

Texas Register

Volume 13, Number 74, September 29, 1988

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OCT 3 1988

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Texas Register

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

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Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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Texas Register Publications

a section of the
Office of the Secretary of State
P.O. Box 13824
Austin, Texas 78711-3824
512-463-5561

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TAC Editor

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Subscriptions—one year (96 regular issues), \$90; six months (48 regular issues and two index issues), \$70. Single copies of most issues are available at \$4 per copy.

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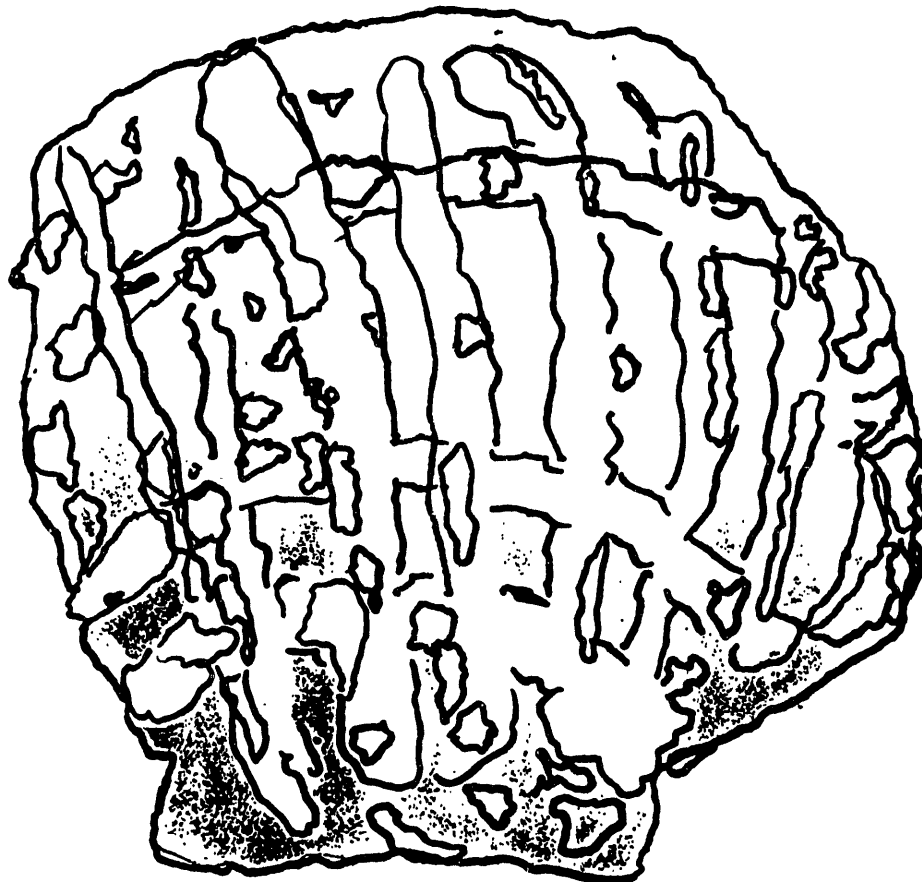
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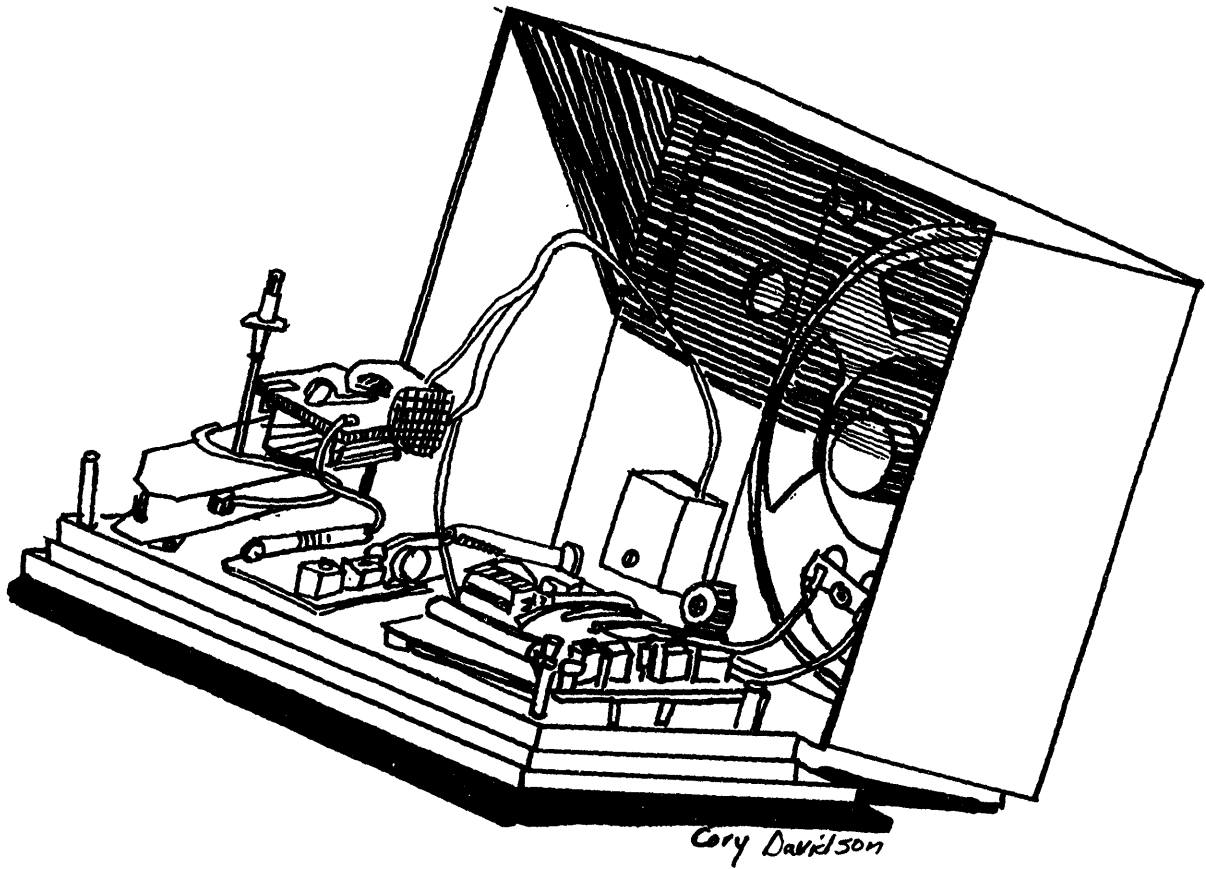
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Hilary

Name: Hilary McKee
Grade: 4
School: Pope Elementary, Arlington



Name: Cory Davidson

Grade: 11

School: Texas School for the Deaf

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Attorney General

Description of Attorney General submissions. Under provisions set out in the Texas Constitution, Texas Civil Statutes, Article 4399, and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies maybe held from public disclosure. Requests for opinions, opinions, and open record decisions are summarized for publication in the *Texas Register*. The Attorney General responds to many requests for opinions and open records decisions with letter opinions. A letter opinion has the same force and effect as a formal Attorney General Opinion, and represents the opinion of the Attorney General unless and until it is modified or overruled by a subsequent letter opinion, a formal Attorney General Opinion, or a decision of a court of record.

Opinions

JM-953(RQ-1392). Request from W. O. Shultz, II, General Attorney and Associate General Counsel, The University of Texas System, Austin, concerning the circumstances under which a county or public hospital or hospital district is responsible for payment for medical services rendered to patients at M. D. Anderson Hospital.

Summary of Opinion. The Indigent Health Care and Treatment Act, Texas Civil Statutes, Article 4438f, makes counties and public hospitals responsible for health care for certain indigents; it does not make counties or public hospitals liable for the support of indigents. Therefore, Article 4438f does not make indigents for whom counties or public hospitals are obligated to provide health care non-indigents for purposes of Texas Civil Statutes, Article 3196a.

The Texas Constitution, Article IX, §9 makes hospital districts responsible for medical care for their needy inhabitants; it does not make hospital districts responsible for the support of their needy inhabitants. Therefore, Article IX, §9, does not make needy inhabitants of hospital districts non-indigents for purposes of Texas Civil Statutes, Article 3196a. TRD-8809804

JM-954 (RQ-1330). Request from Vernon M. Arrell, Commissioner, Texas Rehabilitation Commission, Austin, concerning per diem for members of the board of Texas Rehabilitation Commission and its subordinate components.

Summary of Decision. Members of the board of the Texas Rehabilitation Commission are entitled to reimbursement for actual expenses incurred in the discharge of their duties. Members of the Consumer Advisory Committee of the Rehabilitation Commission are entitled to reimbursement for actual expenses incurred in attending official meetings. Members of the Governor's Committee for Disabled Persons are entitled to per diem for expenses subject to the limitations set out in the appropriations act. Members of the State Independent Living Council, members of the Deaf-Blind Advisory Committee, and members of the Statewide Steering Committee are entitled to per diem

for expenses subject to the limitations set out in the appropriations act and are not entitled to compensatory per diem. TRD-8809803

Requests for Opinions

(RQ-1532). Request from Mike Driscoll, Harris County Attorney, Houston, concerning the authority of a Commissioners Court to impose limitations on an emergency services district, and related questions. TRD-8809915

(RQ-1533). Request from Terry L. Adkisson, Chancellor, The Texas A&M University System, College Station, concerning the assessment of capital recovery fees by the City of Houston against Texas A&M University for waste water services. TRD-8809914

(RQ-1534). Request from Jerry Cobb, Criminal District Attorney, Denton, concerning effect of unrecorded easements on transfers of property. TRD-8809913

(RQ-1535). Request from John T. Montford, Chairman, Senate Committee on State Affairs, Austin, concerning whether mass transit taxes collected under Texas Civil Statutes, Article 1118z, may be used by a municipality to maintain its streets. TRD-8809912

(RQ-1536). Request from Carl A. Parker, Chairman, Senate Education, Austin, concerning the authority of the Texas Education Agency over proprietary schools which confer only non-academic degrees, and related questions. TRD-8809911

(RQ-1537). Request from Ted J. Hajorsky, Jr., General Counsel, Texas A&M University System, College Station, and Randel B. Gibbs, Law Office of Earl Luna, P.C., Dallas, concerning whether the protection from

disclosure for student records under the Texas Open Records Act, §3(a)(14) and §14(e), Texas Civil Statutes, Article 6252-17a, apply after the student dies and related questions. TRD-8809910

(RQ-1538). Request from Ralph R. Wallace, III, Chairman, Senate Committee on Cultural and Historical Resources, Austin, concerning whether a permit transfer is covered by the Solid Waste Disposal Act. TRD-8809909

(RQ-1539). Request from Benjamin Euresti, Jr., Cameron County Attorney, Brownsville, concerning whether a county may condition receipt of assistance under the Indigent Health Care Act on an applicant's furnishing a social security number. TRD-8809908

(RQ-1540). Request from Mike Driscoll, Harris County Attorney, Houston, concerning the constitutionality of provision of the Code of Criminal Procedure limiting justice court venue based on the size of the county. TRD-8809907

(RQ-1541). Request from Mike Driscoll, Harris County Attorney, Houston, concerning whether the establishment of a separate payroll department by a commissioners court impermissibly infringes on duties assigned to the county treasurer. TRD-8809906

(RQ-1542). Request from Carl A. Parker, Chairman, Senate Education, Austin, concerning the authority of a school district to expend funds to defend a trustee in an action alleging an intentional tort. TRD-8809905

(RQ-1543). Request from Bill Sims, State Senator-25th District, Austin, concerning the validity of amendments to rules promulgated by the Administrative Council of the

Coordinating Board relating to basic insurance coverage for group insurance plans offered by an institution of higher education. TRD-8809904

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(RQ-1544). Request from Karl E. Hays, Attorney At Law, Heard, Goggan, Blair, Williams and Harrison, San Antonio, concerning whether information held by the Bexar Metro 911 Network District is subject to the Texas Open Records Act, and, if so, whether it may be withheld under §3(a)(8) of the Act. TRD-8809903

◆ ◆ ◆
(RQ-1545). Request from Jim Mapel, Criminal District Attorney, Brazoria County, Angleton, concerning whether the Texas Open Meetings Act, Texas Civil Statutes, Article 6252-17, authorizes a city to hold an emergency meeting to discuss indemnifying council members in a lawsuit and hiring an outside law firm to represent them. TRD-8809902

(RQ-1546). Request from Garry Mauro, Commissioner, General Land Office, Austin, concerning whether information in individual loan files of veterans participating in the Veterans Land Program are protected from required disclosure by the Texas Open Records Act, §3(a)(1) and §3(a)(3), Texas Civil Statutes, Article 6252-17a. TRD-8809901

◆ ◆ ◆
(RQ-1547). Request from Robert O. Viterna, Executive Director, Texas Commission on Jail Standards, Austin, concerning whether a county jail facility may be converted to a correctional facility operated by a private vendor. TRD-8809900

◆ ◆ ◆
(RQ-1548). Request from Brenda Milligan, Montague County Auditor, Montague, con-

cerning whether a county auditor may require elected officials and department heads to provide details about hours worked and leave taken. TRD-8809899

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(RQ-1549). Request from Tom Wells, Lamar County Attorney, Paris, concerning the constitutionality of an interstate banking arrangement which involves management of a Texas bank by a foreign corporation. TRD-8809898

◆ ◆ ◆
(RQ-1550). Request from William P. Clements, Jr., Governor, Austin, William P. Hobby, Lieutenant Governor, Austin, and Gibson D. "Gib" Lewis, Speaker of the House, Austin, concerning whether Texas Civil Statutes, Article 5115d, prohibits the use of the former Bexar County Jail as a privately operated jail for housing parole violators. TRD-8809897

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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 25. HEALTH SERVICES

Part II. Texas Department of Mental Health and Mental Retardation

Chapter 403. Other Agencies and the Public

Subchapter C. Determination of Rates for Support, Maintenance, and Treatment

• 25 TAC §403.74

The Texas Department of Mental Health and Mental Retardation is renewing the effectiveness of the emergency adoption of amended §403.74, for a 60-day period effective October 13, 1988. The text of amended §403.74 was originally published in the June 24, 1988, issue of the *Texas Register* (13 TexReg 3207).

Issued in Austin, Texas on September 22, 1988.

TRD-8809798 Harry Deckard
Attorney
Texas Department of
Mental Health and
Mental Retardation

Effective date: October 13, 1988

Expiration date: December 12, 1988

For further information, please call: (512) 465-4670

TITLE 28. INSURANCE

Part I. State Board of Insurance

Chapter 9. Title Insurance

Subchapter A. Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas

• 28 TAC §9.1

The State Board of Insurance adopts on an emergency basis an amendment to §9.1,

concerning adoption by reference of the *Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas* (the manual). An imminent peril to the public welfare requires adoption of this amendment on an emergency basis in order to avoid unwarranted delays in funding of real estate closings. This amendment to §9.1 incorporates by reference an amendment to the manual, which the section adopts by reference. The amendment to the manual amends procedural rule P-27 to provide that the definition of good funds includes certified checks, cashier's checks, and teller's checks, as further described in rule P-27; United States treasury checks; checks drawn on a bank or savings and loan association insured by the FDIC or FSLIC and for which a transaction code has been issued pursuant to, and in compliance with, a fully executed, immediately-available-funds procedure agreement (form T-37) with such bank or savings and loan association; and checks by city and county governments located in the State of Texas. In addition, the amendment describes cashier's checks, certified checks, and teller's checks as having the meaning set forth in 12 United States Code, §4001 and applicable regulations in effect as of September 2, 1988; provided that the check is drawn upon a bank, savings and loan association, or credit union insured by FDIC, FSLIC, National Credit Union Share Insurance Fund, or Texas Share Guaranty Credit Union. In the case of teller's checks, both the drawer and drawee must be insured by FDIC, FSLIC, National Credit Union Share Insurance Fund, or Texas Share Guaranty Credit Union. The board first considered the definition of good funds under procedural rule P-27 as agenda item 87-17 at the annual hearing of the State Board of Insurance on rates and rules concerning title insurance. The board held the annual hearing on December 17, 18, and 21, 1987, and January 7, 1988. The board reconsidered action on this agenda item in open meeting on August 23, 1988, adopting an amendment on an emergency basis effective August 25, 1988. Notice of the emergency adoption of that amendment appeared in the September 2, 1988, issue of the *Texas Register* (13 TexReg 4367). The board most recently reconsidered action on this agenda item in open meeting on September 15, 1988. The board has filed with the Secretary of State's Office, Texas Register Division, copies of the amendment to the manual incorporated by reference under this amendment to §9.1. Persons desiring copies of this amendment to the manual can obtain copies from the Title Section of the State Board of Insurance at 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

The amendment is adopted on an emergency basis under the Insurance Code, Articles 1.04, 9.07, and 9.21, and Texas Civil Statutes, Article 6252-13a, §4 and §5. The Insurance Code, Article 1.04, authorizes the State Board of Insurance to determine policy and rules. The Insurance Code, Article 9.07, authorizes and requires the board to fix and promulgate the premium rates to be charged by title insurance companies and title insurance agents, to promulgate or approve forms for policies of title insurance, to require title insurance companies and agents to submit information material for the board's consideration, and otherwise to provide for the regulation of the business of title insurance. The Insurance Code, Article 9.21, authorizes the board to promulgate and enforce rules and regulations prescribing underwriting standards and practices, and to promulgate and enforce all other rules and regulations necessary to accomplish the purposes of the Insurance Code, Chapter 9, concerning regulation of title insurance. Texas Civil Statutes, Article 6252-13a, §4, authorize and require each state agency to adopt rules of practice setting forth the nature and requirements of available procedures. Section 5 prescribes the procedure for adoption of rules by a state administration agency.

§9.1. *Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas*. The State Board of Insurance adopts by reference the *Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas* as amended effective September 26, 1988 [August 25, 1988]. The document is published by and is available from Hart Graphics, P.O. Box 968, Austin, Texas 78767, and is available from and on file at the State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

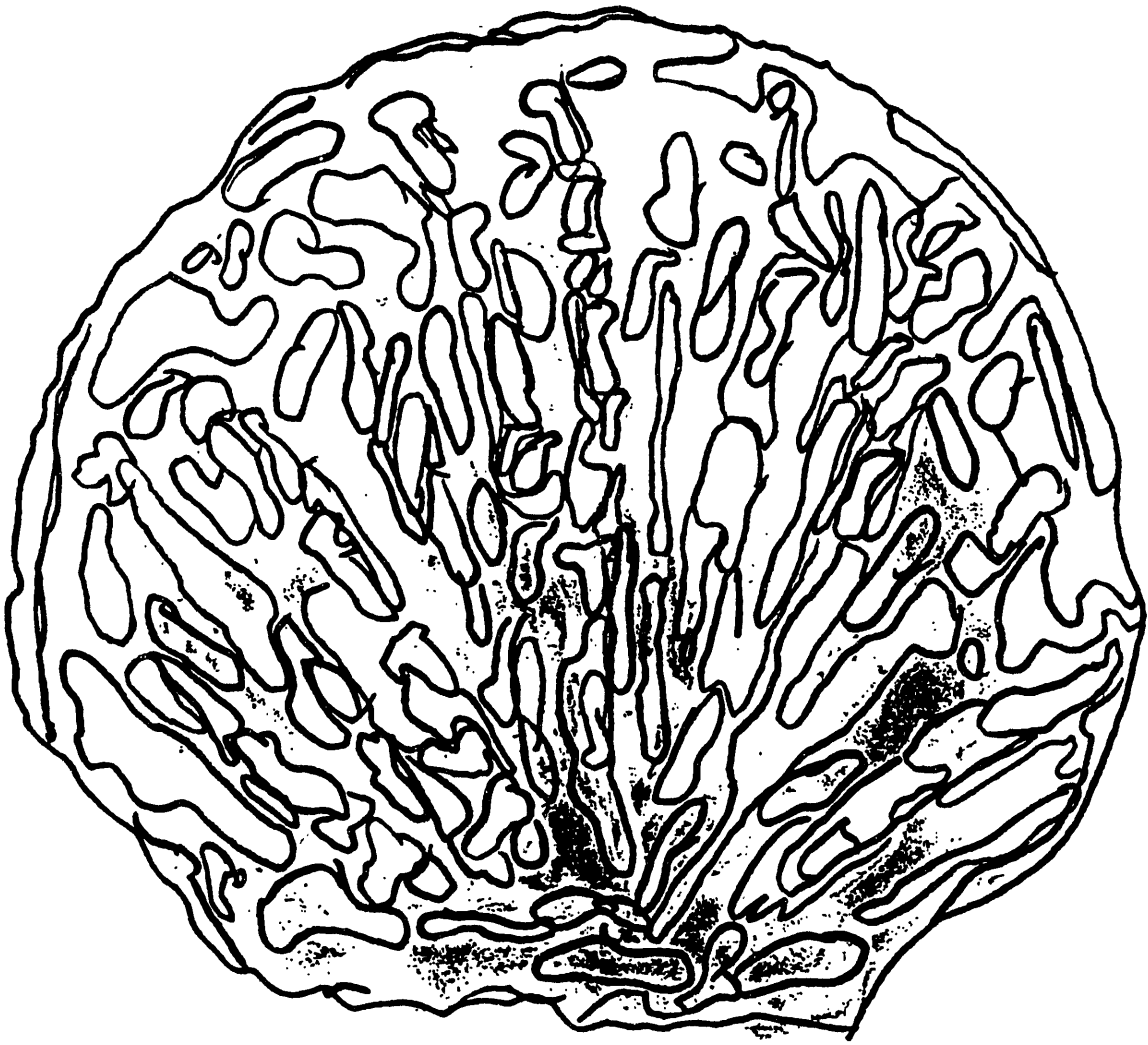
Issued in Austin, Texas, on September 22, 1988.

TRD-8809838 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: September 26, 1988

Expiration date: January 24, 1988

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



Charles

Name: Charles Arnold
Grade: 4
School: Pope Elementary, Arlington

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 16. ECONOMIC REGULATION

Part II. Public Utility Commission of Texas

Chapter 23. Substantive Rules

Records and Reports

• 16 TAC §23.15

The Public Utility Commission of Texas proposes an amendment to §23.15, concerning the local exchange company assessment to reimburse the Public Utility Commission of Texas and the Office of Public Utility Counsel for expenses incurred in the implementation of Senate Bill 444.

Diane Friday, telephone rate analyst, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Ms. Friday 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 ability of the Public Utility Commission of Texas and the Office of Public Utility Counsel to enact and enforce policies designed to respond to increasing competition in the telecommunications 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 Phillip A. Holder, Secretary of the Commission, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, within 30 days after publication.

The amendment is proposed under Texas Civil Statutes, Article 1446c, §16, which provide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction.

§23.15. Local Exchange Company Assessment.

(a) Amount of assessment. Each local exchange company subject to the jurisdiction of the commission shall pay an annual assessment equal to \$0.052 [\$0.146] per access line. The assessment shall apply to access lines in existence during the preceding year.

(b)-(c) (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 26, 1988.

TRD-8809917

Phillip A. Holder
Secretary
Public Utility Commission
of Texas

Earliest possible date of adoption: October 31, 1988

For further information, please call: (512) 458-0100

TITLE 19. EDUCATION Part II. Texas Education Agency

Chapter 89. Adaptations for Special Populations

The Texas Education Agency proposes amendments to §§89.201, 89.211, 89.213, 89.215, 89.216, 89.221, 89.223, 89.224, 89.226, 89.227, 89.229-89.233, 89.235, 89.236, 89.238, 89.240, 89.242-89.244, and the repeal of §89.225, concerning special education. The proposed amendments would increase the time required for supervision of paraprofessionals by a certified teacher and clarify when an aide could serve as a teacher of handicapped students; clarify the requirements for a review of a student's individual education plan and ensure that such plans are developed in a timely manner for students needing extended year services in the summer; and would allow special education personnel to participate in district screening committees and collect information on student referrals.

The proposed amendments also would set graduation standards for handicapped students similar to those of the regular instructional program; allow chronically ill students confined at least four weeks a year, though not consecutively, to receive homebound instruction; and extend the period for which the agency may approve single district programs with less than 3,000 ADA.

The proposed amendments would also reflect new board requirements for the control of the individual education plan; clarify the requirements for vocational assessment and the conditions for approval of contracting for special education instruction; and delete obsolete and redundant references and requirements.

Lynn Moak, deputy commissioner for research and information, has determined that for the first five-year period the proposed sections are to be in effect there will be fiscal implications for state government of \$1.6 million

for the first five years the sections are in effect, and for local government of \$2.2 million for each of the first five years the sections are in effect. No fiscal implications are anticipated for small businesses for the first five-year period the proposed sections are in effect.

Mr. Moak and Oscar A. Rodriguez, staff services assistant, have determined that for each year of the first five years the proposed sections are in effect the public benefit anticipated as a result of enforcing these amendments will be the improvement of special education services for students, greater flexibility for school districts providing these services, and the assurance that handicapped students graduating from Texas public schools will have job-related and self-help skills needed to be successful.

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*.

Subchapter G. Special Education

General Provisions

• 19 TAC §89.201

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 §16.151, which includes special education as part of that program.

§89.201. Scope and Applicability.

(a) (No change.)

(b) In accordance with the Texas Education Code, §16.104(a), the commissioner of education shall cooperate with the Texas Department of Mental Health/Mental Retardation (TDMHMR) and the Texas Youth Council (TYC) to ensure state compliance with federal law and regulations for all state-administered programs involving the delivery of special education services to handicapped students. **Education program** [Facilities, institutions, and community centers] under the direction and control of TDMHMR and TYC shall be monitored by the Texas Education Agency for compliance with federal law and regulations, state

law, and the rules in this subchapter.

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

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

Issued in Austin, Texas, on September 10, 1988.

TRD-8809831 W. N. Kirby
Commissioner of Education

Proposed date of adoption: November 11, 1988

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

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**Clarification of Provisions in
Federal Regulations and
State Law**

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• 19 TAC §89.225

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Education Agency or in the Texas Register office, Room 503, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the administration of the Foundation School Program, and §16.151, which includes special education as part of that program. §89.225. *Transitional Services.*

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

Issued in Austin, Texas, on September 10, 1988.

TRD-8809829 W.N. Kirby
Commissioner of Education

Proposed date of adoption: November 11, 1988

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

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• 19 TAC §89.245

The Texas Education Agency proposes new §89.245, concerning adoption by reference of a memorandum of understanding on coordination of services to disabled persons among the agency, the Texas Department of Human Services, the Texas Department of Health, the Texas Department of Mental Health and Mental Retardation, the Texas Rehabilitation Commission, the Texas Commission for the Blind, and the Texas Commission for the Deaf.

The intent of the proposed memorandum is to clarify the financial and service responsibilities of each agency in relation to disabled persons and address how each agency will share data relating to services delivered to disabled persons. The text of the proposed memorandum is identical to what the Texas Department of Human Services published as proposed rules 40 TAC §§72.201-72.210 in

the August 12, 1988, issue of the *Texas Register* (13 TexReg 3961).

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

Mr. Moak and Oscar A. Rodriguez, staff services assistant, 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 is improved coordination of services to disabled persons while maintaining each agency's legal requirements for the protection of personally identifiable and confidential information. 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 sections has been published in the *Texas Register*.

The new section is proposed under the Texas Education Code, §22.011, requiring the Texas Education Agency, the Texas Department of Human Services, the Texas Department of Health, the Texas Department of Mental Health and Mental Retardation, the Texas Rehabilitation Commission, the Texas Commission for the Blind, and the Texas Commission for the Deaf to adopt by reference a memorandum of understanding to facilitate the coordination of services to disabled persons.

§89.245. *Memorandum of Understanding on Coordination of Services to Disabled Persons.* Clarification of financial and service responsibilities of the Texas Department of Human Services, the Texas Department of Health, the Texas Department of Mental Health and Mental Retardation, the Texas Rehabilitation Commission, the Texas Commission for the Blind, the Texas Commission for the Deaf, and the Central Education Agency related to disabled persons are contained in the Memorandum of Understanding on Coordination of Services to Disabled Persons, which is adopted by reference as a rule of the Central Education Agency. The complete text of the memorandum of understanding may be found in the rules of the Texas Department of Human Services, Title 40, Chapter 72 (Memorandum of Understanding Concerning Coordination of Services to Disabled Persons). A copy of the memorandum of understanding is available for examination during regular office hours, 8 a.m. to 5 p.m., except holidays, Saturdays, and Sundays, at the Central Education Agency, 1701 North Congress Avenue, Austin, Texas 78701.

This agency hereby certifies that the proposal has been reviewed by legal counsel and

found to be within the agency's authority to adopt.

Issued in Austin, Texas, on September 10, 1988.

TRD-8809826 W. N. Kirby
Commissioner of Education

Proposed date of adoption: November 11, 1988

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

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**Chapter 149. Education
Personnel Development**

**Subchapter C. Appraisal of
Certified Personnel**

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• 19 TAC §149.43, §149.44

The Texas Education Agency proposes amendments to §149.43 and §149.44, concerning appraisal of certified personnel. The proposed amendments would require that all observations by an appraiser other than a teacher's supervisor be unscheduled, with the exception of the first; change the terminology of one performance score from "satisfactory" to "meets expectations;" require all school districts to provide teachers with a written copy of the grievance policy regarding teacher evaluation annually; and require a teacher's supervisor to conduct a post-observation conference with the teacher following each formal observation.

Lynn Moak, deputy commissioner for research and information, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state government or small businesses as a result of enforcing or administering the sections. The change requiring a teacher's supervisor to conduct post-observation conferences following formal appraisal observations will have a fiscal impact on local school districts because more administrator time will be required to conduct these conferences. In practice this change will only affect teachers on Level I during the first appraisal period. Many districts reportedly conduct these conferences already. Since no data exists on local district policies in this respect it is not possible to directly assess the impact on local districts.

Mr. Moak and Oscar A. Rodriguez, staff services assistant, also have determined that for each year of the first five years the proposed sections are in effect the public benefit anticipated as a result of enforcing these amendments will be the improvement of communication between the teacher and the appraiser and strengthening of the teacher appraisal process.

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*.

These amendments are proposed under the Texas Education Code, §13.302, which provides the State Board of Education with the authority to adopt an appraisal process and criteria on which to appraise the performance of teachers for career ladder purposes. §149.43. *Teacher Appraisal Procedures.*

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

(c) Appraisals, observations, and conferences.

(1)-(4) (No change.)

(5) The first formal observation by an appraiser other than the teacher's supervisor must be scheduled prior to the scheduled observation that appraiser must have an informal preobservation discussion with the teacher. All other observations that meet minimum requirements must [may] be [scheduled or] unscheduled [by district policy] and applied uniformly for all teachers. Unscheduled means no advance notice, such as day, week, or month.

(6)-(8) (No change.)

(9) During an appraisal period, the teacher's supervisor may continually evaluate and document performance specifically related to the performance criteria and the indicators subsumed under the criteria in §149.42 of this title (relating to Teacher Performance Criteria) If such documentation would influence the teacher's appraisal, the documentation must be shared in writing with the teacher within seven working days of the occurrence or, in unusual circumstances, the teacher supervisor's knowledge of the occurrence. This additional documentation shall be combined with, but shall not replace, the formal observation to determine credit for the criteria or indicators. Appraisers other than the teacher's supervisor shall have access to Domain V documentation only in the event that the teacher's total score for the year on Domain V determined by the teacher's supervisor is less than meets expectations [not satisfactory] as specified in §149.44(b)(2) of this title (relating to Teacher Appraisal Instrument, Scoring Procedures, and Forms).

(10) Following each formal observation an appraiser must conduct a post observation conference with the teacher if the performance is judged less than meets expectations [satisfactory] in one or more domains. Regardless the teacher performance, each teacher supervisor must conduct a post-observation conference. Appraisers other than the teacher supervisor are encouraged to conduct post-conferences after all formal observations. Required post conferences must be held within 10 working days of the formal observation. If there are extenuating circumstances, the 10 working day requirement may be extended to a maximum of 15 working days. At the conclusion of the first appraisal period, a conference will be held at the request of either the teacher or the appraiser.

(d) Teacher response and appeals.

(1) (No change.)

(2) Each local district shall adopt a written policy establishing a procedure for a teacher to present grievances and receive written response regarding the evaluation process. This policy shall be disseminated to each professional staff member annually. The judgment of the commissioner of education shall not be substituted for that of the local district unless the district's decision was arbitrary and capricious or made in bad faith.

(e) Professional growth plan.

(1) For teachers receiving two appraisals, a professional growth plan must be developed or modified if any domain is judged less than meets expectations [satisfactory] at the end of the first appraisal period. However, professional growth activities may be planned and implemented any time at the request of the teacher or the appraiser(s).

(2) A professional growth plan must be developed or modified for any teacher whose overall summary performance score is less than meets expectations [satisfactory]. At the teacher's [teacher] request, a professional growth plan must be developed or modified for any teacher whose overall summary performance score is meets expectations [satisfactory].

(3) (No change.)

(f)-(g) (No change.)

§149.44. *Teacher Appraisal Instrument, Scoring Procedures, and Forms.*

(a) (No change.)

(b) The State Board of Education shall develop and approve scoring procedures which guarantee that each teacher, at the close of the appraisal process, receives a performance score for each domain and an overall summary performance score.

(1) (No change.)

(2) The teacher's supervisor shall score Domain V. In the evaluation of Domain V the teacher is assumed to have credit for all indicators unless the teacher's supervisor has documented otherwise. In the event that the teacher's total score for the year in Domain V is less than meets expectations [satisfactory], the other appraiser shall review Domain V documentation and independently score Domain V for that teacher.

(3)-(6) (No change.)

(7) Scoring of the teacher's performance is done in accordance with the Texas Education Code, §13.304, and is based on the summary domain credits issued each appraisal period by the teacher's supervisor and the other appraiser(s). The State Board of Education shall establish the standards for conversion of summary do-

main credits to domain performance scores of:

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

(C) meets expectations [satisfactory];

(D)-(E) (No change.)

(c) (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 10, 1988.

TRD-8809827

W. N. Kirby
Commissioner of Education

Proposed date of adoption: November 11, 1988

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

TITLE 22. EXAMINING BOARDS Part IV. Texas Cosmetology Commission

Chapter 89. General Provisions

• 22 TAC §89.24

The Texas Cosmetology Commission proposes new §89.24, concerning the general provisions regarding the transfer of hours of cosmetology students transferring from one school to another.

Delores L. Alspaugh, interim executive director, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Ms. Alspaugh also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to save confusion due to misinterpretation of the language of the section. 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 Janis Rebold, Administrative Assistant, 1111 Rio Grande, Austin, Texas, 78701.

The new section is proposed under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to issue rules and regulations consistent with the Act which are needed to protect the public's health and welfare. §89.24. *General Provisions Regarding Transfer of Hours.*

(a) A student desiring to transfer from one school to another must withdraw from the first school prior to the transfer. Withdrawal is defined and controlled by

§89.28 (relating to Withdrawal from School).

(b) A student transferring to a school who desires to claim hours earned previously must inform the school transferred to of his/her prior attendance and must furnish to that school and the executive director a record of hours claimed. This record may be in the form of a transcript from the prior school or an extract from records of the commission.

(c) The commission, through the executive director, shall evaluate the transcript generated upon withdrawal from the prior school, and, upon approval, shall certify in writing to the student and to the school to which the student desires a transfer that the stated hours and courses have been successfully completed and that the student is not required to repeat the instructions.

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 22, 1988.

TRD-8809782 Delores L. Alspaugh
Interim Executive Director
Texas Cosmetology
Commission

Earliest possible date of adoption: October 31, 1988

For further information, please call: (512) 463-5542

◆ ◆ ◆
• 22 TAC §89.28

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Cosmetology Commission or in the Texas Register office, Room 503, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Cosmetology Commission proposes the repeal of §89.28, concerning students withdrawing from school.

Delores L. Alspaugh, interim executive director, has determined that for the first five-year period the proposed repeal is in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeal.

Ms. Alspaugh also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be the elimination of unnecessary regulation. There is no anticipated economic cost to individuals who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to Janis Rebold, Administrative Assistant, 1111 Rio Grande, Austin, Texas, 78701.

The repeal is proposed under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to issue rules and regulations consistent with the Act that are needed to protect the public's health and welfare.

§89.28. *Withdrawal from School.*

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 22, 1988.

TRD-8809781 Delores L. Alspaugh
Interim Executive Director
Texas Cosmetology
Commission

Earliest possible date of adoption: October 31, 1988

For further information, please call: (512) 463-5542

◆ ◆ ◆
The Texas Cosmetology Commission proposes new §89.28, concerning regulations pertaining to students withdrawing from school.

Delores L. Alspaugh, interim executive director, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Ms. Alspaugh also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to save confusion due to misinterpretation of the section. 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 Janis Rebold, Administrative Assistant, 1111 Rio Grande, Austin, Texas, 78701.

The new section is proposed under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to issue rules and regulations consistent with the Act which are needed to protect the public's health and welfare.
§89.28. *Withdrawal from School.*

(a) A student may withdraw from a school at any time by notifying the school in writing.

(b) Upon withdrawal, a student is entitled to an official transcript of hours taken at the school withdrawn from. This transcript must be ready to be picked up in person by the student or his/her agent, or be postmarked, if mailed at the student's option, within 10 calendar days of receipt by the school of notice of withdrawal.

(c) Whenever a student withdraws from a school, a transcript must be prepared showing the number of hours completed. This transcript must be sent to the commission within 10 days of the receipt by the school of the notice of withdrawal.

(d) A school may prepare and send a transcript to the commission if it believes a student has withdrawn but has not received notice of withdrawal. This action will be without prejudice to the student. If a student withdraws from school prior to completion of the required course of in-

struction, and wishes to re-enroll, an official transcript of the verified hours must be requested from the commission and furnished to the re-enrolling school.

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 22, 1988.

TRD-8809780 Delores L. Alspaugh
Interim Executive Director
Texas Cosmetology
Commission

Earliest possible date of adoption: October 31, 1988

For further information, please call: (512) 463-5542

◆ ◆ ◆
• 22 TAC §89.31

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Cosmetology Commission or in the Texas Register office, Room 503, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Cosmetology Commission proposes the repeal of §89.31, concerning the state board examination for cosmetology. The repeal is proposed in order that a completely new section may be simultaneously proposed. The effect of the repeal will be to allow for the clarification of the intent of the new section.

Delores L. Alspaugh, interim executive director, has determined that for the first five-year period the proposed repeal is in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeal.

Ms. Alspaugh also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be to allow for the clarification of the intent of the new proposed section. There is no anticipated economic cost to individuals who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to Janis Rebold, Administrative Assistant, 1111 Rio Grande, Austin, Texas, 78701.

The repeal is proposed under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to issue rules and regulations consistent with the Act that are needed to protect the public's health and welfare.
§89.31. *Examination.*

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 22, 1988.

TRD-8809778 Delores L. Alspaugh
Interim Executive Director
Texas Cosmetology
Commission

Earliest possible date of adoption: October 31, 1988

For further information, please call: (512) 463-5542

The Texas Cosmetology Commission proposes new §89.31, concerning the state board examinations for cosmetology.

Delores L. Alspaugh, interim executive director, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Ms. Alspaugh, also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to clarify the intent of the section and to set out specifications for the state board examinations in languages other than English or Spanish, and to set out stipulations for reevaluations. 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 Janis Rebold, Administrative Assistant, 1111 Rio Grande, Austin, Texas 78701.

The new section is proposed under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to issue rules and regulations consistent with the Act that are needed to protect the public's health and welfare.

§89.31. Examination.

(a) The examination will be conducted in English, Spanish, and by special arrangement in any other language.

(b) In the event an applicant desires to have the examination administered in another language, the applicant must employ a person approved by the commission staff to serve as interpreter and must pay the interpreter's fee, if any.

(c) The commission shall make every effort to minimize delays in administering examinations to applicants in need of interpreters and shall administer the examination to such applicants under the same conditions as are encountered by applicants taking the examination in English or Spanish. Applicants with learning disabilities, dyslexia, and those who are emotionally disturbed will be extended the service or oral, tape recorded, or reader services exam with valid proof of condition.

(d) The evaluation of an applicant's performance on any examination by the examining staff of the commission shall be final. No requests for reevaluation will be acted upon by the staff or the commission.

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 22, 1988.

TRD-8809777

Delores L. Alspaugh
Interim Executive Director
Texas Cosmetology
Commission

Earliest possible date of adoption: October 31, 1988

For further information, please call: (512) 463-5542

Part XVIII. State Board of Podiatry Examiners

Chapter 382. Medical Radiologic Technologists

• 22 TAC §382.1

The State Board of Podiatry Examiners proposes new §382.1, concerning registration of podiatry radiologic technologists, pursuant to Senate Bill 1439, 70th Legislature, 1987, effective January 1, 1988. The State Board of Podiatry Examiners hereby proposes the following rules and regulations governing the administration of medical radiologic technologists.

J. C. Littrell, D.P.M., executive director, has determined that for the first five-year period the section will be in effect there will be fiscal implications as a result of enforcing or administering the section. However, at this time, the board is unable to estimate the cost due to not knowing the number that will register with the board.

Mr. Littrell 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 better and safer provisions for the citizens of 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 Sandra Marshall, 8317 Cross Park Drive, Suite 401, Austin, Texas 78754, (512) 834-0558.

The new section is proposed under Texas Civil Statutes, Article 4568(j), which provide the State Board of Podiatry Examiners with the authority to adopt all reasonable or necessary rules, regulations, and by-laws not inconsistent with the law regulating the practice of podiatry, the laws of this state, or of the United States, and to govern its proceedings and activities, the regulation of the practice of podiatry, and the enforcement of the law regulating the practice of podiatry.

§382.1. Registration of Podiatry Radiologic Technologists.

(a) Any person performing radiologic procedures under the supervision of a podiatrist must be registered with the State Board of Podiatry Examiners. This section does not apply to registered nurses or to persons certified by the Department of Health under the Medical Radiologic Technologist Certification Act. Each podiatrist who supervises a registrant shall make application for such registration on a form provided by the board. Single application forms may also be completed by multiple podiatrists, each of whom will have an equal right and responsibility to supervise a particular radiologic technologist at different times at the same geographic location. Applicants shall certify that:

(1) the registrant has received satisfactory training and instruction in the performance of the authorized radiologic procedure; and

(2) the registrant is 18 years of age or older.

(b) Applicants shall register annually and pay a fee of \$5, as specified by the board, to the State Board of Podiatry Examiners by cashiers check or money order upon submission of the registration application.

(c) Registration may be suspended, revoked, not renewed, or denied for the following reasons:

(1) violation of the rules of the State Board of Podiatry Examiners;

(2) violation of the Medical Radiologic Technologist Certification Act or of rules promulgated by the Texas Department of Health in §143.1, et. seq.;

(3) violation of the rules of the Texas Department of Health for control of radiation;

(4) violation of the Podiatry Practice Act of Texas; and

(5) nonpayment of registration fees.

(d) Unless licensed, certified by the Texas Department of Health, or performing procedures under the supervision of a licensed podiatrist, a registrant may perform only foot and ankle studies utilizing standard film or film screen combinations and x-ray tube that is stationary at the time of exposure.

(e) All registrants must comply with the safety rules of the Texas Department of Health relating to the control of radiation as set forth in that department's document titled, *Texas Regulations for Control of Radiation*.

(f) All registrants who perform radiologic procedures must meet the minimum training and supervision standards promulgated by the Texas Department of Health in §§143.1-143.13, unless they perform said procedures under the supervision of a licensed podiatrist.

(g) The rules shall become effective January 1, 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, on July 15, 1988.

TRD-8809865

Nazario Saldana
Attorney
Attorney General Office

Earliest possible date of adoption: October 31, 1988

For further information, please call: (512) 834-0558

TITLE 31. NATURAL
RESOURCES AND
CONSERVATION

Part I. General Land
Office

Chapter 11. Legal Division

• 31 TAC §§11.1-11.5

(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 General Land Office or in the Texas Register office, Room 503, Sam Houston Building, 201 East 14th Street, Austin.)

The General Land Office proposes the repeal of §§11.1-11.5, concerning certificate of facts. The sections are unnecessary because the fees associated with certificates of fact are now incorporated into §1.91 of this title. Certificates of fact are now being processed by the Asset Management Division of the General Land Office, not by the Legal Services Division.

Mr. Jim Phillips, general counsel, has determined that for the first five-year period the proposed repeals 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 repeals.

Mr. Phillips also has determined that for each year of the first five years the repeals are in effect, there is no anticipated economic cost to individuals who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Jim Phillips, General Counsel, General Land Office, Legal Services, Room 630, 1700 North Congress Avenue, Austin, Texas 78701.

The repeals are proposed under the Natural Resources Code, §31.051, which provides the commissioner of the General Land Office with the authority to make and enforce suitable rules consistent with the law.

§11.1. Definitions.

§11.2. Form of Certificate; Issuance.

§11.3. Orders for Certificates.

§11.4. Payment for Certificate.

§11.5. Fees.

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 23, 1988.

TRD-8809919

Garry Mauro
Commissioner
General Land Office

Earliest possible date of adoption: October 31, 1988

For further information, please call: (512) 463-5009



TITLE 40. SOCIAL
SERVICES AND
ASSISTANCE

Part IX. Texas Department
on Aging

Chapter 276. Guidelines for
Residential Repair

Statutes and Regulations

• 40 TAC §§276.1, 276.3, 276.5,
276.7, 276.9, 276.11, 276.13,
276.15, 276.17

The Texas Department on Aging proposes new §§276.1, 276.3, 276.5, 276.7, 276.9, 276.11, 276.13, 276.15, and 276.17, concerning service guidelines for residential repair activities. The guidelines establish procedures for the delivery of residential repair services by Title III Older Americans Act service providers throughout the state. The intent of these instructions is to provide guidance for effective usage of Title III funds for residential repair. The guidelines will allow flexibility in the implementation of a program at the local level.

Charles Hubbard, chief of fiscal, has determined that for the first five-year period the proposed sections are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Alex Guerra, program director, 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 better understanding by the elderly of the services that can be provided for residential repair and more concise instructions of the service and recordkeeping requirements necessary to be maintained by service providers authorized under Title III to provide these services. 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 Edwin R. Floyd, Program Liaison, Texas Department on Aging, P.O. Box 12786, Austin, Texas 78711.

The new sections are proposed under the Human Resources Code, Chapter 101, which provides the Texas Department on Aging with the authority to promulgate rules governing operation of the department.

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

Residential repair service—Consists of repairs or modifications of client-occupied dwellings which are essential for the health and safety of the occupants. This also includes providing limited housing counseling and moving expenses where repairs or modifications will not attain reasonable standards of health and safety.

Unit of service—A unit of service of

residential repair is one unduplicated dwelling unit repaired occupied by an elderly (60 plus) head of household. It may include all the labor, material, and service committed to repairing/modifying one unit in one program year.

§276.3. Guidelines Objective. The essential purpose of residential repair is to upgrade the condition of an older person's residence which will improve its energy efficiency, structural integrity, health and safety environment, and maintain older adults independently in their homes to prevent premature institutionalization. The intent of these instructions is to provide guidance for effective usage of Title III funds for residential repair. The guidelines will allow flexibility in the implementation of a program at the local level.

§276.5. Preferred Target Group. The preferred target population for residential repair are persons 60 years of age or older with the greatest economic and social need, i. e., low income, minority, living alone, frail and/or disabled. Special consideration should be given to those identified through case management, including homemaker, home health and other in-home service providers.

§276.7. Limitation on Amount Per Unit. No repair modification may exceed \$700 from Title III funds per household per program year; however, this monetary limit excludes related transportation and administrative cost and therefore includes only the cost of labor, material and other direct cost necessary to accomplish the service.

§276.9. Policy on Rental Units. It is the option of the area agency to decide to perform residential repair service on rental homes occupied by eligible clients who are the primary resident. If work is performed on rental units, the residential repair service providers must obtain a signed agreement from the landlord authorizing the repairs and stating that the tenant will not be evicted within one year without substantial cause and that the rent will not be raised due to the increased value of the unit as a result of the repairs.

§276.11. Service Activities.

(a) These guidelines are not intended to require that the total structure meet local minimum property standards or codes; however, the individual repair and/or modifications should be of quality workmanship. All plumbing and electrical work must meet local property standards and codes. Allowable repairs are described below.

(1) Structural. This includes any repairs to the structure itself considered necessary to the health and safety of the client. Examples are repair to the ceiling, walls, floors, doors, and windows.

(2) Accessibility modification. This includes structural adaptations which meet the needs of elderly disabled persons. Examples are installation of a stair lift or ramp; modifying appliance and electrical

controls for easier manipulation; widening and installation of doorways; repair and replacement of and/or installation of handrails or grab bars.

(3) Electrical. This includes replacement of unsafe or defective wiring; installation, repair, or replacement of essential appliances and replacement of light switches (essential appliances are defined as those appliances necessary to sustain a healthful environment including, but not limited to, refrigeration, heating, cooking, and cooling. Purchase of appliances requires area agency on aging approval).

(4) Plumbing. This includes replacement, repair, or installation of essential plumbing fixtures such as bathtub, showers, kitchen and bathroom sinks, toilet, water heater, septic tank, drain field, or well (fees for water and electrical meter connection require area agency on aging approval).

(5) Weatherization. This includes repairs, and/or modification or purchase of supplies that protect the home or its occupants from the effect of weather, conserve energy, or provide alternative energy sources to heat or cool a dwelling. Examples are providing and installing storm windows, insulation, servicing heating systems, room repair and maintenance, and mobile home skirts.

(6) Safety and security modification. These include measures which prevent accidents, fires, or intrusion into a dwelling. Examples are installing secure door and window locks, addition of exterior flood lights or lights along access walks, and installing smoke detectors, fire escapes, or alarm systems.

(7) Housing counseling. This includes advice or printed material provided to elderly homeowners to assist them in improving or financing their homes, dealing with financial matters related to housing, and dealing with landlord and utilities.

(8) Yard work and home maintenance. These include tasks that an individual can no longer perform and which help maintain the health and safety of the client. Some examples are the repair or removal of safety hazards in the yard, such as faulty septic tanks, drain fields, open wells, faulty utility lines, maintenance of walkways, replacement of window panes, fuses and electric plug, and non-expert insect and rodent control.

(b) Service location. Residential repair services will be performed on domiciles as identified in §276.5 (relating to Preferred Target Group).

(c) Access to service. Services may be acquired by contacting the local area agency on aging.

§276.13. *Delivery Characteristics.* The following activities must be accomplished to certify the delivery of services.

(1) Intake. A client intake must

be completed to determine that the individual is eligible for the service prior to service delivery.

(2) Evaluation. An on-site evaluation of the home will be performed and a written service agreement will be developed with the client advising of the work to be performed prior to service delivery.

(3) Work Plan. A scheduled work plan will be developed and implemented.

(4) Certification. After completion, the client will sign an affidavit certifying that the work was satisfactory. §276.15. *Prohibited Service.* The following activities will not be permitted:

(1) rental units. Services on rental units without prior approval of the area agency on aging (see §276.9 (relating to Policy on Rental Units));

(2) major repairs. Major repair of houses and/or furnishing such as replacement of roof, floors, and foundations;

(3) outbuildings. Construction, repair, or maintenance of out-buildings such as garages, carports, animal shelters, or greenhouses;

(4) nonessentials. Installation, repair, or maintenance on nonessential appliances, decorative light fixtures or television sets; and

(5) beautification. Beautification of property or activities which are strictly for cosmetic purposes, such as: landscaping, planting a garden, purchasing of garden equipment, complete paint job, ornamental shutters or trim, fancy porch supports, carpeting, patio, and/or mending of fences unless essential to the client's safety. §276.17. *Administrative Requirements.* The provider agency shall have the necessary legal authority to operate in conformity with federal, state, and local law and will maintain the following documentation:

(1) need assessment. Written documentation of the need for the service provided;

(2) service agreement. Copies of the service agreement, updated as may be required;

(3) receipts. Copies of receipts for all materials paid for by the client (copies will be furnished to the client);

(4) approval. Written approval by the client or landlord of the client for the minor repairs; and

(5) code compliance. Conformance with all appropriate codes for plumbing and electrical repairs.

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 20, 1988.

TRD-8809761

O. P. (Bob) Bobbitt
Executive Director
Texas Department on
Aging

Earliest possible date of adoption: October 31, 1988

For further information, please call: (512) 444-2727

◆ ◆ ◆
TITLE 43.
TRANSPORTATION
Part II. Texas Turnpike
Authority

Chapter 51. Practice and
Procedure

• **43 TAC §51.6**

The Texas Turnpike authority proposes an amendment to §51.6, concerning certain administrative officers of the Texas Turnpike Authority.

Harry Kabler, secretary-treasurer, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Kabler 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 clarification of the authority's bylaws with respect to the authority's ability to hire consultants. 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 Jimmie G. Newton, P.O. Box 190369, Dallas, Texas 75219.

The amendment is proposed under Texas Civil Statutes, Article 6674v, §5, which provide the Texas Turnpike Authority with the authority to adopt bylaws for regulation of its affairs and the conduct of its business.

§51.6. *Administrative Officers.* There are hereby created the following administrative officers:

(1) an executive director who shall be responsible for the general management of the work of the Turnpike Authority;

(2) a deputy director who shall be responsible for all engineering matters, including studies of future projects, right-of-way, and construction for all projects, and operation of all projects. In addition, the deputy director shall have such other responsibility as may be delegated to him by the executive director or the board. Both the executive director and the deputy director shall be selected by the board and their respective offices may be for an unlimited period of years;

(3) an assistant secretary and treasurer who may be elected by the board of directors. The assistant secretary and treasurer shall be authorized to perform all

of the duties and to have all of the powers incident to the office of secretary and treasurer in the absence, or incapacity, due to illness or otherwise, of the secretary;

(4) a chief accountant, who shall perform such duties incident to his office as may be assigned to him by the board of directors and/or the executive director;

(5) other subordinate officers who may be hired by the board of directors and/or the executive director, and such subordinate officers shall perform such duties and have such powers as may be assigned to them by the board of directors and/or the executive director;

(6) unless otherwise provided by resolution of the board of the directors, the board shall select all consultants who perform services for the authority and prescribe the terms and conditions under which consultants perform services for the authority [general counsel and general auditors, who shall be selected by the board of directors, and who shall have responsibility and supervision over all legal and auditing matters, respectively].

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 21, 1988.

TRD-8809834

Robert G. Neely
Executive Director
Texas Turnpike Authority

Earliest possible date of adoption: October 31, 1988

For further information, please call: (214) 522-6200

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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 31. NATURAL RESOURCES AND CONSERVATION

Part I. General Land Office

Chapter 1. Executive Administration

• 31 TAC §1.13

The General Land Office has withdrawn the emergency effectiveness of the repeal to §1.13, concerning the executive administration. The text of the emergency repeal appeared in the August 9, 1988, issue of the *Texas Register* (13 TexReg 3867). The effective date of this withdrawal is September 26, 1988.

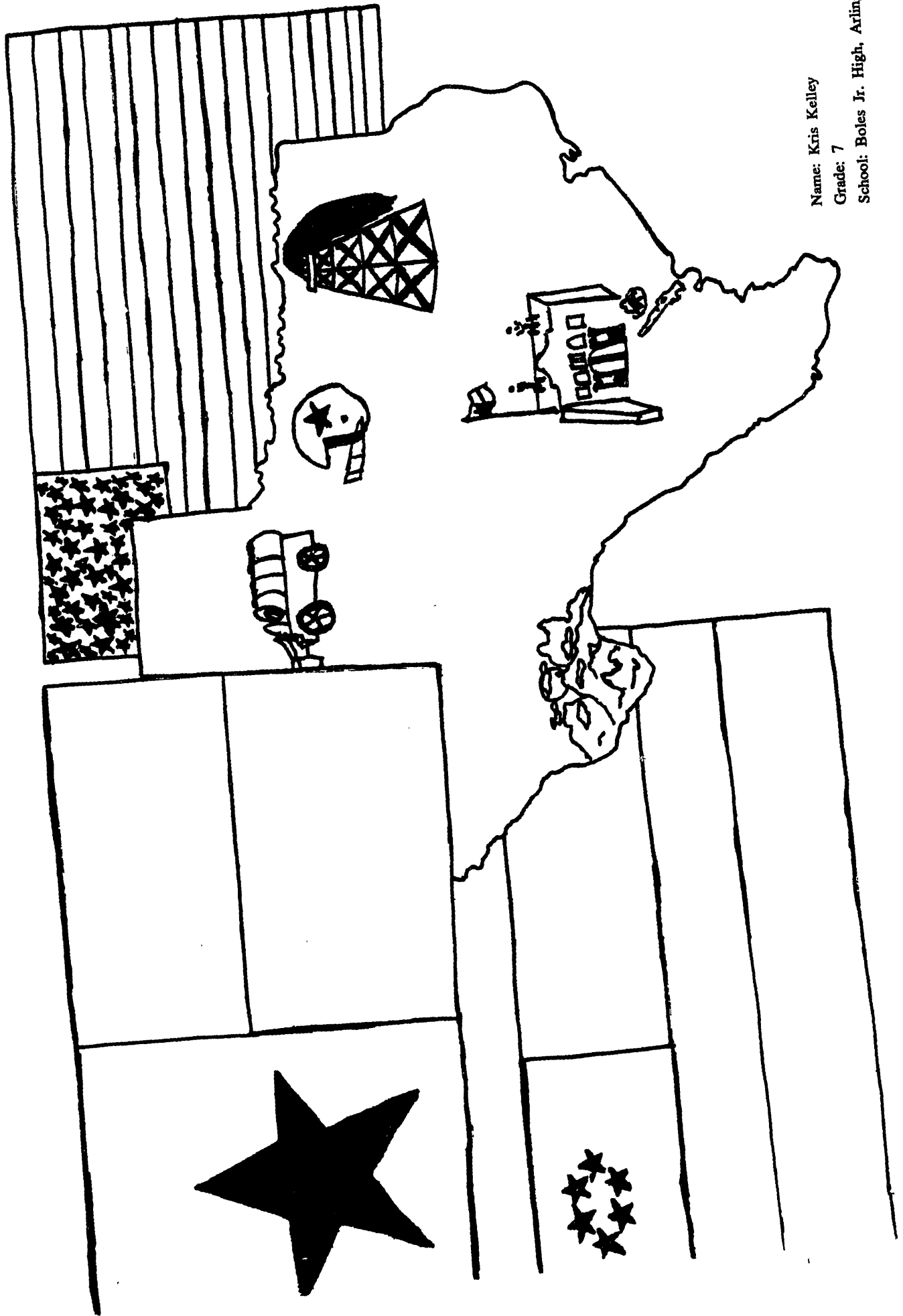
Issued in Austin, Texas, on September 26, 1988.

TRD-8809918 Jim Phillips
 General Counsel
 General Land Office

Effective date: September 26, 1988

For further information, please call: (512)
463-5009





Name: Kris Kelley
Grade: 7
School: Boles Jr. High, Arlington

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 7. BANKING AND SECURITIES

Part VII. State Securities Board

Chapter 109. Transactions Exempt from Registration

• 7 TAC §109.13

The State Securities Board adopts an amendment to §109.13, without changes to the proposed text as published in the *Texas Register* (13 TexReg 2660). The section was amended on an emergency basis which will expire October 31, 1988, and the adopted amendment is the same as the emergency amendment.

The amendment is made so that the Texas Uniform Limited Offering Exemption (ULOE) will remain uniform with the federal and other states' exemption.

The amendment incorporates the release numbers of rule changes made by the Securities and Exchange Commission to its Regulation D, which changes were endorsed by the North American Securities Administrator's Association, Inc. for inclusion in its Uniform Limited Offering Exemption.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 581, §28-1, which provide that the board may make or adopt rules or regulations governing registration statements, applications, notices, and reports, and in the adoption of rules and regulations, may classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes.

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 23, 1988.

TRD-8809840 Richard D. Latham
Securities Commissioner
State Securities Board

Effective date: October 13, 1988

Proposal publication date: May 31, 1988

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

TITLE 22. EXAMINING BOARDS

Part IV. Texas Cosmetology Commission

Chapter 83. Sanitary Rulings

• 22 TAC §83.1

The Texas Cosmetology Commission adopts an amendment to §83.1, without changes to the proposed text as published in the August 19, 1988, issue of the *Texas Register* (13 TexReg 4101).

The amendment will clarify the specific intent of the section as regards enforcement policies of the commission.

The effect will be to clearly state the required instructions for compliance with the statutes and regulations governing the operation of schools and salons.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to issue rules and regulations consistent with the Act that are needed to protect the health and welfare of the public.

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

Issued in Austin, Texas, on September 22, 1988.

TRD-8809769 Delores L. Alspaugh
Interim Executive Director
Texas Cosmetology
Commission

Effective date: October 13, 1988

Proposal publication date: August 19, 1988

For further information, please call: (512) 463-5542

• 22 TAC §83.3

The Texas Cosmetology Commission adopts an amendment to §83.3, without changes to the proposed text as published in the August 19, 1988, issue of the *Texas Register* (13 TexReg 4105).

The amendment will delete a section which no longer serves the purpose for which it was originally intended.

The effect will be to set out the specific regulations regarding proper quarters for a school or salon.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to issue rules and regulations consistent with the Act that are needed to protect the health and welfare of the public.

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

Issued in Austin, Texas, on September 22, 1988.

TRD-809768 Delores L. Alspaugh
Interim Executive Director
Texas Cosmetology
Commission

Effective date: October 13, 1988

Proposal publication date: August 19, 1988

For further information, please call: (512) 463-5542

• 22 TAC §83.4

The Texas Cosmetology Commission adopts an amendment to §83.4, without changes to the proposed text published in the August 19, 1988, issue of the *Texas Register* (13 TexReg 4105).

The amendment clarifies the intent of the section regarding toilet-bathrooms facilities in salons.

The effect will be to set out specific stipulations regarding toilet-bathroom facilities which must be made available in all salons.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to issue rules and regulations consistent with the Act that are needed to protect the health and welfare of the public.

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

Issued in Austin, Texas, on September 22, 1988.

TRD-8809767 Delores L. Alspaugh
Interim Executive Director
Texas Cosmetology
Commission

Effective date: October 13, 1988

Proposal publication date: August 19, 1988

For further information, please call: (512) 463-5542

◆ ◆ ◆
• 22 TAC §83.18

The Texas Cosmetology Commission adopts the repeal of §83.18, without changes to the proposed text as published in the August 19, 1988, issue of the *Texas Register* (13 TexReg 4106).

The repeal eliminates unnecessary regulation.

The repeal provides schools with the flexibility in dealing with creams, lotions, powders, and other cosmetics from their containers.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to issue rules and regulations consistent with the Act that are needed to protect the health and welfare of the public.

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

Issued in Austin, Texas, on September 22, 1988.

TRD-809768 Delores L. Alspaugh
Interim Executive Director
Texas Cosmetology
Commission

Effective date: October 13, 1988

Proposal publication date: August 19, 1988

For further information, please call: (512) 463-5542

◆ ◆ ◆
• 22 TAC §83.19

The Texas Cosmetology Commission adopts the repeal of §83.19, without changes to the proposed text as published in the August 19, 1988, issue of the *Texas Register* (13 TexReg 4106).

The repeal is being adopted because this section no longer serves the purpose for which it was originally intended.

The effect will allow the schools to deal with the removal of cream and other cosmetics from a container.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to issue rules and regulations consistent with the Act that are needed to protect the health and welfare of the public.

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

Issued in Austin, Texas, on September 22, 1988.

TRD-809764 Delores L. Alspaugh
Interim Executive Director
Texas Cosmetology
Commission

Effective date: October 13, 1988

Proposal publication date: August 19, 1988

For further information, please call: (512) 463-5542

◆ ◆ ◆
• 22 TAC §83.20

The Texas Cosmetology Commission adopts the repeal of §83.20, without changes to the proposed text as published in the August 19, 1988, issue of the *Texas Register* (13 TexReg 4106).

The repeal is necessary as this section no longer serves the purpose for which it was originally intended.

The effect of this repeal will be to eliminate an unnecessary regulation.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to issue rules and regulations consistent with the Act that are needed to protect the health and welfare of the public.

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

Issued in Austin, Texas, on September 22, 1988.

TRD-809763 Delores L. Alspaugh
Interim Executive Director
Texas Cosmetology
Commission

Effective date: October 13, 1988

Proposal publication date: August 19, 1988

For further information, please call: (512) 463-5542

◆ ◆ ◆
Chapter 89. General Provisions

• 22 TAC §89.9

The Texas Cosmetology Commission adopts an amendment to §89.9, without changes to the proposed text as published in the August 19, 1988, issue of the *Texas Register* (13 TexReg 4106).

The amendment clarifies the intent of the section.

The amendment eliminates confusion due to misinterpretation of the language in the section.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to issue rules and regulations consistent with the Act that are needed to protect the health and welfare of the public.

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

Issued in Austin, Texas, on September 22, 1988.

TRD-8809788

Delores L. Alspaugh
Interim Executive Director
Texas Cosmetology
Commission

Effective date: October 13, 1988

Proposal publication date: August 19, 1988

For further information, please call: (512) 463-5542

◆ ◆ ◆
• 22 TAC §89.10

The Texas Cosmetology Commission adopts an amendment to §89.10, with changes to the proposed text as published in the August 19, 1988, issue of the *Texas Register* (13 TexReg 4107).

The amendment will clearly distinguish all information regarding monthly hour reports.

The effect of the amendment will be to set out stipulations regarding monthly hour reports of cosmetology students.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to issue rules and regulations consistent with the Act that are needed to protect the health and welfare of the public.

§89.10. Monthly Hour Report. On a form prescribed by the commission, the school will display the monthly hour report showing a record of hours acquired by each student during the preceding month in an album or binder no later than the 10th day of each month. Each student must be given the opportunity to review, under supervision, his/her hours, and to sign or initial the report. The school will mail one copy of the report to the Texas Cosmetology Commission postmarked no later than the 10th of the month following. The report will be kept available for inspection by the student or a representative of the Texas Cosmetology Commission. One copy of the monthly hour report will be given to the commission inspector at each inspection visit. The copy must be signed by the school official. Students enrolled in a cosmetology or specialty course are prohibited from preparing hour reports or supporting documents. Student instructors may prepare hour reports.

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 22, 1988.

TRD-8809787 Delores L. Alspaugh
Interim Executive Director
Texas Cosmetology
Commission

Effective date: October 13, 1988

Proposal publication date: August 19, 1988

For further information, please call: (512) 463-5542

• 22 TAC §89.15

The Texas Cosmetology Commission adopts an amendment to §89.15, without changes to the proposed text as published in the August 19, 1988, issue of the *Texas Register* (13 TexReg 4106).

The amendment clarifies the definitions of license authorizations for cosmetology specializations.

The effect of the amendment will be to set out specific requirements regarding license authorizations for cosmetologists and specialists in the field.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to issue rules and regulations consistent with the Act that are needed to protect the health and welfare of the public.

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

Issued in Austin, Texas, on September 22, 1988.

TRD-8809786 Delores L. Alspaugh
Interim Executive Director
Texas Cosmetology
Commission

Effective date: October 13, 1988

Proposal publication date: August 19, 1988

For further information, please call: (512) 463-5542

• 22 TAC §89.16

The Texas Cosmetology Commission adopts an amendment to §89.16, without changes to the proposed text published in the August 19, 1988, issue of the *Texas Register* (13 TexReg 4107).

The amendment clarifies the intent of the section and stipulates the reasons for license cancellations.

The amendment will set out specific requirements regarding cancellations of cosmetology licenses.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to issue rules and regulations consistent with the Act that are needed to protect the public's health and welfare.

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 22, 1988.

TRD-8809785 Delores L. Alspaugh
Interim Executive Director
Texas Cosmetology
Commission

Effective date: October 13, 1988

Proposal publication date: August 19, 1988

For further information, please call: (512) 463-5542

• 22 TAC §89.17

The Texas Cosmetology Commission adopts an amendment to §89.17, without changes to the proposed text published in the August 19, 1988, issue of the *Texas Register* (13 TexReg 4108).

The amendment clarifies the intent of the section and stipulates license requirements for instructor applicants.

The amendment will clearly state all license requirements for instructor applicants to take the instructor course or qualify for the instructor examination.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to issue rules and regulations consistent with the Act that are needed to protect the health and welfare of the public.

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

Issued in Austin, Texas, on September 22, 1988.

TRD-8809784 Delores L. Alspaugh
Interim Executive Director
Texas Cosmetology
Commission

Effective date: October 13, 1988

Proposal publication date: August 19, 1988

For further information, please call: (512) 463-5542

• 22 TAC §89.21

The Texas Cosmetology Commission adopts the repeal of §89.21, without changes to the proposed text published in the August 19, 1988, issue of the *Texas Register* (13 TexReg 4108).

The repeal eliminates unnecessary repetition in the general provisions.

The repeal prevents reiteration and repetition in the general provisions.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to issue rules and regulations consistent with the Act that are needed to protect the public's health and welfare.

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 22, 1988.

TRD-8809783 Delores L. Alspaugh
Interim Executive Director
Texas Cosmetology
Commission

Effective date: October 13, 1988

Proposal publication date: August 19, 1988

For further information, please call: (512) 463-5542

• 22 TAC §89.30

The Texas Cosmetology Commission adopts an amendment to §89.30, without changes to the proposed text published in the August 19, 1988, issue of the *Texas Register* (13 TexReg 4108).

The amendment clarifies the intent of the section and stipulates regulations for student examination applications.

The effect will be to set out specific instructions regarding applications for examinations.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to issue rules and regulations consistent with the Act that are needed to protect the public's health and welfare.

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 22, 1988.

TRD-8809779 Delores L. Alspaugh
Interim Executive Director
Texas Cosmetology
Commission

Effective date: October 13, 1988

Proposal publication date: August 19, 1988

For further information, please call: (512) 463-5542

• 22 TAC §89.34

The Texas Cosmetology Commission adopts an amendment to §89.34, without changes to the proposed text published in the August 19, 1988, issue of the *Texas Register* (13 TexReg 4109).

The amendment clarifies the intent of the section and stipulates qualifications for persons seeking licensure through reciprocity.

The effect of the amendment will be to set out specific instructions for requirements for applicants for licensure through reciprocity.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to issue rules and regulations consistent with the Act that are needed to protect the health and welfare of the public.

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

Issued in Austin, Texas, on September 22, 1988.

TRD-8809776

Delores L. Alspaugh
Interim Executive Director
Texas Cosmetology
Commission

Effective date: October 13, 1988

Proposal publication date: August 19, 1988

For further information, please call: (512) 463-5542

◆ ◆ ◆
• 22 TAC §89.35

The Texas Cosmetology Commission adopts an amendment to §89.35, without changes to the proposed text published in the August 19, 1988, issue of the *Texas Register* (13 TexReg 4109).

The amendment clarifies the intent of the section and stipulates uniform requirements for students taking the state board examination.

The effect of the amendment will be to set out specific requirements regarding uniform requirements for students taking the state board examinations and the action taken when the instructions are not followed.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to issue rules and regulations consistent with the Act that are needed to protect the health and welfare of the public.
§89.35. *Uniforms.*

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

(c) Applicants for a commission examination must appear in black, brown, navy, or white dress slacks or black, brown, navy, or white knee length skirt (no jeans), dark colored or white shoes, a clean white professional type lab coat with either short or long sleeves, or an all white professional type uniform of washable material with the armpits covered. The attire shall not bear any writing or other identifying marks. Applicants not in the prescribed uniform will not be admitted to the exam floor. Tank tops and bare feet are not allowed. This section becomes effective January 1, 1989.

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 22, 1988.

TRD-8809775

Delores L. Alspaugh
Interim Executive Director
Texas Cosmetology
Commission

Effective date: January 1, 1989

Proposal publication date: August 19, 1988

For further information, please call: (512) 463-5542

• 22 TAC §89.40

The Texas Cosmetology Commission adopts an amendment to §89.40, without changes to the proposed text published in the August 19, 1988, issue of the *Texas Register* (13 TexReg 4110).

The amendment clarifies the intent of the section and sets out regulations regarding a cosmetology salon or school changing ownership.

The effect will be to clarify instructions regarding cosmetology establishment transfers, whether they are sole proprietorship or jointly owned.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to issue rules and regulations consistent with the Act that are needed to protect the health and welfare of the public.

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

Issued in Austin, Texas, on September 22, 1988.

TRD-8809774

Delores L. Alspaugh
Interim Executive Director
Texas Cosmetology
Commission

Effective date: October 13, 1988

Proposal publication date: August 19, 1988

For further information, please call: (512) 463-5542

◆ ◆ ◆
• 22 TAC §89.41

The Texas Cosmetology Commission adopts an amendment to §89.41, without changes to the proposed text published in the August 19, 1988, issue of the *Texas Register* (13 TexReg 4110).

The amendment clarifies the intent of the section and sets out stipulations regarding change of locations of a salon or school.

The effect will be to set out specific instructions regarding current licenses and the change of location of a salon or school.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to issue rules and regulations consistent with the Act that are needed to protect the health and welfare of the public.

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

Issued in Austin, Texas, on September 22, 1988.

TRD-8809773

Delores L. Alspaugh
Interim Executive Director
Texas Cosmetology
Commission

Effective date: October 13, 1988

Proposal publication date: August 19, 1988

For further information, please call: (512) 463-5542

◆ ◆ ◆
• 22 TAC §89.43

The Texas Cosmetology Commission adopts an amendment to §89.43, without changes to the proposed text published in the August 19, 1988, issue of the *Texas Register* (13 TexReg 4110).

The amendment clarifies the intent of the section and stipulates what information should be posted in a salon or school.

The effect will be to set out instructions as to what information should be posted for the public notice in salons or schools.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to issue rules and regulations consistent with the Act that are needed to protect the health and welfare of the public.

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

Issued in Austin, Texas, on September 22, 1988.

TRD-8809772

Delores L. Alspaugh
Interim Executive Director
Texas Cosmetology
Commission

Effective date: October 13, 1988

Proposal publication date: August 19, 1988

For further information, please call: (512) 463-5542

◆ ◆ ◆
• 22 TAC §89.47

The Texas Cosmetology Commission adopts an amendment to §89.47, without changes to the proposed text published in the August 19, 1988, issue of the *Texas Register* (13 TexReg 4111).

The amendment clarifies the intent of the section regarding definition of a facial specialty salon.

The effect will be to set out stipulations regarding the definition of a facial specialty salon.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to issue rules and regulations consistent with the Act that are needed to protect the health and welfare of the public.

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

Issued in Austin, Texas, on September 22, 1988.

TRD-8809771

Delores L. Alspaugh
Interim Executive Director
Texas Cosmetology
Commission

Effective date: October 13, 1988

Proposal publication date: August 19, 1988

For further information, please call: (512) 463-5542

◆ ◆ ◆
• 22 TAC §89.75

The Texas Cosmetology Commission adopts an amendment to §89.75, without changes to the proposed text published in the August 19, 1988, issue of the *Texas Register* (13 TexReg 4111).

The amendment clarifies that during field trips, services may not be performed at licensed centers or facilities.

The amendment sets out specific instructions as to field trips, including when field trips are permitted for students enrolled in the operator course.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to issue rules and regulations consistent with the Act that are needed to protect the health and welfare of the public.

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

Issued in Austin, Texas, on September 22, 1988.

TRD-8809770

Delores L. Alspaugh
Interim Executive Director
Texas Cosmetology
Commission

Effective date: October 13, 1988

Proposal publication date: August 19, 1988

For further information, please call: (512) 463-5542

TITLE 31. NATURAL
RESOURCES AND
CONSERVATION
Part IV. School Land
Board

Chapter 155. Land Resources

Coastal Public Lands

• 31 TAC §155.1, §155.3

The School Land Board adopts amendments to §155.1, and §155.3, without changes to the proposed text as published in the August 16, 1988, issue of the *Texas Register* (13 TexReg 4044).

The adopted sections insure that coastal public lands encumbered by such structures shall remain free of certain pollutants normally associated with their use.

The coastal public lands and state waters shall remain cleaner and freer of pollutants from the unnecessary discharge of waste and garbage.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the authority of the Natural Resources Code, §33.064, which authorizes the School Land Board to adopt rules that it considers necessary or advisable.

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 21, 1988.

TRD-8809738

Garry Mauro
Chairman
School Land Board

Effective date: October 12, 1988

Proposal publication date: August 16, 1988

For further information, please call: (512) 463-5009

TITLE 34. PUBLIC
FINANCE

Part I. Comptroller of
Public Accounts

Chapter 3. Tax Administration

Subchapter F. Motor Vehicle

Sales Tax

• 34 TAC §3.68

The Comptroller of Public Accounts adopts the repeal of §3.68, without changes to the proposed text as published in the August 12, 1988, issue of the *Texas Register* (13 TexReg 3960).

A new section was proposed which is substantially different from the current section.

No comments were received regarding adoption of the repeal.

The repeal is adopted 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 motor vehicle tax.

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 22, 1988.

TRD-8809872

Bob Bullock
Comptroller of Public
Accounts

Effective date: October 14, 1988

Proposal publication date: August 12, 1988

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

◆ ◆ ◆
The Comptroller of Public Accounts adopts new §3.68, without changes to the proposed text as published in the August 12, 1988, issue of the *Texas Register* (13 TexReg 3960).

The section extended the exemption to sales by Texas motor vehicle sellers to foreign military members of the North Atlantic Treaty Organization. Members were previously exempt from use tax.

No comments were received regarding adoption of the new section.

The new section is adopted 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 motor vehicle tax.

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 22, 1988.

TRD-8809871

Bob Bullock
Comptroller of Public
Accounts

Effective date: October 14, 1988

Proposal publication date: August 12, 1988

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

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

(Editor's note: As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act, and the final actions printed in this section have not been previously published as proposals.

These actions become effective 15 days after the date of publication or on a later specified date.

The text of the material being adopted will not be published, but may be examined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin.)

The State Board of Insurance has approved revisions to the Texas Retrospective Rating Plan for Automobile Liability and Automobile Physical Damage Insurance and the Texas Retrospective Rating Plan for General Liability, Theft, and Glass Insurance.

The revisions include editorial changes necessary to correlate the rating plan rules with the Texas Automobile Basic Manual rules and the Commercial Lines Manual rules.

Also, the revisions provide that Retrospective Premium Endorsement IL 09 28 01 85 shall be withdrawn and held obsolete.

All revisions were approved under the authority and jurisdiction of the Insurance Code, Articles 5.77, 5.78, 5.96, and 5.97, and are

applicable to all new and renewal retrospective rating plans made effective on and after 12:01 a.m., November 1, 1988.

This notification is filed pursuant to the Insurance Code, Articles 5.96 and 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

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

Issued in Austin, Texas on September 21, 1988.

TRD-8809744 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: November 1, 1988

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

◆ ◆ ◆
The State Board of Insurance has adopted a filing submitted by the Insurance Services Office, Inc. requesting the withdrawal of all rules, rates, and forms for the residence glass section of the Personal Insurance Coverage Program.

In accordance with the provisions of the Texas Insurance Code, Article 5.97, a text of the proposed filing has been filed in the Office of the Chief Clerk of the State Board of Insurance since July 7, 1988. The proposed filing

has been available for public inspection for 15 days and a public hearing was not requested by any party.

The withdrawal of the residence glass section has been coordinated with the Property Division's promulgation of rates, rules, and forms for a Residence Glass Breakage Program. The newly promulgated program will be used to provide coverage to dwellings insured under the Texas Standard Policy.

This filing becomes effective November 1, 1988, under the following rule of application. These changes are applicable to all policies effective on or after November 1, 1988.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

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

Issued in Austin, Texas on September 1, 1988.

TRD-8809745 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: November 1, 1988

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

◆ ◆ ◆

Open Meetings

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. Some notices may be received too late to be published before the meeting is held, but all notices are published in the *Texas Register*.

Emergency meetings and agendas. Any of the governmental entities named above must have notice of an emergency meeting, an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published.

Posting of open meeting notices. All notices are posted on the billeting 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 Department of Agriculture

Wednesday, September 28, 1988, 8:30 a.m. The Produce Recovery Fund Board for Texas Department of Agriculture met in emergency session in the Ninth Floor Conference Room, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board held a business meeting to discuss the opinion from the attorney general's office regarding the withdrawal of funds from the fund. The emergency status was necessary as the board had administrative hearings set on this date at which a quorum of the board was present.

Contact: Margaret Alvarez, P.O. Box 12847, Austin, Texas 78711, (512) 463-7604.

Filed: September 23, 1988, 3:45 p.m.

TRD-8809875

Tuesday, October 4, 1988, 10:30 a.m. The Texas Department of Agriculture will meet in the Ninth Floor Conference, 1700 North Congress Avenue, Austin. According to the agenda, the department will conduct an administrative hearing to review alleged violation of Texas pesticide laws and regulations by Kenneth R. Boeing Brothers Dusting and Spraying, holder of commercial applicator license.

Contact: Robert A. Caine, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: September 23, 1988, 3:45 p.m.

TRD-8809876

Thursday, October 20, 1988, 9 a.m. The Texas Department of Agriculture will meet in the Ninth Floor Conference, 1700 North Congress Avenue, Austin. According to the agenda, the department will conduct an administrative hearing to review alleged violation of Texas pesticide laws and regulations by Carl Payne, holder of commercial applicator license.

Contact: Robert A. Caine, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: September 23, 1988, 3:45 p.m.

TRD-8809823

Thursday, October 20, 1988, 10 a.m. The Texas Department of Agriculture will meet in the Ninth Floor Conference, 1700 North Congress Avenue, Austin. According to the agenda, the department will conduct an administrative hearing to review alleged violation of Texas pesticide laws and regulations by Daniel P. Kubecka, doing business as Kubecka Flying Service, holder of commercial applicator license.

Contact: Robert A. Caine, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: September 23, 1988, 3:45 p.m.

TRD-8809822

Texas Air Control Board

Friday, September 30, 1988, 10 a.m. The Budget and Finance Committee for the Texas Air Control Board will meet in Room 332, 6330 Highway 290 East, Austin. According to the agenda, the committee will review budget request for fiscal year 1989-1990; review proposed rebudgeting of certain fiscal year 1988 federal funds; consider proposed interagency contract with the Texas Water Commission; and consider alternatives concerning headquarters office space.

Contact: Bill Ehret, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711.

Filed: September 22, 1988, 3:57 p.m.

TRD-8809825

State Cogeneration Council

Friday, October 7, 1988, 10 a.m. The State Cogeneration Council will meet in Room 4.03.08, John Peace Library, University of Texas at San Antonio. According to the agenda summary, the council will approve minutes of the July 22, 1988, meeting; receive a technical presentation on cogeneration systems; discuss and consider for approval the proposed steam turbine cogeneration facility at Texas Tech University; receive an update on pending Univer-

sity of Texas cogeneration projects; discuss pending state agency cogeneration projects; and set an agenda for the next meeting.

Contact: Michelle Jacobs, P.O. Box 12428, Austin, Texas 78701, (512) 463-1931.

Filed: September 23, 1988, 2:17 p.m.

TRD-8809864

Texas Education Agency

Wednesday, September 28, 1988, 11:30 a.m. The Committee for Finance and Programs of the State Board of Education met in emergency session in Room 1-109, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the committee considered price differential index, accountable costs study, and the 1990-1991 biennial program budget request. The emergency status was necessary because the agency finds it is of urgent public necessity for the committee to have a work session on these items to ensure that the committee will have adequate time to review these items prior to action by the full board in October.

Contact: W.N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

Filed: September 22, 1988, 4:46 p.m.

TRD-8809828

Employees Retirement System of Texas

Tuesday, October 4, 1988, 9 a.m. The Board of Trustees for the Employees Retirement System of Texas will meet in Room 401, ERS Building, 18th and Brazos Streets, Austin. According to the agenda, the board will consider and act on schedule of benefits for and administration of the Texas Employees Uniform Group Insurance Program Indemnity Plan for Fiscal Year 1990; presentation by health maintenance organization (HMO) representatives; consider and act on proposals concerning limitation on the number of, requirements for

approval of, and payment of premiums to HMOs participating in the Texas Employees Uniform Group Insurance Program; consider and act on an appointment to the Group Insurance Advisory Committee; meet in executive session; and any action resulting from that session.

Contact: James T. Herod, 18th and Brazos Streets, Austin, Texas 78711, (512) 476-6431, ext. 178.

Filed: September 23, 1988, 11:40 a.m.

TRD-8809846

Governor's Office

Monday, October 3, 1988, 1 p.m. The Financial Considerations Subcommittee for the Governor's Office will meet in Room 103, Reagan Building, Capitol Complex, Austin. According to the agenda, the subcommittee will consider and discuss proposed finance alternatives for maintenance and operation and for capital outlay and debt service.

Contact: Margaret La Montagne, 707 Sam Houston, Austin, Texas 78711, (512) 463-1834.

Filed: September 23, 1988, 2:53 p.m.

TRD-8809870

Tuesday, October 4, 1988, 3 p.m. The Texas Criminal Justice Task Force of the Governor's Office will meet in Room 104, Texas Law Center, 1414 Colorado, Austin. According to the agenda, the task force will receive testimony from law enforcement and public officials and the general public regarding recommendations for the criminal justice system in Texas.

Contact: Sherry Smith, P.O. Box 12428, Austin, Texas 78711, (512) 463-1788.

Filed: September 26, 1988, 12:30 p.m.

TRD-8809930

Texas Department of Health

Saturday, October 1, 1988. The Texas Board of Health of the Texas Department of Health will meet at 1100 West 49th Street, Austin. Times, rooms, and agendas follow.

8 a.m. The Executive Committee will meet in Room M-749, to discuss items of procedure for upcoming board meeting.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: September 23, 1988, 4:28 p.m.

TRD-8809887

8:30 a.m. The Chronically Ill and Disabled Children's Services and Maternal and Child Health Committee will meet in Room M-721, to consider final rules concerning chronically ill and disabled children's ser-

vices, WIC state plan for 1988 fiscal year, WIC policy and procedure manual, final rules under federal mandate concerning WIC state plan of operations for 1989 fiscal year, WIC federal regulations adopted by reference, WIC policy and procedure manual, emergency repeal of newborn screening rules, emergency and proposed rules concerning newborn screening and co-pay for services, update of WIC program activities, update of chronically ill and disabled children's services program activities, and overview of home care issues related to chronically ill and disabled children's services.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: September 23, 1988, 4:28 p.m.

TRD-8809890

8:30 a.m. The Environmental Health Committee will meet in Room M-752, to consider proposed amendments to rules concerning radiation (Parts 11 and 12 in the Texas Regulations for Control of Radiation); consider special waste in health care related facilities, hazard communication, asbestos, Federal Prescription Drug Marketing Act, emergency rules concerning asbestos, final rules under federal mandate concerning asbestos, and discussion of appointments to Sanitarian Advisory Committee.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: September 23, 1988, 4:28 p.m.

TRD-8809889

10 a.m. The Budget Committee will meet in Room 741, to consider final adoption of the rules concerning the state legalization impact assistance grant (SLIAG) program; and approve fiscal year 1988 operating budgets and physician salary supplements for the San Antonio State Chest Hospital and the South Texas Hospital.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: September 23, 1988, 4:28 p.m.

TRD-8809885

10 a.m. The Disease Control Committee will meet in Room M-764, to consider final adoption of rule concerning the certification of contract laboratories, the training of laboratorians in small community hospitals, small independent laboratories, public health laboratories, and discussion concerning proposed amendments to the rules and regulations for the control of communicable diseases.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: September 23, 1988, 4:28 p.m.

TRD-8809884

10:30 a.m. The Alternate Care Committee will meet in Room M-752, to consider proposed rules concerning certification of medical radiological technologists.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: September 23, 1988, 4:28 p.m.

TRD-8809883

10:30 a.m. The Personnel Committee will meet in Room M-764, to consider approval to appoint a Dental Technical Advisory Committee to change the committee composition, appointments to the Advisory Committee on Nursing Home Affairs, the Texas Emergency Medical Services Advisory Council, and discussion concerning appointment to the Sanitarian Advisory Committee.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: September 23, 1988, 4:28 p.m.

TRD-8809882

10:45 a.m. The Nursing Homes Committee will meet in Room M-752, to consider proposed amendment to the rules concerning administrative penalties for nursing homes.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: September 23, 1988, 4:28 p.m.

TRD-8809881

11:30 a.m. The Emergency and Disaster Committee will meet in Room M-752, to hear report from the Texas Emergency Medical Services Advisory Council, status report on development of disaster teams, and discussion concerning appointment to the Texas Emergency and Medical Services Advisory Council.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: September 23, 1988, 4:28 p.m.

TRD-8809880

12:30 p.m. The Legislative Committee will meet in Room M-741, to consider approval of proposed legislation for the 71st legislative session.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: September 23, 1988, 4:28 p.m.

TRD-8809886

1:30 p.m. The board will meet in Room M-739, to approve minutes of the previous meeting; hear commissioner's report; consider aids update, national health promotion awards, final rules concerning state legal-

ization impact assistance grant, chronically ill and disabled children's services, 1988 WIC state plan of operations and WIC policy and procedure manual, contract laboratories, training of laboratorians, proposed rules concerning radiation, special waste in health care related facilities, hazard communications, nursing homes, emergency and proposed rules concerning newborn screening, asbestos, adoption under federal mandate of rules concerning WIC state plan of operations, WIC federal regulations adopted by reference, WIC policy and procedure manual, asbestos, and proposed legislation for 71st legislature; hear committee reports concerning alternate care, budget, chronically ill and disabled children's services and maternal and child health, disease control, emergency and disaster, environmental health, hospitals, legislative, nursing homes, personnel and public health promotion; consider appointments concerning Dental Technical Advisory Committee, Advisory Committee on Nursing Home Affairs, and EMS Advisory Committee; and hear announcements and comments.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: September 23, 1988, 4:28 p.m.

TRD-8809888

Texas Indian Commission

Wednesday and Thursday, October 5 and 6, 1988, 1 p.m. daily. The Texas Indian Commission will meet in the Second Floor Conference Room, TCB Administration Building, 4800 North Lamar Boulevard, Austin. According to the agenda summary, the commission will hear reports, discussion, and a film presentation; consider general program overview and trust transfer-related activities; review annual performance report; consider fiscal year 1990-1991 biennial budget request and oil overcharge allocation-Native American Restitutionary Program; hear Tigua Indian Reservation superintendent's report; consider future plans and projections; hear Alabama-Coushatta superintendent's report; consider status-land title and documentation and Texas Band of Kickapoo; hear tribal council reports and comments; consider urban and non-reservation programs and organizations in Dallas, Fort Worth, San Antonio, and Austin area; and hear GIIIC report. The commission will also meet in executive closed session concerning commissioner's business.

Contact: Nadia Bice, P.O. Box 12030, Austin, Texas 78711, (512) 458-1203.

Filed: September 23, 1988, 5:04 p.m.

TRD-8809893

Industrial Accident Board

Monday, September 26, 1988, 10:30 a.m. The Industrial Accident Board met in emergency session in Room 107, First Floor, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board considered Texas Hospital Association v. Industrial Accident Board. The board also met in executive session over the same litigation. The emergency status was necessary because of litigation.

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

Filed: September 26, 1988, 8:20 a.m.

TRD-8809894

State Board of Insurance

The State Board of Insurance will meet at 1110 San Jacinto Street, Austin. Dates, times, rooms, and agendas follow.

Tuesday, October 4, 1988, 9 a.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 10050-Whether disciplinary action should be taken against Robert J. Martin, Dallas, who holds a group I, legal reserve life insurance agent's license and a group II, health and accident insurance agent's license issued by the board.

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

Filed: September 26, 1988, 10:38 a.m.

TRD-8809922

Tuesday, October 4, 1988, 10 a.m. The board will meet in Room 414, to consider emergency action and proposed action on amendment to 28 TAC §11.1205, final action on 28 TAC §7.10, extension of emergency effectiveness of 28 TAC §27.413, board orders on several different matters, motion for dismissal in the appeal of Harold R. Huckaby from action of the Texas Catastrophe Property Insurance Association, personnel matters, pending and contemplated litigation, appointment of Advisory Committee on Continuing Care Retirement Communities, and proposed amendments to the unfair claims settlement practices regulations.

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

Filed: September 26, 1988, 2:40 p.m.

TRD-8809953

Wednesday, October 5, 1988, 9 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 10051-Whether disciplinary action should be taken against Jessie A. Martin, Houston, who holds a group I, legal reserve life insurance agent's license and a group II, health and

accident insurance agent's license issued by the board.

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

Filed: September 26, 1988, 10:38 a.m.

TRD-8809923

Wednesday, October 5, 1988, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 10030-Whether disciplinary action should be taken against Hilario Lopez, Rio Hondo, 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 board.

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

Filed: September 26, 1988, 10:38 a.m.

TRD-8809924

Friday, October 7, 1988, 9 a.m. The board will meet in Room 353, to consider appeal by Regional Food Services, Inc., doing business as Whataburger, of use of claim #DWC80010959 in calculation of experience modifier applicable to workers' compensation premium.

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

Filed: September 26, 1988, 2:40 p.m.

TRD-8809954

Monday, October 10, 1988, 9 a.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 10038-Application of Carl James Venters, Houston, for a group I, legal reserve life insurance agent's license.

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

Filed: September 26, 1988, 10:38 a.m.

TRD-8809925

Monday, October 10, 1988, 9 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 10059-Application for amendment to the Articles of Incorporation of the Millers Life Insurance Company of Texas, Fort Worth, pertaining to director liability.

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

Filed: September 26, 1988, 10:39 a.m.

TRD-8809926

Monday, October 10, 1988, 10:30 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 10060-Application for original charter of the New Millers Casualty Insurance Com-

pany, Fort Worth.

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

Filed: September 26, 1988, 10:39 a.m.

TRD-8809927

Monday, October 10, 1988, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 10054-Approval of amendments to the Articles of Agreement of Associates Lloyds Insurance Company, Dallas.

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

Filed: September 26, 1988, 10:39 a.m.

TRD-8809928

Texas State Board of Medical Examiners

Friday and Saturday, September 23 and 24, 1988, 1 p.m. and 8 a.m., respectively. The Texas State Board of Medical Examiners submitted an emergency revised agenda for a meeting held at 1101 Camino LaCosta, Austin. According to the agenda summary, the board considered motions for continuance and rehearing, agreed orders, minutes, licensure and rescheduling possibilities, budget progress, and umbrella concept. The emergency status was necessary because changes have just come to the attention of the agency and require board action. All items will be referred to in full open meeting.

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

Filed: September 22, 1988, 2:12 p.m.

TRD-8809800

Texas Department of Mental Health and Mental Retardation

Friday, October 7, 1988, 9 a.m. The Board of MHMR of the Texas Department of MHMR will meet in the Laredo State Center, 413 Cherry Hill, Laredo. According to the agenda summary, the board will approve minutes of the August 30, 1988, meeting and hear citizens' comments. If deaf interpreters are required, please notify Mr. Ernest Fuentes, TDMHMR, Austin, (512) 465-4585, 72 hours prior to the day of the meeting.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756.

Filed: September 23, 1988, 2:08 p.m.

TRD-8809869

Pan American University

Thursday, September 29, 1988, 10 a.m. The Board of Regents, Committee for Contract Review for Pan American University met in emergency session in the Boardroom, Administration Building, Pan American University, Edinburg. According to the agenda, the committee considered executive session, discussion and consideration on consultant contracts, and approval of certified executive session agenda of April 12, 1988, contract review committee; and approved certified executive session agenda of April 13, 1988, contract review committee meeting. The emergency status was necessary because urgent public necessity requires that the committee meet on September 29 at 10 a.m., reports on consultant contracts can only be scheduled at that time, reports may aide in resolving future litigation.

Contact: Miquel A. Nevarez, Pan American University, Edinburg, Texas, (512) 381-2100.

Filed: September 26, 1988, 11:11 a.m.

TRD-8809929

Board of Pardons and Paroles

Monday-Friday, October 3-7, 1988, 1:30 p.m. daily, except 11 a.m. on Friday. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the board will receive, review, and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate action.

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

Filed: September 23, 1988, 10:45 a.m.

TRD-8809842

Tuesday, October 4, 1988, 9:30 a.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider minutes of the September 6, 13, and 19, 1988, meetings; budget; hear IRMC report; family information title; recommendations for new legislation; review of bid and contracting procedures; elect monthly equipment contract; discuss reasons for overriding Pablo Scale; Prigor Properties; PIA CU2 procedures; inmate furlough policy; hear public input and comments; hear executive director's report on safety and attitude surveys; expansion of regions; status of state auditor's report; status of international affairs officer; select director for budget and planning; and hear LBB report.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758.

Filed: September 26, 1988, 4:14 p.m.

TRD-8809960

Tuesday, October 4, 1988, 1:30 p.m. The Board of Pardons and Paroles will consider executive clemency recommendations and related actions (other than out of country conditional pardons), including: full pardons/restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentences; and other reprieves, remissions, and executive clemency actions.

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

Filed: September 23, 1988, 10:47 p.m.

TRD-8809843

Structural Pest Control Board

Monday, October 17, 1988, 10 a.m. The Structural Pest Control Board will meet in Room 402, Rudder Tower, Texas A&M University, College Station. According to the agenda summary, the board will approve minutes of the July 11, 1988, meeting and September 13, 1988, meeting; hear the executive director's report and Mrs. Elizabeth M.T. O'Nan de Iglesias at 2 p.m.; consider miscellaneous items. The board will also meet in executive session.

Contact: David A. Ivie, 1300 East Anderson Lane, Building C, Suite 250, Austin, Texas (512) 835-4066.

Filed: September 26, 1988, 2:24 p.m.

TRD-8809952

Texas State Board of Examiners of Professional Counselors

Friday, October 7, 1988, 9 a.m. The Texas State Board of Professional Counselors will meet in the Embassy Suites Hotel, 300 South Congress Avenue, Austin. According to the agenda summary, the board will approve minutes of the July 29-30, 1988, meeting; hear committee reports concerning applications, complaints, revocations, suspensions, fees and budget, testing and continuing education, licensing, renewals, ethics, license certificates, supervisors, rules and specialties, professional relations, and public relations; consider reciprocity, cancellation of licenses due to nonrenewal, and licensure applications and procedures; reviews of disapproved files (applicants with disapproved files may appear for review of their applications); hear annual report; consider conference news and other matters relating to the licensure and regulation of professional counselors not involving board action. The board will also meet in executive session to discuss personnel matters.

Contact: Marilyn J. Preusse, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7511.

Filed: September 23, 1988, 4:21 p.m.

TRD-8809878

◆ ◆ ◆
Texas Public Finance Authority

Tuesday, September 27, 1988, 1 p.m. The Texas Public Finance Authority met in emergency session in Room 105, Reagan Building, 105 West 15th Street, Reagan Building, Austin. According to the agenda, the authority will approved minutes of the previous meeting; considered proposals concerning paying agent/registrar vs. book-entry; heard accountant for annual report; considered insurance and printers; considered invoices concerning escrow restructuring expenses; considered Wood, Lucksinger, and Epstein fees; and considered Donnelly printing fees; considered bond related issues concerning request for financing form TDMHMR and TDC and discussed timing and requirements of bond issue including selection of team players. The emergency status was necessary due to the need to consider TDC/MHMR bond issue in sufficient time to prepare presentation to Bond Review Board meeting.

Contact: Ann Moriarty, 201 East 14th Street, Austin, Texas 78701, (512) 463-5544.

Filed: September 22, 1988, 3:44 p.m.

TRD-8809819

◆ ◆ ◆
Public Utility Commission of Texas

The Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Dates, times, and agendas follow.

Monday, October 3, 1988, 9 a.m. The Administrative Division will review and approve the 1989 operating budget and the 1990-1991 legislative appropriations request.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: September 23, 1988, 3:34 p.m.

TRD-8809874

Tuesday, October 25, 1988, 10 a.m. The Hearings Division will consider Docket 8337-Petition of the Texas Association of Telephone Answering Services, Inc. for order barring Southwestern Bell Telephone Company from conducting voice messaging service trials.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757,

(512) 458-0100.

Filed: September 22, 1988, 2:19 p.m.

TRD-8809801

Monday, November 7, 1988, 9 a.m. The Hearings Division will consider Docket 8328-Petition of West Texas Utilities Company for order to increase fixed fuel factors.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: September 22, 1988, 2:18 p.m.

TRD-8809802

Thursday, December 8, 1988, 10 a.m. The Hearings Division will consider Docket 8329-Application of Gulf States Utilities Company for approval of an amendment to schedule SUS.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: September 23, 1988, 3:36 p.m.

TRD-8809873

◆ ◆ ◆
State Purchasing and General Services Commission

Tuesday, October 4, 1988, 11 a.m. The State Purchasing and General Services Commission will meet in Conference Room 402, Central Services Building, 1711 San Jacinto Boulevard, Austin. According to the agenda, the commission will consider award of contracts for statewide travel agent services, corporate travel charge card program, and statewide rental car services.

Contact: Cassie G. Carlson, 1711 San Jacinto, Austin, Texas (512) 463-3557.

Filed: September 26, 1988, 8:24 a.m.

TRD-8809895

◆ ◆ ◆
Railroad Commission of Texas

Monday, September 26, 1988, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas submitted an emergency revised agenda for a meeting held in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the division considered whether to use state funds to plug a leaking well: unidentified operator; J.B. Bounds Estate lease; unidentified well "A"; Wildcat Field; Freestone County. The emergency status was necessary because the well is leaking saltwater at the rate of 30 to 50 bbls/day into the Tehuacana Creek, causing an imminent threat to the public health and safety.

Contact: Willis C. Steed, P.O. Drawer

12967, Austin, Texas 78711, (512) 463-6830.

Filed: September 23, 1988, 11:55 a.m.

TRD-8809848

Monday, October 3, 1988, 9 a.m. The Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. Agendas follow.

The Administrative Services Division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7257.

Filed: September 23, 1988, 11:58 a.m.

TRD-8809854

The Automatic Data Processing Division will consider and act on the division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

Contact: Bob Kmetz, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7251.

Filed: September 23, 1988, 11:58 a.m.

TRD-8809856

The commission will consider and act on 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.

Contact: C. Tom Clowe, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7274.

Filed: September 23, 1988, 11:58 a.m.

TRD-8809860

The Flight Division will consider and act on the division director's report on division administration, budget, procedures and personnel matters.

Contact: Ken Fossler, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6787.

Filed: September 23, 1988, 11:58 a.m.

TRD-8809851

The Gas Utilities Division will consider various matters within the regulatory jurisdiction of the Railroad Commission of Texas. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time or date.

Contact: Vicki Dimego, P.O. Drawer

12970, Austin, Texas 78711, (512) 463-7009.

Filed: September 23, 1988, 11:58 a.m.

TRD-8809858

The Office of Information Services will consider and act on the Division Director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12970, Austin, Texas 78753, (512) 463-6710.

Filed: September 23, 1988, 11:58 a.m.

TRD-8809855

The Investigation Division will consider and act on the division director's report on division administration, investigations, budget, and personnel matters.

Contact: Mary Anne Wiley, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6828.

Filed: September 23, 1988, 11:58 a.m.

TRD-8809853

The Legal Division will consider and act on the Legal Division's report on division administration, budget, procedures, and personnel matters; proposed and pending litigation, including but not limited to discussion and/or action on the following: consideration of proposal for public comment of new general rules of practice and procedure for the commission and simultaneous repeal of the current general rules of practice and procedure, 16 TAC §§1.1-1.36 and petitions for rulemaking to the Federal Energy Regulatory Commission concerning natural gas market expansion.

Contact: Mark Foster, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7009.

Filed: September 23, 1988, 11:58 a.m.

TRD-8809850

LP-Gas Division will consider and act on division director's report on division administration, budget, procedures, and personnel matters; and consideration of proposal for public comment of amendments to §§9.1-9.3, 9.6, 9.9, 9.15, 9.21, 9.28, 9.29, 9.31, 9.34, 9.36, 9.46, 9.50, 9.59, 9.61, 9.64, 9.65, 9.72, 9.77, 9.79, 9.91, 9.144, 9.153, 9.154, 9.177, 9.201, 9.203, 9.270, 9.290, 9.340, 9.410, 9.414, 9.921, 9.923, 9.926, and 9.927. New §§9.5, 9.53, 9.68, 9.73, 9.129, 9.139, 9.140, 9.143, 9.146, 9.148-9.150, 9.152, 9.157, 9.159, 9.161, 9.164-9.170, 9.210, 9.310, 9.499-9.526, 9.922, 9.924, 9.928, and simultaneous repeal of §§9.94-9.96, 9.98, 9.127, 9.129, 9.132, 9.143, 9.146, 9.148-9.150, 9.152, 9.157, 9.159-9.161, 9.164-9.168, 9.263, 9.288, 9.309, 9.922, and 9.924 pertaining to the safety rules of Liquefied Petroleum Gas Division of the commission.

Contact: Thomas D. Petru, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6931.

Filed: September 23, 1988, 11:58 a.m.

TRD-8809847

The Oil and Gas Division will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time of date.

Contact: Sonia O'Neal, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6848.

Filed: September 23, 1988, 11:58 a.m.

TRD-8809861

The Oil and Gas Division 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 12970, Austin, Texas 78711, (512) 463-6755.

Filed: September 23, 1988, 11:58 a.m.

TRD-8809857

The Personnel Division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Mark Bogan, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6981.

Filed: September 23, 1988, 11:58 a.m.

TRD-8809862

The Office of Research and Statistical Analysis will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Gail Gemberling, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6976.

Filed: September 23, 1988, 11:58 a.m.

TRD-8809852

The Surface Mining Division will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time of date.

Contact: Jerry Hill, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6900.

Filed: September 23, 1988, 11:58 a.m.

TRD-8809859

The Transportation Division will consider

various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time or date.

Contact: Robert F. Biard, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7122.

Filed: September 23, 1988, 11:58 a.m.

TRD-8809863

Monday, October 3, 1988, 1:30 p.m. The Oil and Gas Division will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the division will hear an oral argument on Docket 5-90,079: Basin Operating Co. Ltd. a per well MER special field rules for the Alabama Ferry (Woodbine-Dexter) Field, Leon County and Docket 5-89,755: commission called to review temporary field rules for the Alabama Ferry (Woodbine-Dexter) Field, Leon County.

Contact: Doug Johnson, P.O. Drawer 12967, Austin, Texas 78701, (512) 463-6920.

Filed: September 23, 1988, 11:56 a.m.

TRD-8809849

Texas Savings and Loan Department

Wednesday, October 5, 1988, 9 a.m. The Texas Savings and Loan Association will meet in Suite 201, 2601 North Lamar Boulevard, Austin. According to the agenda summary, the department will accumulate a record of evidence in regard to the application of Grand Savings and Loan Association, Dallas, Dallas County, for a name change to Preston Savings and Loan Association, Dallas, Dallas County, from which record the commissioner will determine whether to grant or deny the application.

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

Filed: September 26, 1988, 1:46 p.m.

TRD-8809931

School Land Board

Tuesday, October 4, 1988, 10 a.m. The School Land Board will meet in Rooms 118 and 831, General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will approve minutes of the previous board meeting; opening and consideration

of bids received for the October 4, 1988, oil, gas and other minerals lease sale; pooling applications; Good Faith claimant applications; excess acreage applications; consider commercial lease, El Paso County; application by TXO to drill directional wells from a surface location to a federal lease, Matagorda County; coastal public lands-easement applications and lease applications; and applications to patent under the Texas Constitution, Article VII, §4A.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 836, Austin, Texas 78701, (512) 463-5016.

Filed: September 26, 1988, 4:26 p.m.

TRD-8809961

State Securities Board

Tuesday, October 18, 1988, 10 a.m. The Securities Commissioner of the State Securities Board will meet in Suite 201, 2727 Kirby Drive, Houston. According to the agenda summary, the commissioner will determine whether a cease and desist order should be issued prohibiting the sale of securities issued by Guaranty Funding Corporation.

Contact: John Morgan, 1800 San Jacinto Boulevard, Austin, Texas (512) 474-2233.

Filed: September 23, 1988, 4:15 p.m.

TRD-8890877

Texas State Soil and Water Conservation Board

Monday, October 3, 1988, 3 p.m. The Texas State Soil and Water Conservation Board will meet in Room 108, Lubbock Memorial Civic Center, Lubbock. According to the agenda, the board will approve minutes of the July 20, 1988, meeting; consider district director appointments, subdivision changes for Bee County SWCD 344, agency audit for the 1987 and 1988 fiscal years, 1990-1991 biennium budget request, nonpoint source pollution activities, board member travel; and consider conducting the annual statewide meeting of soil and water conservation district director October 3-5, 1988, as prescribed by law, Lubbock Memorial Civic Center, Lubbock.

Contact: Harvey Davis, P.O. Box 658, Temple, Texas, (817) 773-2250.

Filed: September 23, 1988, 9:38 a.m.

TRD-8809839

Texas A&M University

Friday, September 30, 1988. The Board of Regents of Texas A&M University will meet in the MSC Annex, Texas A&M University, College Station. Times and agendas

follow.

1:30 p.m. The Planning and Building Committee will consider cancellation of unexpended balances of appropriations; hear report of contract actions by the chancellor, report of construction project appropriations/authorizations by the chancellor, and report of contract actions by the presidents; consider initiation of major construction projects, actions on bids, appropriations and authority for the chancellor to award contracts, and appropriations for designs.

Contact: Vickie Burt, Texas A&M University System, College Station Texas 77843, (409) 845-9603.

Filed: September 27, 1988, 8:52 a.m.

TRD-8809974

2:15 p.m. The Committee for Service Units will consider authorizations for license agreements and right-of-way easements, granting of emeritus titles, and authorization for chartering of technology transfer company.

Contact: Vickie Burt, Texas A&M University System, College Station Texas 77843, (409) 845-9603.

Filed: September 27, 1988, 8:52 a.m.

TRD-8809973

2:30 p.m. The Committee for Academic Campuses will consider granting of emeritus titles, adoption of resolutions, revision of admission policy, clarification of identification card fee, and receive report relating to food services.

Contact: Vickie Burt, Texas A&M University System, College Station Texas 77843, (409) 845-9603.

Filed: September 27, 1988, 8:52 a.m.

TRD-8809972

3 p.m. The Executive Committee will consider acceptance of gifts, grants, loans, and bequests; consider budget and fiscal transfers, salary increases and new positions, appropriations from unappropriated sources, extension of lease agreement, appropriation of funds, appointments and promotions, terminations, academic tenure, administration of government classified contracts, establish guidelines pertaining to technology transfer, employ personnel beyond mandatory retirement age, naming of facilities, authorization and appropriation of funds for the settlement of a lawsuit, adoption of resolution relating to the Texas Growth Fund, resolution of commendation, and receive reports relating to MIS project and telecommunication project.

Contact: Vickie Burt, Texas A&M University System, College Station Texas 77843, (409) 845-9603.

Filed: September 27, 1988, 8:52 a.m.

TRD-8809971

Saturday, October 1, 1988, 8:30 a.m. The

board will meet in the MSC Annex, Texas A&M University, College Station. According to the agenda summary, the board will consider construction matters, emeritus titles, easements and right-of-ways, license agreements, chartering technology transfer company, adoption of resolutions, revision of admission policy, and fees; consider acceptance of gifts, grants, loans, and bequests; consider budget and fiscal transfers, salary increases and new positions, appropriations of funds, appointments and promotions, terminations, academic tenure, administration of government classified contracts, establish guidelines pertaining to technology transfer, employ personnel beyond mandatory retirement age, naming of facilities, authorization and appropriation of funds for the settlement of a lawsuit, adoption of a resolution relating to the Texas growth fund, and receive reports relating to offshore technology center and transportation research center.

Contact: Vickie Burt, Texas A&M University System, College Station Texas 77843, (409) 845-9603.

Filed: September 27, 1988, 8:52 a.m.

TRD-8809970

Texas Low-Level Radioactive Waste Disposal Authority

Sunday, October 3, 1988, 10 a.m. The Public Information Committee of the Texas Low-Level Radioactive Waste Disposal Authority will meet at the Texas Medical Imaging Center, 3465 West Alabama, Houston. According to the agenda, the committee will review the proposed 1989 public information workplan.

Contact: L.R. Jacobi, Jr., 7703 North Lamar Boulevard, Suite 300, Austin, Texas 78752, (512) 451-5295.

Filed: September 22, 1988, 10:42 a.m.

TRD-8809797

Texas Water Commission

The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, unless otherwise noted. Dates, times, rooms, and agendas follow.

Tuesday, September 27, 1988, 9 a.m. The commission submitted an emergency revised agenda to a meeting held in Room 118 to consider request by Celanese Chemical Company, Pampa facility, for the reissuance of an emergency order. The emergency status was necessary to expedite cleanup efforts and to restart the facility's operation in order to prevent endangering the public health or the environment.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 463-

7909.

Filed: September 22, 1988, 3:15 p.m.

TRD-8809805

Monday, October 3, 1988, 10 a.m. The Office of Hearings Examiner will meet in Room 618, to consider Docket 7656-G-Rate increase of Thomas Water Systems.

Contact: Mary Miller, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: September 22, 1988, 3:11 p.m.

TRD-8809815

Monday, October 3, 1988, 10 a.m. The Office of Hearings Examiner will meet in Room 102, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda summary, the office will consider Docket 7629-R-Rate increase of Thurman Water Company.

Contact: Joseph O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: September 22, 1988, 3:10 p.m.

TRD-8809817

Wednesday, October 5, 1988, 9 a.m. The commission will meet in Room 118, to consider personnel matters, surplus funds, escrowed funds, proposed permits, amendments, minor amendments, renewals, certificates of adjudication, authority to construct, rules, and contracts.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 463-7909.

Filed: September 22, 1988, 3:14 p.m.

TRD-8809808

Thursday, October 6, 1988, 10 a.m. The Office of Hearings Examiner will meet in Room 1149a, to consider Docket 7679-C-Application for a certificate of convenience and necessity filed by Rio Bravo, Inc.

Contact: Mary Sahs, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: September 22, 1988, 3:10 p.m.

TRD-8809816

Monday, October 10, 1988, 10 a.m. The Office of Hearings Examiner will meet in Room 618, to consider Docket 7747-C-Application for a water certificate of convenience and necessity filed by Bandera River Ranch Water Company, Inc.

Contact: Carl Forrester, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: September 23, 1988, 3:19 p.m.

TRD-8809921

Monday, October 10, 1988, 10 a.m. The Office of Hearings Examiner will meet in Room 1149A, to consider Langham Creek Utility's District change in billing policy.

Contact: Joseph O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: September 23, 1988, 3:18 p.m.

TRD-8809920

Wednesday, October 12, 1988, 9 a.m. The commission will meet in Room 118, to consider application for creation of Tower Oaks Plaza Municipal Utility District.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 463-7909.

Filed: September 22, 1988, 3:13 p.m.

TRD-8809809

Monday, October 17, 1988, 10 a.m. The commission will meet in Room 118, to consider application of Tennis West Sewage Association to transfer wastewater discharge Permit 11605-01 to El Paso Water Utilities Public Service Board and an order assessing administrative penalties and requiring certain actions of Koppers Company, Inc. (SWR 31386).

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 463-7909.

Filed: September 22, 1988, 3:14 p.m.

TRD-8809807

Monday, October 17, 1988, 11 a.m. The commission will meet in Room 118, to consider revocation of Permit 12931-01 held by John A. Ballis and an order assessing administrative penalties and requiring certain actions of Safety Kleen Corporation, Longview facility, (SWR 67028).

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 463-7909.

Filed: September 22, 1988, 3:15 p.m.

TRD-8809806

Wednesday, October 19, 1988, 9 a.m. The commission will meet in Room 118, to consider petition for creation of Lowman Ranch Municipal Utility District of Hays County.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 463-7909.

Filed: September 26, 1988, 3:23 p.m.

TRD-8809958

Wednesday, October 19, 1988, 10 a.m. The commission will meet in Room 118, to consider application for creation of Harris County Municipal Utility District 351.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 463-7909.

Filed: September 26, 1988, 3:23 p.m.

TRD-8809959

Tuesday, November 1, 1988, 10 a.m. The Office of Hearings Examiner will meet in the 10th Floor Conference Room, El Paso City Hall, corner of Santa Fe and Missouri Streets, El Paso. According to the agenda

summary, the office will consider application of Tony Bos and Brad Bouma doing business as Rio Grande Valley Dairy, P.O. Box 659, Clint, Texas 79836 for a permit (Proposed Permit 03006) to authorize disposal of waste and wastewater from a dairy cattle operation. Wastewater treatment facilities will include two 20' x 100' x 3' solids settling basins and 38.5 acre-feet of holding ponds for treatment and/or storage of process generated waste, wastewater, rainfall, and rainfall runoff. Dewatering will be by evaporation and solids from the settling basins and holding ponds will be marketed to compost suppliers, farmers, and the general public.

Contact: Mary Miller, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: September 22, 1988, 3:11 p.m.

TRD-8809814

Monday, November 7, 1988, 1 p.m. The Office of Hearings Examiner will meet in the Environmental Pollution Control Building, 7411 Park Place, one mile south of Loop 610 at the intersection of Telephone Road, Houston. According to the agenda summary, the office will consider application of Texaco Chemical Company, subsidiary of Texaco Inc., P.O. Box 219, Conroe, Texas 77305 for renewal of Permit 00584 which authorizes a discharge of stormwater runoff, boiler blowdown, cooling tower blowdown, domestic sewage and process water at a volume not to exceed an average floor of 617,000 gallons per day from a petrochemical manufacturing plant. The plant is located approximately five miles east of the City of Conroe, south of FM Road 1485 and approximately 1/2 mile west of the City of Cut-N-Shoot, Montgomery County. The effluent is discharged into the West Fork of Crystal Creek; thence to Crystal Creek; thence into the West Fork of the San Jacinto River in Segment 1004 of the San Jacinto River Basin.

Contact: Bill Zukauckas, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: September 22, 1988, 3:12 p.m.

TRD-8809811

Monday, November 7, 1988, 1 p.m. The Office of Hearings Examiner will meet in the Environmental Pollution Control Building, 7411 Park Place, one mile south of Loop 610 at the intersection of Telephone Road, Houston. According to the agenda summary, the office will consider application of Texaco Refining and Marketing Inc., Port Arthur Terminal, P.O. Box 712, Port Arthur, Texas 77640 for renewal of Permit 00415 which authorizes a discharge of clean ballast water and treated domestic wastewater effluent at a volume not to exceed an average flow of 2,800,000 gallons per day plus treated stormwater runoff from a facility which receives, stores, and ships petroleum products and operates deballasting units. The facility is located on an island bounded on the west and north by

the Port Arthur Ship Canal and Turning Basin and on the south and east by the Sabine-Neches Canal, Jefferson County.

Contact: Bill Zukauckas, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: September 22, 1988, 3:12 p.m.

TRD-8809812

Wednesday, November 9, 1988, 9 a.m. The Office of Hearings Examiner will meet in the City Council Chambers, Fifth Floor, Port Arthur City Hall, 444 Fourth Street, Port Arthur. According to the agenda summary, the office will consider application by Chemical Waste Management, Inc., Port Arthur facility, P.O. Box 2563, Port Arthur, Texas, 77640 for an amendment to Permit 02417 to authorize the discharge of treated domestic wastewater effluent and utility wastewaters as part of the discharge via Outfall 001. The existing permit authorizes an intermittent, variable flow discharge of stormwater runoff via Outfall 001. The proposed amendment would authorize a variable flow discharge of commingled stormwater runoff, treated domestic wastewater effluent and utility wastewaters via Outfall 001.

Contact: Carl Forrester, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: September 22, 1988, 3:11 p.m.

Monday, November 14, 1988, 1 p.m. The Office of Hearings Examiner will meet in the Environmental Pollution Control, 7411 Park Place, one mile south of Loop 610 at the intersection of Telephone Road, Houston. According to the agenda summary, the office will consider application of Harris County Municipal Utility District 208, c/o Fulbright and Jaworski, 1301 McKinney, Gulf Tower, 47th Floor, Houston, Texas 77010 for an amendment to Permit 11947-01 to authorize an increase in the discharge of treated domestic wastewater effluent at its Copperfield Sewage Treatment Plant. The discharge is to be increased from a volume not to exceed an average flow of 3,750,000 gallons per day with effluent limitations of 10 mg/l biochemical oxygen demand (BOD), 15 mg/l total suspended solids (TSS) and 4.0 mg/l minimum dissolved oxygen concentration to a volume not to exceed an average flow of 6,700,000 gallons per day at the same level of treatment and the addition of seasonal ammonia nitrogen limitations of 3 mg/l during the summer months and 5 mg/l during the winter months.

Contact: Joe O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: September 26, 1988, 3:24 p.m.

TRD-8809956

Tuesday, November 15, 1988, 9 a.m. The Office of Hearings Examiner will meet in the Environmental Pollution Control, 7411 Park Place, one mile south of Loop 610 at the intersection of Telephone Road, Hous-

ton. According to the agenda summary, the office will consider application of Oak Hollow Utility Co., Inc., 1330 Blue Bell Road, Houston, Texas 77038 for a permit (Proposed Permit 13432-01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 35,000 gallons per day. The applicant will operate the proposed Oak Hollow Wastewater Treatment Plant.

Contact: Joe O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: September 26, 1988, 3:24 p.m.

TRD-8809957

Tuesday, November 15, 1988, 9 a.m. The Office of Hearings Examiner will meet in Room 512, to consider application by City of Dripping Springs, P.O. Box 384, Dripping Springs, Texas 78746 for a permit (Proposed Permit 13456-01) to authorize the disposal of treated domestic wastewater effluent by irrigation. The proposed permit will authorize an initial phase not to exceed 171,000 gallons per day average and a final phase not to exceed 343,000 gallons per day average. A 61 acre-foot holding pond will be used for storage of treated effluent during the initial phase and an additional pond with a capacity of 61 acre-feet will be added in the final phase. The effluent will be irrigated onto 50 acres of agricultural land during the initial phase and 98 acres of land in the final phase.

Contact: Carol Wood, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: September 22, 1988, 3:13 p.m.

TRD-8809810

Regional Meetings

Meetings Filed September 22, 1988

The Austin Transportation Study, Right of Way Subcommittee, met in the O'Henry Room, Austin History Center, 810 Guadalupe Street, Austin, on September 28, 1988, at 4:30 p.m. Information may be obtained from Joseph P. Gieselman, P.O. Box 1748, Austin, Texas 78767, (512) 472-7483.

The Bosque County Appraisal District, Appraisal Review Board, met at the Appraisal District Office, 104 West Morgan, Meridian, on September 28-30, 1988, at 9 a.m. Information may be obtained from Billye McGehee, P.O. Box 393, Meridian, Texas 76665, (812) 435-2305.

The Kendall County Appraisal District, Board of Directors, met at 204 East San Antonio Street, Boerne, on September 28, 1988, at 7 p.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

TRD-8809796

Meetings Filed September 23, 1988

The Capital Area Transportation System (CARTS), Executive Committee, met in the Conference Room, 5111 East First Street, Austin, on September 29, 1988, at 9:30 a.m. Information may be obtained from Edna M. Burroughs, 5111 East First Street, Austin, Texas 78702, (512) 389-1011.

The Coastal Bend Council of Governments, Executive Board, will meet in the Boardwalk Room, Seventh Floor, Sheraton Marina, 300 North Shoreline Drive, Corpus Christi, on September 30, 1988, at noon. The Membership will be held on the same date, at 2 p.m. in the Jury Room, Nueces County Courthouse, 901 Leopard, Corpus Christi. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469, (512) 883-5743.

The Dallas Area Rapid Transit, Minority Affairs Committee, Operations Committee, Budget and Finance Committee, and Board of Directors, met in the Boardroom, 601 Pacific Avenue, Dallas, on September 28, 1988, at 2:30 p.m., 4 p.m., 5:30 p.m., and 6:30 p.m., respectively. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Gulf Bend Mental Health and Mental Retardation Center, Board of Trustees, met at 1404 Village Drive, Victoria, on September 29, 1988, at noon. Information may be obtained from Donald L. Polzin, 1404 Village Drive, Victoria, Texas 77901, (512) 575-0611.

The Heart of Texas Region MHMR, Board of Trustees, met at 110 South 12th Street, Waco, on September 29, 1988, at 11:45 a.m. Information may be obtained from Helen Jasso, 110 South 12th Street, Waco, Texas 76701, (817) 752-3451.

The Lamar County Appraisal District, Regular Board Meeting, was held at the District Office, 1523 Lamar Avenue, Paris, on September 27, 1988, at 5 p.m. Information may be obtained from Betty Hanna, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822.

The Leon County Central Appraisal District, Board of Directors, met at the Appraisal District Office, Centerville, on September 26, 1988, at 7:30 p.m. Information may be obtained from Robert M. Winn, P.O. Box 536, Centerville, Texas 75833, (214) 536-2252.

The MoPac South Transportation Corporation, Board of Directors, met in the Big Hearing Room, 11th and Brazos Streets, Austin, on September 28, 1988, at 2 p.m. Information may be obtained from John C. Boehm, 2400 One American Center, Austin, Texas 78701, (512) 474-5201.

The South Texas Private Industry Council, Inc., will meet at Highway 83 and

10th Street, Zapata, on September 29, 1988, at 4 p.m. Information may be obtained from Ruben M. Garcia, P.O. Box 1757, Laredo, Texas 78044-1757.

TRD-8809833

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1988

The Archer County Appraisal District, Board of Directors, will meet at 211 South Center, Archer City, on October 12, 1988, at 4:30 p.m. Information may be obtained from Edward Trigg, III, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2172.

The Bexar Appraisal District, Board of Directors, will meet at 535 South Main, San Antonio, on September 30, 1988, at 9 a.m. The Appraisal Review Board will meet at the same location on October 3-7, 10-13, 17-21, 24-28, and 31, 1988. Information may be obtained from Walter Stoneham, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Brown County Appraisal District, Board of Directors, will meet at 403 Fisk Avenue, Brownwood, on October 3, 1988, at 7 p.m. Information may be obtained from Bob Young, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676.

The Edwards Underground Water District, Conservation Committee, met at 1615 North St. Mary's, San Antonio, on September 27, 1988, at 4 p.m. Information may be obtained from Thomas P. Fox, 1615 North St. Mary's, San Antonio, Texas 78215, (512) 222-2204.

The Gulf Bend MHMR Center, Board of Trustees, met at 1404 Village Drive, Victoria, on September 29, 1988, at noon. Information may be obtained from Bill Dillard, 1404 Village Drive, Victoria, Texas 77901, (512) 575-0611.

The Middle Rio Grande Development Council, Board of Directors and Council met in the Multipurpose Center, 480 South Adams, Eagle Pass, on September 28, 1988, at 1 p.m. and 3:30 p.m. respectively. Information may be obtained from Mike

Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533.

The Tarrant Appraisal District, Board of Directors, will meet at 2301 Gravel Road, Fort Worth, on September 30, 1988, at 9 a.m. Information may be obtained from Olive Miller, 2301 Gravel Road, Fort Worth, Texas 76118, (817) 595-6005.

TRD-8809894

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1988

The Lee County Appraisal District, Board of Directors, will meet at 218 East Richmond Street, Giddings, on October 5, 1988, at 9 a.m. Information may be obtained from Roy L. Holcomb, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

TRD-8809963

In Addition

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

Texas Department on Aging Adequate Proportion Funding Waiver Notice

Adequate Proportion Funding Requirements. The Older Americans Act, as amended, requires the state units on aging to establish minimum percentages to be used by area agencies on aging for allocating Title III-B funding to the supportive service categories of access, in-home, and legal assistance services. The department has adopted rules in 40 TAC Chapter 268 concerning expending an adequate proportion of Title III-B funding for supportive service categories. In addition to establishing minimum percentages, these rules provide the area agencies with the opportunity to request a waiver of this requirement, require the department to publish decisions to grant such waivers 30 days prior to the effective date of the waiver and establish procedures which give interested individuals and service providers an opportunity for a hearing.

Waiver requests received. The Golden Crescent Area Agency on Aging requested a waiver of the adequate proportion requirement listed in 40 TAC Chapter 268 concerning expending an adequate proportion of Title III-B funding for supportive service categories and was required to submit additional information so that the department could render its decision.

Waiver requests granted. The Golden Crescent Area Agency on Aging has been granted a waiver of the adequate proportion requirements listed in 40 TAC Chapter 268 concerning expending an adequate proportion of Title III-B funding for supportive service categories:

The Golden Crescent Area Agency on Aging has budgeted no Title III-B funds for legal assistance services. The waiver request will be granted on the basis of the information submitted by the area agency on aging. Shifting funds from currently budgeted services to these new services without adequate time for the area agency to develop a viable strategy for such a change would have an adverse effect on the Title III service delivery system in the region. The area agency on aging has been required to submit administrative objectives for developing a strategy for allocating Title III-B funding to legal assistance services beginning in Federal Fiscal Year 1990. This waiver will be effective for the FFY 1989.

Request for Hearing by Interested Individuals and Service Providers. To request a hearing, interested persons and service providers must submit to the department a written request for a hearing. A copy of the written request to the department must also be sent to the area agency at the same time the department is notified. The request must be received by the department by close of business on the 30th day following publication of the notice to grant a waiver. The procedures for conducting the hearing are listed in 40 TAC §268.11 (relating to Hearings for Adequate Proportion Waiver Requests to be Granted) and 40 TAC Chapter 257 concerning hearing procedures.

Issued in Austin, Texas on September 23, 1988.

TRD-8809835

O.P. (Bob) Bobbitt
Executive Director
Texas Department on Aging

Filed: September 23, 1988

For further information, please call (512) 444-2727

Funding Allocation Formula

The Texas Department on Aging wishes to announce changes to the funding formula as published in the March 24, 1987, edition of the *Texas Register* (12 TexReg 1007) as a result of changes to the Older Americans Act, and actions by the Board of the Texas Department on Aging at their meeting of September 15, 1988, which authorized 10% of total Title III allocations to be used for area plan administration and established a base of \$65,000 for administration of the area plan of area agencies on aging.

Subparagraph (C) of the formula is revised to read as follows. "After the steps specified in subparagraph (a) and (b) have been taken to develop formula allocation figures for Title III awards to the area agencies on aging, an adjustment within the formula total will be made in order to assure that each area agency on aging has a minimum of \$65,000 available for administrative costs. This adjustment will be accomplished in the following manner.

"(1) Initially, each area agency on aging's administrative funds will be calculated by taking 10% of their combined Title IIIB, IIIC, and IIID allotment.

"(2) Area agencies on aging whose administrative funds are less than \$65,000 after the calculation in subsection (c)(1) will be allowed to use up to \$65,000 from the state's formula allocation for administrative costs.

"(3) In order to offset the adjustment described in subsection (c)(2), area agencies on aging which would be allowed more than \$65,000 administrative fund floor (with a strict 10% of their formula allocation) are allowed to use only their proportional share of the 10% statewide cap remaining after the adjustment. The result will therefore maintain a statewide administrative percentage of 10%. However, the formula allocation for each agency on aging is not changed to accommodate the administrative adjustment."

The Texas Department on Aging fiscal department will develop and distribute information to grantees and area agencies on aging which depicts the revised allocations for administration. Until such time as this is accomplished, budgets submitted for the fiscal year 1989 program year may continue to be used for planning purposes. The department will advise, in the cover letter providing the revised allocations, the date for submission of budget amendments as a result of the change in the funding formula.

Issued in Austin, Texas on September 20, 1988.

TRD-8809760

O.P. (Bob) Bobbitt
Executive Director
Texas Department on Aging

Filed: September 23, 1988

For further information, please call (512) 444-2727

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**Texas Board of Architectural
Examiners**

Correction of Error

The Texas Board of Architectural Examiners submitted emergency amendments which contained errors as published in the September 13, 1988, issue of the *Texas Register* (13 TexReg 4473).

In §1.43: Subsection (b) should read: "(b) the C/A.R.E., will be the computer administered version of the written divisions of the A.R.E., developed by the NCARB Examination Committee, and as approved by the board for administration on specified dates".

The telephone contact for further information should read: "(512) 458-1363."

For §1.102: The telephone contact for further information should read: "(512) 458-1363."

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State Banking Board
Notice of Hearing

The hearing officer of the State Banking Board will conduct a hearing on Monday, October 31, 1988, at 9 a.m., at 2601 North Lamar Boulevard, Austin, on the change of domicile application for Bankers United Trust Company, San Antonio.

Additional information may be obtained from William F. Aldrige, Director of Corporate Activities, Texas Department of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas on September 21, 1988.

TRD-8809820

William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: September 22, 1988

For further information, please call (512) 479-1200

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Texas Department of Commerce
**Amendment to Consultant Contract
Award**

On April 15, 1988, pursuant to the provisions of Texas Civil Statutes, Article 6252-11c, a consultant contract was awarded by the Texas Department of Commerce to the Intercultural Development Research Association to conduct an evaluation of five special programs for at risk youth funded by the Texas Department of Commerce under the Job Training Partnership Act (JTPA). Notice is hereby given of the intent to modify the existing contract after 10 days from the date of this publication.

The proposed modification will require the contractor to continue the independent evaluation of model at risk programs for year two of JTPA special programs for at risk youth.

The business address of the consultant is Intercultural Development Research Association, 5835 Callaghan Road, Suite 350, San Antonio, Texas 78228.

As proposed, this modification will increase the amount of the original award by \$98,721. The ending date of the contract is extended until October 19, 1989. The original consultant proposal request appeared in the December 5, 1986, issue of the *Texas Register* (11 TexReg 4916).

Issued in Austin, Texas on September 19, 1988.

TRD-8809755

J. W. Lauderback
Executive Director
Texas Department of Commerce

Filed: September 21, 1988

For further information, please call (512) 834-6060

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**Weekly Report on the 1988 Allocation
of the State Ceiling on Certain Private
Activity Bonds**

The Tax Reform Act of 1986 (the Tax Act) imposes a volume ceiling on the aggregate principal amount of private activity bonds that may be issued within the State of Texas during any calendar year. The state ceiling for Texas, imposed by the Tax Act for calendar year 1988 is \$834,100,000.

State legislation, Senate Bill 1382, Chapter 1092, Acts of the 70th Legislature, (the Act), established the allocation process for the State of Texas. The Act specifies that one-third of the state ceiling is to be made available to qualified mortgage bonds and of that one-third, one-third is available to the Texas Housing Agency. One-fourth of the state ceiling is available to state-voted issues, and the balance of the state ceiling is available for all other issuers of bonds requiring an allocation.

Pursuant to the Act, the aggregate amount for qualified mortgage bond subceiling is \$278,033,300, with \$185,355,500 available to the local housing authorities and \$92,677,800 available to the Texas Housing Agency. The aggregate amount for state-voted issues is \$208,525,000 and the amount for all other bonds requiring an allocation is \$347,541,700.

Generally, the state ceiling is allocated on a first-come, first-served basis, with the Texas Department of Commerce (the department) administering the allocation system.

The information that follows is a weekly report of the allocation activity for the period, September 12, 1988-September 16, 1988.

Weekly report on the 1988 allocation of the state ceiling on certain private activity bonds as pursuant to Senate Bill 1382.

Total amount of state ceiling remaining unreserved for the \$278,033,300 subceiling for qualified mortgage bonds under the Act as of September 16, 1988: \$92,507,800.

Total amount of state ceiling remaining unreserved for the \$208,525,000 subceiling for state-voted issues under the Act as of September 16, 1988: \$208,525,000.

Total amount of state ceiling remaining unreserved for the \$347,541,700 subceiling for all other bonds under the Act as of September 16, 1988: \$226,700.

Total amount of the \$834,100,000 state ceiling remaining unreserved as of September 16, 1988: \$301,259,500.

Comprehensive listing of bond issues which have received

a reservation date pursuant to the Act from September 12, 1988-September 16, 1988:

The Southeast Texas Housing Finance Corporation, Eligible Borrowers, Qualified Mortgage Bonds, \$40,000,000; Fort Worth Housing Finance Corporation, Eligible Borrowers, Qualified Mortgage Bonds, \$21,475,000; El Paso Housing Finance Corporation, Eligible Borrowers, Qualified Mortgage Bonds, \$21,263,000; and Dallas County Housing Finance Corporation, Eligible Borrowers, Qualified Mortgage Bonds, \$37,537,500.

Comprehensive listing of bonds issued and delivered as pursuant to the Act from September 12, 1988-September 16, 1988: None.

Issued in Austin, Texas, on September 19, 1988.

TRD-8809757 J. William Lauderback
Executive Director
Texas Department of Commerce

Filed: September 19, 1988

For further information, please call (512) 472-5059

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Comptroller of Public Accounts
Consultant Contract Award Addendum

This addendum is to the consultant request proposal request issued September 6, 1988 (13 TexReg 4458).

The bid opening date has been extended from October 17, 1988, at 5 p.m. to November 7, 1988, at 5 p.m. The anticipated bid award date is revised to December 5, 1988. The anticipated beginning date for work is revised to December 12, 1988.

Interested persons requiring additional information or submitting questions concerning the RFP should contact Mary Cheryl Dorwart, Room 309, LBJ Building, 111 East 17th Street, Austin, Texas 78774, (512) 463-3909.

Should any vendor who attended the September 16th bidders' conference desire a tour of the Comptroller's facilities, the vendor should contact Jim Swanzy, Room 309, LBJ Building, 111 East 17th Street, Austin, Texas 78774, (512) 463-4201, by October 3, 1988. This tour can encompass a tour of the physical facilities and review of the major applications systems involved. Vendors desiring a tour will be required to submit an outline of what they wish to see and what they wish to discuss at least three days before the beginning of the tour. Outlines should be submitted to Jim Swanzy in writing.

Issued in Austin, Texas on September 21, 1988.

TRD-8809752 Bob Bullock
Comptroller of Public Accounts

Filed: September 21, 1988

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

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Correction of Error

The Comptroller of Public Accounts submitted an adopted amendment which contained an error as published in the August 12, 1988, issue of the *Texas Register* (13 TexReg 3991).

In §3.301, the second sentence of paragraph (c)(2) should read: "However, when a taxable item is given as a premium with an additional charge being made therefor, the

premium is purchased for resale and sales tax should be collected on such additional charge."

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Texas Higher Education Coordinating Board
Notice of Meeting

The Advisory Committee on Teacher Induction has rescheduled their meeting on Thursday, September 29, 1988, at 8:30 a.m. The meeting will be held in Suite 400 at the Coordinating Board at 150 East Riverside Drive, Austin. For additional information, contact Cristina De La Fuente at the Coordinating Board at (512) 462-6485.

Issued in Austin, Texas on September 19, 1988.

TRD-8809792 James McWhorter
Assistant Commissioner for Planning and Administration
Texas Higher Education Coordinating Board

Filed: September 22, 1988

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

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Texas Education Agency
Request for Applications

The Texas Education Agency is requesting applications from school districts for projects which remove architectural barriers to the handicapped. The objectives are: to make available to handicapped children the variety of educational programs and services available to nonhandicapped children in the area served the school district; to provide nonacademic and extracurricular services and activities in a manner that affords handicapped children opportunities for participation in those services and activities; to provide accessibility to handicapped individuals involved in the education of handicapped and nonhandicapped children or adults or handicapped individuals eligible to participate in programs administered by the school district; to create new employment opportunities by employing personnel and/or through the award of subgrants; and/or to create employment in areas experiencing high rates of unemployment according to statistics provided by the Texas Employment Commission.

Projects may include, but are not limited to: alteration of existing structures and equipment such as remodeling a classroom, library, or science lab; alteration of locker room (shower room) facilities; alteration of entrance/exit passageways; alteration of restroom facilities; installation of special audiovisual instructional equipment, telecommunications devices, and other technological aids such as work stations designed for the mobility impaired, augmentative communication devices; or interactive telecommunications devices; installation of visual and auditory alarm systems; installation of tactile surfaces in play areas or other areas outside the school building; and installation of tactile signs.

The agency will award as many projects as possible within the approximately \$2.5 million available to school districts for the removal of architectural barriers. To encourage school districts of all sizes to apply for these funds, average daily attendance (ADA) categories have been determined which will ensure that similar size school districts will be competing for project grants.

<u>ADA</u> <u>Category</u>	<u>Number of</u> <u>Projects</u>	<u>Maximum Amount</u> <u>Per Project</u>
30,000+	4	\$104,000
10,000-29,999	4	\$95,000
5,000-9,999	4	\$42,000
1,500-4,999	11	\$49,000
1-1,499	38	\$28,000

Selection of the applicants will be based on points awarded by an agency review committee according to criteria stipulated in the request for application (RFA). Additional points will be awarded based on the following priorities established by the agency: projects that create employment in areas with high unemployment within the past year as documented by the Texas Employment Commission's labor force estimates in May 1987; projects that create a less restrictive environment for handicapped students on a regular school campus; projects that alter buildings constructed prior to June 3, 1977, when the Rehabilitation Act of 1973, §504, was enacted; and projects that make structural changes based on previously cited monitoring discrepancies.

This grant is funded through the United States Department of Education and will be administered by the Texas Education Agency Division of Special Education Funding and Compliance. The contract will be for the 18-month period following the award of school district projects.

School districts may obtain a copy of the RFA by calling (512) 463-9304 or writing the Document Control Center, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701. Completed applications must be delivered mail or in person to the Texas Education Agency Document Control Center by November 14, 1988.

Parties interested in additional information should contact Shirley Sanford Carol Edwards, Division of Special Education Funding and Compliance, Texas Education Agency, (512) 463-9362.

Issued in Austin, Texas on September 21, 1988.

TRD-8809798 W.N. Kirby
Commissioner of Education

Filed: September 22, 1988

For further information, please call (512) 463-9032

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**Office of the Governor, Budget and
Planning Office**

Request for Proposal

The Budget and Planning Office, Office of the Governor invites professionals with documented experience in the preparation and negotiation of state cost allocation plans to submit proposals to: revise and negotiate with federal authorities the Consolidated Statewide Cost Allocation Plan, under Office of Management and Budget Circular A-87, for use by agencies of the State of Texas for the fiscal year ending August 31, 1989; and to prepare and negotiate the plan for fiscal year 1990.

The purpose of this Request for Proposal (RFP) is to increase the amount of central government costs approved for allocation to eligible agencies to use in developing their indirect cost plans, thereby increasing recoverable overhead costs applicable to certain federally-funded programs. An important factor for consideration will be the professional's experience with costs approved for allocation in other states and with negotiating approval of allocations with federal authorities.

The Budget and Planning Office (BPO) reserves the right to accept any or reject all proposals submitted and has no legal obligation to execute a contract on the basis of this invitation. BPO reserves the right to use responses to this RFP as a basis for further negotiation of specific contract details. Any selection made will be based on proven

expertise, qualifications, and competence and on proposed fees to be charged for this service, as evaluated by staff of BPO. The State of Texas will assume no costs for preparation and submission of proposals.

The State of Texas will pay a reasonable charge for revising the 1989 Plan and for obtaining federal approval of the Plan, and a reasonable fee for preparation and approval-negotiation of the 1990 Plan. The professional will be responsible for all aspects of obtaining raw cost and statistical data; for identifying allocable costs; for preparing and submitting each plan; for negotiating federal approval of each plan; and for delivering 150 copies of each approved plan to BPO. Final amount to be paid for each plan will be based on the contracted fees and will be expedited upon delivery of the required number of copies of the approved plan to BPO.

Proposals should be clearly marked and must be received at the Budget and Planning Office, 700 Sam Houston Building, Austin (P.O. Box 12428, Austin 78711) no later than 5 p.m., October 17, 1988. Questions relative to clarification of the items in this RFP should be directed to Ron Lindsey, Director, Budget and Planning Office, Office of the Governor, at the above address, (512) 463-1778.

Issued in Austin, Texas on September 22, 1988.

TRD-8809868 Ron Lindsey
Director
Office of the Governor, Budget and
Planning Office

Filed: September 23, 1988

For further information, please call (512) 463-1788

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**Texas Department of Health
Correction of Error**

The Texas Department of Health submitted a Rescission of Order which contained an error as submitted by the department in the July 8, 1988, issue of the *Texas Register* (13 TexReg 3431).

The second paragraph of the "Rescission of Order" should read: "Order of revocation issued June 8, 1988, to Larry Dean Kelley, S.C., 5306 Davis Boulevard, Richland Hills, Texas 76180, holder of Certificate of Registration Number R11874."

The department also submitted an open meeting which contained an error as submitted by the department in the September 6, 1988, issue of the *Texas Register* (13 TexReg 4452).

The meeting should have been titled: "State Committee for Speech-Language Pathology and Audiology"

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**Licensing Actions for Radioactive
Materials**

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
San Antonio	QRSystems, Inc.	104223	San Antonio	0	09/08/88