing conferences. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

The board will hold a public hearing on September 22, 1989, for the purpose of taking public testimony on the proposed repeals, as well as proposed new §§55.3, 61.5, 61.7, 61.20, and 61.65 (published elsewhere in this issue); and proposed amendments to §§61.15, 61.60 and 61.75 (published elsewhere in this issue). The hearing will commence at 9 a.m. in Room 101, Reagan Building, 15th and Congress, Austin. Comments on the proposed sections may be submitted to Richard Fulcher, Acting Executive Director, Industrial Accident Board, 200 East Riverside Drive, First Floor, Austin, Texas 78704-1287. Comments will be accepted for 20 days after publication of this proposal in the *Texas Register*.

The repeals are proposed under Texas Civil Statutes, Article 8307, §4(a), which authorizes the board to adopt rules necessary to administer the workers' compensation laws.

§61.5. Notice of Prehearing setting.

§61.10. Setting on Nonpayment.

§61.20. Setting on Hardship.

§61.65. Postponement and Continuance.

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 September 15, 1989.

TRD-9206580 Inez "Tippy" Foster
Assistant Executive Director
Industrial Accident Board

Earliest possible date of adoption: October 23, 1989

For further information, please call: (512) 448-7980

• 28 TAC §§61.15, 61.60, 61.75

The Industrial Accident Board proposes new §§61.5, 61.7, 61.20, and 61.65, concerning prehearing conferences. The new sections establish procedures for requesting prehearing conferences, describe the board's notice of setting, establish conditions under which a claimant may obtain a prehearing conference, and establish procedures for cancelling a setting.

Richard Fulcher, acting executive director, has determined that for the first five-year period the sections are in effect, there will be fiscal implications for state or local governments as a result of enforcing or administering §61.5, which requires parties to a claim to attempt to settle their disputes independent before requesting a prehearing conference. It is believed that this will reduce the number of prehearing conferences requested, and correspondingly decrease personnel costs. However, it is not possible at this time to estimate the reduction.

There will be no fiscal implications for err businesses.

Mr. Fulcher has determined that the proposed sections will have no effect on local employment.

Mr. Fulcher also has 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 the sections is clarification of the requirements for participating in the prehearing conference system, resulting in improved compliance; and more efficient use of the system, due to request of cancellation procedures. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

The board will hold a public hearing on September 22, 1989 for the purpose of taking public testimony on the proposed sections, as well as proposed repeal of §§61.5, 61.10, 61.20, and 61.65 (published elsewhere in this issue); and proposed amendments to §§61.15, 61.60 and 61.75 (published elsewhere in this issue). The hearing will commence at 9 a.m. in Room 101, Reagan Building, 15th and Congress, Austin. Comments on the proposed sections may be submitted to Richard Fulcher, Acting Executive Director, Industrial Accident Board, 200 East Riverside Drive, First Floor, Austin, Texas 78704-1287. Comments will be accepted for 20 days after publication of this proposal in the *Texas Register*.

The new sections are proposed under Texas Civil Statutes, Article 8307, §4(a), which authorizes the board to adopt rules necessary to administer the workers' compensation laws.

§61.5. Request for Prehearing Conference.

(a) Except as otherwise provided, a request for a prehearing conference must be submitted on a board-approved form.

(b) Failure to provide the information requested may constitute grounds for rejecting the request.

(c) An unrepresented claimant may request a prehearing conference by contacting the board in any manner.

§61.7. Notice of Prehearing Conference.

(a) Except as otherwise provided, the board will give at least 30 days written notice of the prehearing conference date to all interested parties.

(b) If income or medical benefits are not being paid, the board may set a prehearing conference with less than 30 days notice.

§61.20. Setting at Claimant's Request.

(a) Except as otherwise provided, a claimant shall be entitled to a prehearing conference upon request.

(b) The board may deny a claimant's request for prehearing conference if the following conditions exist:

- (1) the purpose of the prehearing conference is to settle the claim;
- (2) the claimant is receiving weekly income benefits;
- (3) the weekly income benefits equal or exceed 90% of the claimant's pre-injury weekly take-home pay; and
- (4) fewer than 52 consecutive weeks of income benefits have been paid.

§61.65. Request for Cancellation of Prehearing Conference.

(a) The board may cancel a prehearing conference:

- (1) at the request of the party who initially requested the prehearing conference;
- (2) at the request of any party required to attend the prehearing conference, with the agreement of the party who initially requested the prehearing conference; or
- (3) on the board's own motion.

(b) Cancellation shall be requested notifying the resident reviewer or the hearing officer in writing within 10 days from the date notice of the setting is received. The date notice of the setting is received is deemed to be the third day after

the date of the notice. Cancellation requests during this 10-day period are unrestricted unless a pattern of abuse is detected.

(c) Cancellation requests after the unrestricted cancellation period defined in subsection (b) of this section will be considered only for good cause. As used in this subsection, good cause for cancellation means the following:

- (1) compensation has been initiated or reinstated, unless a §18a penalty may be due, as provided in §61.15 of this title (relating to Setting Under Texas Civil Statutes, Article 8306, §18a);
- (2) liability previously in dispute is accepted by the carrier, unless a §18a penalty may be due, as provided in §61.15 of this title (relating to Setting Under Texas Civil Statutes, Article 8306, §18a);
- (3) medical previously in dispute is provided, unless a §18a penalty may be due, as provided in §61.15 of this title (relating to Setting Under Texas Civil Statutes, Article 8306, §18a);
- (4) an adequate advance is tendered and accepted;
- (5) the claim is set against the wrong carrier;
- (6) the injured worker dies and no additional benefits appear due;
- (7) the injured worker no longer desires to pursue the claim; or
- (8) an A-2 lump sum payment or compromise settlement agreement is tendered and accepted by the parties.

(d) Failure to comply with the cancellation provisions of this section may result in sanctions as provided by §61.75 of this title (relating to Failure to Appear).

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 September 15, 1989.

TRD-8908587 Inez "Tippy" Foster
Assistant Executive Director
Industrial Accident Board

Earliest possible date of adoption: October 23, 1989

For further information, please call: (512) 448-7960

◆ ◆ ◆
• 28 TAC §§61.15, 61.60, 61.75

The Industrial Accident Board proposes amendments to §§61.15, 61.60, and 61.75, concerning prehearing conferences. The amendments prohibit cancellation of a prehearing conference, notwithstanding initiation or reinstatement of compensation, when a penalty for noncompliance with Texas Civil Statutes, Article 8306, §18a appears to be due; establish that a request for a prehearing

conference constitutes an agreement to appear; and provide procedures and penalties for failure to appear at a prehearing conference.

Richard Fulcher, acting executive director, 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 or small businesses as a result of enforcing or administering the sections.

Mr. Fulcher has determined that the proposed sections will have no effect on local employment.

Mr. Fulcher 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 clarification of the requirements for participating in the prehearing conference system, resulting in improved compliance; and more efficient use of the system. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

The board will hold a public hearing on September 22, 1989, for the purpose of taking public testimony on the proposed amendments, as well as proposed new §§55.3, 61.5, 61.7, 61.20, and 61.65 (published elsewhere in this issue); and proposed repeal of §§61.5, 61.10, 61.20, and 61.65 (published elsewhere in this issue). The hearing will commence at 9 a.m. in Room 101, Reagan Building, 15th and Congress, Austin. Comments on the proposed sections may be submitted to Richard Fulcher, Acting Executive Director, Industrial Accident Board, 200 East Riverside Drive, First Floor, Austin, Texas 78704-1287. Comments will be accepted for 20 days after publication of this proposal in the *Texas Register*.

The amendments are proposed under Texas Civil Statutes, Article 8307, §4(a), which authorize the board to adopt rules necessary to administer the workers' compensation laws.

§61.15. Setting Under Texas Civil Statutes, Article 8306, §18a.

- (a) (No change.)
- (b) If a Texas Civil Statutes, Article 8306, §18a penalty (§18a penalty) appears due, initiation or reinstatement of compensation shall not be grounds for cancellation of a prehearing conference set under this section. However, the board may waive the claimant's appearance at the prehearing conference upon request.

(c)[b] In the event a dispute arises over the suspension of medical benefits as defined in these board rules, a health care provider may file with the board a written request to attend a prehearing conference, as a party and participant therein, and in such event the health care provider shall attend the prehearing conference, either in person or by a representative. In the request, the health care provider shall certify the charges have been itemized and that timely reports have been made in accordance with Texas Civil Statutes, Article 8306, §7, and these board rules.

§61.60. Attendance at Conference.

(a) The claimant and the claimant's [his] attorney or authorized agent, if any, and the carrier's representative must attend all prehearing conferences pertaining to the claim under consideration.

(b) A request for a prehearing conference shall constitute an agreement by the requesting party to appear personally or arrange for substitute representation in the event of a scheduling conflict.

§61.75. Failure to Appear.

(a) Where the claimant [or his attorney, if any] fails to make a personal appearance at the prehearing conference without good cause, such failure to appear shall result in [a] postponement [of the prehearing] until the board is assured in writing of [his or their] appearance. [The board may order a reduction in attorney's fees in cases of unexcused or unexplained failure of the attorney to attend any scheduled prehearing conference.]

(b) Where the attorney or carrier representative fails to comply with the cancellation requirements of §61.65 of this title (relating to Request for Cancellation of Prehearing Conference) or fails to attend a scheduled prehearing conference, the prehearing officer shall prepare a rule violation complaint report as provided by §65.10 of this title (relating to Actions by Carrier, Claimant's Attorney, and/or Agent). Violation of this section may be grounds for sanctions, including reduction of fees, reprimand, or suspension from practice before the board.

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

Issued in Austin, Texas, on September 15, 1989.

TRD-8908589 Inez "Tippy" Foster
Assistant Executive
Director
Industrial Accident Board

Earliest possible date of adoption: October 23, 1989

For further information, please call: (512) 448-7960

**TITLE 31. NATURAL RESOURCES AND CONSERVATION
Part IX. Texas Water Commission**

Chapter 309. Effluent Limitations

Effluent Limitations

• 31 TAC §§309.1-309.4

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

The Texas Water Commission proposes the repeal of §§309.1-309.4, concerning the treatment and disposal of domestic wastewater. Chapter 309 establishes the minimum treatment requirements for domestic wastewater prior to discharge to waters in the state or to land. The repeal to §§309.1-309.4 constitute minor modifications.

Mr. Roger Bourdeau, chief fiscal officer, 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 repeals.

There will be no direct effect on state government or small businesses for the first five-year period the proposed repeals are in effect. The direct effect on local government for the first five-year period the proposed repeals are in effect will be an estimated additional cost of \$5,763,380 in 1989; \$573,390 in 1990; \$573,390 in 1991; \$636,380 in 1992; and \$636,380 in 1993.

Mr. Bourdeau also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be improved water quality and public health and reduction in potential nuisance conditions.

The possible anticipated economic cost to individuals who are required to comply with the sections as proposed will be \$1,236,380 in 1989; \$1,236,380 in 1990; \$1,236,380 in 1991; \$636,380 in 1992 and \$636,380 in 1993.

Comments on the proposal may be submitted to Kevin McCalla, Senior Attorney, Legal Division, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069, for 30 days after the date of publication.

The repeals are proposed under the authority of the Texas Water Code, §§5.103, 5.105, and 5.120, which provide the commission with the authority to promulgate rules as necessary to carry out its powers and duties under the Texas Water Code and other laws of the state and to establish and approve all general policies of the commission.

§309.1. Purpose.

§309.2. Rationale for Effluent Sets.

§309.3. Application of Effluent Sets.

§309.4. Table 1, Effluent Limitations for Domestic Wastewater Treatment Plants.

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 September 15, 1989.

TRD-8908631 Jim Haley
Director, Legal Division
Texas Water Commission

Earliest possible date of adoption: October 23, 1989

For further information, please call: (512) 463-8087

Subchapter A. Domestic Wastewater Effluent Limitations and Plant Sitings

The Texas Water Commission proposes new to §§309.1, 309.3, and 309.4, concerning the treatment and disposal of domestic wastewater, §309.10-309.14, concerning location standards, and §309.20, concerning land disposal of sewage effluent. Chapter 309 establishes the minimum treatment requirements for domestic wastewater prior to discharges into or adjacent to waters in the state. Sections 309.1, 309.3, and 309.4, Subchapter A, constitute minor modifications. New proposed §§309.10, 309.11, 309.12, 309.13, and 309.14, Subchapter B, concern location standards, including buffer zones for domestic wastewater treatment facilities, and are intended to replace most of the siting standards currently found in Chapter 317, entitled Design Criteria for Sewerage Systems. New proposed §309.20, Subchapter C, concerns land disposal of sewage effluent, which is also currently found in Chapter 317.

Changes proposed in Subchapter A include correcting the terms "biological oxygen demand" to read "biochemical oxygen demand" in §309.1(b) and the term "carbonaceous biological oxygen demand" to read "carbonaceous biochemical oxygen demand" in §309.1(c). In §309.3(e), the commission is proposing to change the permit limits for discharge to an evaporation pond from a 30-day average BOD5 of 100 milligram per liter or less to a quality of 100 milligram per liter BOD5 or less on a grab sample basis. This would allow less burdensome sampling frequency for evaporation facilities. Accordingly, Table 1 would be modified to reflect only the grab sample requirement. The final change is to indicate on Table 1 the dissolved oxygen requirements as appropriate for effluent sets 1, 2, 2N, and 2N(1).

The proposed rules also seek to modify §309.3(c), concerning discharges into certain reservoirs. The commission is proposing that all wastewater treatment systems, except oxidation pond systems, subject to the requirements of this section, add filtration. Additionally, oxidation pond systems are exempted from the 10 milligrams per liter mg/l BOD5 and TSS 30-day average effluent limits

required of others types of wastewater treatment systems. This exemption is due to the fact that oxidation pond systems are very effective in removing pathogens from wastewater which is the primary concern with respect to reservoirs used for public recreation and/or drinking water supplies.

Subchapter B is proposed to address the issues of appropriate siting of domestic wastewater treatment facilities. This subchapter includes evaluation of buffer zones for noise and odor abatement and geologic considerations such as floodplains, faulting, soil conditions, and location of aquifers. This subchapter is intended to be utilized in both the evaluation of permit applications and the review/approval of construction plans and specifications.

Subchapter C, §309.20, describes the general policy of land disposal of sewage effluent. It discusses design considerations of irrigation and percolation systems.

Irrigation is typically limited by either the evapotranspiration rate of the crop or the nitrogen removal capacity of the soil-vegetation matrix. The hydraulic application rate will be determined through a water balance study, an example of which is provided in this section. Note that this determination must be made for each project because of varying climatic conditions across the state. A wastewater storage study must be performed for each project because of varying climatic conditions across the state. A wastewater

storage study must be performed for each project. The acceptable nitrogen application rate must also be determined as per the formulas included in this section.

The rapid infiltration process is basically a percolation system. A range of maximum hydraulic application rates is listed as well as requirements for minimum storage. Nitrogen removal rates must be justified. A soil profile evaluation should be performed and should extend to a depth of at least 12 feet. Multiple dosing basins must be provided. A minimum of three groundwater monitoring points are required.

Mr. Roger Bourdeau, chief fiscal officer, has determined that for the first five-year period the proposed sections are in effect, there will be direct fiscal implications as a result of enforcing or administering these sections.

There will be no direct effect on state government or small businesses for the first five-year period the proposed sections are in effect. The direct effect on local government for the first five-year period the proposed sections are in effect will be estimated additional cost of \$5,763,380 in 1989; \$573,390 in 1990; \$573,390 in 1991; \$636,380 in 1992; and \$636,380 in 1993.

Mr. Bourdeau 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 improved water quality and public health and reduction in potential nuisance conditions.

The possible economic cost to individuals who are required to comply with the sections as proposed will be \$1,236,380 in 1989-1990; and \$636,380 in 1992-1993.

Comments on the proposal may be submitted to Kevin McCalla, Senior Attorney, Legal Division, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069, for 30 days after the date of publication.

• 31 TAC §§309.1, 309.3, 309.4

The new sections are proposed under the Texas Water Code, §§5.103, 5.105, and 5.120, which provides the commission with the authority to promulgate rules as necessary to carry out its powers and duties under the Texas Water Code and other laws of the state; and to establish and approve all general policies of the commission.

§309.1. Purpose.

(a) The purpose of these sections is to promulgate a set of effluent quality limitations for treated domestic sewage which will be required of permittees as appropriate to maintain water quality in accordance with the commission's surface water quality standards.

(b) Secondary treatment, with exceptions applicable to certain oxidation pond systems, is defined as a reduction of pollutants to the following quality:

Biochemical Oxygen Demand (BOD), 5-Day	
(milligram per liter, mg/l)	
30-Day Average	20
7-Day Average	30
Daily Maximum	45
Single Grab	65

Total Suspended Solids (TSS)

(mg/l)

30-Day Average	20
7-Day Average	30
Daily Maximum	45
Single Grab	65

Dissolved Oxygen (DO)

(mg/l)

Single Grab	2
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pH

(Standard Units)

Within limits of 6.0 - 9.0

(c) Effective April 1988, all permits containing an ammonia nitrogen effluent limit are hereby modified to change BOD5 to carbonaceous biochemical oxygen demand (CBOD5).

(d) Effective January 1, 1988, any permit containing a BOD5 effluent limitation may be monitored and reported as CBOD5 as long as nitrogen is monitored and reported as ammonia-nitrogen at the same sampling frequency. If the permit authorizes a discharge to land or an evaporation pond only, ammonia-nitrogen monitoring and reporting are not required to change to CBOD5.

(e) The State of Texas has established a state water quality management program and a continuing planning process which sets forth the strategy and procedures for accomplishing the management program's objectives. Essential elements of the program include updates of basin plans and wasteload evaluations by basin segments. In order to achieve compliance with water quality standards within certain segments, more stringent effluent quality limitations other than basic secondary treatment may be required to protect water quality.

§309.3. Application of Effluent Sets.

(a) Discharges into effluent limited segments.

(1) All discharges into effluent limited segments shall, at a minimum, achieve secondary treatment. An effluent limited segment is any segment which is presently meeting or will meet applicable

water quality criteria following incorporation of secondary treatment for domestic sewage treatment plants and/or best practicable treatment for industries.

(2) New or increased discharges into effluent limited segments shall achieve that level of treatment deemed necessary by the commission, based on the assimilative capacity and uses of the receiving stream.

(b) Discharges into water quality limited segments.

(1) All discharges into water quality limited segments for which wasteload evaluations have been developed shall, at a minimum, achieve the treatment level specified in the recommendations of the wasteload evaluation for that discharge. In the event that analyses indicate that different treatment levels are required due to changed conditions or other factors, the commission may consider alternate treatment levels on a case-by-case basis. A water quality limited segment is a surface water segment classified by the commission as water quality limited where conventional treatment of waste discharged to the segment is not stringent enough for the segment to meet applicable water quality standards; monitoring data have shown significant violations of water quality standards; advanced waste treatment for point sources is required to protect existing exceptional water quality; or the segment is a domestic water supply reservoir.

(2) Discharges into water quality limited segments for which wasteload evaluations have not been performed shall, at a minimum, achieve secondary treatment.

(c) Discharges into certain reser-

voirs. Effluent Set 2 in §309.4 of this title (relating to Table 1, Effluent Limitations for Domestic Wastewater Treatment Plants) shall apply to any discharge from other than an oxidation pond made within five miles upstream of a reservoir or lake, which is subject to onsite/private sewage facility regulation adopted pursuant to the Texas Water Code, Chapter 26, or subject to onsite sewage disposal system regulation adopted pursuant to the Texas Solid Waste Disposal Act, Article 4477-7e, or which may be used as a source for public drinking water supply. Any such discharge shall employ filtration to supplement suspended solids removal. Existing dischargers shall be allowed until January 1, 1993, to provide filtration. Five miles shall be measured in stream miles from the normal conservation pool elevation. The commission may grant exceptions to this requirement where it can be demonstrated that the exception would not significantly adversely impact water quality.

(d) Discharges from oxidation ponds. Effluent Set 3 shall apply to oxidation pond facilities in which oxidation ponds are the primary process used for secondary treatment and in which the ponds have been designed and constructed in accordance with applicable design criteria. Effluent Set 3 is considered equivalent to secondary treatment for oxidation pond systems.

(e) Discharge to an evaporation pond. Effluent discharged to evaporation ponds must receive, at a minimum, primary treatment, be within the pH limits of 6.0-9.0 standard units, and have a quality of 10 mg/l BOD5 or less on a grab sample. For the purpose of this subsection, primary treatment means solids separation which is

typically accomplished by primary clarifiers, Imhoff tanks, facultative lagoons, septic tanks, and other such units.

(f) Land disposal of treated effluent. The commission may authorize land disposal of treated effluent when the applicant demonstrates that the groundwaters or surface waters in the state will not be adversely affected. Each project must be consistent with laws relating to water rights. The primary purpose of such a project must be to dispose of treated effluent and/or to further enhance the quality of effluent prior to discharge.

(1) When irrigation systems ultimately dispose of effluent on land to which the public has access, Effluent Set 6, at a minimum, shall apply. The pH shall be within the limits of 6.0-9.0 standard units unless a specific variance is provided in the permit based upon site specific conditions. When lands to which the public does not have access are to be used for ultimate disposal of effluent, the effluent must, at a minimum, receive primary treatment. Effluent Set 7 shall apply and the pH shall be within the limits of 6.0-9.0 standard units unless a specific variance is provided in the permit based upon site specific conditions. For irrigation systems, primary treatment is the same as described in subsection(e) of this section. Effluent may be used for irrigation only when consistent with environmental safeguards and the protection of ground and surface waters.

(2) When overland flow systems are utilized for effluent treatment, the public shall not have access to the treatment area. Primary treated effluent meeting Effluent

Set 8, within the pH limits of 6.0-9.0 standard units, may be used consistent with environmental safeguards and protection of ground and surface waters. For overland flow systems, primary treatment is the same as described in subsection (e) of this section. At a minimum, Effluent Set 1 shall apply to discharges from overland flow facilities except where more stringent treatment levels are required to meet water quality standards.

(3) When evapotranspiration beds and subsurface drain fields are utilized for land disposal systems, the effluent shall, at a minimum, receive primary treatment and meet Effluent Set 9. Use of evapotranspiration beds and subsurface drain fields shall be consistent with environmental safeguards and the protection of ground and surface waters. For evapotranspiration beds and subsurface drain fields, primary treatment is the same as described in subsection (e) of this section.

(g) Disinfection.

(1) Except as provided in this subsection, disinfection in a manner conducive to the protection of both public health and aquatic life shall be achieved on all domestic wastewaters which discharge into waters in the state. Any appropriate process may be considered and approved on a case-by-case basis.

(2) Where chlorination is utilized, any combination of detention time and chlorine residual where the product of chlorine (C12 mg/l) X Time (T minutes) equals or exceeds 20, is satisfactory pro-

vided that the minimum detention time is at least 20 minutes and the minimum residual is at least 0.5 mg/l. The maximum chlorine residual in any discharge shall in no event be greater than four mg/l per grab sample, or that necessary to protect aquatic life.

(3) Except as provided herein, disinfection of domestic wastewaters which are discharged by means of land disposal or evaporation pond shall be reviewed on a case-by-case basis to determine the need for disinfection. All effluent discharged to land to which the public has access, must be disinfected. If the effluent is to be transferred to a holding pond or tank, the effluent shall be rechlorinated to a trace chlorine residual at the point of irrigation application.

(4) Unless otherwise specified in a permit, chemical disinfection is not required for oxidation ponds when the total retention time in the wastewater treatment system (based on design flow) is at least 21 days.

(h) More stringent requirements. The commission may impose more stringent requirements in permits than those specified in subsections (a)-(g) of this section, on a case-by-case basis, where appropriate to maintain desired water quality levels.

§309.4. Table 1, Effluent Limitations for Domestic Wastewater Treatment Plants. The following is a table which contains the sets of effluent criteria for waste discharge permits.

Table 1
Effluent Limitations for Domestic Treatment Plants

Set	Direct Discharge	30-Day Average			7-Day Average			Daily Maximum			Single Grab			DO MIN
		BOD ₅	TSS		BOD ₅	TSS		BOD ₅	TSS		BOD ₅	TSS		
1	Secondary treatment	20	20	30	30	30	45	45	65	65	65	2		
2	Enhanced secondary treatment	10	15	25	15	25	40	40	60	60	60	4		
3	Oxidation ponds	30	90	45	--	--	--	--	100	--	--	--		
<u>Land Treatment/Disposal</u>														
6	Irrigation (public exposure)	--	--	--	--	--	--	--	65	--	--	--		
	Using oxidation pond	--	--	--	--	--	--	--	100	--	--	--		
7	Irrigation (no public exposure)	--	--	--	--	--	--	--	100	--	--	--		
8	Overland flow (applied effluent)	--	--	--	--	--	--	--	100	--	--	--		
9	Evapotranspiration beds and subsurface drain fields	--	--	--	--	--	--	--	100	--	--	--		
<u>Enhanced Secondary with Nitrification</u>														
		30-Day Average			7-Day Average			Daily Maximum			Single Grab			
		CBOD ₅	TSS	NH ₃ -N	CBOD ₅	TSS	NH ₃ -N	CBOD ₅	TSS	NH ₃ -N	CBOD ₅	TSS	NH ₃ -N	
10	Enhanced	15	3	15	15	25	6	25	40	10	35	60	15	
10	Secondary with Nitrification	15	2	15	15	25	5	25	40	10	35	60	15	

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 September 18, 1989.

TRD-8908597

Jim Haley
Director, Legal Division
Texas Water Commission

Earliest possible date of adoption: October 23, 1989

For further information, please call: (512) 463-8087

Subchapter B. Location Standards

• 31 TAC §§309.10-309.14

The new sections are proposed under the Texas Water Code, §§5.103, 5.105, and 5.120, which provides the commission with the authority to promulgate rules as necessary to carry out its powers and duties under the Texas Water Code and other laws of the state and to establish; and approve all general policies of the commission.

§309.10. Purpose, Scope, and Applicability.

(a) This chapter establishes minimum standards for the location of domestic wastewater treatment facilities. These standards are to be applied in the evaluation of an application for a permit to treat and dispose of domestic wastewaters and sludges, and for obtaining approval of construction plans and specifications. This chapter applies to domestic wastewater permit applications and construction plans and specifications filed on or after the effective date of the new rules, for new facilities, and existing units which undergo substantial change for the continued purpose of domestic wastewater treatment and/or sludge disposal.

(b) The purpose of this chapter is to condition issuance of a permit and/or approval of construction plans and specifications for new domestic wastewater treatment facilities, or the substantial change of an existing unit on selection of a site that reasonably minimizes possible contamination of ground and surface waters; to define the characteristics that make an area unsuitable or inappropriate for a wastewater treatment facility; to minimize the possibility of exposing the public to nuisance conditions; and to prohibit issuance of a permit for a facility to be located in an area determined to be unsuitable or inappropriate, unless the design, construction, and operational features of the facility will prevent adverse effects from unsuitable site characteristics.

§309.11. Definitions. The following words and terms when used in this chapter, shall

have the following meanings, unless the context clearly indicates otherwise.

Active geologic processes—Any natural process which alters the surface and/or subsurface of the earth, including, but not limited to, erosion (including shoreline erosion along the coast), submergence, subsidence, faulting, karst formation, flooding in alluvial flood wash zones, meandering river bank cutting, and earthquakes.

Aquifer—A geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs. Portions of formations, such as clay beds, which are not capable of yielding a significant amount of groundwater to wells or springs, are not aquifers.

Erosion—The group of natural processes, including weathering, deterioration, detachment, dissolution, abrasion, corrosion, wearing away, and transportation, by which earthen or rock material is removed from any part of the earth's surface.

Existing facility—Any facility used for the storage, processing, or disposal of domestic wastewater and/or sludges and which has obtained approval of construction plans and specifications. Facilities for which plans and specifications have been submitted prior to November 1, 1989, will be considered existing facilities.

New facility—Any domestic wastewater treatment facility which is not an existing facility.

One hundred-year flood plain—Any land area which is subject to a 1.0% or greater chance of flooding in any given year from any source.

Wastewater treatment plant sludges, screenings, and grit or sludges—Any solid, semi-solid, or liquid residue that contains materials, organic or inorganic, removed during domestic wastewater treatment.

Wastewater treatment plant unit—Any apparatus necessary for the purpose of providing treatment of wastewater (i.e. aeration basins, splitter boxes, bar screens, sludge drying beds, clarifiers overland flow sites, treatment ponds or basins that contain wastewater, etc.).

Wetlands—Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

§309.12. Site Selection to Protect Groundwater or Surface Water. The commission may not issue a permit for a new facility or the substantial change of an existing facility unless it finds that the proposed site, when evaluated in light of proposed design, construction, or operational features, reasonably minimizes possible contamination of surface water and groundwater. In making

this determination, the commission may consider the following factors:

(1) active geologic processes such as flooding, erosion, subsidence, submergence, and faulting;

(2) groundwater conditions such as groundwater flow rate, groundwater quality, length of flow path to points of discharge, and aquifer, recharge or discharge conditions;

(3) soil conditions such as stratigraphic profile and complexity, hydraulic conductivity of strata, and separation distance from the facility to the aquifer, and points of discharge to surface water; and

(4) climatological conditions.

§309.13. Unsuitable Site Characteristics.

(a) A wastewater treatment unit may not be located in the 100-year flood plain unless the plant is protected from inundation and damage that may occur during that flood event.

(b) A wastewater treatment unit may not be located in wetlands, except that wetlands may be used as a polishing unit for treated wastewater. (This prohibition is not applicable to constructed wetlands.)

(c) A wastewater treatment unit may not be located closer than 500 feet from a public water well nor 250 feet from a private water well.

(d) A wastewater treatment facility surface impoundment may not be located in areas overlying regional aquifers unless the regional aquifer is separated from the base of the containment structure by a minimum of three feet of material with a hydraulic conductivity toward the aquifer not greater than 10⁻⁷ cm/sec or a thicker interval of more permeable material which provides equivalent or greater retardation of pollutant migration. A synthetic membrane liner may be substituted with a minimum of 30 mils thickness and an underground leak detection system with appropriate sampling points.

(e) Lagoons with zones of anaerobic activity (e.g. facultative lagoons) may not be located closer than 500 feet to the nearest property line. All other wastewater treatment plant units, excluding lift stations, may not be located closer than 150 feet to the nearest property line. Land used to treat primary effluent is considered a plant unit. Buffer zones for land used to dispose of treated effluent by irrigation shall be evaluated on a case-by-case basis. If the buffer zone requirement cannot be met by legal ownership on an undivided tract of land, one of the following alternatives shall be required.

(1) For a facility for which a permit application is made after the effective date of this section, if the facility will

not meet the buffer zone requirement, the applicant shall include in the application for the discharge permit a result of variance. Variances may be granted by the commission under the following circumstances:

(A) acceptable means of nuisance prevention is provided, such as enclosing the treatment plant in a structure designed and suitable for noise and odor abatement;

(B) the applicant possesses a restrictive easement on the part of the property in the buffer zone not owned by the applicant which prohibits a residential structure on that property;

(C) other reasons that justice may require, consistent with the policies set out in the Texas Water Code, §26.003; or

(D) a variance granted by the commission shall be included as a condition in the new permit.

(2) For a facility for which a permit amendment application is made which involves a substantial design change to a wastewater treatment plant unit, if the facility will not meet the buffer zone requirement, the applicant shall include in the application for amendment a request for variance. Variances may be granted by the commission under the circumstances described in paragraph (1) of this subsection.

(3) For a permitted facility for which plans and specifications approval only is sought, if the facility will not meet the buffer zone requirement, the applicant shall apply to the executive director for a variance. Variances may be granted by the executive director under the following circumstances:

(A) acceptable means of nuisance prevention is provided, such as enclosing the treatment plant in a structure designed and suitable for noise and odor abatement;

(B) the applicant possesses a restrictive easement on the part of the property in the buffer zone not owned by the applicant which prohibits residential structures on that property;

(C) no residential structure is located within the buffer zone at the time request is filed; or

(D) any variance granted by the executive director shall be stated in writing. If a variance request is denied by the executive director, a permittee may appeal, by application for major permit amendment, to the commission, which may hear the appeal or remand the matter to the

office of hearings examiners for a hearing conducted in accordance with the rules of the commission.

(4) For a permitted facility for which no design change is requested, the facility shall not be required to comply with these buffer zone requirements, but shall comply with the buffer zone requirements in effect on the date the permit was issued.

(5) Facilities for which plans and specifications have been submitted by the effective date to this section, are not required to resubmit revised plans and specifications to meet changed requirements in this section.

(f) Storage and/or disposal of sludges in the 100-year flood plain shall not restrict the flow of the 100-year flood, reduce the temporary water storage capacity of the flood plain, or result in washout of solid wastes.

(g) A sludge land treatment facility or landfill may not be located in wetlands.

(h) Buffer zones for the storage and/or disposal of sludges shall be evaluated on a case-by-case basis.

(i) A sludge landfill may not be located in areas overlying regional aquifers unless:

(1) it is an area where the average annual evaporation exceeds average annual rainfall by more than 40 inches and the depth to the regional aquifer is greater than 100 feet from the base of the containment structure; or

(2) the regional aquifer is separated from the base of the containment structure by a minimum of three feet with a hydraulic conductivity toward the aquifer not greater than 10⁻⁷ cm/sec, or a thicker interval of more permeable material which provides equivalent or greater retardation to pollutant migration. A synthetic liner of equivalent permeability may be substituted with a minimum of 30 mils thickness and an underground leak detection system with appropriate sampling points.

§309.14. Prohibition of Permit Issuance.

(a) The commission may not issue a permit for a new wastewater treatment plant or for the substantial change of an existing plant, if the facility or expanding facility does not meet the requirements of §309.13 of this title (relating to Unsuitable Site Characteristics).

(b) Nothing in this chapter shall be construed to require the commission to issue a permit, notwithstanding a finding that the proposed facility would satisfy the requirements of §309.12 of this title (relating to Site Selection to Protect Groundwater or Surface Water), and notwithstanding the absence of site characteristics which would disqualify the site from permitting pursuant to §309.13 of this title (relating to Unsuit-

able Site Characteristics).

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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Jim Haley
Director, Legal Division
Texas Water Commission

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For further information, please call: (512) 463-8087

Subchapter C. Land Disposal of Sewage Effluent

• 31 TAC §309.20

The new section is proposed under the authority of the Texas Water Code, §§5.103, 5.105, and 5.120, which provides the commission with the authority to promulgate rules as necessary to carry out its powers and duties under the Texas Water Code and other laws of the state, and to establish and approve all general policies of the commission.

§309.20. Land Disposal of Sewage Effluent.

(a) Technical report. Each project shall be accompanied by a preliminary engineering report outlining the design of the wastewater disposal system. The report shall include maps, diagrams, basis of design, calculations, and other pertinent data as described in this section.

(1) Location.

(A) Site map. A copy of the United States Geological Survey topographic map of the area which indicates the exact boundaries of the disposal operation will be included in the technical report. A map from the 7 1/2 minute series is required if it is published for the site area.

(B) Site drawing. A scale drawing and legal description of all land which is to be a part of the disposal operation will be included in the technical report. The drawing will show the location of all existing and proposed facilities to include: buildings, waste disposal or treatment facilities, effluent storage and tail water control facilities, distribution and application systems, buffer zones, and water wells. This drawing should have an index of wells, adjacent property, and other prominent features. Ownership of land tracts adjacent to the irrigated land shall be shown on the site drawing and identified by listing legal ownership.

(2) Geology. The existence of any unusual geological formations such as faults or sink holes on the waste disposal site shall be noted in the technical report and identified on the site map. The concep-

tual design of the waste disposal system shall include appropriate engineering considerations with respect to limitations presented by these features.

(3) Soils. A general survey of soils with regard to standard classifications shall be compiled for all areas of waste application to the soil. Soil surveys compiled by the United States Department of Agriculture Soil Conservation Service shall be utilized where available. Conceptual design aspects related to waste application rates, crop systems, seepage, and runoff controls shall be based upon the soil physical and chemical properties, hydraulic characteristics, and crop use suitabilities for the waste application site.

(4) Groundwater quality. The technical report shall fully assess the impact of the waste disposal operation on the uses of local groundwater resources. In regard to performing this assessment, the report shall system automatically address subparagraphs (A) and (B) of this paragraph.

(A) All water wells within a half mile radius of the disposal site boundaries shall be located. If available, the water uses from each well shall be identified. In addition, aspects of construction such as well logs, casing, yield, static elevation, water quality, and age shall be furnished and evaluated in the technical report. Local groundwater resources below the wastewater disposal site shall be monitored to establish preoperational baseline groundwater quality when monitoring wells are available. Monitoring shall provide the following analytical determination: total dissolved solids, nitrate nitrogen, chlorides, sulfates, pH, and coliform bacteria.

(B) Groundwater resources serving as sources or potential sources of domestic raw water supply will be protected by limiting wastewater application rates. Effluent storage and/or treatment ponds presenting seepage hazards to these groundwater resources shall be constructed with adequate liners.

(5) Agricultural practice. The technical report shall describe the crop system proposed for the waste disposal operation. This description shall include a discussion of the adaptability of the crop to the particular soil, climatological, and wastewater sensitivity conditions that will exist at the waste disposal site. Annual nutrient uptake of the crop system shall be specified, and crop harvesting frequencies shall be described within the report. An agronomist should be consulted on cover crop selection for the project. Written approval from the Texas Department of Health shall be obtained with regard to the crops selected for the disposal areas if the crop is intended for human consumption.

(b) Irrigation. Irrigation disposal systems utilize effluent to supply the growth needs of the cover crop.

(1) Secondary effluent. Land disposal system operators who use land accessible to the general public shall provide a degree of treatment equivalent to secondary treatment standards, as defined by the commission, prior to application of waste to land areas.

(2) Primary effluent. Land disposal systems may provide for the disposal of effluent from primary treatment units provided that the wastewater disposal system conforms with the requirements contained in Subparagraphs (A)-(E) of this paragraph as follows.

(A) The wastewater disposal system shall be designed and operated to prevent a discharge from entering surface waters, and to prevent recharge of groundwater resources which supply or offer the potential of supplying domestic raw water.

(B) The land disposal system shall be designed and operated to achieve disposal of effluent without adversely affecting the agricultural productivity of the land disposal site.

(C) The economic benefits derived from agricultural operations carried

out at the land disposal site are secondary to the proper disposal of wastewater.

(D) The sewerage system owner shall maintain direct responsibility and control over all aspects of the sewage pretreatment and application operations, as well as all aspects of any agricultural activities carried out on the disposal site.

(E) The land disposal system shall contain sufficient area to provide for normal expansion of the facility service area. In most cases, the disposal system shall have a design life of at least 20 years.

(3) Design analysis. The designing engineers shall utilize a detailed design analysis of limiting hydraulic and nutrient application rates, and effluent storage needs, as the basis of the disposal system design. All projects shall include the detailed design analysis described in Subparagraphs (A)-(C) of this paragraph.

(A) Hydraulic application rate. A water balance study shall be provided as a part of a detailed application rate analysis in order to determine the irrigation water requirement, including a leaching requirement if needed, for the crop system on the wastewater application areas. The water balance study should generally follow the example development shown in Table 1 of this subparagraph. Precipitation inputs to the water balance shall utilize the average yearly rainfall and the monthly precipitation distribution based on past rainfall records. The consumptive use requirements (evapotranspiration losses) of the crop system shall be developed on a monthly basis. The method of determining the consumptive use requirement shall be documented as a part of the water balance study. A leaching requirement, calculated as shown in Table 1 of this subparagraph, shall be included in the water balance study when the total dissolved solids concentration of the effluent presents the potential for developing excessive soil salinity buildup due to the long term operation of the irrigation system.

TABLE 1
WATER BALANCE EXAMPLE
(All Units are Inches of Water per Acre of Irrigated Area)

Month (1)	a Avg. Precip. (2)	b Average Runoff (3)	Ri Average Infiltrated Rainfall (4)	c Evapotranspiration (5)	d Required Leaching (6)	Total Water Needs (5)+(6) (7)	Effluent Needed in Root Zone (7)+(4) (8)	e Evaporation from Reservoir Surface (9)	f Effluent to be Applied to Land (8)/K (10)	g Consumption from Reservoir (9)+(10) (11)
Jan.	2.11	0.40	1.71	0.80	0.00	0.80	0.00	0.02	0.00	0.02
Feb.	2.43	0.57	1.86	1.20	0.00	1.20	0.00	0.01	0.00	0.01
Mar.	2.02	0.36	1.66	2.80	0.20	3.00	1.34	0.09	1.58	1.67
April	3.19	1.03	2.16	3.40	0.22	3.63	1.46	0.05	1.72	1.77
May	4.19	1.74	2.45	6.10	0.64	6.74	4.29	0.10	5.05	5.15
June	3.30	1.10	2.20	6.50	0.76	7.26	5.06	0.20	5.95	6.15
July	2.20	0.45	1.75	6.70	0.87	7.57	5.82	0.34	6.85	7.19
Aug.	2.12	0.41	1.71	4.60	0.51	5.11	3.40	0.34	4.00	4.34
Sept.	3.58	1.30	2.28	5.10	0.50	5.60	3.32	0.19	3.91	4.10
Oct.	3.09	0.96	2.13	4.10	0.35	4.45	2.32	0.14	2.73	2.87
Nov.	2.23	0.46	1.77	2.10	0.06	2.16	0.39	0.07	0.46	0.53
Dec.	2.34	0.52	1.82	1.00	0.00	1.00	0.00	0.03	0.00	0.03
	32.80	9.30	23.50	44.40	4.11	48.51	27.40	1.58	32.25	33.83

- a. Up-to-date rainfall and evaporation data sets are available from the Texas Natural Resource Information System.
 - b. Runoff should be determined by an acceptable method such as the Soil Conservation Service method found in SCS Technical Release No. 55. For calculation purposes only, a CN value of 74 was assumed for good pasture with Class "C" soils.
 - c. Suggested source of values is the "Bulletin 6019, Consumptive Use of Water by Major Crops in Texas", Texas Board of Water Engineers.
 - d. In low rainfall areas, this is the required leaching to avoid salinity build-up in the soil where:
 - $L = \frac{Ce}{E - Ri}$ Ri - Infiltrated Rainfall
 - Ce - Electrical Conductivity of Effluent $C1$ - Maximum Allowable Conductivity
 - E - Evapotranspiration of Soil Solution (Table 3)
- For calculation purposes only, Ce is measured to be 1.5 millimhos/cm @ 25°C and $C1$ is 10.0 (Bermuda Grass)
- e. Net Average Evaporation from Reservoir Surface. For the purpose of this calculation, irrigation area = 100 acres and reservoir surface area = 5 acres. Therefore, values are 5% of Evaporation figures of Austin, Texas.
 - f. K is the irrigation efficiency. K value is 0.85 unless specific information is provided to support a different value.
 - g. The total of this column is the maximum allowable application rate in Acre-in./Ac./yr.

TABLE 2
EXAMPLE CALCULATION OF STORAGE VOLUME REQUIREMENTS
(All Units are Inches of Water per Acre of Irrigated Area)

Month (12)	a Effluent Received for Application or Storage (13)	b Rainfall Worst Year in Past 25 Year (14)	c Runoff Worst Year in Past 25 Year (15)	d Infiltrated Rainfall (14)+(15) (16)	e Available Water (13)+(16) (17)	f Net 25 Year Low Evaporation from Regur.Surf. (18)	Storage (19)	Accumulated Storage (20)
Jan.	2.70	3.28	1.09	2.19	4.89	0.00	2.69	8.49
Feb.	2.70	3.80	1.45	2.35	5.05	0.01	2.69	11.18
Mar.	2.70	3.18	1.02	2.16	4.86	0.04	1.67	12.85
April	2.70	4.98	2.35	2.63	5.33	0.02	1.51	14.36
May	2.70	6.57	3.67	2.90	5.60	0.04	-1.86	12.50
June	2.70	5.13	2.47	2.66	5.36	0.09	-2.80	9.70
July	2.70	3.44	1.20	2.24	4.94	0.16	-3.73	5.97
Aug.	2.70	3.33	1.12	2.21	4.91	0.16	-0.87	5.10
Sept.	2.70	5.59	2.84	2.75	5.45	0.08	-0.74	4.36
Oct.	2.70	4.82	2.22	2.60	5.30	0.07	0.45	0.45
Nov.	2.70	3.49	1.23	2.26	4.96	0.03	2.67	3.12
Dec.	2.70	3.64	1.34	2.30	5.00	0.02	2.68	5.80
	32.40	51.25	22.00	29.25	61.65	0.73		

- a. For calculation purposes only, disposal rate is for a 240,000 gpd facility (2.7 Ac.-ft/AC./yr.) irrigating 100 Acres. Maximum values for Column 13 are the value (total) of Column 11 divided by 12. Note that the values in Column 13 could be adjusted to allow for seasonal variation in effluent output.
- b. Annual rainfall amount from the worst year in past 25 years of data. Total rainfall is then distributed proportional to monthly averages.
- c. Using rainfall figures in Column 14, calculate runoff with the same method used in Column 3.
- d. Lowest annual evaporation in past 25 years from reservoir surface. Distribute annual value proportionally to monthly average evaporation expressed in inches per irrigated acre. For purpose of this calculation, irrigation area = 100 acres and reservoir surface area = 5 acres. Therefore, values in Column 18 are 5% of Evaporation figures for Austin, Texas.
- e. Storage = $[(13)-(18)] - \frac{[(7)-(16)]}{k}$. If the term $\frac{[(7)-(16)]}{k}$ is negative, then the value for storage = $[(13)-(18)]$. Irrigation efficiency is 0.85 unless specific information is provided to support a different value.
- f. To allow for the worst condition, the summation was started in Oct. which gives a maximum storage requirement of 14.36 in./irrigated acre or 120 Acre-feet.

TABLE 3
Salt Tolerance of Various Crop Plants

Best growth yields of each crop would occur at a salinity level below the salinity range given.

Relatively Nontolerant	Moderately Salt Tolerant	Relatively Salt Tolerant	Highly Salt Tolerant
Electrical Conductivity (millimhos/cm at 25 degrees C)			
2.0 - 4.0	4.0 - 6.0	6.0 - 8.0	8.0 - 12.0
Field Crops			
Field bean Cowpeas	Sorghum (grain) Corn (field) Castorbean Soybean	Cotton Rye (grain) Wheat (grain) Oats (grain) Rice	Barley (grain) Sugar beet Rape
Forage Crops			
White clover Alsike clover Red clover Ladino clover Crimson clover Rose clover Burnet clover	Tall fescue Meadow fescue Orchard-grass Millet Sour clover Birdsfoot trefoil	Wheat-grasses Sudan grass Sweetclover Alfalfa Ryegrass Rye (hay) Wheat (hay) Oats (hay)	Alkali sacaton Bermuda grass Barley (hay) Rhodesgrass Blue grama Panicgrass

(B) Effluent storage. An effluent storage study shall be performed to determine the necessary storage requirements. The storage requirements shall be based on a design rainfall year with a return frequency of at least 25 years (the expected 25 year-one year rainfall, alternately the highest annual rainfall during the last 25

years of record may be used) and a normal monthly distribution, the application rate and cycle, the effluent available on a monthly basis, and evaporation losses. An example of an effluent storage study is shown in Table 3 of this subparagraph.

(C) Nitrogen application rate. Irrigation shall be limited to prevent

excessive nitrogen application. The annual liquid loading shall not exceed that which would introduce more nitrogen than is annually required by the crop plus 20% volatilization. Values of crop nitrogen requirements shall be justified in the design report. The application rate shall be calculated by the formula

$C = \text{effluent nitrogen concentration} - \text{mg/l}$

$N = \text{annual crop requirement of nitrogen plus } 20\% \text{ volatilization pound/acre/yr.}$

$L = \frac{N}{2.7C}$ where,

$L = \text{annual liquid loading} - \text{feet/year}$

(D) Land disposal application rates. The following figure establishes maximum application rates for land disposal of treated effluent.

(4) Soil testing. Representative soil samples shall be taken from the root zones of wastewater application sites to establish pre-operational soil concentrations of pH, total nitrogen, potassium, phosphorus, and conductivity. Sampling procedures shall employ accepted techniques of soil science for obtaining representative analytical results. Base-line values of the parameters specified above shall be furnished in the technical report. The project development shall provide for a minimum of one soil test annually from each wastewater application site for the duration of the disposal system design life.

(5) Design considerations.

(A) Screening devices should be installed on all lift pump suction intakes.

(B) The design of sprinkler irrigation systems should allow operational flexibility and efficiency and ease of maintenance.

(i) The system should be designed to provide a uniform water distribution.

(ii) The designing engineer should consider such items as permanently buried mains with readily accessible valve boxes, two or more lateral lines, and quick coupling valves at the main/lateral connections.

(iii) Cross connection with a potable water supply system is pro-

hibited. Cross connection with a well water system will be reviewed on a case-by-case basis.

(C) Vehicular access to conveyance system locations and equipment should be provided at intervals of 1,000 feet to 1,300 feet.

(D) The cover crop of each wastewater application area shall be harvested a minimum of once per year. Consideration should be given to the selection of crops which will allow two or more harvests per year to be made.

(E) All effluent applied as irrigation water should have a pH within the range of 6.5 to 9.5.

(c) Percolation. Percolation disposal systems provide for ultimate disposal of the wastewater by evaporation and percolation with no resulting discharge to surface waters.

(1) Percolation systems will not be permitted in those locations where seepage would adversely affect the uses of groundwater resources.

(2) Primary treatment of the raw sewage shall be provided prior to land disposal.

(3) Percolation systems shall be limited to sites having soil textures suitable for sustaining a rapid intake rate. Percolation dosing sites shall be limited to soils classified as sands, loamy sands, or sandy loams having a minimum infiltration rate of six inches per hour.

(4) Multiple dosing basins shall be provided for the application of wastewa-

ter. The wastewater distribution system shall be designed to provide a maximum dosing period of 24 hours upon any individual dosing basin and a minimum resting period for any individual dosing basin of five days following a period of dosing.

(5) The hydraulic loading rate will be considered on a case-by-case basis. The designing engineer shall identify the permeability of the limiting soil layer.

(6) The design shall provide an area equal to a minimum of 20% of the total disposal site area for the construction of wastewater storage for utilization during periods of wet or freezing weather and to provide flexibility of dosing site utilization.

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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Director, Legal Divisions
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◆ ◆ ◆

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter V. Bingo Regulation and Tax

• 34 TAC §3.558

The Comptroller of Public Accounts proposes an amendment to §3.558, concerning seal required on disposable bingo cards. The amendment amends subsections (b)-(f) to provide for printing the seal of the Alcoholic Beverage Commission on disposable paper bingo cards, to replace references to the Comptroller of Public Accounts with references to the Alcoholic Beverage Commission, to delete references to sales of cards from manufacturers to licensed organizations, and to amend the implementation schedule for the requirement that the manufacturer's name, trade name, or trademark be printed on all cards.

Ben Lock, associate deputy comptroller for fiscal management, 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. Lock 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 in allowing regulators to comply with recent legislative changes in order to more effectively regulate the bingo industry. 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 Claudia Stravato, Deputy for Tax Enforcement, Regulatory Taxes, P.O. Box 13528, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 179d, which provide the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the Bingo Enabling Act.

§3.558. Seal Required on Disposable Bingo Cards.

(a) (No change.)

(b) The face of every disposable bingo card used, sold, or otherwise furnished in this state shall bear an impression of the State of Texas and a star of five points encircled by olive and live oak branches and the words "Texas Alcoholic Beverage Commission," ["Office of the Comptroller *Texas*,"] in accordance with detailed specifications, available on request from the commission [Regulatory Taxes Division of the Comptroller's Office]. The face of each card shall also have printed on it the name of the manufacturer or a trade name or trademark which has been filed with the commission [comptroller].

(c) No disposable bingo card shall be sold or otherwise furnished to any person in this state without an example of such card having the prior written approval of the commission [comptroller].

(d) Manufacturers shall submit an example of all disposable cards to the Texas Alcoholic Beverage Commission [Regulatory Taxes Division of the Comptroller's Office] for written approval. Approval extends only to cards manufactured to the same specifications as examples submitted. Any modification of approved disposable bingo cards other than color, series numbers, serial numbers, and/or card numbers shall require submission of an example to the Texas Alcoholic Beverage Commission [Regulatory Taxes Division of the Comptroller's Office] for approval. Until January 1, 1990, manufacturers shall continue to submit cards to the Regulatory Taxes Division of the Comptroller's Office.

(e) The following restrictions apply to the sale or purchase of disposable cards.

(1) A manufacturer shall not sell or otherwise furnish unapproved disposable cards to distributors [or licensed organizations] for use in this state. This requirement shall also apply to any manufacturer who assembles and collates disposable cards for sale in Texas even though such cards have been previously submitted for approval by the original manufacturer. In addition, any licensed manufacturer who collates another manufacturer's disposable cards for sale in Texas must purchase all card sheets to be used in collating such cards from a licensed manufacturer.

(2) A distributor shall not purchase or otherwise obtain unapproved disposable cards for use in this state.

(3) A licensed organization shall not purchase or otherwise obtain [from a manufacturer] unapproved disposable cards for use in this state. A licensed organization shall not use in this state unapproved disposable cards.

(f) The requirements [requirement] that all cards have printed on the face of the card the seal of the Texas Alcoholic Beverage Commission and the name of the manufacturer, a trade name, or a trademark shall be implemented according to the following schedule.

(1) A manufacturer shall not sell or otherwise furnish disposable cards not bearing the seal of the Texas Alcoholic Beverage Commission and the manufacturer's name, trade name, or trademark to distributors or licensed organizations for use in this state after December 31 [June 30], 1989. This requirement also applies to any manufacturer who assembles and collates disposable cards for sale in Texas, but only the name, trade name, or trademark of the original manufacturer who printed the card face shall be printed on the card face.

(2) A distributor shall not purchase disposable cards which do not bear the seal of the Texas Alcoholic Beverage Commission and the name, trade name, or trademark of the manufacturer after December 31 [June 30], 1989, for use in this state. A distributor may continue to sell cards which do not bear the manufacturer's name to licensed organizations in this state until March 31, 1990 [September 30, 1989].

(3) A licensed organization shall not purchase or otherwise obtain from a manufacturer disposable cards which do not bear the seal of the Texas Alcoholic Beverage Commission and the manufacturer's name for use in this state after March 31, 1990 [September 30, 1989]. A licensed organization shall not use in this state disposable cards which do not bear the manufacturer's name after June 30, 1990 [December 31, 1989].

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, September 15, 1989.

TRD-8908563

Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption: October 23, 1989

For further information, please call: (512) 463-4004

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part X. Texas Adult Probation Commission

Chapter 321. Standards

• 37 TAC §§321.11-321.16

(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 Adult Probation Commission or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Adult Probation Commission proposes the repeal of §§321.11-321.16, concerning intensive supervision probation, community rehabilitation center, surveillance probation, court residential treatment centers, specialized caseloads programs, and electronic monitoring.

Edmond J. Peterson, CPA, Director of Fiscal Services, 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 repeals.

Mr. Peterson also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will not be applicable, as the public is relatively unaf-

ected by this particular proposed section. 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 Virginia Grote, Texas Adult Probation Commission, 8100 Cameron Road, Suite 600, Building B, Austin, Texas 78753.

The repeal is proposed under Texas Code of Criminal Procedure, Article 42.121, §3.01, which provides the Texas Adult Probation Commission with the authority to promulgate reasonable rules.

§321.11. Intensive Supervision Probation (ISP).

§321.12. Community Rehabilitation Center.

§321.13. Surveillance Probation.

§321.14. Court Residential Treatment Center.

§321.15. Specialized Caseloads Programs.

§321.16. Electronic Monitoring.

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 September 15, 1989.

TRD-8908531

Virginia Grote
Administrative Secretary
Texas Adult Probation
Commission

Earliest possible date of adoption: October 23, 1989

For further information, please call: (512) 834-8188



Withdrawn Sections

An agency may withdraw proposed action or the remaining effectiveness of emergency action on a section by filing a notice of withdrawal with the *Texas Register*. The notice is effective immediately upon filing or 20 days after filing. If a proposal is not adopted or withdrawn within six months after the date of publication in the *Texas Register*, it will automatically be withdrawn by the office of the Texas Register and a notice of the withdrawal will appear in the *Texas Register*.

TITLE 19. EDUCATION Part II. Texas Education Agency

Chapter 75. Curriculum

Subchapter I. Special Provisions for Vocational Education

• 19 TAC §75.214, §75.217

The Texas Education Agency has withdrawn the emergency effectiveness of amendments to §75.214, §75.217, concerning special provisions for vocational education text of the emergency amendments appeared in the July 28, 1989, issue of the *Texas Register* (14 TexReg 3605). The effective date of this withdrawal is October 4, 1989.

Issued in Austin, Texas, on September 13, 1989.

TRD-8908492 Oscar A. Rodriguez
Planner I
Texas Education Agency

Effective date: October 4, 1989

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

Chapter 78. Vocational Education

Subchapter B. Vocational Education Funding and Program Approval

• 19 TAC §78.23

The Texas Education Agency has withdrawn the emergency effectiveness of §78.23, concerning the vocational education funding and program approval. The text of the emergency amendment appeared in the July 28, 1989, issue of the *Texas Register* (14 TexReg 3609). The effective date of this withdrawal is October 4, 1989.

Issued in Austin, Texas, on September 13, 1989

TRD-8908493 Oscar A. Rodriguez
Planner I
Texas Education Agency

Effective date: October 4, 1989

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

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 13. CULTURAL RESOURCES

Part II. Texas Historical Commission

Chapter 19. Texas Main Street Project

• 13 TAC §19.6, §19.7

The Texas Historical Commission adopts amendments to §19.6 and §19.7, without changes to the proposed text as published in the June 30, 1989, issue of the *Texas Register* (14 TexReg 3178).

The sections were amended to incorporate changes which were required because of incorporation of Article 6145 into the Texas Government Code, Chapter 442, as well as changes which were made during the last legislative session.

Sections 19.6 and 19.7 will allow the Main-Street project to administer the Urban Main Street Program.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Government Code, Chapter 442.014, which provides the Texas Historical Commission with the authority to administer a Main Street Program.

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 31, 1989.

TRD-8908551 Curtis Tunnell
Executive Director
Texas Historical
Commission

Effective date: October 6, 1989

• Proposal publication date: June 30, 1989

For further information, please call: (512) 463-6100

TITLE 19. EDUCATION

Part II. Texas Education Agency

Chapter 75. Curriculum

Subchapter E. Well-Balanced Curriculum

• 19 TAC §75.141

The Texas Education Agency adopts an

amendment to §75.141, without changes to the proposed text as published in the June 30, 1989, issue of the *Texas Register* (14 TexReg 3178).

The amendment concerns description of a well-balanced elementary curriculum. The amendment encourages teachers to use interdisciplinary approaches by combining instruction in two or more areas rather than adhering to rigid time schedules in each subject.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §21.101, which authorizes the State Board of Education to designate essential elements for subjects in grades prekindergarten through 12 and to require that districts provide instruction in these elements as specified by the board.

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

Issued in Austin, Texas, on September 12, 1989.

TRD-8908489 W. N. Kirby
Commissioner of Education

Effective date: October 4, 1989

Proposal publication date: June 30, 1989

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

The Texas Education Agency adopts amendment to §§75.214, 75.217, and 78.23. Section 78.23 is adopted with changes to the proposed text as published in the July 28, 1989, issue of the *Texas Register* (14 TexReg 3615). Sections 75.214 and 75.217 are adopted without changes and will not be republished. The sections concern coordinated vocational-academic education. The amendments reinstate coordinated vocational-academic education at the seventh and eighth grades beginning with the 1989-1990 school year, subject to certain criteria.

The amendment to §75.214 provides that eligible enrollment at such grades be limited to those programs identified in a school district's plan for alternatives to social promotion. The plan must provide that students be placed in programs based on their individually assessed needs, interests, and abilities; that an educational plan is developed for each participating student; that a process is developed and implemented to ensure close coordination between the general and vocational components of the program; and that a process is developed and implemented for monitoring a student's progress. Section 75.217 was

amended to allow pre-employment classes to be offered in coordinated vocational-academic education to students in grades seven and eight.

Section 78.23 was amended to implement the State Board of Education's decision on priority funding made previously and to remove obsolete language.

The changes to §78.23 add the course Principles of Technology I and II to the category of Industrial Technology Education and add the category Basic Vocational Education to the list of vocational programs specifically approved for funding. The changes also delete the category Principles of Technology from this list.

Subchapter I. Special Provisions for Vocational Education

• 19 TAC §75.214, §75.217

The amendments are adopted under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for administration of the Foundation School Program; §16.155, which includes vocational education as a part of the Foundation School Program; §21.111, which authorizes the State Board of Education to make rules for vocational education programs in public schools; and §21.112, which directs the board to develop a list of priority occupations and gives priority to programs in occupations identified on the list.

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 September 12, 1989.

TRD-8908506 W. N. Kirby
Commissioner of Education

Effective date: October 4, 1989

Proposal publication date: July 28, 1989

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

Chapter 78. Vocational Education

Subchapter B. Vocational Education Funding and Program Approval

• 19 TAC §78.23

The amendment is adopted under the Texas Education Code, §16.005, which authorizes

the State Board of Education to make rules for administration of the Foundation School Program; §16.155, which includes vocational education as a part of the Foundation School Program; §111, which authorizes the State Board of Education to make rules for vocational education programs in public schools; and §21.112, which directs the board to de-

velop a list of priority occupations and gives priority to programs in occupations identified on the list.

§78.23. State Vocational Education Allotment.

(a) The funds allotted each school district under the Texas Education Code, §16.155, shall be used only for vocational

programs, services, and activities specifically approved by the Central Education Agency to be conducted or provided by the district.

(1) Effective September 1, 1989, vocational programs specifically approved for funding under the Texas Education Code, §16.155, by the Central Education Agency are presented in the following chart.

AGRICULTURAL SCIENCE AND TECHNOLOGY

Comprehensive	9-12
Cluster	10-12
Technical	10-12
Preemployment Laboratory	11-12
Cooperative Education	11-12

VOCATIONAL HOME ECONOMICS

Comprehensive	9-12
Cluster	10-12
Technical	10-12
Preemployment Laboratory	11-12
Cooperative Education	11-12

MARKETING EDUCATION

Cluster	10-12
Preemployment Laboratory	11-12
Cooperative Education	11-12

TRADE AND INDUSTRIAL EDUCATION

Cluster	10-12
Preemployment Laboratory	11-12
Cooperative Education	11-12
Technical Education Internship	12

HEALTH OCCUPATIONS

Cluster	10-12
Preemployment Laboratory	11-12
Cooperative Education	11-12

OFFICE EDUCATION

Cluster	10-12
Preemployment Laboratory	11-12
Cooperative Education	11-12

COORDINATED VOCATIONAL-ACADEMIC EDUCATION

Preemployment Laboratory	7-12
Cooperative Education	9-12

VOCATIONAL EDUCATION FOR THE HANDICAPPED

Career Investigation	7-12
Preemployment Laboratory	7-12
Occupational Exploration	9-12

INDUSTRIAL TECHNOLOGY EDUCATION

Comprehensive	9-12
Technical	9-12
Principles of Technology I & II	11-12

INDIVIDUALIZED VOCATIONAL EDUCATION

9-12

BASIC VOCATIONAL EDUCATION

9-12

APPLICATIONS COURSES

9-12

"TWO PLUS TWO" PROGRAMS

11-12

(2) Effective September 1, 1989, priority for approval and funding for all courses shall be granted in the sequence as follows:

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

(b)-(e) (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 September 12, 1989.

TRD-8908507 W.N. Kirby
Commissioner of Education
Texas Education Agency

Effective date: October 4, 1989

Proposal publication date: July 28, 1989

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

Chapter 137. Teacher Education

Subchapter M. 1987 Program Requirements for Preparation of School Personnel for Initial Certificates and Endorsements

• 19 TAC §137.551, §137.554

The Texas Education Agency adopts amendments to §137.551 and §137.554, without changes to the proposed text as published in the June 30, 1989, issue of the *Texas Register* (14 TexReg 3179).

The amendments concern teacher preparation programs for all-level certification. The amendments extend the eligibility of all-level certified teachers to include assignment to teach the certified area(s) to prekindergarten and kindergarten students without additional endorsement. If a teacher is assigned as a prekindergarten or kindergarten teacher, rather than as a specialist in the certified area, appropriate certification or endorsement for the assignment is required.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Education Code, §13.032, which authorizes the State Board of Education to make rules for approval or disapproval of teacher education institutions and programs.

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

Issued in Austin, Texas, on September 12, 1989.

TRD-8908495 W. N. Kirby
Commissioner of Education

Effective date: October 4, 1989

Proposal publication date: June 30, 1989

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

Chapter 141. Teacher Certification

Subchapter C. Texas Certificates for Aliens

• 19 TAC §141.43

The Texas Education Agency adopts an amendment to §141.43, with changes to the proposed text as published in the June 30, 1989, issue of the *Texas Register* (14 TexReg 3188). The section concerns the employment of foreign exchange teachers. The amendment, which is adopted pursuant to recent legislation, requires school districts to activate an emergency teaching permit for an exchange teacher's first year of employment. Since all teachers new to the public schools of Texas are expected to perform satisfactorily on the appropriate portions of the Examination for the Certification of Teachers in Texas (ExCET), the exchange teacher is required to complete satisfactorily the appropriate ExCET tests prior to continuation in the assignment beyond the first year. The school district is required to record the scores in the teacher's personnel file and indicate continued assignment on the teacher's service record. No additional permit request or other paperwork is required.

The words "portions of the" were removed from subsection (c) to clarify that the foreign exchange teacher is required to complete both the professional development and appropriate content specialization portions of the ExCET.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §13.032, which authorizes the State Board of Education to make rules concerning teacher certification, and §13.044, which dictates requirements for foreign exchange teachers.

§141.43. Exchange Teachers.

(a) (No change.)

(b) The original permit is activated by submitting to the Division of Teacher Certification a completed application form, appropriate fee, and appropriate documentation showing earned degrees, and years of experience in public schools, institutions of higher learning, or other creditable institutions.

(c) If a district wishes to continue the employment of a foreign exchange teacher after the initial contract year, the teacher must demonstrate satisfactory performance on the appropriate Examination for the Certification of Educators in Texas (ExCET).

(1) Satisfactory performance on the ExCET must be achieved and placed in the teacher's personnel file prior to reassignment.

(2) Record of the individual's continuation in the assignment will appear on the teacher service record, and no further contact with the Division of Teacher Certification is required.

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 September 12, 1989.

TRD-8908488 W. N. Kirby
Commissioner of Education

Effective date: October 4, 1989

Proposal publication date: June 30, 1989

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

Subchapter H. Special Subject All-Level Certificates

• 19 TAC §141.141

The Texas Education Agency adopts an amendment to §141.141, without changes to the proposed text as published in the June 30, 1989, issue of the *Texas Register* (14 TexReg 3180).

The amendment concerns special subject all-level certificates. The amendment allows all-level certified teachers to teach in prekindergarten and kindergarten; previously, such teachers were allowed to teach only in grades one to 12.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Agency, §13.032, which authorizes the State Board of Education to make rules regarding the issuance of teacher certificates.

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

Issued in Austin, Texas, on September 12, 1989.

TRD-8908490 W. N. Kirby
Commissioner of Education

Effective date: October 4, 1989

Proposal publication date: June 30, 1989

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

certification as a vocational supervisor to specify teaching experience in any approved vocational education program identified in 19 TAC Chapter 75 concerning curriculum. In addition, existing permit rules now reflect the revised teaching experience required for certification and the expanded eligibility of individuals seeking certification as vocational supervisors.

The amendments extend the option of vocational supervisor certification to persons with higher education or other appropriate experience related to the approved vocational education curriculum, and expand eligibility for vocational supervisor certification to those persons who have completed successfully three years of experience as certified vocational counselors in the public schools.

Additional language was included in §141.297(g)(3)(B) to clarify that any combination totaling three years of experience teaching in an approved vocational education program or serving as a certified vocational counselor would satisfy experience requirements for certification as a vocational supervisor.

No comments were received regarding adoption of these amendments.

Subchapter L. Certification for Special Service Positions

• 19 TAC §141.241, §141.242

The amendments are adopted under the Texas Education Code, §13.032, which authorizes the State Board of Education to make rules concerning teacher certification.

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 September 12, 1989.

TRD-8908487 W. N. Kirby
Commissioner of Education

Effective date: October 4, 1989

Proposal publication date: June 30, 1989

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

Subchapter N. Emergency Teaching Permits, Special Assignment Permits, and Temporary Classroom Assignment Permits

• 19 TAC §141.297

The amendment is adopted under the Texas Education Code, §13.032, which authorizes the State Board of Education to make rules concerning teacher certification.

§141.297. Special Assignment Permits: Specific Requirements.

(a)-(e) (No change.)

(f) Counselors.

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

(3) Vocational counselor:

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

(C) a combination of three years experience, which includes teaching experience, and not less than one year of wage-earning experience in an occupation for which vocational education is being conducted in the public secondary schools, or two years of teaching experience in an approved vocational education program identified in Chapter 75 of this title (relating to Curriculum);

(D) (No change.)

(E) to activate an initial special assignment permit, the district submits an application (TCER-024) and a copy of the deficiency plan to the Division of Teacher Certification;

(F) (No change.)

(g) Supervisors.

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

(3) Vocational supervisor:

(A) (No change.)

(B) three years of successful teaching experience in an approved vocational education program identified in Chapter 75 of this title (relating to Curriculum) or three years of public school experience as a certified vocational counselor, or a combination of both;

(C) (No change.)

(D) to activate an initial special assignment permit, the district submits an application (TCER-024) and a copy of the deficiency plan to the Division of Teacher Certification;

(E) (No change.)

(h)-(k) (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 September 12, 1989.

TRD-8908488 W. N. Kirby
Commissioner of Education

Effective date: October 4, 1989

Proposal publication date: June 30, 1989

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

Chapter 143. Assignment of Personnel

Subchapter B. Assignment Requirements

• 19 TAC §143.11

The Texas Education Agency adopts an amendment to §143.11, without changes to the proposed text as published in the June 30, 1989, issue of the *Texas Register* (14 TexReg 3182).

The amendment concerns the assignment of personnel with all-level teaching certificates. The amendments provide that teachers holding all-level certification may be assigned to teach in the certified area(s) in prekindergarten and kindergarten. Previously, such teachers could be assigned to teach only grades one through 12.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for administration of the Foundation School Program.

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 September 12, 1989.

TRD-8908491 W. N. Kirby
Commissioner of Education

Effective date October 4, 1989:

Proposal publication date: June 30, 1989

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

TITLE 22. EXAMINING BOARDS

Part IX. State Board of Medical Examiners

Chapter 161. General Provisions

• 22 TAC §161.1

The Texas State Board of Medical Examiners adopts an amendment to §161.1, without changes to the proposed text as published in the July 4, 1989, issue of the *Texas Register* (14 TexReg 3280).

It was appropriate to clarify the compensation procedure for the executive director as being according to the Appropriations Act. Further, it was appropriate to clarify that the board may go into executive session pursuant to the Medical Practice Act as well as the provisions of Texas Civil Statutes, Article 6252-17.

The amendment as adopted will eliminate any questions which could have occurred on these two areas.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil

Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this 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 September 14, 1989.

TRD-8908530 G. V. Brindley, Jr., M.D.
Executive Director
Texas State Board of
Medical Examiners

Effective date: October 6, 1989

Proposal publication date: July 4, 1989

For further information, please call: (512) 452-1078

Chapter 181. Mentally Ill and/or Insane Physicians

• 22 TAC §181.1

The Texas State Board of Medical Examiners adopts the repeal of §181.1, without changes to the proposed text as published in the July 4, 1989, issue of the *Texas Register* (14 TexReg 3280).

The repeal of the section was advisable because it was not in current use and was repetitive of the Medical Practice Act, §3.08(17).

It is expected that the repeal of the chapter will remove any possible ambiguity regarding the chapter.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this 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 September 14, 1989.

TRD-8908510 G. V. Brindley, Jr., M.D.
Executive Director
Texas State Board of
Medical Examiners

Effective date: October 5, 1989

Proposal publication date: July 4, 1989

For further information, please call: (512) 452-1078

Chapter 183. Acupuncturists

• 22 TAC §§183.4, 183.6, 183.7

The Texas State Board of Medical Examiners adopts amendments to §§183.4, 183.6, and 183.7, without changes to the proposed text as published in the June 30, 1989, issue of the *Texas Register* (14 TexReg 3188).

It was appropriate to amend these three sections of the chapter on acupuncturists to bring the rules into alignment with an Attorney General Opinion issued on this subject.

It is expected that the amendments will remove any questions which relate to the applicability of these sections.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this 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, September 14, 1989

TRD-8908567 G. V. Brindley, Jr., M.D.
Executive Director
Texas State Board of
Medical Examiners

Effective date: October 6, 1989

Proposal publication date: June 30, 1989

For further information, please call: (512) 452-1078

• 22 TAC §183.5

The Texas State Board of Medical Examiners adopts the repeal of §183.5, without changes to the proposed text as published in the June 30, 1989, issue of the *Texas Register* (14 TexReg 3188).

It was necessary to remove the section on method of billing for an acupuncturist. In 1984, the Attorney General opined that some board rules on acupuncturists were unconstitutional and that opinion has not been amended. Although the board has not enforced the sections in question, repeal of §183.5, was advisable to reflect the opinion.

The repeal will remove any questions regarding applicability of the section.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this Act as may be necessary for the governing to its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this 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 September 14, 1989.

TRD-8908568 G. V. Brindley, Jr., M.D.
Executive Director
Texas State Board of
Medical Examiners

Effective date: October 6, 1989

Proposal publication date: June 30, 1989

For further information, please call: (512) 452-1078

Chapter 187. Procedure

Subchapter B. Prehearing

• 22 TAC §187.24

The Texas State Board of Medical Examiners adopts an amendment to §187.24, without changes to the proposed text as published in the July 11, 1989, issue of the *Texas Register* (14 TexReg 3337).

It was appropriate to clarify whether tape recordings may be made of informal settlement conferences and provisions for a respondent to be represented or accompanied by a person other than legal counsel when present at these informal conferences.

The amendment as adopted should eliminate any questions regarding these two issues.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with the act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this 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 September 14, 1989.

TRD-8908511 G. V. Brindley, Jr., M.D.
Executive Director
Texas State Board of
Medical Examiners

Effective date: October 5, 1989

Proposal publication date: July 11, 1989

For further information, please call: (512) 452-1078

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 53. Finance

• 31 TAC §§53.1-53.7

The Texas Parks and Wildlife Commission adopts the repeal of §§53.1-53.7, without changes to the proposed text as published in the August 4, 1989, issue of the *Texas Register* (14 TexReg 3786).

The sections 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.

The repealed sections will be replaced.

No comments were received regarding adoption of the repeal.

The repeals are adopted 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.

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, September 13, 1989.

TRD-8908480 Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

Effective date: October 4, 1989

Proposal publication date: August 4, 1989

For further information, please call: (512) 369-4805

Chapter 53. Administrative Services

• 31 TAC §§53.1-53.4

The Texas Parks and Wildlife Commission adopts new 31 TAC §§53.1-53.4, with changes to the proposed text as published in the August 4, 1989, issue of the *Texas Register* (14 TexReg 3786).

The new sections are needed in order to 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.

A change was made to the proposed text to establish that the executive director would be the authority for establishing prices of information. Another change was made to the proposed text to allow information to be fur-

nished to the public without a fee with the prior approval of the executive director.

The new sections will enable the public to be aware of the cost of available information items.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the 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 the 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 are 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 by the executive director 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 or 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 informational 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 requester. Examples 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 agency, organization, or the public with the prior approval of the executive director.

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 September 13, 1989.

TRD-8908479 Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

Effective date: October 4, 1989

Proposal publication date: August 4, 1989

For further information, please call: (512) 389-4805

Chapter 65. Wildlife

Subchapter K. Migratory Game Bird-Nontoxic Shot Zones

• 31 TAC §65.261

The Texas Parks and Wildlife Commission in a regularly scheduled public hearing August 31, 1989, adopts an amendment to 31 TAC §65.261, with changes to the proposed text as published in the July 14, 1989, issue of the *Texas Register* (14 Tex Reg 3389).

The change to §65.261(a) is a result of recent legislation which combines and renames shooting resorts and private bird shooting areas in one license now termed private bird hunting areas.

The amendment expands the nontoxic (steel) shot zone into eight additional counties which will decrease waterfowl mortality associated with toxic shot poisoning.

The amendment reduces direct toxic shot poisoning of waterfowl and prevent secondary poisoning of species which prey upon toxic-

weakened waterfowl.

Three written comments were received. Two persons opposed the use of steel shot in hunting waterfowl and one person proposed that steel shot be required for the taking of sandhill cranes. The comments received, were from individuals, therefore the names will not be published.

The Texas Parks and Wildlife Commission disagreed with several of the comments as data from research does substantiate that the use of steel shot reduces incidental poisoning.

The amendment is adopted under the Texas Parks and Wildlife Code, Chapter 64, Subchapter C, which provides the Texas Parks and Wildlife Commission with authority to provide an open season, means, methods, and devices for the taking and possession of migratory game birds.

§65.261. Nontoxic Shot Zones.

(a) During waterfowl seasons commencing on or after September 1, 1989, no person may possess shotgun shells containing any shot material or loose shot for muzzleloading firearms, which is not approved by the federal government as being nontoxic to wildlife or the environment while taking or killing or attempting to take or kill waterfowl within the nontoxic shot zones, excluding the shooting of privately owned pen reared and banded mallards on licensed private bird hunting areas. These zones are described as follows:

(1) the area within boundaries beginning at the Louisiana state line, thence westward along Interstate Highway 10 to the junction of United States Highway 90 and Interstate Highway 10 in Beaumont, thence westward along United States 90 to its junction with Interstate Highway 610 in Houston, thence north and west along Interstate Highway 610 to its junction with United States Highway 290 in Houston, thence westward along United States Highway 290 to its junction with State Highway 159 in Hempstead, thence southwestward along State Highway 159 to its junction with State Highway 36 in Bellville, thence eastward along State Highway 36 to its junction with FM Road 2429, thence southward along FM Road 2429 to its junction with FM Road 949, thence southwestward along FM Road 949 to its junction with Interstate 10, thence westward along Interstate 10 to its junction with United States Highway 77 at Schulenburg, thence southward along United States Highway 77 to its junction with the United States-Mexico international boundary at Brownsville, thence eastward along the United States-Mexico international boundary to the Gulf of Mexico, thence east and seaward to the three marine league limit, thence northeastward along the three marine league limit to the Louisiana state line, thence northward along the Texas-Louisiana state line to its junction with Interstate Highway 10;

(2) the area within boundaries beginning at the Oklahoma state line,

thence southward along I-35 to its junction with United States Highway 82 at Gainesville, thence eastward along United States Highway 82 to its junction with State Highway 78 at Bonham; thence northward along State Highway 78 to its junction with the Oklahoma state line; thence westward along the Oklahoma-Texas state line to its junction with I-35;

(3) the area within boundaries beginning at the Louisiana state line, thence westward along State Highway 49 to its junction with United States Highway 259 at Daingerfield; thence southward along United States Highway 259 to its junction with State Highway 450 at Ore City; thence eastward along State Highway 450 to its junction with State Highway 154 at Harleton; thence southeastward along State Highway 154 to its junction with United States Highway 80 at Marshall; thence eastward along United States Highway 80 to its junction with State Highway 43; thence northeastward along State Highway 43 to its junction with FM Road 2682 at Karnack; thence eastward along FM Road 2682 to its junction with FM Road 134; thence southward along FM Road 134 to its junction with FM Road 1999 at Leigh; thence eastward along FM Road 1999 to its junction with the Louisiana state line; thence northward along the Louisiana-Texas border to its junction with State Highway 49;

(4) the area within boundaries beginning at the junction of State Highway 31 and FM Road 2661; thence westwardly along State Highway 31 to its junction with United States Highway 175 at Athens; thence northwestward along United States Highway 175 to its junction with FM Road 90; thence northward along FM Road 90 to its junction with FM Road 1391; thence westward along FM Road 1391 to its junction with United States Highway 175 at Kemp; thence southward along United States Highway 175 to its junction with State Highway 274; thence south along State Highway 274 to its junction with State Highway 31 at Trinidad; thence eastward along State Highway 31 to its junction with FM Road 3441 at Malakoff; thence southward along FM Road 3441 to its junction with FM Road 59 at Cross Roads; thence southward along FM Road 59 to its junction with United States Highway 287 at Cayuga; thence southeastward along United States Highway 287 to its junction with FM Road 860; thence northward along FM Road 860 to its junction with FM Road 837; thence northeastward along FM Road 837 to its junction with United States Highway 175 at Frankston; thence eastward along United States Highway 175 to its junction with FM Road 855; thence northward along FM Road 855 to its junction with FM Road 346; thence northward along FM Road 346 to its junction with FM Road 344; thence northward along FM Road 344 to its junction with FM Road 2661; thence northward along FM Road 2661 to its junction with State Highway 31; and

(5) the remaining portions of Colorado, Harris, Jefferson, Liberty, Nueces, Willacy, and Waller Counties not included in paragraph (1) of this subsection;

(6) the remaining portion of Grayson County not included in paragraph (2) of this subsection;

(7) the remaining portion of Marion County not included in paragraph (3) of this subsection; and

(8) all of Baylor, Brazos, Comanche, Hopkins and Trinity Counties.

(b)-(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 September 13, 1989.

TRD-8906482

Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

Effective date: October 4, 1989

Proposal publication date: July 14, 1989

For further information, please call: (512) 389-4505

Chapter 67. Texas Parks and Wildlife Magazine

• 31 TAC §67.1

The Texas Parks and Wildlife Commission adopts the repeal of §67.1, without changes to the proposed text as published in the August 4, 1989, issue of the *Texas Register* (14 TexReg 3792).

The repeal is necessary in order to allow adoption of improved rules in Chapter 53.

The repealed section will be replaced.

No comments were received regarding adoption of the repeal.

The repeal is adopted 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.

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, September 13, 1989.

TRD-8906481

Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

Effective date: October 4, 1989

Proposal publication date: August 4, 1989

For further information, please call: (512) 389-4805

TITLE 34. PUBLIC FINANCE

Part III. Teacher Retirement System of Texas

Chapter 21. Purpose and Scope

• 34 TAC §21.1

The Teacher Retirement System of Texas (TRS) adopts an amendment to §21.1, without changes to the proposed text as published in the August 8, 1989, issue of the *Texas Register* (14 TexReg 3867).

The changes in the section are adopted to change a statutory reference as a result of recodification of the teacher retirement statutes.

The amendment will allow TRS to have the correct and current statutory reference in the section.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Title 110B, §35.102, which provides the Board of Trustees of the Teacher Retirement System with the authority to adopt rules for membership eligibility, administer the funds of the retirement system, and conduct its business.

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 September 11, 1989.

TRD-8908469
Bruce Hineman
Executive Secretary
Teacher Retirement
System of Texas

Effective date: October 4, 1989

Proposal publication date: August 8, 1989

For further information, please call: (512) 397-6400

Chapter 23. Administrative Procedures

• 34 TAC §23.5

The Teacher Retirement System of Texas (TRS) adopts an amendment to §23.5, without changes to the proposed text as published in the August 8, 1989, issue of the *Texas Register* (14 TexReg 3868).

The changes in the section are adopted to correct a printing error in the name of the board of trustees and change the mailing address for TRS.

The amendment will allow the TRS rules to contain the correct name of the board of trustees and the new address for TRS, thus making communication with TRS more efficient.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Title 110B, §35.102, which provide the Board of Trustees of the Teacher Retirement System with the authority to adopt rules for membership eligibility, administer the funds of the retirement system, and conduct its business.

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 September 11, 1989.

TRD-8908468
Bruce Hineman
Executive Secretary
Teacher Retirement
System of Texas

Effective date: December 1, 1989

Proposal publication date: August 8, 1989

For further information, please call: (512) 397-6400

Chapter 25. Membership Credit Military Service

• 34 TAC §25.63

The Teacher Retirement System of Texas (TRS) adopts an amendment to §25.63, without changes to the proposed text as published in the August 8, 1989, issue of the *Texas Register* (14 TexReg 3868).

The changes in the section are adopted to reflect recent statutory amendments allowing a member to qualify for retirement after five years of service rather than 10.

The amendment will allow the TRS rules to give the correct number of years of service required by law before a member can qualify for service retirement benefits.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Title 110B, §35.102, which provide the Board of Trustees of the Teacher Retirement System with the authority to adopt rules for membership eligibility, administer the funds of the retirement system, and conduct its business, and §34.202(a), (b), and (f), which reduces the number of years of service credit required before a member can qualify for service retirement benefits.

§25.63. Required Service in Public Schools. Five years of actual service in the public schools of Texas is required before any member can qualify for service retirement benefits.

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, September 11, 1989.

TRD-8908467
Bruce Hineman
Executive Secretary
Teacher Retirement
System of Texas

Effective date: October 4, 1989

Proposal publication date: August 8, 1989

For further information, please call: (512) 397-6400

• 34 TAC §25.66

The Teacher Retirement System of Texas (TRS) adopts an amendment to §25.66, without changes to the proposed text as published in the August 8, 1989, issue of the *Texas Register* (14 TexReg 3868). However, the text as published contained a printing error in the title for the undesignated head. The title should read "Military Service" instead of "Military Science".

The changes in the section are adopted to change the mailing address for TRS.

The amendment will allow the TRS rules to contain the new TRS address.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Title 110B, §35.102, which provides the Board of Trustees of the Teacher Retirement System with the authority to adopt rules for membership eligibility, administer the funds of the retirement system, and conduct its business.

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, September 11, 1989.

TRD-8908466
Bruce Hineman
Executive Secretary
Teacher Retirement
System of Texas

Effective date: December 1, 1989

Proposal publication date: August 8, 1989

For further information, please call: (512) 397-6400

Joint Service with Employees Retirement System

• 34 TAC §25.110

The Teacher Retirement System of Texas (TRS) adopts an amendment to §25.110, without changes to the proposed text as published in the August 8, 1989, issue of the *Texas Register* (14 TexReg 3869).

The changes in the section are adopted to reflect the recodification of the teacher retirement statutes.

The amendment will allow the TRS rules to contain the correct and current statutory reference.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Title 110B, §35.102, which provide the Board of Trustees of the Teacher Retirement System with the authority to adopt rules for membership eligibility, administer the funds of the retirement system, and conduct its business.

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, September 11, 1989.

TRD-8908465

Bruce Hineman
Executive Secretary
Teacher Retirement
System of Texas

Effective date: October 4, 1989

Proposal publication date: August 8, 1989

For further information, please call: (512)
397-6400

Other Special Service Credit

• 34 TAC §25.161

The Teacher Retirement System of Texas (TRS) adopts an amendment to §25.161, without changes to the proposed text as published in the August 8, 1989, issue of the *Texas Register* (14 TexReg 3870).

The changes in the section are adopted to change the mailing address for TRS.

The amendment will allow the TRS rules to contain the new TRS address.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Title 110B, §35.102, which provide the Board of Trustees of the Teacher Retirement System with the authority to adopt rules for membership eligibility, administer the funds of the retirement system, and conduct its business.

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, September 11, 1989.

TRD-8908464

Bruce Hineman
Executive Secretary
Teacher Retirement
System of Texas

Effective date: December 1, 1989

Proposal publication date: August 8, 1989

For further information, please call: (512)
397-6400

Optional Retirement Program

• 34 TAC §25.172

The Teacher Retirement System of Texas (TRS) adopts an amendment to §25.172, without changes to the proposed text as published in the August 8, 1989, issue of the *Texas Register* (14 TexReg 3870).

The changes in the section are adopted to reflect recent statutory amendments reducing the number of years of service necessary to be eligible for service retirement.

The amendment will allow the TRS rules to reflect the reduction from 10 years to five years in the number of years of service necessary to be eligible for service retirement and will clarify the rights of TRS members who elect to participate in the optional retirement program after their TRS retirement benefits otherwise would vest.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Title 110B, §35.102, which provides the Board of Trustees of the Teacher Retirement System with the authority to adopt rules for membership eligibility, administer the funds of the retirement system, and conduct its business, and §34.202(a), (b), and (f), which reduce the minimum number of years of service required to be eligible for retirement from 10 years to five.

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, September 11, 1989.

TRD-8908463

Bruce Hineman
Executive Secretary
Teacher Retirement
System of Texas

Effective date: October 4, 1989

Proposal publication date: August 8, 1989

For further information, please call: (512)
397-6400

Chapter 27. Termination of Membership and Refunds

• 34 TAC §27.1

The Teacher Retirement System of Texas (TRS) adopts an amendment to §27.1, without changes to the proposed text as published in the August 8, 1989, issue of the *Texas Register* (14 TexReg 3870).

The changes in the section are adopted to reflect recent statutory amendments reducing the number of years of service necessary to be eligible for service retirement.

The amendment will allow the TRS rules to reflect the reduction from 10 years to five years in the number of years of service necessary to be eligible for service retirement.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Title 110B, §35.102, which provide the Board of Trustees of the Teacher Retirement System with the authority to adopt rules for membership eligibility, administer the funds of the retirement system, and conduct its business, and §32.002(b), which provides that absence from service shall not terminate membership if a person has five or more years of service credit.

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, September 11, 1989.

TRD-8908462

Bruce Hineman
Executive Secretary
Teacher Retirement
System of Texas

Effective date: October 4, 1989

Proposal publication date: August 8, 1989

For further information, please call: (512)
397-6400

Chapter 43. Adjudicative Hearings

• 34 TAC §43.6

The Teacher Retirement System of Texas (TRS) adopts an amendment to §43.6, without changes to the proposed text as published in the August 8, 1989, issue of the *Texas Register* (14 TexReg 3872).

The changes in the section are adopted to reflect the new mailing address for TRS.

The amendment will allow the TRS rules to contain the new TRS mailing address.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Title 110B, §35.102, which provides the Board of Trustees of the Teacher Retirement System with the authority to adopt rules for membership eligibility, administer the funds of the retirement system, and conduct its business.

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, September 11, 1989.

TRD-8908461

Bruce Hineman
Executive Secretary
Teacher Retirement
System of Texas

Effective date: December 1, 1989

Proposal publication date: August 8, 1989

For further information, please call: (512)
397-6400

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

Chapter 21. Equipment and Vehicle Standards

• 37 TAC §21.2

The Texas Department of Public Safety adopts an amendment to §21.2, without changes to the proposed text as published in the August 8, 1989, issue of the *Texas Register* (14 TexReg 3876).

The amendment will allow a person to ride a motorcycle without protective headgear for a limited time when injury to the head or face would prevent use of protective headgear.

The section title is amended to include medical exemption for motorcycle protective headgear. The amendments to this section require formatting and the addition of subsection (b) regarding the medical exemption for wearing of protective headgear by passage of Senate Bill 41, 71st Session, Texas Legislature. Subsection (b) promulgates the prescribed form to be issued by a practicing physician licensed to practice medicine by the Texas State Board of Medical Examiners. The form for temporary exemption of wearing protective

headgear may be issued only to an individual with an acute head or facial injury for 10 days when the condition would be worsened if the person wore protective headgear.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 6701c-3, which provide the Texas Department of Public Safety with the authority to adopt rules necessary for the administration and enforcement of this 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 September 11, 1989.

TRD-8908478 Joe E. Milner
Director
Texas Department of
Public Safety

Effective date: October 4, 1989

Proposal publication date: August 8, 1989

For further information, please call: (512) 465-2000



Part X. Texas Adult Probation Commission Chapter 323. Fund Distribution

• 37 TAC §323.5

The Texas Adult Probation Commission adopts new §323.5, without changes to the proposed text as published in the August 11, 1989, issue of the *Texas Register* (14 TexReg 3979).

The new section will provide direction to local jurisdictions in areas of grant allocations and use of funds.

The new section will provide additional funds to local jurisdictions to assist in overcrowding of local jails.

No comments were received regarding adoption of the new section.

The new section is adopted under the Texas Code of Criminal Procedure, Article 42.121, §3.01, which provides the Texas Adult Probation Commission with the authority to promulgate reasonable 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 September 12, 1989.

TRD-8908460 Virginia Grote
Administrative Secretary
Texas Adult Probation
Commission

Effective date: October 4, 1989

Proposal publication date: August 11, 1989

For further information, please call: (512) 834-8188



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 3. Income Assistance Services

Subchapter E. Household Determination

• 40 TAC §3.501;

The Texas Department of Human Services (DHS) adopts an amendment to §3.501, without changes to the proposed text as published in the August 11, 1989, issue of the *Texas Register* (14 RexReg 3980).

The amendment limits the inclusion of stepparents on the AFDC case. DHS now includes the stepparent if he wants to be included and he is the only parent in the home, or if both the legal parent and stepparent are in the home and the legal parent cannot care for the child because of disability.

The amendment will function by limiting AFDC and food stamp benefits to those most in need.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22, which provides the department with the authority to administer public assistance programs.

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

Issued in Austin, Texas, on September 14, 1989.

TRD-8908515 Ron Lindsey
Commissioner
Texas Department of
Human Services

Effective date: October 5, 1989.

Proposal publication date: August 11, 1989.

For further information, please call: (512) 450-3765



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

Monday-Tuesday, September 25-26, 1989, 8:30 a.m. The Texas Adult Probation Commission will meet at the Hyatt Regency Town Lake, 208 Barton Springs Road, Austin. According to the agenda, the commission will conduct a two-day seminar offering criminal justice officials technical assistance on grant writing workshops on: community service restitution, electronic monitoring, residential services, pre-trial, drug abuse assessment and evaluation, residential feasibility studies, literacy; individualized technical assistance on grant writing on: discretionary grants, residential grants, and electronic monitoring grants; seminar approved for 12 hours of training credit; there is limited attendance - RSVP Mary Jane Bowen by September 22, 1989, (512) 834-8188.

Contact: Virginia Grote, 8100 Cameron Road, Suite 600, Building B, Austin, Texas 78753, (512) 834-8188.

Filed: September 15, 1989, 10:21 a.m.

TRD-8908532

Texas Department on Aging

Friday, September 29, 1989 10 a.m. The Texas Board on Aging of the Texas Department on Aging will meet in Salon D, Marriott Rivercenter Hotel, 101 Bowie Street, San Antonio. According to the agenda, the board will approve minutes of June 15, 1989 meeting; hear report on the state citizens advisory council meeting of August 24th, and citizens advisory councils recommendations to TDoA; appointment of vice-chairperson of citizens advisory council; designation of area agencies on aging; staffing of area agencies on aging; alcohol and drug abuse programs and funding; adequate proportion of priority services; direct services by area agencies on aging; TDoA funding formula; retired senior volunteer program funding formula and recommendations of Texas Senator Bill Ratliff; program reports to include: Omnibus Hunger Act request for proposals, options for independ-

ent living discretionary grants; FY 1989 program review summary, approval of FY 1990, 1991, and 1992 area plans, fiscal reports to include: approval of FY 1990 operating budget, travel reimbursement changes; and general accouncements to include status of 1991 White House Conference on Aging.

Contact: O.P. Bobbitt, P.O. Box 12786, Austin, Texas 78711, (512) 444-2727.

Filed: September 15, 1989, 3:26 p.m.

TRD-8908564

Texas Department of Agriculture

Tuesday, September 27, 1989, 1 p.m. The Texas Department of Agriculture will meet at the Texas Department of Agriculture District Office, 241 East McNeill, Stephenville. According to the agenda, the department will conduct an administrative hearing to review: alleged violation of Texas Agriculture Code, §103.001, by Thompson Potato Company, Inc. as petitioned by Smith Land and Cattle, Inc.

Contact: Bruce Fant, P.O. Box 12847, Austin, Texas 78711, (512) 463-7589.

Filed: September 15, 1989, 1:55 p.m.

TRD-8908557

Tuesday, September 27, 1989, 3 p.m. The Texas Department of Agriculture will meet at the Texas Department of Agriculture District Office, 241 East McNeill, Stephenville. According to the agenda, the department will conduct an administrative hearing to review: alleged violation of Texas Agriculture Code, §103.001 by Thompson Potato Company, Inc. as petitioned by Smith and Law, Inc.

Contact: Bruce Fant, P.O. Box 12847, Austin, Texas 78711, (512) 463-7589.

Filed: September 15, 1989, 1:56 p.m.

TRD-8908558

Tuesday, September 27, 1989, 4 p.m. The Texas Department of Agriculture will meet at the Texas Department of Agriculture Dis-

trict Office, 241 East McNeill, Stephenville. According to the agenda, the department will conduct an administrative hearing to review: alleged violation of Texas Agriculture Code, §103.001, by Thompson Potato Company, Inc. as petitioned by Northfolk Division.

Contact: Bruce Fant, P.O. Box 12847, Austin, Texas 78711, (512) 463-7589.

Filed: September 15, 1989, 1:56 p.m.

TRD-8908553

Thursday, September 28, 1989, 8 a.m. The Texas Department of Agriculture will meet in the Texas Department of Agriculture District Office, 241 East McNeill, Stephenville. According to the agenda, the department will conduct an administrative hearing to review: alleged violation of Texas Agriculture Code, §103.001, by Thompson Potato Company, Inc. as petitioned by Westridge Farms, Inc.

Contact: Bruce Fant, P.O. Box 12847, Austin, Texas 78711, (512) 463-7589.

Filed: September 15, 1989, 1:56 p.m.

TRD-8908554

Thursday, September 28, 1989, 10 a.m. The Texas Department of Agriculture will meet at the Texas Department of Agriculture District Office, 241 East McNeill, Stephenville. According to the agenda, the department will conduct an administrative hearing to review: alleged violation of Texas Agriculture Code, §103.001 by Thompson Potato Company, Inc., as petitioned by H. D. Smith.

Contact: Bruce Fant, P.O. Box 12847, Austin, Texas 78711, (512) 463-7589.

Filed: September 15, 1989, 1:56 p.m.

TRD-8908555

Thursday, September 28, 1989, 2 p.m. The Texas Department of Agriculture will meet at the Texas Department of Agriculture District Office, 241 East McNeill, Stephenville. According to the agenda, the department will conduct an administrative hearing to review: alleged violation of Texas Agriculture Code, §103.001, by Thompson Potato Company, Inc. as peti-

tioned by Danny Smith.

Contact: Bruce Fant, P.O. Box 12847, Austin, Texas 78711, (512) 463-7589.

Filed: September 15, 1989, 1:55 p.m.

TRD-8908556

State Aircraft Pooling Board

Friday, October 6, 1989, 2:30 p.m. The State Aircraft Pooling Board will meet at 4900 Old Manor Road, Austin. According to the agenda summary, the board will approve minutes of previous meeting; hear a report on aircraft operations; hear reports from other agencies regarding legislation affecting the board; and discuss any other board operational matters.

Contact: Sherry Johnson, 4900 Old Manor Road, Austin, Texas 78723, (512) 477-8900.

Filed: September 14, 1989, 2:21 p.m.

TRD-8908509

State Board of Barber Examiners

Tuesday, October 3, 1989, at 8:30 a.m. The Board Members of the State Board of Barber Examiners will meet in Suite 103, 9101 Burnet Road, Austin. According to the agenda, the board will approve minutes of previous meeting; sign teacher and school certificates; interview out-of-state applicants; report by the director of the Sunset Advisory Commission; reports by the executive director; review letters to the board; approve examination schedule for January-June, 1990; discuss curriculum for teacher and refresher courses; and review curriculum and exam procedures for manicurist and barber technician courses.

Contact: Jo King McCrorey, 9101 Burnet Road, Suite 103, Austin, Texas 78758, (512) 835-2040.

Filed: September 18, 1989, 10:40 a.m.

TRD-8908602

Texas Bond Review Board

Friday, September 15, 1989, 10 a.m. The Staff Planning Meeting of the Texas Bond Review Board met for an emergency meeting in the Sergeant's Committee Room, State Capitol, Austin. According to the revised agenda, the board considered proposed issues: TEC-lease/purchase of real estate. The emergency status was necessary to allow consideration of proposed agenda item by the board staff members prior to the regular monthly meeting of the board.

Contact: Tom K. Pollard, Room 506, Sam Houston Building, Austin, Texas, (512) 463-1741.

Filed: September 14, 1989, 4:43 p.m.

TRD-8908522

Thursday, September 21, 1989, 10 a.m. The Texas Bond Review Board met for an emergency meeting in the Sergeant's Committee Room, State Capitol, Austin. According to the revised agenda, the board considered the proposed issue of TEC-lease/purchase of real estate. The emergency status was necessary because the lease/purchase option for the subject property expires on September 30, 1989, and the board action is necessary prior to that date.

Contact: Tom K. Pollard, Room 506, Sam Houston Building, Austin, Texas, (512) 463-1741.

Filed: September 14, 1989, 4:42 P.M.

TRD-8908523

Council on Disabilities

Friday, September 29, 1989, 10 a.m. The Board Meeting of the Council on Disabilities will meet in the Public Hearing Room, Brown-Healy Building, 4900 North Lamar, Austin. According to the agenda summary, the board will hear citizen's comments; self evaluation report review; demographic survey task force report; state plan task force review; executive director's report; adjourn.

Contact: Charles Schiesser, 4900 North Lamar, Austin, Texas.

Filed: September 19, 1989, 9:34 a.m.

TRD-8908649

Texas Education Agency

Tuesday, September 19, 1989, 1 p.m. The Commissioner's Advisory Council for Regional Services-Committee for Operations and Services of the Texas Education Agency met for an emergency meeting in Room 6-101, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the committee discussed driving school examinations; visually handicapped program; textbook rules; budgeting, accounting, auditing, and reporting and bulletin 679; student tours; amendments; performance contracts; contracted consultants; gender/ethnic composition of centers; education service center policies; activities among ESC's; master plan for vocational education; and ESC travel. The emergency status was necessary because the agency finds it is of urgent public necessity for this meeting to be held at this time so the committee could review these items prior to the next State Board of Education meeting.

Contact: J. Robert Scott, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9371.

Filed: September 18, 1989, 1:59 p.m.

TRD-8908608

Tuesday, September 19, 1989, 1 p.m. The Commissioner's Advisory Council for Regional Services-Committee for School Accreditation of the Texas Education Agency met for an emergency meeting in Room 2-115, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the committee discussed accreditation process; accreditation schedule; accreditation operations and procedures manual; follow-up to accreditation training session; classroom visits for update and training purposes. The emergency status was necessary because the committee needed to review these items prior to the next State Board of Education meeting.

Contact: J. Robert Scott, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9371.

Filed: September 18, 1989, 2:01 p.m.

TRD-8908612

Tuesday, September 19, 1989, 1 p.m. The Commissioner's Advisory Council for Regional Services-Committee for Curriculum and Personnel Development of the Texas Education Agency met for an emergency meeting in Room 3-102, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the committee discussed master teacher pilot project programs; induction year process, Texas teacher appraisal system recertification; targeted campuses; cluster meetings; grading practices; and dyslexia. The emergency status was necessary because the committee needed to review these items prior to the next State Board of Education meeting.

Contact: J. Robert Scott, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9371.

Filed: September 18, 1989, 2:02 p.m.

TRD-8908607

Tuesday, September 19, 1989, 3:30 p.m. The Commissioner's Advisory Council for Regional Services-Committee for Research and Development of the Texas Education Agency met for an emergency meeting in Room 2-115, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the committee discussed public education information management system; computer services; progress by subcommittees on education service center evaluation and management audit study; feasibility of a cost study of education service center providing computer services to school districts; software development efforts; Texas academic skills program data; role of education service center in reporting public education information management system data; and Senate Bill 650. The emergency status was necessary because the committee needed to review these items prior to the next State

Board of Education Meeting.

Contact: J. Robert Scott, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9371.

Filed: September 18, 1989, 2:01 p.m.

TRD-8908611

Wednesday, September 20, 1989, 8 a.m. The Commissioner's Advisory Council for Regional Services of the Texas Education Agency met for an emergency meeting in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the council heard committee reports; and comments from the commissioner of education. The emergency status was necessary because the council needed to review the items prior to the next meeting of the state board of education.

Contact: J. Robert Scott, 1701 North Congress, Austin Avenue, Texas 78701, (512) 463-9371.

Filed: September 18, 1989, 2:01 p.m.

TRD-8908606

Employees Retirement System of Texas

Tuesday, September 26, 1989, 8 a.m. The Board of Trustees of the Employees Retirement System of Texas will meet in Room 401, ERS Building, 18th and Brazos, Austin. According to the agenda summary, the board will review and approve trustee minutes; consider investment advisor recommendations/act on investment of system funds; consider/act on master custodian bank selection for system investments; consider/act on request for proposals to conduct 1988-1989 insurance carrier operations audit regarding Texas employees uniform group insurance program; consider/act on compliance procedures with maintenance of effort provisions of Medicare Catastrophic Coverage Act of 1988; adoption of proposed amendment to §73.27 of trustee rules; consider/act on request for proposals for ER actuarial services; appeals of contested cases; consider/act on development alternatives for requests for proposals regarding Texas Employees Uniform Group Insurance program for FY 1991; executive director's report; executive session; action resulting from executive session and set date of next meeting.

Contact: William S. Nail, 18th and Brazos, Austin, Texas, (512) 476-6431, ext. 213.

Filed: September 18, 1989, 10:47 a.m.

TRD-8908601

Texas Employment Commission

Tuesday, September 26, 1989, 2 p.m. The Texas Employment Commission will meet

in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will approve prior meeting notes; executive session on Safety Lights Co. vs. TEC, et al; actions, if any, resulting from executive session; internal procedures of commission appeals; consideration/action on tax liability cases and higher level appeals in unemployment compensation cases listed on commission Docket 39; and set date of next meeting.

Contact: C. Ed Davis, 101 East 15th Street, Austin, Texas 78778, (512) 463-2291.

Filed: September 18, 1989, 4:07 p.m.

TRD-8908626

Texas Health and Human Services Coordinating Council

Monday, September 25, 1989, 1:30 p.m. The Statewide Needs Appraisal Project Work Group of the Texas Health and Human Services Coordinating Council will meet at CAPCO, 2520 South IH 35, Austin. According to the agenda, discussion of draft SNAP questionnaire; revisions to draft SNAP document; old business and any new business.

Contact: Carole Kirchem Price, 311-A East 14th Street, Austin, Texas 78702, (512) 463-2195.

Filed: September 15, 1989, 4:35 p.m.

TRD-8908579

Tuesday, September 26, 1989, 9:30 a.m. The Immigration Committee of the Texas Health and Human Services Coordinating Council will meet in Room 103, John H. Reagan Building, 14th and Congress, Austin. According to the agenda, the committee will adopt minutes, hear the advisory committee on immigration nominations; public hearing on FY 1990 SLIAG applications; consider FY 1990 SLIAG application; and old and new business.

Contact: Marguerite Rivera Houze, 311-A East 14th Street, Austin, Texas 78701, (512) 463-2195.

Filed: September 15, 1989, 4:35 p.m.

TRD-8908578

Wednesday, September 27, 1989, 9 a.m. The Children and Youth Services State Coordinating Committee of the Texas Health and Human Services Coordinating Council will meet in Room M-4501, 4th Floor, Texas Youth Commission, 4900 North Lamar, Austin. According to the agenda, the committee will approve minutes; hear a report on community resource coordination pilots; update on coordinator's meeting, question and answer session; status report on CASSP subcommittee; discuss commission on children, youth, and family services; summary of HB 2116; legislative as-

signments, MOU's and appointments, presentation of issues by public private policy group; discuss agencies new legislation, prevention statement, philosophy; and new and old business.

Contact: Tom Olsen, 311-A East 14th Street, Austin, Texas 78701, (512) 463-2195.

Filed: September 15, 1989, 4:35 p.m.

TRD-8908580

Texas Statewide Health Coordinating Council

Friday, September 29, 1989, 10 a.m. The Texas Statewide Health Coordinating Council will meet in Room M-739, 1100 West 49th Street, Austin. According to the agenda summary, the council will approve minutes of previous meeting, hear bureau chief's report; hear nominating committee's report; elect officers; consider model health related projects; select priority issues for 1991-1992 state health plan and select next meeting date.

Contact: Carol S. Daniels, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261.

Filed: September 15, 1989, 3:54 p.m.

TRD-8908582

State Department of Highways and Public Transportation

Tuesday, September 26, 1989, 9:30 a.m. The State Highway and Public Transportation Commission of the State Department of Highways and Public Transportation will meet in Room 101 and 101-A, Auditorium, 1st Floor, Dewitt C. Greer State Highway Building, 11th and Brazos. According to the agenda summary, the commission will conduct public hearings for various highway, bridge and FM road requests in Dallas, Denton, Collin, Tarrant, Ft. Bend, Brazoria, Angelina and Harrison Counties and upon completion the commission will meet in Room 101-A to execute contract awards and routine minute orders; consider decisions on presentations from public hearing dockets; consider staff reports/recommendations on public transportation, transportation planning, tourism, proposed rules on employee substance abuse; construction programs and projects, and traffic safety. Executive session to discuss real estate transactions and receive staff reports as necessary and be counseled on litigation including save Barton Creek Association, et al v FHWA, et al. Agenda is available in Room 203, Dewitt C. Greer Building.

Contact: Myrna Klipple, Dewitt C. Greer State Building, Room 203, 11th and Brazos Streets, Austin, Texas (512) 463-8616.

Filed: September 18, 1989, 1:18 p.m.

TRD-8908605

Texas Historical Commission

Tuesday, October 3, 1989, 9 a.m. The Division of Architecture of the Texas Historical Commission will meet in Room 106, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the division will hold an open meeting for the general public to discuss grant rankings and methods of evaluation for the Texas Historic Preservation Grant Program.

Contact: Curtis Tunnell, P.O. Box 12276, Austin, Texas 78711, (512) 463-6094.

Filed: September 18, 1989, 10:23 a.m.

TRD-8908599

Texas Department of Human Services

Friday, September 22, 1989, 8 a.m. The Child Protective Services Advisory Committee of the Texas Department of Human Services will meet in the Bluebonnet Room, Guest Quarters Hotel, 303 West 15th Street, Austin. According to the agenda, changes and additions to the agenda; approve minutes; hear program update; remarks from commissioner; executive committee update; telephone committee update; public information update; legal committee report; legislative update; issues committee report; discipline policy; regional sharing; foster care pre-bill; family violence advisory committee and implementation planing.

Contact: Pat Devin, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3313.

Filed: September 14, 1989, 3:10 p.m.

TRD-8908519

Industrial Accident Board

Friday, September 22, 1989, 9 a.m. The Industrial Accident Board will meet in Room 101, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda summary, the board will hold an open meeting to discuss the following: approval of board minutes; public comment and discussion of the following: proposed new rules concerning prehearing conferences 28 TAC §§61.5, 61.7, 61.20, 61.65; proposed amendment to rules concerning prehearing conferences: 28 TAC §§61.15, 61.60, 61.75; proposed repeal of rules concerning prehearing conferences: 28 TAC §§61.5, 61.10, 61.20, 61.65; proposed new rule concerning advances 28 TAC §55.3; presentation of proposed procedure for the analysis and acquisition of computer resources; review of board files—closed session, Texas Civil Statutes, Article 8307,

§4(b); review and discuss board activities.

Contact: Inez Foster, 200 East Riverside Drive, First Floor, Austin, Texas 78704, (512) 448-7960.

Filed: September 18, 1989, 8:25 a.m.

TRD-8908586

State Board of Insurance

Monday, September 18, 1989, 3 p.m. The State Board of Insurance met for an emergency meeting in Room 414, State Insurance Building, 1110 San Jacinto, Austin. According to the agenda, the board will hold a hearing to consider commissioner's order 89-1379—an appeal by Americas International Reinsurance Co., Ltd., creating a state of supervision. The emergency status was necessary because of compliance with provision for earliest possible hearing for review of supervision under Insurance Code, Article 21.28-A, §7.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: September 15, 1989, 9:46 a.m.

TRD-8908527

Tuesday, September 26, 1989, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 460, 1110 San Jacinto, Austin. According to the agenda, the hearing section will conduct a public hearing on Docket No. 10512—to consider the application of Larry D. Hogland, College Station, Texas, for 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: September 18, 1989, 4:05 p.m.

TRD-8908643

Tuesday, September 26, 1989, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto, Austin. According to the agenda, the hearing section will conduct a hearing on Docket No. 10497—to consider whether disciplinary action should be taken against James R. Vanderburg, Jr., The Colony, Texas, who holds a local recording agent's license issued by the State Board of Insurance.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: September 18, 1989, 4:04 p.m.

TRD-8908644

Tuesday, September 26, 1989, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto, Austin. According to the agenda summary, the board will consider the proposal for decision in

the appeal of Van L. Capps from action of the Texas Catastrophe Property Insurance Association; possible decisions on rates and rules for property insurance; emergency and proposed action on 28 TAC 1.001, 7.50 and Chapter 27, Subchapter F, concerning disclosure of lack of guaranty fund or other solvency protections, a form for reciprocal or interinsurance exchange elections; repeal of old and adoption of new administrative regulation of flammable liquids through the state fire marshal; amendment of general basis schedules for standards for the installation of sprinkler systems; personnel matters; pending, and contemplated litigation; and solvency matters.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: September 18, 1989, 4:19 p.m.

Tuesday, September 26, 1989, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 460, 1110 San Jacinto, Austin. According to the agenda, the hearing section will conduct a hearing on Docket No. 10534—to consider the application of Lawrence Insurance Group, Inc. to acquire control of United Republic Reinsurance Company, Houston, Texas.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: September 18, 1989, 4:04 p.m.

TRD-8908646

Tuesday, September 26, 1989, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto, Austin. According to the agenda, the hearing section will conduct a public hearing on Docket No. 10499—to consider the application of Daniel Espinoza, San Antonio, Texas, for a Group I, legal reserve life insurance agents license and a local recording agent's license.

Contact: Will McCann, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: September 18, 1989, 4:04 p.m.

TRD-8908645

Wednesday, September 27, 1989, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto, Austin. According to the agenda, the hearing section will conduct a hearing on Docket No. 10474—to consider whether disciplinary action should be taken against Jerry Wilson McVey, Cedar Hill, Texas, who holds a Group I, legal reserve life insurance agent's license and a Group II, life, health and accident insurance agent's license issued by the State Board of Insurance.

Contact: Will McCann, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: September 18, 1989, 4:05 p.m.

TRD-8908642

Wednesday, September 27, 1989, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 460, 1110 San Jacinto, Austin. According to the agenda, the hearing section will conduct a public hearing on Docket No. 10496—to consider whether disciplinary action should be taken against Steve Kenisky, San Antonio, 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: September 18, 1989, 4:05 p.m.

TRD-8908641

Wednesday, September 27, 1989, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto, Austin. According to the agenda, the hearing section will conduct a public hearing on Docket No. 10511—to consider whether disciplinary action should be taken against Ben Chauncey Doherty, III, Dallas, Texas, who holds a local recording license issued by the State Board of Insurance.

Contact: O. A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: September 18, 1989, 4:05 p.m.

TRD-8908640

Friday, September 29, 1989, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 460, 1110 San Jacinto, Austin. According to the agenda, the hearing section will conduct a public hearing on Docket No. 10489—to consider whether disciplinary action should be taken against Walter Homer Schick, Jr. doing business as Dallas Commercial Agency, Dallas/Richardson/Plano, Texas, who holds a Group I, legal reserve life insurance agent's license, a Group II, health and accident insurance agent's license and a local recording agent's license issued by the State Board of Insurance.

Contact: O. A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: September 18, 1989, 4:05 p.m.

TRD-8908639

Friday, September 29, 1989, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto, Austin. According to the agenda, the hearing section will conduct a public hearing on Docket No. 10515—to consider whether disciplinary action should be taken against Obed Alvarado Davila, San Antonio, Texas, who holds a Group I, legal reserve life insurance agent's license.

Contact: Wendy L. Ingham, 1110 San Ja-

cinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: September 18, 1989, 4:11 p.m.

TRD-8908638

Friday, September 29, 1989, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 460, 1110 San Jacinto, Austin. According to the agenda, the hearing section will conduct a public hearing on Docket No. 10526—to consider whether disciplinary action should be taken against Russell Wayne Waggoner, Longview, Texas, who holds a Group II insurance agent's license issued by the State Board of Insurance.

Contact: Will McCann, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: September 18, 1989, 4:11 p.m.

TRD-8908637

Monday, October 2, 1989, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 460, 1110 San Jacinto, Austin. According to the agenda, the hearing section will hold a public hearing on Docket No. 10519—to consider the approval of amendment to Articles of Agreement of Insured Lloyds, Dallas, Texas.

Contact: Lisa Lyons, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: September 18, 1989, 4:11 p.m.

TRD-8908636

Board of Pardons and Paroles

Tuesday, September 26, 1989, 1:30 p.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will meet to 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; and other reprieves, remissions and executive clemency actions.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2749.

Filed: September 15, 1989, 10:39 a.m.

TRD-8908529

Monday-Friday, September 25-29, 1989, 1:30 p.m., except Friday, at 11 a. m. A Board Panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the board panel will receive, review and consider information and reports concerning prisoners/inmates and adminis-

trative releasees subject to the board's jurisdiction, and initiate and carry through with appropriate action.

Contact: K. Armstrong, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2713.

Filed: September 15, 1989, 10:39 a.m.

TRD-8908528

State Preservation Board

Wednesday, September 27, 1989, 9 a.m. The Permanent Advisory Committee to the State Preservation Board will meet in Room 103, John H. Reagan Building, Austin. According to the agenda, the committee will approve minutes; consider old, or unfinished business; new business: listing of change requests, resolution of thanks, Capitol collections annual report, legislative council remodel/design review, GLO restoration project and Capitol restoration project.

Contact: Michael Schneider, P.O. Box 13286, Austin, Texas 78711, (512) 463-5495.

Filed: September 18, 1989, 11:33 a.m.

TRD-8908603

Monday, October 2, 1989, 2 p.m. The State Preservation Board will meet in Room 220, Lt. Governor's Committee Room, State Capitol, Austin. According to the agenda, the board will approve minutes; consider old, or unfinished business: new business: listing of change requests, resolution of thanks, capitol collections annual report, legislative council remodel/design review, GLO restoration project and Capitol restoration project.

Contact: Michael Schneider, P.O. Box 13286, Austin, Texas 78711, (512) 463-5495.

Filed: September 18, 1989, 11:33 a.m.

TRD-8908604

Texas Public Finance Authority

Wednesday, September 27, 1989, 9:30 a.m. The Board Committee of the Texas Public Finance Authority will meet in Room 402, Central Services Building, 171 San Jacinto Boulevard, Austin. According to the agenda, the board will approve minutes; an overview of agenda; selection of bond counsel; financial adviser; and underwriter for master equipment leasing program.

Contact: Julie Jones, Room 907, Sam Houston Building, Austin, Texas, (512) 463-5544.

Filed: September 15, 1989, 3:51 p.m.

Texas Department of Public Safety

Thursday, September 28, 1989, 10 a.m. The Public Safety Commission of the Texas Department of Public Safety will meet in the Commission Room, DPS Headquarters, 5805 North Lamar, Austin. According to the agenda, the commission will approve minutes; consider budget matters, Commercial Motor Vehicle Safety Act regulations; internal audit plan; forfeiture of contraband; personnel matters; real estate matters; pending and contemplated litigation; miscellaneous and other unfinished business.

Contact: Joe E. Milner, 5805 North Lamar, Austin, Texas, (512) 465-2000, ext. 3700.

Filed: September 18, 1989, 10:41 a.m.

TRD-8908600

Public Utility Commission of Texas

Tuesday, September 29, 1989, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, a prehearing conference on Docket No. 9034—application of Southwestern Bell Telephone Company to revise rates and tariffs for Microlink II.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: September 18, 1989, 4:21 p.m.

TRD-8908633

Monday, October 2, 1989 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, a prehearing conference on Docket No. 8952—an application of South Texas Electric Cooperative, Inc. for approval of economic incentive rider rate.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: September 15, 1989, 3:15 p.m.

TRD-8908561

Monday, November 20, 1989, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, a hearing on Docket No. 8990—petition of Erath County Electric Cooperative Association for the authority to change rates.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

TRD-8908520

Friday, December 1, 1989, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, a hearing on Docket No. 9035—application of Southwestern Bell Telephone Company for proposed central office boundary realignment within the San Antonio metropolitan exchange.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: September 18, 1989, 4:21 p.m.

TRD-8908634

Monday, December 11, 1989, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, a rescheduled hearing from December 4, 1989 at 10 a.m., on Docket No. 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: September 18, 1989, 4:11 p.m.

TRD-8908635

Tuesday, December 12, 1989, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, a rescheduled hearing from September 18, 1989 at 10 a.m., on Docket No. 8672—application of Southwestern Bell Telephone Company to provide plexar (sm) custom service to specific customers.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: September 18, 1989, 4:22 p.m.

TRD-8908628

Wednesday, March 28, 1990, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, a hearing on Docket No. 8806—application of Southwestern Bell Telephone Company for approval of a two-year renewal of Shell Development Company Plexar(sm)—custom service.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: September 14, 1989, 3:08 p.m.

TRD-8908521

Railroad Commission of Texas

Monday, September 25, 1988, 9 a.m. The Railroad Commission of Texas will meet in the 12th Floor Conference Room, Room 12-126, William B. Travis Building, 1701 North Congress Avenue, Austin. Agendas follow.

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, reassignment, duties, discipline, and/or dismissal of personnel.

Contact: Mark Bogan, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6981.

Filed: September 14, 1989, 12:36 p.m.

TRD-08908536

The commission will consider and act on the Administrative Services Division director's report on division administration, budget, procedures, and personnel matters. Discussion of the development of a natural gas clearinghouse 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: September 25, 1989, 12:36 p.m.

TRD-08908535

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: September 25, 1989, 12:36 p.m.

TRD-08908539

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. Consideration of reorganization of the well plugging program. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel.

Contact: Cril Payne, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7274.

Filed: September 25, 1989, 12:35 p.m.

TRD-08908541

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: September 25, 1989, 12:36 p.m.

TRD-08908537

The commission will consider and act on the Office of Information Services 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: September 25, 1989, 12:35 p.m.

TRD-08908542

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: September 25, 1989, 12:36 p.m.

TRD-08908538

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: Margie L. Osborn, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6755.

Filed: September 25, 1989, 12:35 p.m.

TRD-08908540

The commission will consider whether to implement a "Gas Clearinghouse" system to provide information to potential sellers and purchasers of natural gas.

Contact: David Garlick, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6889.

Filed: September 25, 1989, 12:34 p.m.

TRD-08908544

The commission will consider and discuss the report of the General Accounting Office regarding Class II injection wells, to consider a staff recommendation to file a grant application with the U.S. Environmental Protection Agency under the "Pollution Prevention Incentives for States" program, and to discuss migratory bird losses due to contact with oil in pits;

Contact: Jerry Mullican, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6790.

Filed: September 25, 1989, 12:34 p.m.

TRD-08908545

The commission will give consideration of various matters within the jurisdiction of

the Railroad Commission of Texas, as more fully stated in the attached agenda. In addition, the Railroad 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 Railroad Commission may take various action, including but not limited to scheduling an item in its entirety or for particular action at a future time or date. The Railroad Commission of Texas may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing was closed or from the date the transcript was received. The Commission will meet in executive session to receive legal advice regarding pending and/or contemplated litigation.

Contact: Cue Boykin, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6921.

Filed: September 25, 1989, 12:37 a.m.

TRD-08908534

Texas Savings and Loan Department

Tuesday, September 26, 1989, 9 a.m. The Texas Savings and Loan Department will meet in Suite 201, 2601 North Lamar, Austin. According to the agenda summary, the purpose of this meeting is to accumulate a record of evidence in regard to the application of El Paso Savings Association, El Paso, Texas, to change its name to First BancNet Savings Association, from which record the commissioner will determine whether to grant or to deny the application.

Contact: Laura M. Hale, 2601 North Lamar, Suite 201, Austin, Texas 78705, (512) 479-1250.

Filed: September 15, 1989, 2:52 p.m.

TRD-8908559

Tuesday, September 26, 1989, 10 a.m. The Texas Savings and Loan Department will meet in Suite 201, 2601 North Lamar, Austin. According to the agenda summary, the purpose of this meeting is to accumulate a record of evidence in regard to the application of Liberty Savings Association, Houston, Texas, to relocate the home office from 1225 North Loop West, Suite 128, Houston, Texas, to 3501 Farmin, Houston, Texas, from which record the commissioner will determine whether to grant or deny the application.

Contact: Laura M. Hale, 2601 North Lamar, Suite 201, Austin, Texas 78705, (512) 479-1250.

Filed: September 15, 1989, 2:52 p.m.

TRD-8908560

Office of the Secretary of State

Thursday, September 14, 1989, 4 p.m. The Office of the Secretary of State met for an emergency meeting in Room 220, Lt. Governor's Committee Room, State Capitol, Austin. According to the agenda, the purpose of the meeting was to canvass the returns from the special election held on September 12, 1989, in U.S. Congressional District 12. The emergency status was necessary because of scheduling conflict.

Contact: Tom Harrison, P.O. Box 12697, Austin, Texas 78711, (512) 463-5650.

Filed: September 14, 1989, 1:35 p.m.

TRD-8908508

Structural Pest Control Board

Monday, October 2, 1989, 9 a.m. The Structural Pest Control Board will meet in Suite 201, 9101 Burnet Road, Austin. According to the agenda summary, the board will approve minutes; convene executive session to discuss pending litigation and personnel matters; report from executive director search committee at 10 a.m.; executive director's report; discuss administrative fines and regulatory procedures; annual production report, review of sunset activities; set exam dates and the next board meeting date.

Contact: David A. Ivie, 9101 Burnet Road, #201, Austin, Texas 78758, (512) 835-4066.

Filed: September 15, 1989, 3:56 p.m.

TRD-8908583

The Texas A&M University System, Board of Regents

Wednesday, September 20, 1989, 9 a.m. The Committee for Academic Campuses of the Texas A&M University System, Board of Regents met in the Blucher Institute Building, Corpus Christi State University, Corpus Christi. According to the agenda summary, the committee received presentations from administrative staff and public testimonials from citizens. The committee will reconvene at 2 p. m. on the same day, at Texas A&I University, Century Room, Student Union Building; and reconvene September 21, at Laredo State University at 9 a.m. in Room 141-142, University Hall.

Contact: Vickie Burt, College Station, Texas 77840, (409) 845-9603.

Filed: September 15, 1989, 1:29 p.m.

TRD-8908550

Thursday, September 21, 1989 1:30 p.m. The Committee on System Expansion of the

Texas A&M University System, Board of Regents met in the County Club, Meeting Room, Laredo. According to the agenda, the committee reviewed previous studies, current structure, governance, and consider alternatives related to reconfiguration of systems of higher education in Texas.

Contact: Vickie Burt, College Station, Texas (409) 845-9603.

Filed: September 15, 1989, 1:29 p.m.

TRD-8908549

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**University of Texas System,
M. D. Anderson Cancer
Center**

Tuesday, September 19, 1989, 10 a.m. The Institutional Animal Care and Use Committee of the University of Texas System, M.D. Anderson Cancer Center met in Conference Room AW7.707, 7th Floor, M. D. Anderson Cancer Center, 1515 Holcombe Boulevard, Houston. According to the agenda summary, the committee reviewed protocols for animal care, use and modifications thereof.

Contact: Anthony Mastromarino, 1515 Holcombe Boulevard, Houston, Texas 77030, (713) 692-3391.

Filed: September 14, 1989, 3:02 p.m.

TRD-8908518

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University of Texas System

Friday, September 22, 1989, 1 p.m. or upon adjournment of the Investment Advisory Committee. The Land and Investment Committee of the Board of Regents of the University of Texas System will meet in the Regents' Conference Room, 9th Floor, Ashbel Smith Hall, 201 West 7th Street, Austin. According to the agenda, the committee will consider the requests for proposal regarding the master trust custodian for the permanent university fund of the University of Texas System which were received by the office of asset management.

Contact: Arthur H. Dilly, P.O. Box N, U. T. Station, Austin, Texas 78713-7328, (512) 499-4402.

Filed: September 19, 1989, 9:49 a.m.

TRD-8908650

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Texas Water Commission

Tuesday, October 24, 1989, 10 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet in the Community Room, Harris-Methodist Hospital, 411 North Belknap, Stephenville. According to the agenda summary, an application by Wiebe De Vries for proposed Permit No.-03086 authorizing disposal of waste

and wastewater from a dairy operation by irrigation on 250 acres of coastal Bermuda grass and wheat; the dairy operation is approximately 2.5 miles southeast of the intersection of U.S. Highway 377 and St. George Road Number 31, on the east side of St. George Road Number 31 and 0.8 mile east of U.S. Highway 377, southeast of the City of Dublin in Erath County; this location is in the drainage area of the Leon River below Proctor Lake in segment No. 1211 of the Brazos River Basin.

Contact: James Murphy, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: September 18, 1989, 2:02 p.m.

TRD-8908609

Wednesday, October 25, 1989, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet in the Community Room, Harris-Methodist Hospital, 411 North Belknap, Stephenville. According to the agenda summary, an application by Irene M. Dikes for proposed Permit No. 03085 authorizing disposal of waste and wastewater from a dairy operation by irrigation on 8 acres of coastal Bermuda; the dairy operation is approximately 2.1 miles north and 0.8 mile east of the intersection of FM Road 8 and a county road located approximately 5 miles east of Lingleville in Erath County, Texas; this location is in the drainage area of the Leon Reservoir in segment No. 1222 of the Brazos River Basin.

Contact: James Murphy, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: September 18, 1989, 2:02 p.m.

TRD-8908610

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Regional Meetings

**Meetings Filed September 14,
1989**

The Bosque Central Appraisal District, Board of Directors met in the District Office, 104 West Morgan Street, Meridian, September 19, 1989, at 7 p.m. Information may be obtained from Dor Whitney, P.O. Box 393, Meridian, Texas 76665.

The Lampasas County Appraisal District, Board of Directors met at 109 East Fifth, Lampasas, September 20, 1989, at 9:30 a.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

The North Central Texas Council of Governments, Executive Board met in Centerpoint Two, 2nd Floor, 616 Six Flags Drive, Arlington, September 21, 1989, at 12:45 p.m. Information may be obtained from Edwina J. Shires, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 646-3300

TRD-8908503

**Meetings Filed September 15,
1989**

The Atascosa County Appraisal District, Board of Directors met at 1010 Zanderson Avenue, Jourdanton, September 21, 1989, at 1:30 p.m. Information may be obtained from Vernon A. Warren, 1010 Zanderson Avenue, Jourdanton, Texas 78026, 9512) 769-2730.

The Austin-Travis County MHMR Center, Operations and Planning Committee will meet at 1430 Collier, Austin, September 22, 1989 at 7:30 a.m. Information may be obtained from Sharon Taylor, 1430 Collier, Austin, Texas 78704, (512) 447-4141.

The Bastrop County Appraisal District, Appraisal Review board, met in the District Office, 1200 Cedar Street, Bastrop, September 21, 1989, at 7 p.m. Information may be obtained from Lorraine Perry, P.O. Box 578, Bastrop Texas 78602, (512) 321-3925.

The Bastrop County Appraisal District, Board of Directors will meet in the District Office, 1200 Cedar Street, Bastrop, September 28, 1989, 7:30 p.m. Information may be obtained from Lorraine Perry, P.O. Box 578, Bastrop, Texas 78602, (512) 321-3925.

The Brazos River Authority, Water Quality Committee will meet in the Third Floor Conference Room 811 Lamar street, Fort Worth, September 28, 1989, at 9:30 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441.

The Coastal Bend Council of Governments, Executive Board will meet in the Marina South Room, Sheraton Marina Hotel, 300 North Shoreline Boulevard, Corpus Christi, September 22, 1989, at 11:30 a.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469, (512) 883-5743.

The Coastal Bend Council of Governments, Membership will meet in the Commissioner's Courtroom, 3rd Floor, 901 Leopard Street, Corpus Christi, September 22, 1989, at 2 p.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469, (512) 883-5743.

The Dallas Area Rapid Transit, Mobility Impaired Committee met in the Board Room, DART Office, 601 Pacific Avenue, Dallas, September 19, 1989, at 2 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 the Board Room, DART Office, 601 Pacific Avenue, Dallas, September 19, 1989, at 3 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Area Rapid Transit, Operations Committee met in the Board Room,

DART Office, 610 Pacific Avenue, Dallas, September 19, 1989, at 4:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, 75202, (214) 658-6237

The Dallas Area Rapid Transit, Board met in the Board Room, DART Office, 601 Pacific Avenue, Dallas, September 19, 1989, at 6:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Deep East Texas Council, Board of Directors met in the Holiday Inn, Nacogdoches, September 21, 1989, at 10 a.m. Information may be obtained from Katie Bayliss, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704.

The East Texas Council of Governments, Private Industry Council met in the ETCOG Office, Kilgore, September 21, 1989, at 9:30 a.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas, (214) 984-8641.

The East Texas Council of Governments, Board of Directors met at the Gilmer Country Club, Gilmer, September 21, 1989, at 7:30 p.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas, (214) 984-8641.

The Heart of Texas Council of Governments, Executive Committee met in the HOTCOG Conference Room, 30 Franklin, September 21, 1989, at 10 a.m. Information may be obtained from Mary McDow, 300 Franklin, Waco, Texas 76701-2297, (817) 756-7822.

The Heart of Texas Council of Governments, Private Industry Council met at the TSTE-Waco Campus, Waco, September 21, 1989, at 11:30 a.m. Information may be obtained from Mary McDow, 300 Franklin, Waco, Texas 76701-2297, (817) 756-7822.

The Lamb County Appraisal District, Board of Directors met in the Board Meeting Room, 331 LFD Drive, Littlefield, September 21, 1989, at 8 p.m. Information may be obtained from Murlene J. Godfrey, P.O. Box 552, 330 Phelps Avenue, Littlefield, Texas 79339-0552, (806) 385-64474.

The Lower Colorado River Authority, Board of Directors met at 3700 Austin, Boulevard, Austin, September 21, 1989, at 8:30 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, 3700 Lake Austin Boulevard, Austin, Texas 78767, (512) 473-3250.

The Lower Colorado River Authority, Energy Operations Committee met at 3700 Austin, Boulevard, Austin, September 20, 1989, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, 3700 Lake Austin Boulevard, Austin, Texas 78767, (512) 473-3250.

The Lower Colorado River Authority, Finance and Administration Committee met at 3700 Austin, Boulevard, Austin, September

20, 1989, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, 3700 Lake Austin Boulevard, Austin, Texas 78767, (512) 473-3250.

The Lower Colorado River Authority, Natural Resources Committee met at 3700 Austin, Boulevard, Austin, September 20, 1989, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, 3700 Lake Austin Boulevard, Austin, Texas 78767, (512) 473-3250.

The Lower Colorado River Authority, Board of Directors met at 3700 Austin, Boulevard, Austin, September 20, 1989, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, 3700 Lake Austin Boulevard, Austin, Texas 78767, (512) 473-3250.

The Lower Colorado River Authority, Planning and Public Policy Committee met at 3700 Austin, Boulevard, Austin, September 19, 1989, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, 3700 Lake Austin Boulevard, Austin, Texas 78767, (512) 473-3250.

The Lower Colorado River Authority, Audit and Budget Committee met at 3700 Austin, Boulevard, Austin, September 20, 1989, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, 3700 Lake Austin Boulevard, Austin, Texas 78767, (512) 473-3250.

The Lower Colorado River Authority, Planning and Public Policy and Natural Resources Committee met at 3700 Austin, Boulevard, Austin, September 19, 1989, at 1:30 p.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, 3700 Lake Austin Boulevard, Austin, Texas 78767, (512) 473-3250.

The Mental Health and Mental Retardation Authority of Brazos Valley, Board of Trustees met in the Brazos Center, 3232 Briarcrest Drive, Bryan, September 20, 1989, at 1:30 p.m. Information may be obtained from Leon Bawcom, P. O. Box 4588, Bryan, Texas 77802, (409) 822-6467.

The Mopac South Transportation Corporation, Board of Directors met in Suite 2400, 600 South Congress, September 19, 1989 at 5:30 p.m. Information may be obtained from John C. Boehm, 2400 One American Center, Austin, Texas 78701, (512) 474-5201.

The North Texas Municipal Water District, Board of Directors will meet in the Administrative Offices, 505 East Brown Street, Wylie, September 28, 1989, at 4 p.m. Information may be obtained from Carl W. Riehn, 505 East Brown Street, Wylie, Texas, (214) 442-5405.

The South Plains Rural Rail Transportation District, Board of Directors met at 1323 58th Street, Lubbock, September 21, 1989, at 10 a.m. Information may be obtained from Tim. C. Pierce, P.O. Box 3730 Freedom Station, Lubbock, Texas 79452.

The Texas Water Conservation Associa-

tion Risk Management Fund, Board of Trustees met at the Embassy Suites Hotel, 300 South Congress, Austin, September 20, 1989, at 6 p.m. and September 22, 1989, at 7:30 a.m. Information may be obtained from Leroy Goodson, 206 San Jacinto Building, Texas 701, (512) 472-7216.

The Upshur County Appraisal District, Board of Directors will meet in the District Office, Trinity and Warren Streets, Gilmer, September 25, 1989, at 1 p.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644, (214) 843-3041.

The Upshur County Appraisal District, Appraisal Review Board will meet in the District Office, Warren and Trinity Streets, Gilmer, September 29, 1989, at 1 p.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644, (214) 843-3041.

The West Central Texas Council of Governments, Executive Committee will meet at 1025 East North 10th Street, Abilene, September 26, 1989, at 12:45 p.m. Information may be obtained from Brad Helbert, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

TRD-8908524

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Meetings Filed September 18, 1989

The Bexar Appraisal District, Board of Directors will meet at 535 South Main, San Antonio, September 25, 1989, at 5 p.m. Information may be obtained from Walter Stoneham, 535 South Main, San Antonio, Texas 78204, (512) 225-8511.

The Central Texas Council of Governments, Central Texas Private Industry Council will meet at 302 East Central, Belton, September 28, 1989, at 10 a.m. Information may be obtained from A. C. Johnson, P.O. Box 729, Belton, Texas 76513, (817) 939-1801.

The Dallas Area Rapid Transit, Goals Ad Hoc Committee met for an emergency meeting in Conference Room 7A, DART Office, 601 Pacific Avenue, Dallas, September 19, 1989, at 10 a.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 for an emergency meeting at the Gilmer Country Club, Gilmer, September 21, 1989 at 4 p.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas, (214) 984-8641.

The Gregg Appraisal District, Board of Directors will meet at 2010 Gilmer Road, Longview, September 25, 1989, at 9 a.m. Information may be obtained from Wm. T. Carroll, P.O. Box 6700, Longview, Texas

75608, (214) 759-0015.

The Houston-Galveston Area Council, Board of Directors met for an emergency meeting in the Conference Room, 4th Floor, 3555 Timmons Lane, Houston, September 19, 1989, at 10 a.m. Information may be obtained from Marjorie Baker, P.O. Drawer 22777, Houston, Texas 77227-2777, (713) 627-3200.

The Hunt County Tax Appraisal District, Board of Directors met in the District Office Board Room, 4801 King Street, Greenville, September 21, 1989, at Noon. Information may be obtained from Joe Pat Davis or Shirley Smith, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

The Lee County Appraisal District, Board of Directors will meet at 218 East Richmond Street, Giddings, September 27, 1989, 9 a.m. Information may be obtained from Roy L. Holcomb, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

The Lower Rio Grande Valley Development Council, Board of Directors met in the Harlingen Chamber of Commerce, 311 East Tyler, Harlingen, September 21, 1989, at 1:30 p.m. Information may be obtained from Robert A. Chandler, 4900 North 23rd Street, McAllen, Texas 78504, (512) 682-3481.

The Texas Council Risk Management Fund, Executive Committee met in the Radisson Plaza hotel, Austin, September 21, 1989, at 6 p.m. Information may be obtained from Spencer McClure, 7700 Chevy Chase Drive, Suite 310, Austin, Texas, (512) 458-9062.

The Texas Council Risk Management Fund, Board of Trustees will meet in the Radisson Plaza Hotel, Austin, September 22, 1989, at 8 a.m. Information may be obtained from Spencer McClure, 7700 Chevy Chase Drive, Suite 310, Austin, Texas, (512) 458-9062.

The Texas Municipal Power Agency, Board of Directors Special Meeting met in the 4th Floor Conference Room, Garland City Hall, 200 North Fifth, Garland, September 21, 1989, at 5 p.m. Information may be obtained from Carl Shahady, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013.

The Texas Regional Planning Commission's Employee Benefit Plan Agency, Board of Trustees will meet in Conference Room 3, Third Level, Marriott Rivercenter, San Antonio, September 28, 1989, at 2 p.m. Information may be obtained from Gloria C. Arriaga, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201

The Upper Leon River Municipal Water District, Board of Directors will meet in the Office of the Filter Plant, Proctor Lake, September 28, 1989, at 6:30 p.m. Information may be obtained from Gary D. Lacy, P.O. Box, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

TRD-8908584

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 Commission on Alcohol and Drug Abuse

Statewide Advisory Council Meeting

The Statewide Advisory Council of the Texas Commission on Alcohol and Drug Abuse will meet on Thursday, September 28, 1989, 8:30 a.m. to 5:15 p.m. and Friday, September 29, 1989, 8 a.m. to noon. The meeting will be held at the Marriott Riverwalk, 711 East Riverwalk, San Antonio.

Issued in Austin, Texas, on September 14, 1989.

TRD-8908502 Bob Dickson
Executive Director
Texas Commission on Alcohol and Drug Abuse

Filed: September 14, 1989

For further information, please call: (512) 463-5510

State Banking Department

Notice of Postponement of Hearing

The September 15, 1989, meeting of the Finance Commission has been postponed and rescheduled for October 20, 1989, at 10 a.m.

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 September 13, 1989.

TRD-8908484 Ann Graham
General Counsel
State Banking Department

Filed: September 13, 1989

For further information, please call: (512) 479-1200

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 September 1, 1989, the banking commissioner received an application to acquire control of United States Fiduciary Trust Company, Dallas, by Merrill Lynch Group, Inc., New York.

On September 13, 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 September 13, 1989.

TRD-8908477 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: September 13, 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 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 September 8, 1989, the banking commissioner received an application to acquire control of First Republic Bank Trust Company, Dallas, by NCNB Texas National Bank, Dallas.

Additional information may be obtained from: William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas, on September 13, 1989.

TRD-8908512 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: September 13, 1989

For further information, please call: (512) 479-1200

Texas Cancer Council

Valley Cancer Prevention Program

In accordance with Texas Civil Statutes, Article 4477-41, the Texas Cancer Council requests proposals for delivery of cancer prevention program(s) in the Rio Grande Valley.

Description of Services. The Texas Cancer Council has an interest in supporting a project that will implement a cancer awareness and prevention program in South Texas.

Background. Based on the recommendations of the Legislative Task Force on Cancer in Texas, the Texas Cancer Council published a request for proposals for delivery of cancer prevention program(s) in the Lower Rio Grande Valley in the *Texas Register* February 7, 1986, (TRD-8601173). The Lower Rio Grande Radiation Treatment and Cancer Research Foundation, Inc., was awarded a contract. They have been conducting such a project since 1986 but their contract expired on August 31, 1989. They may be interested in responding to this request. Other organizations may have an interest in carrying out such a project.

Kits developed by the Rio Grande Radiation Treatment and Cancer Research Foundation, Inc., are available for

review at the office of the Texas Cancer Council.

The Texas Cancer Council welcomes proposals that address the scope of work and which contain a technical proposal and a business proposal. The technical proposal will specify the overall program priority area, the specific problems to be addressed, the scope of work to be undertaken including major tasks and activities, a timetable with major milestones and delivery schedule, an organizational plan with manpower estimates by major task, identification of key personnel, and an evaluation plan.

This project has been classified as a developmental project. The business proposal will specify the estimated costs to the Texas Cancer Council if the grant proposal is funded for 12 months and the commitment of the proposing organization to fund the project beyond the year covered by the proposal. Other terms and conditions related to the proposal shall be included. The estimated cost shall not exceed \$140,000 and must be on a line item budget basis to fully identify the type of expense anticipated, and where appropriate, to estimate those costs for each major task identified in the technical proposal. Other terms and conditions must include the time period during which the proposal is valid and who is authorized to negotiate matters related to the proposal on behalf of the proposing agency or organization.

Due Date. Proposals must be received no later than October 15, 1989, in the offices of the Texas Cancer Council.

Evaluation Procedures. The criteria used to evaluate the proposals include: the submission of a proposal addressing all of the required areas; the offeror's plan for completing the project on or before the deadline to be stipulated in the award, and the description of the offeror's organization or agency. The Texas Cancer Council invites

proposals from multiple public or nonprofit agencies and organizations, or a consortium of such organizations.

The Texas Cancer Council reserves the right to accept or reject any or all proposals submitted. The Texas Cancer Council is under no legal requirement to grant an award on the basis of this advertisement, and intends that any material provided be used only as a means of identifying qualified applicants. The Texas Cancer Council will base its choice on the criteria identified above. This request does not commit the Texas Cancer Council to pay any costs incurred prior to granting an award. The Council may request an oral presentation from selected finalists.

Contact Person. Dr. Jack L. Franklin, Acting Executive Director, Texas Cancer Council, P.O. Box 12097, Austin, Texas 78711, (512) 463-3190.

Issued in Austin, Texas, on September 13, 1989.

TRD-8908470

Jack L. Franklin, Ph.D.
Acting Executive Director
Texas Cancer Council

Filed: September 13, 1989

For further information, please call: (512) 463-3190

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Child Care Development Board
Capitol Complex Day Care Center

The Child Care Development Board is attempting to develop the final specifications for the Capitol Complex Day Care Center for the State Purchasing and General Services Commission's information. The board requests written comments by all interested persons on the following proposed criteria:

Size of Center: 80 children

Age Breakdown: (age at first of September)

Infants (6 weeks to 10 months)	- 9	- Three teachers
Young Toddlers (10 - 16 months)	- 6	- One teacher
Toddlers (16 - 22 months)	- 6	- One teacher
Older Toddlers (22 - 26 months)	- 7	- One teacher
Two's	- 16	- Two teachers
Three's	- 11	- One teacher
Four's	- 14	- One teacher
Five's	- 11*	- One teacher

- * the number of five year olds usually drops because many of the four year olds go on to regular kindergarten. These are the children who will turn five after September 1.

Other Staff Needed:

- 1 Director
- 1 Support (could be part-time)
- 1 Floating Teacher
- 1 Kitchen (unless food is brought in)

Written comments should be directed to Lynn Leverty, Texas State Treasury Department, P.O. Box 12608, Austin, by September 28, 1989, for consideration at the October 3, 1989, open meeting.

Issued in Austin, Texas, on September 15, 1989.

TRD-8908528 Anne L. Schwartz
General Counsel
Texas State Treasury Department

Filed: September 15, 1989

For further information, please call: (512) 463-5971

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**Texas Department of Commerce
(Business Development Division)**

Consultant Contract Awards

Description. This notice is filed pursuant to Texas Civil Statutes, Article 6252-11c. Following publication of the consultant proposal request in the July 18, 1989, issue of the *Texas Register* (14 TexReg 3484), the Texas Department of Commerce (Commerce) on September 1, 1989, executed a contract with Graciela Letayf, State of Texas Office, Apartado Postal 5-602, 06500 Mexico, D.F. to serve as deputy director of the State of Texas office.

Description of Services. Advise and assist Texas manufacturers and businessmen in making contacts and appointments with Mexican government officials, United States Embassy officials, and Mexican, Central, and South American industry importers who may be interested in products, services, and/or materials offered by Texas businesses; conduct or assist in conducting an on-going public rela-

tions program within Mexico, Central, and South America to promote the sale, lease, or rental of products, services, and/or materials offered by Texas businesses; advise and assist or participate in the advising and assistance of Texas businessmen in displaying their products, services, and/or materials at trade fairs, trade shows, or otherwise, to enhance and encourage the rental, lease, or sale thereof to users to Mexico, Central, and South America; research and locate, or assist in the research and location of Mexican, Central, and South American suppliers of products, services, and/or materials, on request, for Texas businessmen; assist Mexican, Central, and South American exporters, manufacturers, and suppliers in making contact with Texas businessmen who inquire about the importation of manufactured products, raw materials, or services, or who inquire about joint ventures, licensing agreements, and transfers of technology; when requested, to advise and assist State of Texas officials in the conduct of their duties in Mexico, Central, and South America, including the making and monitoring of appointments; and supervise and provide all necessary support for Texas state agencies as may be required under existing or future interagency agreements between Commerce and other state agencies.

Cost and Dates. The total amount of the contract is \$25,669. The beginning date of the contract is September 1, 1989, and the ending date is August 31, 1990.

Due Dates of Documents. Ms. Letayf will contribute to the monthly report prepared on the activities of the State of Texas office.

Issued in Austin, Texas, on September 15, 1989.

TRD-8908566 William D. Taylor
Executive Director
Texas Department of Commerce

Filed: September 15, 1989

For further information, please call: (512) 320-9666

Description. This notice is filed pursuant to Texas Civil Statutes, Article 6252-11c. Following publication of the consultant proposal request in the July 18, 1989, issue of the *Texas Register* (14 TexReg 3483), the Texas Department of Commerce (Commerce) on September 1, 1989, executed a contract with Felipe Mondragon, State of Texas Office, Apartado Postal 5-602, 06500 Mexico, D.F. to serve as director of the State of Texas office.

Description of Services. Advise and assist Texas manufacturers and businessmen in making contacts and appointments with Mexican government officials, United States Embassy officials, and Mexican, Central, and South American industry importers who may be interested in products, services, and/or materials offered by Texas businesses; conduct or assist in conducting an on-going public relations program within Mexico, Central, and South America to promote the sale, lease, or rental of products, services, and/or materials offered by Texas businesses; advise and assist or participate in the advising and assistance of Texas businessmen in displaying their products, services, and/or materials at trade fairs, trade shows, or otherwise, to enhance and encourage the rental, lease, or sale thereof to users to Mexico, Central, and South America; research and locate, or assist in the research and location of Mexican, Central, and South American suppliers of products, services, and/or materials, on request, for Texas businessmen; assist Mexican, Central, and South American exporters, manufacturers, and suppliers in making contact with Texas businessmen who inquire about the importation of manufactured products, raw materials, or services, or who in-

quire about joint ventures, licensing agreements, and transfers of technology; when requested, to advise and assist State of Texas officials in the conduct of their duties in Mexico, Central, and South America, including the making and monitoring of appointments; and supervise and provide all necessary support for Texas state agencies as may be required under existing or future intragency agreements between Commerce and other state agencies.

Cost and Dates. The total amount of the contract is \$38,800. The beginning date of the contract is September 1, 1989, and the ending date is August 31, 1990.

Due Dates of Documents. Mr. Mondragon shall prepare a monthly report on the activities of the State of Texas office.

Issued in Austin, Texas, on September 15, 1989.

TRD-8908565 William D. Taylor
Executive Director
Texas Department of Commerce

Filed: September 15, 1989

For further information, please call: (512) 320-9666

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).

Type of Rate Ceilings	Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ /Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate - Art. 1.04(a)(1)	09/18/89-09/24/89	18.00%	18.00%
Monthly Rate ⁽¹⁾ Art. 1.04(c)	09/01/89-09/30/89	18.00%	18.00%
Standard Quarterly Rate - Art. 1.04(a)(2)	10/01/89-12/31/89	18.00%	18.00%
Retail Credit Card Quarterly Rate - Art. 1.11 ⁽³⁾	10/01/89-12/31/89	18.00%	N.A.
Lender Credit Card Quarterly Rate - Art. 15.02(d) ⁽³⁾	10/01/89-12/31/89	15.52%	N.A.

Standard Annual Rate - Art. 1.04(a)(2) ⁽²⁾	10/01/89-12/31/89	18.00%	18.00%
Retail Credit Card Annual Rate - Art. 1.11 ⁽³⁾	10/01/89-12/31/89	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:	10/01/89-12/31/89	18.00%	N.A.
Judgment Rate - Art. 1.05, Section 2	09/01/89-09/30/89	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, on September 11, 1989.

TRD-8908513 Al Endsley
Consumer Credit Commissioner

Filed: September 14, 1989

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

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Texas Education Agency
Public Hearing Announcement

A public hearing will be held before the State Board of Education Committee on School Finance, the Committee on Students, and invited members of the Texas Higher Education Coordinating Board on the proposed annual update of the master plan for vocational education. The hearing will start at 10:30 a.m. on Friday, October 13, 1989, in Room 1-104 of the William B. Travis Building, Austin. This hearing is being held in accordance with the Texas Education Code, §21.113(d), which states that the board shall hold a public hearing annually prior to its final approval of the update of the plan. The purpose of the

hearing is to afford all segments of the public, independent school districts, post-secondary institutions, interested organizations, and groups an opportunity to present their views and make recommendations regarding the plan.

Individuals who wish to speak at the hearing should register by calling Mark Butler, Program Planning Division, at (512) 463-9512. Copies of the proposed update of the plan are available upon request. A limited number of copies will be available for review at regional education service centers. It is requested that individuals wishing to testify shall limit their comments to four minutes at the hearing. This limit may be reduced depending upon the number of individuals wishing to speak. It is also requested that individuals wishing to testify shall ensure that 30 typed copies of their testimony are received by 5 p.m., Wednesday, October 11, 1989. Copies should be mailed to Mark Butler, Texas Education Agency, Program Planning Division, Room 5-110, 1701 North Congress Avenue, Austin, Texas 78701.

Issued in Austin, Texas, on September 13, 1989.

TRD-8908497 W. N. Kirby
Commissioner of Education

Filed: September 13, 1989

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

Request for Contractor Services

This notice of request for contractor services is filed pursuant to the provisions of Texas Civil Statutes, Article 6252-11c. The Texas Education Agency is requesting proposals (RFP# 701-90-019) to develop and administer a master teacher examination for Texas teachers pursuant to the Texas Education Code, §13.316. This test will be taken by those teachers who desire to be eligible to advance to the master teacher level (level four) on the state's career ladder program for teachers. The services to be provided must include, on a continuous basis, test development and validation, administration, scoring, and reporting.

The contract will be awarded based on an evaluation of the proposals received as these indicate the ability of the proposers to provide the requested services.

Closing Date for Receiving Offers. By this announcement and by direct mailing of the request for proposal, Services to Develop and Administer a Master Teacher Examination for Texas Teachers, to major test development companies, the Texas Education Agency is soliciting proposals.

A copy of the request for proposal may be obtained by calling the Document Control Center at (512) 463-9304 or writing the Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701. The deadline for submitting a proposal to the Document Control Center is 5 p.m. on Monday, October 30, 1989.

Contact. For additional information, contact Nolan Wood, Director, Division of Teacher Assessment at the Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9525.

Issued in Austin, Texas, on September 13, 1989.

TRD-8908498 W. N. Kirby
Commissioner of Education

Filed: September 13, 1989

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

Texas Employment Commission Correction of Error

The Texas Employment Commission submitted an adopted new section which contained errors as published in the August 25, 1989, issue of the *Texas Register* (14 TexReg 4316).

Section 301.33(1)(A) should read: "(A) Employee leasing company—An entity offering services to the general public that for a fee places the ..."

Section 301.33(3)(EE) should read: "(EE) Does the leasing company provide the workers with any benefits (Pension, retirement, sick leave, insurance, etc.)"

General Land Office Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas General Land Office furnishes this notice of

consultant contract award. The consultant proposal was published in the March 14, 1989, issue of the *Texas Register* (14 TexReg 1381).

Description of services. Consultant shall provide the General Land Office with an Employee Assistance Program designed to increase the productivity of General Land Office personnel by reducing losses associated with employees' personal problems.

Name of consultant. The contract was awarded to P.P.C., Inc., doing business as Personal Performance Consultants, Inc., 100 South Brentwood Boulevard, St. Louis, Missouri, 63105.

Total value in terms of the contract. Payments under this contract shall be \$2,294.40 for the initial program start-up and \$13,776 per year for ongoing oversight of the program. The estimated average annual cost to the General Land Office for absenteeism due to troubled employees is \$315,000. This program is designed to reduce agency costs attributable to absenteeism and lost productivity.

Completion date. The initial term of the contract ends August 31, 1990. The contract provides for renewal for successive one-year periods unless the General Land Office elects to cancel the contract.

Issued in Austin, Texas, on September 13, 1989.

TRD-8908504 Gary Mauro
Commissioner
General Land Office

Filed: September 14, 1989

For further information, please call: (512) 463-5009

Texas Department of Health Agreed Order

On July 17, 1989, the director of the Radiation Control Program ordered that the settlement agreement between the Division of Compliance and Inspection and Raymond R. Hughes, D.O., holder of Certificate of Registration Number 8-01115, be approved. An administrative penalty of \$5,000 was assessed against the registrant.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a. m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on September 15, 1989.

TRD-8908570 Robert A. MacLean, M.D.
Deputy Commissioner, Professional
Services
Texas Department of Health

Filed: September 15, 1989

For further information, please call: (512) 835-7000

Emergency Cease and Desist and Impoundment Orders

On July 31, 1989, the Bureau of Radiation Control ordered Houston Incorporated to cease and desist from using any radioactive material for which use is not authorized by a Texas radioactive material license or a license issued by the United States Nuclear Regulatory Commission or an agreement state and for which a current notice of reciprocal recognition of a non-Texas license has not been issued. The company was also ordered to surrender for impoundment by the agency all radioactive material for which

possession is not authorized by a Texas radioactive material license or for which reciprocal recognition of a non-Texas license has not been granted.

The order was issued because the company does not have a Texas radioactive material license, failed to comply with the request/notification requirement, and was not granted reciprocal recognition of its New Mexico radioactive material license.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a. m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on September 15, 1989.

TRD-8908574 Robert A. MacLean, M.D.
Deputy Commissioner, Professional
Services
Texas Department of Health

Filed: September 15, 1989

For further information, please call: (512) 835-7000



Notice is hereby given that the Bureau of Radiation Control ordered that Coral Services, Inc. and Mr. V.C. Stephenson cease using all radioactive material possessed and/or authorized under Radioactive Material License 4-2177 and surrender all radioactive material to the authorized agency representative for impoundment, transfer it to an authorized recipient, or dispose of it. The order was issued because the company had allowed its radioactive material license to expire and therefore had illegal possession of radioactive materials.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a. m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on September 15, 1989.

TRD-8908569 Robert A. MacLean, M.D.
Deputy Commissioner, Professional
Services
Texas Department of Health

Filed: September 15, 1989

For further information, please call. (512) 835-7000



Intents to Revoke a Certificate of Registration

The Bureau of Radiation Control, Texas Department of Health, is seeking the revocation of Certificate of Registration Number Z00359, issued to International Media, because the agency determined that the registrant is no longer located at 1200 Smith, Suite 2345, Houston, Texas 77002. The registrant has not notified the agency of a change of address and no forwarding address is available.

All attempts by the agency to contact the registrant by telephone, by certified mail, and by inspection have been unsuccessful. Therefore, the Texas Department of Health, Bureau of Radiation Control, recommends that the certificate of registration be revoked immediately.

In accordance with *Texas Regulations for Control of Radiation* 13.8, this notice affords the opportunity for a hearing to show cause why the certificate of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of publication of this notice to be valid. Such written request must be filed

with David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the radioactive material licenses will be revoked at the end of the 30-day period of notice.

Issued in Austin, Texas, on September 15, 1989

TRD-8908572 Robert A. MacLean, M.D.
Deputy Commissioner, Professional
Services
Texas Department of Health

Filed: September 15, 1989

For further information, please call (512) 835-7000



Pursuant to *Texas Regulations for Control of Radiation* (TRCR) 13.8, the Bureau of Radiation Control, Texas Department of Health, filed a complaint against the following registrants: Douglas G. Charles, D.C., 11200 Westheimer, #325, Houston, Texas 77042, R13825; P M Medical Services, 5726 Alvarado, Houston, Texas 77035, R15507.

The agency intends to revoke the certificates of registration, order the registrants to cease and desist use of radiation machine(s), and order the registrants to divest themselves of such equipment, presenting evidence satisfactory to the Bureau of Radiation Control that they have complied with the order and the provisions of Texas Civil Statutes, Article 4590f. If the fee is paid within 30 days of the date of each complaint, no order will be issued.

This notice affords the opportunity for a hearing to show cause why the certificates of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the certificates of registration will be revoked at the end of the 30-day period of notice.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a. m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on September 15, 1989.

TRD-8908571 Robert A. MacLean, M.D.
Deputy Commissioner, Professional
Services
Texas Department of Health

Filed: September 15, 1989

For further information, please call: (512) 835-7000.



Intent to Revoke Radioactive Material Licenses

Pursuant to *Texas Regulations for Control of Radiation* (TRCR) 13.8, the Bureau of Radiation Control, Texas Department of Health, filed complaints against the following licensees: Core Laboratories, Inc., P.O. Box 47547, Dallas, Texas 75247, 5-376; Endocrinology Laboratory Inc., 4499 Medical Drive, Suite 205, San Antonio, Texas 78229, G01268; Dallas Medical and Surgical Clinic/Hospital, 4105 Live Oak Street, Dallas, Texas 75204, G00165.

The agency intends to revoke the radioactive material

licenses, order the licensees to cease and desist use of such radioactive materials, and order the licensees to divest themselves of the radioactive material, presenting evidence satisfactory to the Bureau of Radiation Control that they have complied with the order and the provisions of the Health and Safety Code, Chapter 401. If the fee is paid within 30 days of the date of each complaint, no order will be issued.

This notice affords the opportunity for a hearing to show cause why the radioactive material licenses should not be revoked. A written request for a hearing must be received within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the radioactive material licenses will be revoked at the end of the 30-day period of notice.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a. m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on September 15, 1989.

TRD-8908573 Robert A. MacLean, M.D.
Deputy Commissioner, Professional
Services
Texas Department of Health

Filed: September 15, 1989

For further information, please call: (512) 835-7000.

Public Hearing

The Department will conduct a public hearing on the following municipal solid waste disposal site.

Notice is hereby given that Trinity Valley Reclamation, Inc., a subsidiary of Waste Management of North America, Inc., presently holds Solid Waste Permit No. 42-A, as heretofore issued by the Texas Department of Health for the operation of a Type I municipal solid waste site located on the north side of the City of Ferris, west of U.S. Highway 75, and at the north end of North Main Street, in Dallas and Ellis Counties.

The permit holder has now filed with the Texas Department of Health an application (Application 42-B) to amend the permit as follows: By adding 267.389 acres to the north and west sides of its existing 73.010-acre site, including additional authorization for a Type V (generation of electric energy) and Type IX (methane gas recovery) municipal solid waste site. The total acreage to be permitted will consist of 340.399 acres of land, and is to daily receive approximately 4,000 tons of municipal solid waste.

Pursuant to the provisions of the Texas Solid Waste Disposal Act, Chapter 361, Texas Health and Safety Code (formerly Vernon's Texas Civil Statutes, Article 4477-7), the department's said regulations, and the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a). The public hearing on the aforesaid application to amend the said permit will be held at the City of Ferris City Hall, City Council Chambers, 100 Town Plaza, Ferris, 9 a.m. on Tuesday, October 17, 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 5 office located at 2561 Matlock, Arlington, Texas 76015; telephone (817) 460-3032.

Issued in Austin, Texas, on September 14, 1989.

TRD-8908516 Robert A. MacLean, M.D.
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: September 14, 1989.

For further information, please call: (512) 458-7271.

Texas Health and Human Services Coordinating Council SLIAG Public Hearing

A public hearing will be held on September 26, 1989, at 9:30 a.m. in Room 103 of the John H. Reagan Building to receive public comment on the State Legalization Impact Assistance Grant Application for Texas for Federal fiscal year 1990. A draft copy of the state application is available for review at the Texas Health and Human Services Coordinating Council, 311-A East 14th Street, Austin.

Issued in Austin, Texas, on September 15, 1989.

TRD-8908577 Patricia O. Thomas
Executive Director
Texas Health and Human Services
Coordinating Council

Filed: September 15, 1989

For further information, please call: (512) 463-2195

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 Managed Care Administrators, Inc., a foreign third party administrator. The home office is in Tulsa, Oklahoma.
2. Application for incorporation in Texas of Reliance Title Insurance Company, a domestic title insurance company. The home office is in Houston.
3. Application for admission to do business in Texas of North Sea Insurance Company, a foreign fire and casualty company. The home office is in Valley Stream, New York.
4. Application for admission to do business in Texas of Computer Insurance Company, a foreign fire and casualty company. The home office is in Providence, Rhode Island.

Issued in Austin, Texas, on September 13, 1989.

TRD-8908483 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: September 13, 1989

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

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Notice of Public Hearing

Beginning at 9 a.m. on Tuesday, October 17, 1989, the State Board of Insurance will conduct public hearings on rates and rules for workers' compensation insurance. Notice is hereby given that as hearing under Docket Number 1675 will be held before the board in Room 1-110 of the Joe C. Thompson Conference Center at Red River and East 26th Streets in Austin. The purpose of the hearing is consideration of revision of workers' compensation and employers' liability insurance rates and rating values, based on experience and statutory mandates, and such other matters as may properly be brought before the board. Please note that this hearing will combine hearings on experience and on benefits increase. Another hearing under Docket Number 1678 will be held before the State Board of Insurance immediately upon conclusion and at the same location as the conclusion of the hearing under Docket Number 1675. The purpose of the hearing under Docket Number 1678 will be consideration of amendments to workers' compensation insurance manual rules, endorsements, and policy forms, rating plans, including retrospective rating plans, classification plans, and statistical plans, and such other matters as may properly be brought before the board. In particular, the board will consider possible adoption of rules and amendments to manual rules which would formulate and implement strategies, procedures, and requirements with the objective of reducing the probability and magnitude of deficits in the Texas workers' compensation assigned risk pool, and with the objective of improving the fairness of assessments by the pool and of improving the effectiveness of those assessments toward maintaining the availability and effectiveness of the Texas workers' compensation assigned risk pool as a means to workers' compensation insurance coverage for insurance consumers and policyholders of this state. These hearings will continue from time to time and from place to place as specified by the chairman. These hearings will be held in accordance with the legal authority and jurisdiction provided in the Texas Insurance Code, Articles 5.55, 5.56, 5.57, 5.58, 5.60, 5.62, and 5.96.

A prehearing conference will be held before the general counsel or chief clerk of the State Board of Insurance at 10 a.m. on Friday, September 29, 1989, in Room 414 of the State Board of Insurance Building at 1110 San Jacinto Boulevard in Austin. The prehearing conference will be held for the following purposes: (1) considering the formulation and simplification of issues; (2) identifying expert witnesses and stipulations as to their respective qualifications; (3) considering and possibly agreeing to the possibility of making admissions of certain averments of fact or stipulations concerning the use by parties of matters of public record; (4) considering the procedure at the hearing; (5) agreeing to limit, where possible, the number of witnesses; and (6) agreeing to such other matters as may aid in the simplification of the proceedings.

The staff of the State Board of Insurance, the Office of Consumer Protection, and the National Council on Compensation Insurance propose that the State Board of Insurance consider under Docket Number 1675 amendments to workers' compensation and employers' liability rates and rating values, including those applicable to United States

longshoremen's and harbor workers' exposure and stevedoring, based on the latest statistical data, ratemaking procedure, and expense provision in the rating formula prepared by the staff, the Office of Consumer Protection, the National Council on Compensation Insurance, and other interested parties.

The hearing and procedure under Docket Number 1675 will be governed by the contested case provisions of the rules of practice and procedure before the State Board of Insurance (Texas Administrative Code, Title 28, Chapter 1, Subchapter A) and by the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a). Except to the extent that contested case provisions will govern ratemaking aspects, the hearing and procedure under Docket Number 1678 will be governed by the rulemaking provisions of the rules of practice and procedure before the State Board of Insurance and by the Administrative Procedure and Texas Register Act, as modified by the Texas Insurance Code, Article 5.96.

Reference is hereby made to the previously cited statutes and rules and to the Texas Insurance Code, Articles 5.55-5.76-1 and other articles, to Title 28, Part I, of Texas Administrative Code, and to the manual entitled *Texas Basic Manual of Rules, Classifications and Rates for Workers' Compensation and Employers' Liability Insurance*, 1980 Edition, the manual entitled *Texas Workers' Compensation Unit Statistical Plan Manual*, and the manual entitled *Texas Experience Rating Plan Manual for Workers' Compensation* as particular sections of statutes and rules that may be involved in these hearings.

Please direct inquiries regarding this hearing to Gaylon Daniel, Statistical and Rate Development Division, Mail Code Number 000-2, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998, or (512) 475-3017. Inquiries concerning the hearing on rules and related subjects may also be directed to Nancy Moore, Director of Workers' Compensation Insurance, Mail Code Number 012-2, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998, (512) 322-3490.

Issued in Austin, Texas, on September 18, 1989.

TRD-8908598 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Filed: September 18, 1989

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

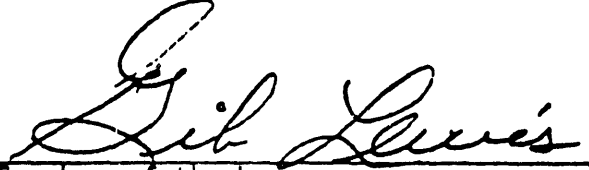
◆ ◆ ◆
Legislative Budget Board
Correction of Error

The Legislative Budget Board submitted a budget execution proposal which contained an error as published in the September 5, 1989, issue of the *Texas Register* (14 TexReg 4560).

The signatures should read:

For further information, please call (512) 463-1778.


Lieutenant Governor
Chairman, Legislative Budget Board


Speaker of the House
Vice-chairman, Legislative Budget Board

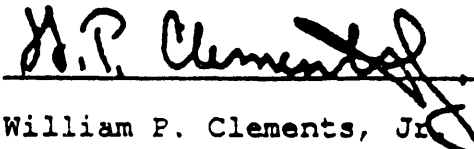
I certify that this Budget Execution Proposal was adopted by the Legislative Budget Board on August 24, 1989 by the following vote:

On the part of the Senate Yeas: 4 , Nays: 0

On the part of the House Yeas: 4 , Nays: 0


Director, Legislative Budget Board

Issued in Austin, Texas, on July 28, 1989.


William P. Clements, Jr.
Governor

◆ ◆ ◆
**Texas State Library and Archives
Commission**

Consultant Contract Award

To comply with the provisions of Texas Civil Statutes, Article 6252-11c, the Texas State Library and Archives Commission furnishes this notice of consultant contract awards. After solicitation of proposals in the January 10, 1989, issue of the *Texas Register* (12 TexReg 232), two proposals were approved for funding.

(1) The Association for Higher Education of North Texas (AHE) will add all available MARC records from the Fort Worth Public Library, Southern Methodist University, and the University of Texas at Dallas, plus the AHE Union List of Serials and the AHE Union List of Media to an existing CD-ROM union catalog.

Expansion of the union catalog will facilitate resource sharing in the north Texas area by adding an estimated 1,411,356 new titles and holdings. Creation of the existing CD-ROM union catalog was made possible by a previous

LSCA Title III grant. The contract is with the Association for Higher Education of North Texas, 17811 Waterview Parkway, Suite 125, Dallas, Texas 75252-8016 for \$137,250.

(2) The Harrington Library Consortium will add the bibliographic records from the high school libraries of the Panhandle Independent School District and White Deer Independent School District, the library service center for the Amarillo Independent School District, and the library of the Texas State Technical Institute, Amarillo, to the Harrington Library Consortium automated database, allowing the new members to institute automated cataloging, automated circulation, automated acquisitions, and to receive other consortium services. Data conversion will begin during the grant period and be completed the following year. The purpose of the grant is to enhance resource sharing among consortium members by adding an estimated 50,679 titles and holdings to the database. The contract is with the City of Amarillo, P.O. Box 1971, Amarillo, Texas 79186 for \$137,250.

The beginning date for both these projects is September 1, 1989; the ending date is August 31, 1990. Progress reports are due on March 26, 1990, for the first six months, and

final reports are due September 25, 1990.

Issued in Austin, Texas, on September 14, 1989.

TRD-8908514

Raymond Hitt
Assistant State Librarian
Texas State Library and Archives
Commission

Filed: September 14, 1989

For further information, please call: (512) 463-5440

Texas Advisory Board of Occupational Therapy

Notice of Contested Case Hearing

Pursuant to the authority provided in the Occupational Therapy Title Act, §30 and §31, (Texas Civil Statutes, Article 8851 (Vernon Supplement 1989)), as amended; the rules of the Texas Advisory Board of Occupational Therapy (TABOT), and the Administrative Procedure and Texas Register Act, as amended (Texas Civil Statutes, Article 6252-13a (Vernon Supplement 1989)), a hearing will be conducted in a contested case to consider the following: whether, under the Occupational Therapy Title Act, Article 8851, and the rules of the Texas Advisory Board of Occupational Therapy, TABOT had the legal authority to find that Mr. Bear's temporary license had expired and that he was no longer eligible to practice as an occupational therapist; and whether, under the facts of this case, TABOT acted arbitrarily or capriciously.

Information regarding this hearing and copies of TABOT's rules are available at the agency located at 4900 North Lamar Boulevard, Austin, Texas 78751-2316.

TABOT has set the hearing to begin at 9 a.m., September 26, 1989, at the Texas Rehabilitation Commission, 4900 North Lamar Boulevard, Room 4502, Austin, Texas 78751-2316.

Issued in Austin, Texas, on September 12, 1989.

TRD-8908471

Linda Vaclaw, M.S., OTR
Executive Director
Texas Advisory Board of Occupational
Therapy

Filed: September 13, 1989

For further information, please call: (512) 483-4071

Texas Parks and Wildlife Department

Notice of Public Hearing

Notice is hereby given that the Transcontinental Gas Pipe Line Corporation, whose address is 2800 Post Oak Boulevard, P.O. Box 1396, Houston, Texas 77251, on September 13, 1989, filed an application with the Texas Parks and Wildlife Department for a sand and gravel permit: "to disturb state-owned bay bottom of the Laguna Madre and state-owned Gulf of Mexico bottoms for the installation of a 20-inch natural gas pipeline and excavation of a mitigation area. The pipeline would be installed offshore of Padre Island near the Nueces/Kleberg County line from the junction platform in State Tract 794, across Tracts 795, 920, 919, 796, 921, 922, and 925 to the beginning of the directionally drilled segment near the boundary between State Tracts 924 and 923. The line would emerge from the upland and the directionally drilled segment into the Laguna Madre in Kleberg and Nueces Counties where disturbance of bay bottom would occur in State Tracts 134, 25, 47, 48, 64, and 174. The mitigation area would be located

between Corps of Engineers disposal areas 177 and 178, on the eastern side of the Gulf Intracoastal Waterway. Adjoining property owners are Central Power and Light Company, and Buttes Oil and Gas Company."

A hearing on this application will be held in Room C-200 at the Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, by a hearing officer designated by the executive director on Tuesday, October 3, 1989, beginning at 10 a.m., at which time all interested parties may appear and be heard. Evidence or testimony may be presented orally or in writing by affidavit or deposition. Written evidence should be filed with the department prior to the hearing date.

Issued in Austin, Texas, on September 15, 1989.

TRD-8908552

Jennifer Mellett
Hearing Officer
Texas Parks and Wildlife Department

Filed: September 15, 1989

For further information, please call: (512) 389-4805

Railroad Commission of Texas

LP-Gas Advisory Committee Meeting

The LP-Gas Division of the Railroad Commission of Texas announces a meeting of the LP-Gas Advisory Committee to be held on Tuesday, October 10, 1989, 9:30 a.m., Room 8-101, William B. Travis Building, 1701 North Congress Avenue, Austin.

Issued in Austin, Texas, on September 15, 1989.

TRD-8908546

Cril Payne
Assistant Director
Railroad Commission of Texas

Filed: September 15, 1989

For further information, please call: (512) 463-7152

State Securities Board

Correction of Error

The State Securities Board submitted a proposed amendment which contained errors as published in the August 22, 1989, issue of the *Texas Register* (14 TexReg 4181-94).

In §109.13(f)(2) should read: "[(2)] any other material required or permitted to be distributed by the Securities Act of 1933 in connection with such, [a] plan [.] when the securities under the plan are sold or distributed in a transaction otherwise meeting the requirements of §5.1(b)."

In §109.13(g)(3) should read: "(3) the employee's compensation is based solely on the performance of such other duties, i.e., the employee does not receive any compensation for offering for sale, selling, or otherwise aiding the sale of securities. [Restricted Stock Options. The phrase "an employee's restricted stock option" as used in subsection (f)(1) of this section and of the Act, §5.1(b), includes an option granted pursuant to a plan which is exempted by §139.11 of this title (relating to Employee Plans).]"

In §109.13(g) should read: "(g) Employee plan sales. Only the employer and its participating subsidiaries, parents, or subsidiaries of such parents, if any, may offer or sell securities in connection with the employee plan without registration as dealers. An employee of

the employer or participating subsidiary who aids in offering or selling such securities in connection with the employee plan is not required to be registered as an agent provided the employee meets all of the following conditions:"

In §109.13(k) should read: "(k) Uniform limited offering exemption. In addition to sales made under the Texas Securities Act, §5.I, the State Securities Board, pursuant to the Act, §5.T, exempts from the registration requirements of the Act, §7, any offer or sale of securities offered or sold in compliance with the Securities Act of 1933, Regulation D, Rules 230.505 and/or 230.506, including any offer or sale made exempt by application of Rule 508(a), [230.501-230.503, 230.505 and 230.506] as made effective in United States Securities and Exchange Commission Release Number 33-6389 and as amended in Release [Releases] Numbers 33-6437, 33-6663, [and] 33-6758, and 33-6835, and which satisfies the following further conditions and limitations."

In §109.13(k)(7) and (7)(A) and (B) should read: "(7) A failure to comply with a term, condition, or requirement of paragraphs (1) and (6) of this subsection will not result in loss of the exemption from the requirements of the Act, §7, for any offer or sale to a particular individual or entity if the person relying on the exemption shows: (A) The failure to comply did not pertain to a term, condition or requirement directly intended to protect that particular individual or entity; and (B) The failure to comply was insignificant with respect to the offering as a whole; and"

In §109.14(a) and (d) should read: "(a) It is the intent of the State Securities Board that §109.13 (a)-(c), and (j) of this title (relating to Limited offering Exemptions) apply to transactions made pursuant to the Securities Act, §5.Q, and that the terms defined in §109.13 (a)-(c), and (j) of this title (relating to Limited Offering Exemptions) have the same meanings for purposes of §5.Q as they do for the Securities Act, §5.I."

(d)(b) Sales pursuant to the uniform and intrastate limited offering exemptions [exemption]. In addition to sales ..."

In §117.4(e)(5) should read: "(5) The maximum dollar amount of the sponsors' distributive share permitted under paragraphs (1) or (2) of this subsection may not be increased by any allocation to the sponsors made for the purpose of satisfying the requirements of the Internal Revenue Code, applicable regulations, or any revenue ruling or revenue procedure. In the absence of adequate justification provided under subsection (c)(3) of this section for any unsubordinated participation in cash to be distributed from the net proceeds remaining from the sale or refinancing of properties, the securities commissioner may require an express limitation in the program agreement that the dollar amount of the sponsors' distributive share will not exceed the maximum amount that would be allowable under paragraphs (1) or (2) of this subsection."

Section 117.6(d) should read: "(d) Period of offering and expenditure of proceeds. Permits in this state are valid only for one year from issuance but may be renewed pursuant to the Act, §10B. An [No] offering of securities in a non-specified property program may extend for up to two years [more than one year] from the date of original effectiveness provided that the minimum amount of program interests necessary to satisfy the greater of the minimum capitalization requirements of subsection (a) of this section or the impound requirements set by the program is sold within one year of commencement of the offering. While the proceeds of an offering are await-

ing investment in real property, the proceeds may be temporarily invested in short-term highly liquid investments where there is appropriate safety of principal, such as United States Treasury bonds or bills. Any proceeds of the offering of program interests [securities] not invested within the later of two years after commencement of the offering or one year after the termination of the offering, [from the date of effectiveness] or, if allowed by the securities commissioner, six months from the last scheduled mandatory deferred payment date (except for necessary operating capital) shall be distributed prorata to the participants [partners] as a return of capital so long as the adjusted investment in properties is in compliance with §117.4(c) of this title (relating to Fees-Compensation-Expenses)."

Texas Water Commission Meeting Notice

A meeting of the Management Committee of the Galveston Bay National Estuary Program is scheduled for Wednesday, September 20, 1989, 10 a.m., University of Houston-Clear Lake, Bayou Building, Houston.

The committee will consider action of the Management Conference Advisory Committee: and Program Office, and reports concerning Galveston Bay Forum and Data Information Management System needs. The EPA will present a report on bay program projects in other national estuary programs. The committee will consider for action the appointment of several new members to advisory committees, and approval of the program operating budget for fiscal year 1990. In the afternoon, newly appointed members to the Local Governments Advisory Committee able to attend will be introduced, followed by presentation of a plan to confer coastal preserves status for Christmas Bay and Armand Bayou.

Issued in Austin, Texas, on September 13, 1989.

TRD-8908525

B. J. Wynne, III
Chairman, Policy Committee
Galveston Bay National Estuary Program
Texas Water Commission

Filed: September 13, 1989

For further information, please call (512) 475-2161

Texas Water Development Board Applications Received

Pursuant to the Texas Water Code, §6.195, the Texas Water Development Board provides notice of the following applications received by the board.

City of Crandall, P.O. Box 277, Crandall, Texas, 75114, received July 20, 1989, request for financial assistance in the amount of \$1,045,000 from the Water Supply Account of the Water Development Fund.

Jefferson County Drainage District #6, P.O. Box 20078, Beaumont, Texas, 77720-0078, received August 17, 1989, request for financial assistance in the amount of \$6,515,000 from the Flood Control Account of the Texas Water Development Fund.

Wickson Creek Special Utility District, P.O. Drawer 3297, Bryan, Texas, 77805, received July 31, 1989, request for financial assistance in the amount of \$1,680,000 from the Water Supply Account of the Water Development Fund.

Additional information concerning this matter may be

obtained from M. Reginald Arnold II, Executive Administrator, P.O. Box 13231, Austin, Texas 78711.

Issued in Austin, Texas, on September 13, 1989.

TRD-8908475 M. Reginald Arnold II
Executive Administrator
Texas Water Development Board

Filed: September 13, 1989

For further information, please call: (512) 463-7981

