

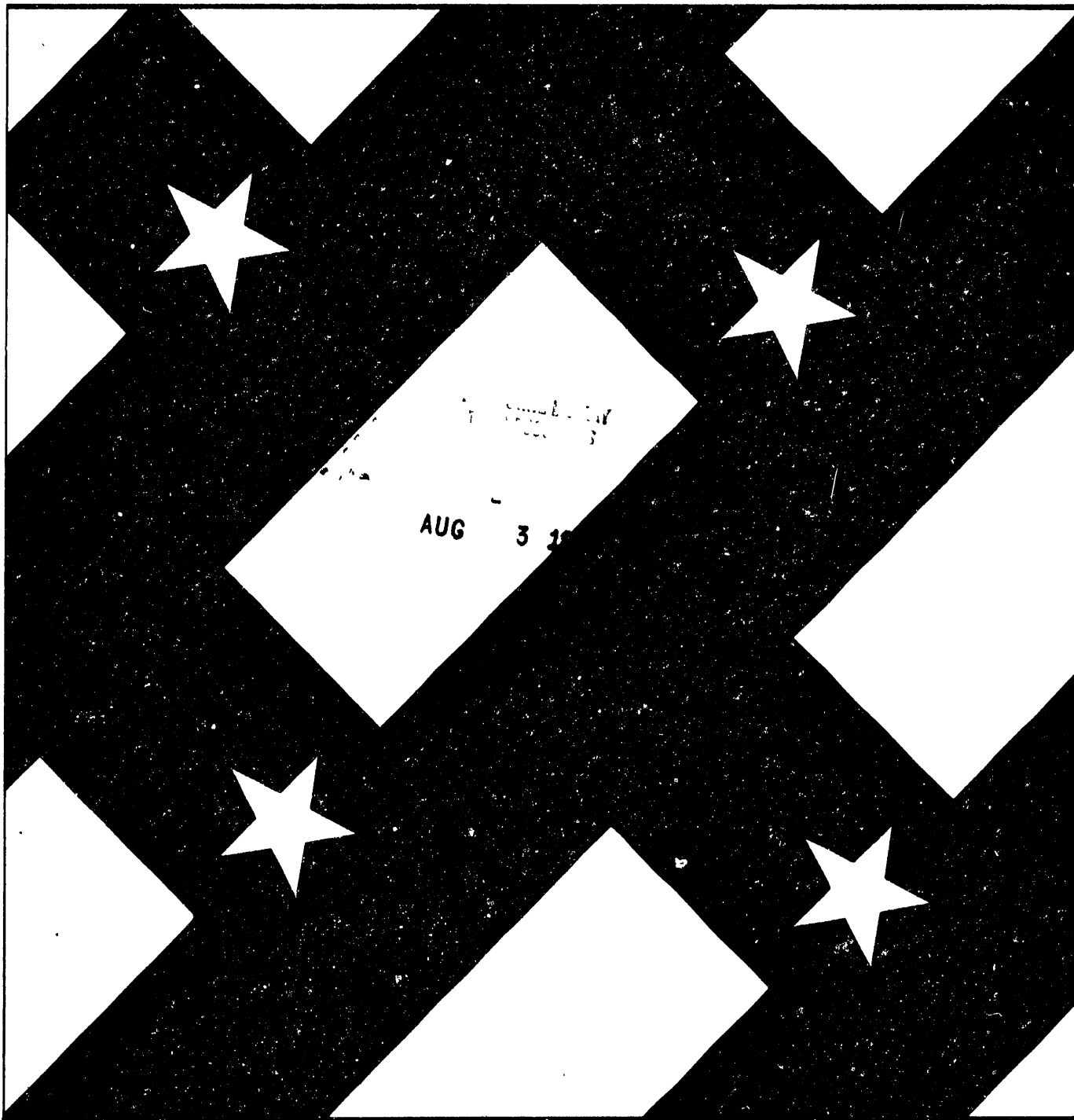
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Texas Register

Volume 9 Number 56, July 27, 1984

Pages 4045 - 4100



Highlights

The Texas Education Agency adopts on an emergency basis amendments concerning special education funding
Effective date July 19 page 4054

The Comptroller of Public Accounts adopts on an

emergency basis amendments concerning state sales and use tax
Effective date July 20 page 4057

The Railroad Commission of Texas proposes amendments in a chapter concerning the Liquefied Petroleum Gas Division Earliest possible date of adoption August 27 page 4059

**Office of
the Secretary
of State**

Texas Register

The *Texas Register* (ISN 0362-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1984 with the exception of January 28, July 10, November 27, and December 28, by the Office of the Secretary of State.

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

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

- Governor—appointments, executive orders, and proclamations
- Secretary of State—summaries of opinions based on election laws
- State Ethics Advisory Commission—summaries of requests for opinions and opinions
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
- Open Meetings—notices of open meetings
- In Addition—miscellaneous information required to be published by statute or provided as a public service

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

How To Cite: Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written "9 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 9 TexReg 3."

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

Texas Administrative Code

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

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

1 indicates the title under which the agency appears in the *Texas Administrative Code*,

TAC stands for the *Texas Administrative Code*,

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



Texas Register Publications

a division of the
Office of the Secretary of State
P.O. Box 13824
Austin, Texas 78711-3824
512-475-7886

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Subscriptions—one year (96 regular issues and four index issues), \$70; six months (48 regular issues and two index issues), \$50. Single copies of most issues of the *Texas Register* are available at \$2.00 per copy.

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As required by Texas Civil Statutes, Article 6252-13a, §6, the *Register* publishes executive orders issued by the Governor of Texas. Appointments made and proclamations issued by the governor are also published. Appointments are published in chronological order.

Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 475-3021.

The Governor

Executive Order MW-25

Establishing Interim Procedures for the Allocation of the State Ceiling on Certain Housing Bonds.

WHEREAS, the Internal Revenue Code of 1954, §103A, (the Code), provides that interest on bonds issued by or on behalf of a state or a political subdivision thereof prior to or on December 31, 1983, to provide financing for owner-occupied residences shall be exempt from federal income taxation under certain conditions; and

WHEREAS, the United States Congress has enacted the proposed Deficit Reduction Act of 1984, House Resolution 4170, certain provisions of which will amend the Code, §103A, to cause it to be applicable to bonds issued prior to or on December 31, 1987; and

WHEREAS, the Code, §103A(g), imposes a ceiling on the aggregate amount of such housing bonds that may be issued within any state during any calendar year and provides that each state, by law enacted after December 5, 1980, may allocate such state ceiling among state and local issuers within such state; and

WHEREAS, the 67th Legislature, Chapter 852, 1981 (codified as Texas Civil Statutes, Article 1269I-8), established an allocation procedure for the issuance of such housing bonds in the State of Texas during calendar years 1981-1983, but not for subsequent years; and

WHEREAS, House Resolution 4170, §611(d)(4), provides as follows:

TRANSITIONAL RULE WHERE STATE FORMULA FOR ALLOCATING STATE CEILING EXPIRES—

(A) **IN GENERAL**—If a state law which provided a formula for allocating the state ceiling under the Internal Revenue Code of 1954, §103A(g), for calendar year 1983, expires as of the close of calendar year 1983, for purposes of §103(A)(g) of such Code, such state law shall be treated as remaining in effect after 1983. In any case to which the preceding sentence applies, where the state's expiring allocation formula requires action by a state official to allocate the state ceiling among issuers, actions of such state official in allocating such ceiling shall be effective.

(B) **TERMINATION**—Subparagraph (A) shall not apply on or after the effective date of any state legislation enacted after the date of the enactment of this Act with respect to the allocation of the state ceiling.

(C) **SPECIAL RULE FOR TEXAS**—In the case of Texas, the governor of such state may take the action described in subparagraph (A) pursuant to procedures established by the governor consistent with the state laws of Texas.

WHEREAS, the Texas Legislature has not yet enacted any legislation with respect to the allocation of the state ceiling on such housing bonds during 1984 and subsequent years; and

WHEREAS, state and local issuers of such housing bonds in the State of Texas have indicated their desire to proceed expeditiously to issue such housing bonds during 1984 and subsequent years as permitted by House Resolution 4170, and have further indicated their desire to market such bonds at the earliest practicable date in order to obtain favorable interest rates on such bonds; and

WHEREAS, any delay in the implementation of the interim procedures set forth herein would place persons and families of low and moderate income in Texas at a material disadvantage in obtaining low-interest home mortgage loans under the provisions of House Resolution 4170; and

WHEREAS, in view of the foregoing and in anticipation of the signing of House Resolution 4170 by President Reagan, the governor of the State of Texas has determined to promulgate and adopt the interim procedures set forth in this executive order;

NOW, THEREFORE, I, Mark White, governor of Texas, under the authority vested in me, do hereby order as follows:

(1) It is hereby ordered that the terms and provisions of Article 12691-8, with the modifications set forth herein, are adopted for allocating the state ceiling on housing bonds issued in Texas pursuant to the Code, §103A.

(2) It is hereby ordered that the Texas Department of Community Affairs (the TDCA) is authorized and directed to continue to administer such allocation procedure in accordance with the terms and provisions of this executive order and together with the modifications set forth herein, Article 12691-8 and the procedures and forms issued by the TDCA on June 30, 1981, and published in the *Texas Register* on July 7, 1981, (the TDCA procedures).

(3) It is hereby ordered that Article 12691-8 and the TDCA procedures shall be deemed modified for the purposes hereof by inserting "1984" in all places where "1981" appears, by inserting "1985" in all places where "1982" appears, and by inserting "1986 and 1987" in all places where "1983" appears.

(4) It is hereby ordered that requests for reservation of a portion of the local share of the state ceiling for calendar years 1984-1987 shall be accepted for filing at the office of the TDCA only upon and after the date upon which both the governor and the Texas Housing Agency (THA) have made an initial determination of the state ceiling for such calendar year. In connection therewith, the governor hereby declares his intention to determine the state ceiling for calendar year 1984 on July 18, 1984. It is hereby ordered that both the governor and the THA shall determine and, if necessary, adjust the state ceiling for each calendar year. In the event that the governor and the THA act on different dates in making such determination or adjustment, the latter date shall control.

(5) It is hereby ordered that all bond purchase contracts accompanying requests for reservation of a portion of the local share of the state ceiling for calendar years 1985-1987 shall be dated no earlier than the first business day of January of each respective year. It is hereby further ordered that all bond purchase contracts accompanying requests for reservation of a portion of the local share of the state ceiling for calendar years 1985-1987 shall be dated no earlier than 30 days prior to the date of filing of such reservation request.

(6) It is hereby ordered that no more than one reservation request may be filed by an issuer with the TDCA during each calendar year unless the reservation issued with respect to a prior reservation request of such issuer during such year has lapsed or has been exhausted, in which event such issuer may thereupon file another reservation request during such year.

(7) It is hereby ordered that any reservation request for which a reservation certificate is not immediately available shall remain eligible for a reservation certificate during the remainder of the calendar year during which such request was filed without the necessity of refiling a subsequent reservation request by the issuer; provided, however, that the 45-day period referred to in Article 12691-8, §5(c), and the TDCA procedure, §121.13, shall not be deemed to commence until the issuance by the TDCA of a reservation certificate pertaining to such reservation request.

(8) It is hereby ordered that the executive director of the TDCA shall certify in connection with each reservation certificate that the issue which is the subject of such certificate meets the requirements of the Code, §103A(g).

(9) It is hereby ordered that the executive director of the TDCA may and is hereby authorized to adopt such other and further forms and procedures as may be necessary to carry out the intent of this executive order.

(10) This executive order shall become effective upon the date hereof and shall remain in full force and effect until modified or rescinded by me; provided, however, that this executive order shall terminate upon the effective date of any legislation enacted hereafter by the Texas Legislature with respect to the matters referred to herein; and provided further that in the event that House Resolution 4170 does not become law, this executive order shall be null and void.

This executive order shall be effective immediately and shall remain in full force and effect until modified, amended, or rescinded by me.

Issued in Austin, Texas, on July 13, 1984.

TRD-847586

Mark White
Governor of Texas

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

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

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

The Attorney General

Requests for Opinions

RQ-372. Request from Gib Lewis, speaker, House of Representatives, Austin, concerning whether dredging a channel on property outside the limits of a general law village is an improvement for purposes of Texas Civil Statutes, Article 1269j-4.12, and related questions.

TRD-847558

RQ-373. Request from Ray Farabee, chairman, Senate State Affairs Committee, Austin, concerning whether an employee resident of a state school is a legal resident of the surrounding independent school district.

TRD-847559

RQ-374. Request from Kenneth H. Ashworth, commissioner, Coordinating Board, Texas College and University System, Austin, concerning nonresident tuition at the Southwest Collegiate Institute for the Deaf.

TRD-847560

Summary of Decision. Job audit materials regarding employment positions in the Texas Department of Human Resources are excepted from disclosure only to the extent they contain opinions and recommendations.

TRD-847634

Open Records Decision

ORD-420 (RQ-273). Request from Marlin W. Johnston, commissioner, Texas Department of Human Resources, Austin, concerning whether job audit materials are available to the public under the Open Records Act.



Emergency Rules

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

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

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



TITLE 19. EDUCATION
Part II. Texas Education Agency
Chapter 77. Comprehensive
Instruction
Subchapter R. Bilingual Education and
Other Special Language Programs
19 TAC §77.356

The Texas Education Agency adopts on an emergency basis amendments to §77.356, concerning the testing and classification of students for bilingual education and other special language programs. The section deletes the list of tests to be used for classification of limited English-speaking students and provides instead that a list of tests to be used for such classification shall be approved by the State Board of Education.

This will simplify the process of keeping the list updated.

The amendments are adopted on an emergency basis to ensure that there will be no inconsistency between the list of tests approved for use by school districts and that shown in the rules of the board.

The amendments are adopted on an emergency basis under the authority of the Texas Education Code, §21.453, which directs the State Board of Education by rule to adopt standardized criteria for the identification, assessment, and classification of students of limited English proficiency eligible for entry into or exit from bilingual education.

§77.356. Testing and Classification of Students.

(a) Districts shall administer an English oral language proficiency test to each student in grades kindergarten through 12 who has a language other than English as identified on the home language survey. Districts shall select one or more of the tests approved [adopted] by the State Board of Education. **In districts required to offer a bilingual program** [For students whose home language is Spanish], the Spanish section of the oral language proficiency tests selected by a district shall also be administered **in kindergarten through the elementary grades to students whose home language is Spanish.** An English-speaking professional or paraprofessional trained in language proficiency testing shall administer the English portion of the test. A Spanish-speaking professional or paraprofessional trained in language proficiency testing shall administer the Spanish portion of the test. For languages other than Spanish, informal oral assessment measures in the home language shall be used. The [tests], grade levels[,] and the scores on each test which shall identify a student as limited English proficient **shall be established by the State Board of Education. The commissioner of education shall review the approved list of tests, grade levels, and scores at least annually and shall recommend changes to the board. [are as follows:]**

<u>Test</u>	<u>Grade Levels</u>	<u>Score on English Portion of Test Indicating LEP</u>	
Primary Acquisition of Language (PAL): Oral Language Dominance Measure (OLDM)	K	Below 4.5	
	1-3	Below 5	
<hr/>			
Primary Acquisition of Language (PAL): Oral Language Proficiency Measure (OLPM)	4-6	Below 5	
<hr/>			
Bilingual Syntax Measure (BSM)	Level I	Below 4	
	Level II	Below 5	
<hr/>			
Basic Inventory of Natural Language (BINL)	K-2	Below 50	
	3-8	Below 75	
	9-12	Below 100	
<hr/>			
Language Assessment Scales (LAS)	Level I	Below 75	
	Level II	Below 82	
<hr/>			
Shutt Primary Language Indicator Test (SPLIT)--Listening and Verbal Fluency	K	Listening Comprehension	Verbal Fluency
	1	Either Below 10	or 6
	2-3		14 or 7
	4		15 or 9
	5-6		16 or 9 17 or 9
<hr/>			
Language Assessment Battery (LAB)	Level I	K	18
		1	19
		2	36
	Level II	3	56
		4	67
		5	77
		6	79
	Level III	7	67
		8	72
		9-10	77
		11	79
			12
<hr/>			
IDEA Oral Language Proficiency Test	K-1	Below level C	
	2-8	Below level D]	

(b) Districts shall administer the English reading and English language arts sections of a standardized achievement test to each student in grades two through 12 who has a home language other than English as identified on the home language survey. Districts will use one or more of the tests approved [adopted] by the State Board of Education. The list of tests shall be reviewed

at least annually by the commissioner of education and any needed changes shall be recommended to the board. [as follows:]

[(1) California Achievement Test (CAT), 1977—CTB/McGraw Hill;

[(2) Comprehensive Test of Basic Skills, (CTBS), 1973—CTB/McGraw Hill;

- [(3) Comprehensive Test of Basic Skills, (CTBS), 1981—CTB/McGraw Hill;
- [(4) Iowa Test of Basic Skills (ITBS) and Test of Achievement and Proficiency (TAP), 1978—Riverside Publishing Company;
- [(5) Iowa Test of Basic Skills (ITBS), 1971—Riverside Publishing Company;
- [(6) Metropolitan Achievement Tests, Survey Battery (MAT), 1978—The Psychological Corporation;
- [(7) Metropolitan Achievement Test (MAT), 1970—The Psychological Corporation;
- [(8) The Metropolitan Instructional Series, reading tests, 1978—The Psychological Corporation;
- [(9) The Metropolitan Instructional Series, language tests, 1978—The Psychological Corporation;
- [(10) Science Research Associates (SRA), 1978—Science Research Associates;
- [(11) Science Research Associates (SRA)/Iowa Test of Educational Development (ITED), 1971—Science Research Associates;
- [(12) Scott Foresman Achievement Series, 1980—Scott Foresman;
- [(13) The Stanford Achievement Test (SAT) and Test of Academic Skills (TASK), 1972-73—The Psychological Corporation;
- [(14) Stanford Diagnostic Reading Test (SDRT), 1976—The Psychological Corporation;
- [(15) Sequential Tests of Educational Progress (STEP III, Circus), 1979—Addison-Wesley Publishing Company;
- [(16) The 3 R's Test, Achievement Edition, 1982—Riverside Publishing Company.]

(c)-(g) (No change.)

Issued in Austin, Texas, on July 18, 1984.

TRD-847538 Raymon L. Bynum
Commissioner of Education

Effective date: July 18, 1984
Expiration date: November 15, 1984
For further information, please call (512) 475-7077.

Chapter 89. Adaptations for Special Populations

Subchapter G. Special Education Clarification of Provisions in Federal Regulations and State Law

19 TAC §89.227

The Texas Education Agency adopts on an emergency basis amendments to §89.227, concerning contracting for educational placements for handicapped students. The amendments delete the requirement for Texas Education Agency approval of individual day contract placements. Institutions for such placements must be approved by the agency.

The amendments are adopted on an emergency basis to ensure that districts are informed of the revised procedure prior to the start of the 1984-1985 school year.

The amendments are adopted on an emergency basis 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, as amended by House Bill 72, which provides for special education as part of the Foundation School Program.

§89.227. Contracting for Educational Placements for Handicapped Students.

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

(e) All residential contract placements[, day and residential,] require prior approval by the Central [Texas] Education Agency.

(f)-(l) (No change.)

Issued in Austin, Texas, on July 18, 1984.

TRD-847542 Raymon L. Bynum
Commissioner of Education

Effective date: July 18, 1984
Expiration date: November 15, 1984
For further information, please call (512) 475-7077.

Subchapter G. Special Education Funding

19 TAC §89.250

The Texas Education Agency adopts on an emergency basis amendments to §89.250, concerning special education funding. The amendments set out funding formulas for special education programs for the 1984-1985 school year only. Funding provisions set out in House Bill 72, 68th Legislature, Second Called Session, 1984, will be applicable beginning with the 1985-1986 school year. The formula for 1984-1985 proposed here is a modified personnel unit allocation system similar to that used for the 1983-1984 school year.

These amendments are adopted on an emergency basis to comply with the requirement in House Bill 72 that the State Board of Education establish special education funding formulas for the 1984-1985 school year.

These amendments are adopted on an emergency basis under the Texas Education Code, §16.151, as amended by House Bill 72, 68th Legislature, Second Called Session, 1984, which directs the State Board of Education to adopt by rule a funding formula for the special education program for the 1984-1985 school year.

§89.250. Special Education Funding [Personnel Unit Allocation].

(a) For the 1984-1985 school year, a modified personnel unit allocation system shall be used for special education funding, based on the formulas in the [Special education personnel units shall be allocated in accordance with] Texas Education Code, §16.104, as they were effective for the 1983-1984 school year. The formulas shall be based on the preceding year's refined average daily

attendance (ADA). All allocations shall be subject to the availability of funds.

(1) The amount of special education funding which will be allocated to each district shall be determined as follows:

(A) The Central Education Agency shall determine the special education personnel unit allocation for each special education program (using the 1983-1984 formula) for the 1984-1985 school year.

(B) Although personnel employed must be paid according to each district's minimum salary schedule, the special education allocation shall be based on the following:

(i) Teacher aides—same state minimum salary schedule as 1983-1984;

(ii) Teachers—minimum salary as described in the Texas Education Code, §16.05(c), for 1984-1985;

(iii) Professional support and related services personnel—minimum salary as described in the Texas Education Code, §16.056(c), for 1984-1985.

(C) The 10% limitation on extending contracts for personnel units (excluding the special education director and the cooperative aide) shall remain in effect only for purposes of the calculations in this subsection.

(D) The basic support allocation and supplemental unit allocation shall be determined in accordance with the provisions of the Texas Education Code, §16.104, as they were in effect for the 1983-1984 school year, and the rules in this subchapter.

(2) All special education personnel funded under this system must be paid the minimum salary according to the district's local salary schedule.

(3) In order to determine each district's equalization funds, all special education dollars will be allocated to each participating member district in a special education cooperative. The amount of funds allocated to each member district will be determined by multiplying the total amount of dollars allocated to the cooperative times the percentages indicated for each district in the 1983-1984 special education verification report. These percentages may be adjusted by the cooperative management board. The member districts will be expected to flow the necessary funds back to the fiscal agent for the operation of the cooperative after deducting an amount to pay for special education personnel working only in that member district.

(4) The receipt of special education funds is contingent upon the operation of an approvable comprehensive special education program in accordance with state and federal laws and rules. A district (or cooperative member district) may not divert special education funds for other purposes.

(5) Contact-hour records for special education students shall be maintained by each district and contact-hour information shall be reported as required by the commissioner of education. Based on statewide average 1983-1984 estimated contact hours, the commissioner shall compute for each district an expected number of contact hours based on the number of special education units allocated to that district. If a district's actual reported contact hours differ significantly from the expected contact hours calculated by the commissioner, the commissioner may reduce the district's funding level accordingly.

(6) All special education allocations shall be subject to the availability of funds. Should full funding of the formulas in this section require the expenditure of funds in excess of funds appropriated, the commissioner of education shall ratably reduce each district's allocation and shall make any additional adjustments in the allocation procedure which may be needed to reduce statewide disparities in the percentages of children served in special education programs.

(b)-(e) (No change.)

[(f) The district's total personnel units shall be adjusted for special education personnel in accordance with Texas Education Code, §16.102(g), and §105.44 of this title (relating to Personnel Unit Adjustment for Special Education, Vocational Education, and School Community Guidance Center Personnel).]

(f)[(g)] The school district will file a verification report as of the date established by the commissioner which gives the extent of special education programs and services activated. Unfilled personnel units may be recovered by the commissioner of education and reallocated to districts based on need. Authorized units will be reflected on the final application-foundation funds.

(h) To receive its full allocation, a program must identify and provide service to a number of handicapped students equal to at least 12% of its total refined ADA in the preceding school year. These data will be reflected on the superintendent's annual report.]

Issued in Austin, Texas, on July 19, 1984

TRD-847572

Raymon L. Bynum
Commissioner of Education

Effective date: July 19, 1984

Expiration date: November 16, 1984

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

Chapter 117. Pupil Attendance Accounting

19 TAC §117.1

The Texas Education Agency adopts on an emergency basis amendments to §117.1, concerning requirements for pupil attendance accounting for state funding purposes. The amendments implement House Bill 72, 68th Legislature, Second Called Session, 1984, which requires the State Board of Education to designate eight weeks in which attendance will be counted for state funding purposes. The four weeks for the fall semester are designated at this time, beginning with the first Monday in October. The weeks for the spring attendance accounting will be selected at a later date, based upon results from the first reporting period. The amendment also provides for record keeping and reporting of attendance for bilingual programs and of full-time equivalent students for special education and vocational educational education programs.

These amendments are adopted on an emergency basis to enable districts to be adequately prepared for

the new attendance accounting requirements applicable when the 1984-1985 school year begins.

These amendments are adopted on an emergency basis under the Texas Education Code, §16.006, as amended by House Bill 72, 68th Legislature, Second Called Session, 1984, which directs the State Board of Education to designate by rule the eight weeks to be used for attendance accounting purposes.

§117.1. Requirements for Pupil Attendance Accounting for State Funding Purposes.

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

(c) Notwithstanding other provisions of this section, in accordance with the Texas Education Code, §16.006, for the 1984-1985 school year and thereafter, average daily attendance shall be determined by the best four weeks of eight weeks of attendance.

(1) Attendance for the fall semester shall be counted beginning with the first Monday of October. Attendance weeks for the spring semester shall be designated by the State Board of Education before the start of the 1985 spring semester.

(2) Any district in which fewer than four school days are scheduled or held during one of the designated weeks shall inform the commissioner of education, who may approve the next week at the end of the reporting period for that district. Districts which count attendance in an alternate week shall report to the commissioner of education such information concerning transfers into and out of the district as the commissioner may require.

(d) Districts shall maintain records and make reports concerning average daily attendance in bilingual education and special language programs as required by the commissioner of education.

(e) Districts shall maintain records to indicate the number of full-time equivalent students in average daily attendance in special education and vocational education programs and shall make such reports concerning full-time equivalent students as may be required by the commissioner of education to enable the commissioner to perform funding calculations and adjustments in accordance with the Texas Education Code, Chapter 16.

Issued in Austin, Texas, on July 19, 1984.

TRD-847573 Raymon L. Bynum
Commissioner of Education

Effective date: July 19, 1984
Expiration date: November 16, 1984
For further information, please call (512) 475-7077.

**Chapter 141. Teacher Certification
Subchapter S. Testing Program
Basic Skills Tests Required for Admission
to Teacher Education Programs**

19 TAC §141.433

The Texas Education Agency adopts on an emergency basis amendments to §141.433, concerning fees for the basic skills tests required for entry into a

teacher education program. The amendments change the fee required of the candidates to register for the tests. This fee increase was determined by the Policy Board of the Educational Testing Service, which administers the test. Additional fee changes are not anticipated. The fee for the preprofessional skills tests shall be \$33 rather than \$28 for the three tests. The fees for retakes shall be \$23 rather than \$13 for one test and \$28 rather than \$23 for two tests.

These amendments are adopted on an emergency basis to reflect fee changes made by the Educational Testing Service and to ensure compliance with the statutory requirement that fees for the test be fixed by the State Board of Education.

These amendments are adopted on an emergency basis under the Texas Education Code, §13.032(f), which authorizes the State Board of Education to fix and require a payment of a fee for examinations required as part of the teacher testing program.

§141.433. Fees for Testing.

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

(e) The fee for the preprofessional skills tests shall be \$33 [\$28] for the three tests. The fees for retakes shall be \$23 [\$13] for one test and \$28 [\$23] for two tests.

Issued in Austin, Texas, on July 19, 1984.

TRD-847574 Raymon L. Bynum
Commissioner of Education

Effective date: July 19, 1984
Expiration date: November 16, 1984
For further information, please call (512) 475-7077.

**Chapter 149. Education Personnel
Development
Subchapter A. Education Personnel
Development Program**

19 TAC §149.3

The Texas Education Agency adopts on an emergency basis new §149.3, concerning the designation of areas or fields of acute teacher shortage for purposes of the programs for educational aid for teachers included in House Bill 72, 68th Legislature, Second Called Session, 1984. The new section provides that these areas be designated based on the most current teacher supply/demand information, including, but not limited to, numbers and types of new certificates issued, shortages reflected in school district permit requests, and changing needs which result from new curriculum or program requirements.

This new section is adopted on an emergency basis to ensure that the educational aid programs authorized by House Bill 72 can be put into effect as quickly as possible.

This new section is adopted on an emergency basis under the Texas Education Code, §52.40(b), §54.104(b), and 60.11, all of which require the State Board of Education to designate areas or fields of acute teacher

shortage for the purposes of educational aid programs for teachers.

§149.3. Educational Aid for Teachers: Designation of Areas and Fields of Acute Teacher Shortage.

(a) Annually, the State Board of Education shall designate those areas or fields of acute teacher shortage for purposes of the educational aid for teachers programs authorized in the Texas Education Code, §52.40, Chapter 60, and Chapter 54, Subchapter C.

(b) These fields and areas shall be designated based upon the most current teacher supply/demand information, including, but not limited to, numbers and types of new certificates issued, shortages reflected in school district permit requests, and changing needs which result from new curriculum or program requirements.

Issued in Austin, Texas, on July 18, 1984.

TRD-847540 Raymon L. Bynum
Commissioner of Education

Effective date: July 18, 1984
Expiration date: November 15, 1984
For further information, please call (512) 475-7077.

**TITLE 34. PUBLIC FINANCE
Part I. Comptroller of Public
Accounts
Chapter 3. Tax Administration
Subchapter O. State Sales and Use Tax
34 TAC §3.327**

The Comptroller of Public Accounts adopts on an emergency basis amendments to §3.327, concerning retailer's bond or other security. The purpose of the amendments is to delete the bond requirement for most newly-permitted businesses. The comptroller has determined that the interests of the state will be adequately protected without requiring new taxpayers with average tax liabilities of less than \$1,500 to post a bond. The amendments accomplish this objective by waiving the requirement for a bond from new applicants for sales or use tax permits if the bond required under the statute is less than \$3,000. This requirement will not be waived for itinerant vendors unless the amount of the bond would be less than \$100. If a person holding a permit under this subchapter currently is or has been delinquent in the payment of any amount due, the person may be required to post a bond of not less than \$100 nor more than \$50,000.

This amendment is adopted on an emergency basis due to the large number of businesses that will be required to obtain permits before October 2, 1984, because of House Bill 122, 68th Legislature, Second Called Session, 1984. That Act extends the sales tax to numerous providers of services that have not previously been required to hold permits. Most of these businesses have been in existence for long periods of time and security is therefore unnecessary.

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

§3.327. Taxpayer's [Retailer's] Bond or Other Security.

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

(c) The amount of bond or security required of any persons applying for a tax permit.

(1) [Monthly filers:] Each applicant must [A retailer reporting on a monthly basis shall] post bond or security in an amount equal to two times the amount of the [retailer's] average monthly tax liability.

[(2) Quarterly and yearly filers: A retailer reporting on a quarterly or yearly basis shall post bond or security in an amount equal to three times the amount of the retailer's average monthly tax liability.]

(2)[(3)] If a bond amount for a person other than an itinerant vendor is calculated to be less than \$3,000 [\$100], an initial bond will not be required.

(3) If a bond amount for an itinerant vendor is calculated to be less than \$100, an initial bond will not be required. For the purposes of this paragraph, an itinerant vendor is a person who does not operate any place of business as defined in §3.286 of this title (relating to Seller's Responsibilities).

[(4) If it is determined at any time that the amount of bond on file is inadequate or that a retailer is delinquent in the payment of any amount due, the comptroller may redetermine the amount of security and require new or additional bond to be posted. Under no circumstances, however, will the amount required exceed \$50,000 or be less than \$100.]

(d) The amount of bond or security required of a person who currently is or has been delinquent in payment of any amount due.

(1) Monthly filers: A person reporting on a monthly basis must post bond or security in an amount equal to two times the amount of the retailer's average monthly tax liability.

(2) Quarterly and yearly filers: A person reporting on a quarterly or yearly basis must post bond or security in an amount equal to three times the amount of the person's average monthly tax liability.

(3) If a bond amount is calculated to be less than \$100, bond will not be required.

(e) If it is determined at any time that the amount of bond on file is inadequate or that a person is delinquent in the payment of any amount due, the comptroller may redetermine the amount of security and require a new or additional bond to be posted. Under no circumstances, however, will the amount required exceed \$50,000 or be less than \$100.

(f)[(d)] Types of security.

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

(g)[(e)] Assignments. An assignment of either a savings account or a certificate of deposit in an institution insured by an agency of the U.S. government must be irrevocable and must be executed on an assignment form approved by the comptroller.

(h)[(f)] Surety bonds. A surety bond must be executed on a form approved by the comptroller and can be issued only by a surety company chartered or authorized to do business in the State of Texas. The bond shall

constitute a new and separate obligation in the penal sum named therein for each calendar year or a portion thereof while the bond is in force. The bond must be executed by an attorney-in-fact appointed by the surety. The appointing instrument must be properly notarized and physically attached to the bond.

(l)(g) Forfeiture. In the event of forfeiture, the comptroller will notify the person holding the security and demand payment. The comptroller will also notify the retailer and demand that another or additional bond or security be furnished within 10 days of the date of such notice. The amount of bond or security specified in the notice shall be fixed by the comptroller subject only to the limitations stated in subsection (c)(4) of this section. This

notice shall become final at the expiration of 10 days. Failure to comply with the requirements of the notice within the 10-day period will result in the suspension of the retailer's tax permit.

(l)(h) Retailer's bond or security when ownership is changed.

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

Issued in Austin, Texas, on July 19, 1984.

TRD-847615 Bob Bullock
Comptroller of Public Accounts

Effective date: July 20, 1984
Expiration date: November 17, 1984
For further information, please call (512) 475-3852.

State Board of Insurance Exempt Filings

**State Board of Insurance
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 is renewing the effectiveness of the emergency adoption under the Insurance Code, Chapter 5, Subchapter L, of a filing by the Surety Association of America of two endorsement forms for use with health maintenance organizations, for a 60-day period effective August 3, 1984. The notice of the exempt filing was originally published in the April 13, 1984, issue of the *Texas Register* (9 Tex-Reg 2042).

Issued in Austin, Texas, on July 18, 1984.

TRD-847628 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: August 3, 1984
Expiration date: October 2, 1984
For further information, please call (512) 475-2950.



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

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

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

Proposed Rules

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 9. Liquefied Petroleum Gas Division

Subchapter B. Basic Rules

16 TAC §9.63

The Railroad Commission of Texas proposes new §9.63, concerning heavily populated and congested areas. The new section provides for the ability of the LP-Gas Division of the Railroad Commission of Texas to determine restrictions on tank capacity and total storage at any LP-gas installation in heavily populated or congested areas.

Thomas D. Petru, acting director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Petru also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is greater clarity and uniformity of regulation in the LP-gas industry and greater protection of the general public. There is no anticipated economic

cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Thomas D. Petru, Acting Director, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711.

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

§9.63. *Heavily Populated and Congested Areas.* Where LP-gas fuel storage containers are located in heavily populated or congested areas, the Railroad Commission of Texas shall determine restrictions on individual tank capacity and total storage.

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 9, 1984.

TRD-847616

Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Earliest possible date of adoption:

August 27, 1984

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

Subchapter D. Division II

16 TAC §9.99

The Railroad Commission of Texas proposes an amendment to §9.99, concerning design working pressure and classification of storage containers. The amendment deletes the requirement for the minimum thickness of fuel storage container shells and heads.

Thomas D. Petru, acting director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Petru also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is greater clarity and uniformity of LP-gas regulations. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Thomas D. Petru, Acting Director, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711.

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

§9.99. Design Working Pressure and Classification of Storage Containers.

(a) (No change.)

[(b) The shell or head thickness of any container shall not be less than 3/16 inch.]

(b)[(c)] All nozzle openings in shell or heads of ASME vessels shall be either 3,000 pound couplings or Schedule 80 pipe. Such nozzles shall be installed by the container manufacturer before testing

(c)[(d)] All liquefied petroleum gas containers shall be fabricated by fusion welding.

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 9, 1984.

TRD-847614 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Earliest possible date of adoption:

August 27, 1984

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

Subchapter E. Division III

16 TAC §9.121

The Railroad Commission of Texas proposes an amendment to §9.121, concerning location of con-

tainers. The section provides for the ability of the LP-Gas Division to determine restrictions on tank capacity and total storage at bulk storage installations in heavily populated or congested areas.

Thomas D. Petru, acting director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Petru also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is to offer greater clarity and uniformity of LP-gas regulations. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Thomas D. Petru, Acting Director, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711.

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

§9.121. Location of Containers.

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

[(e) In case of bulk storage containers in heavily populated or congested areas, the Railroad Commission of Texas shall determine restrictions on individual tank capacity and total storage.]

(e)[(f)] Bulk storage containers shall not be placed under an electric transmission line. All bulk storage containers shall be so placed in regard to electric transmission lines that, in the event of the breakage of any conductor, the broken ends will not contact the containers.

(f)[(g)] Suitable means shall be taken by diking, diversion curbs, or grading, to prevent the accumulation of flammable liquids such as gasoline, diesel oil, etc., under adjacent liquefied petroleum gas containers.

(g)[(h)] The minimum separation between liquefied petroleum gas containers and flammable liquid tanks shall be 20 feet, and the minimum separation between a container and the center line of the dike shall be 10 feet.

(h)[(i)] Liquefied petroleum gas containers shall not be located within a diked area.

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 9, 1984.

TRD-847613 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Earliest possible date of adoption:

August 27, 1984

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

Subchapter F. Division IV

16 TAC §9.141

The Railroad Commission of Texas proposes amendments to §9.141, concerning protection of safety relief valves. The amendments require internal safety relief valves on transports fabricated for use in Texas after March 7, 1983.

Thomas D. Petru, acting director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Petru also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is greater clarity and uniformity of LP-gas regulation. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Thomas D. Petru, Acting Director, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711.

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

§9.141. Protection of Safety Relief Valves. Any container fabricated for use in the State of Texas [Safety relief valves installed] after March 7, 1983, designed or used for the transport of [on containers used for transporting] LP-gas, shall have only [be of the] full internal type safety relief valves, in order [so as] to provide maximum protection against breakage [breaking off] or dislocation in the event [case] of an accident.

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 9, 1984.

TRD-847612 Walter Earl Lilie
Special Counsel
Railroad Commission of Texas

Earliest possible date of adoption:
August 27, 1984

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

16 TAC §9.155

The Railroad Commission of Texas proposes an amendment to §9.155, concerning design working pressure and classification of containers. The amendment deletes the requirement for the minimum thickness of fuel storage container shells and heads.

Thomas D. Petru, acting director, has determined that for the first five-year period the rule will be in effect

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

Mr. Petru also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is greater clarity and uniformity of LP-gas regulations. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Thomas D. Petru, Acting Director, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711.

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

§9.155. Design Working Pressure and Classification of Containers.

(a) (No change.)

[(b) The shell or head thickness of any container shall not be less than 3/16 inch.]

[(b)][(c)] All nozzle openings in shells or heads of ASME vessels shall be either 3,000 pound couplings or Schedule 80 pipe. Such nozzles shall be installed by the fabricator only, before testing.

[(c)][(d)] Containers to be fabricated by fusion welding only.

[(d)][(e)] All truck tanks and semitrailer tanks shall be equipped with suitable full baffles, adequate to prevent surging of tank contents.

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 9, 1984.

TRD-847611 Walter Earl Lilie
Special Counsel
Railroad Commission of Texas

Earliest possible date of adoption:
August 27, 1984

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

Subchapter K. Division IX

16 TAC §9.261

The Railroad Commission of Texas proposes an amendment to §9.261, concerning design working pressure and classification of bottle filling and LP-gas service station storage containers. The amendment deletes the requirement for the minimum thickness of fuel storage container shells and heads.

Thomas D. Petru, acting director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local

government or small businesses as a result of enforcing or administering the rule.

Mr. Petru also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is greater clarity and uniformity of LP-gas regulations. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Thomas D. Petru, Acting Director, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711.

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

§9.261. Design Working Pressure and Classification of Bottle Filling and LP-Gas Service Station Storage Containers.

(a) (No change.)

[(b) The shell or head thickness of any container shall not be less than 3/16 inch.]

(b)[(c)] All nozzle openings in shells or heads of ASME vessels shall be a minimum of either 3,000 pound couplings or Schedule 80 pipe. Such nozzle openings shall be installed by the licensed fabricator before testing.

(c)[(d)] Containers to be fabricated by fusion welding only.

(d)[(e)] Lugs, brackets, or similar attachments to container shall be attached by the container manufacturer before testing. Field welding on pressure parts is prohibited.

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 9, 1984.

TRD-847610 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Earliest possible date of adoption:
August 27, 1984

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

16 TAC §9.270

The Railroad Commission of Texas proposes an amendment to §9.270, concerning the grounding requirements at LP-gas service stations. The amendment deletes subsection (e)(4).

Thomas D. Petru, acting director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

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

public benefit anticipated as a result of enforcing the rule as proposed is greater clarity and uniformity of LP-gas regulation. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Thomas D. Petru, Acting Director, Railroad Commission of Texas, LP-Gas Division, P.O. Box 12967, Austin, Texas 78711.

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

§9.270. Dispensing Devices.

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

(e) Location.

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

[(4) LP-gas dispensing devices shall be equipped with a ground cable that is to be attached to all vehicles before fueling.]

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 9, 1984.

TRD-847609 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Earliest possible date of adoption:
August 27, 1984

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

Subchapter L. Division X

16 TAC §9.291

The Railroad Commission of Texas proposes an amendment to §9.291, concerning design working pressure and classification of containers. The amendment deletes the requirement for the minimum thickness of fuel storage container shells and heads.

Thomas D. Petru, acting director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Petru also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is greater clarity and uniformity of LP-gas regulations. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Thomas D. Petru, Acting Director, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711.

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

§9.291. Design Working Pressure and Classification of Containers.

(a) (No change.)

(b) The shell and heads of farm cart containers shall be not less than 3/16 inch thickness and shall be joined together by fusion welding.]

(b)[(c)] All nozzle openings in shells or heads of containers shall be either 3,000 pound couplings or Schedule 80 pipe. Such nozzle openings shall be installed by the container manufacturer before testing.

(c)[(d)] Farm cart containers in excess of 500 water gallon capacity shall be equipped with suitable baffles.

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 9, 1984.

TRD-847608 Walter Earl Lillie
Special Counsel -
Railroad Commission of Texas

Earliest possible date of adoption:

August 27, 1984

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

**TITLE 19. EDUCATION
Part II. Texas Education Agency
Chapter 75. Curriculum
Subchapter D. Essential Elements—
Grades 9-12
Other Courses**

19 TAC §75.123, §75.124

The Texas Education Agency proposes new §75.123, concerning the Reserve Officer Training Corps (ROTC), and §75.124, concerning computer science.

Section 75.123 adds ROTC to the approved courses for grades 9-12 and recognizes ROTC as an elective course for state graduation credit. There are no prescribed essential elements included in the rule, since each branch of the armed services provides the course objectives and instructors.

Section 75.124 adds Computer Science I and II as approved courses and lists the essential elements for these courses.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each

year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is the availability of ROTC as an elective for Texas high school students. Computer science also will be available, and all computer science courses will address the same essential elements. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. 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 rules has been published in the *Texas Register*.

These new sections are proposed under the Texas Education Code, §21.101, which directs the State Board of Education to designate essential elements for the subjects listed in subsection (a) of that section and permits the board to provide for additional subjects in addition to those listed in subsection (a).

§75.123. ROTC. Reserve Officer Training Corps (ROTC) may be offered as an elective approved for state graduation credit.

§75.124. Computer Science.

(a) Computer Science I. Computer Science I shall include the following essential elements.

(1) Beginning concepts associated with programming methodology. The student shall be provided opportunities to:

(A) develop functional specifications for specific programming problems;

(B) use current program design methodology such as modularization, top-down design, and stepwise refinement to develop program solutions for a given problem specification;

(C) develop structured program coding with good style and clarity of expression;

(D) demonstrate skill in testing for program correctness, using effective coding, design, and test data;

(E) develop effective debugging strategies; and

(F) develop adequate internal and external documentation.

(2) Beginning concepts and skills associated with programming languages. The student shall be provided opportunities to:

(A) code with a block-structured language using both local and global identifiers correctly;

(B) develop coding with correct and efficient use of data as represented by constants and variables;

(C) develop coding with correct and efficient use of expressions and assignment statements, including the use of standard functions, operators, and proper operator precedence;

(D) develop coding with correct use of sequential, conditional, and repetitive execution control structures;

(E) demonstrate effective use of predefined input and output procedures for a language;

(F) develop coding with effective use of procedures and functions, identifying actual and formal parameters and using proper value and reference parameters; and

(G) annotate coding properly with comments, indentation, and formatting.

(3) Beginning concepts and skills associated with data types and structures. The student shall be provided opportunities to:

(A) develop coding using the primitive data types for numeric data, character data, and Boolean data; and

(B) develop coding using the linear data structures: arrays and strings.

(4) Beginning concepts and skills associated with algorithms. The student shall be provided opportunities to:

(A) solve programming problems using sequential and iterative algorithms; and

(B) design and code sequential (linear) search algorithms to be used in solving problems for information storage and retrieval.

(5) Beginning concepts associated with the applications of computing. The student shall be provided opportunities to:

(A) code and study examples of coding for text processing;

(B) code or study examples of coding for simulation and modeling;

(C) code and study examples of coding for data analysis;

(D) code and study examples of coding for data management;

(E) code or study examples of coding for system software and graphics; and

(F) code or study examples of coding for games.

(6) Beginning concepts associated with computer systems. The student shall be provided opportunities to:

(A) identify major hardware components such as processors, peripherals, and memory; and

(B) identify and use system software such as language processors, operating systems, and graphical output facilities.

(7) Beginning concepts associated with the social implications of computers. The student shall be provided opportunities to:

(A) discuss the responsible use of computer systems; and

(B) discuss the social ramifications of computer applications related to privacy, values, and reliability of systems.

(b) Computer Science II. Computer Science II shall include the following essential elements.

(1) Concepts associated with programming methodology: The student shall be provided opportunities to:

(A) develop larger programs with increased emphasis on design, style, clarity of expression, and documentation as they relate to ease of maintenance, program expansion, reliability, and validity;

(B) develop further skill in testing programs, including methodologies for program verification; and

(C) perform analysis of design methodologies such as top-down design versus bottom-up.

(2) Concepts and skills associated with programming languages. The student shall be provided opportunities to:

(A) develop coding flexibility with file input and output;

(B) compare various programming languages and analyze their appropriateness for a variety of applications; and

(C) develop coding skills with recursive procedures and algorithms.

(3) Concepts and skills associated with data types and structures. The student shall be provided opportunities to:

(A) develop coding using the linear data structures; arrays strings, linked lists, stacks, and queues;

(B) develop coding using binary tree structures and effectively use current terminology related to tree data structures; and

(C) develop skills in representing data structures sequentially, with pointers, and with linked data structures.

(4) Concepts and skills associated with algorithms. The student shall be provided opportunities to:

(A) design and code programming solutions requiring the use of binary search, hash-coded search, and the search of an ordered binary tree;

(B) analyze the benefits and applicability of the various search algorithms with respect to search time;

(C) design and code programming algorithms using bubble sort, merge sort, sorting using an ordered binary tree, and quicksort; and

(D) develop skills in the manipulation of data structures, including string processing, insertion and deletion in linear structures and trees, and tree traversals.

(5) Concepts associated with numerical algorithms. The student shall be provided further opportunities to:

(A) code or study code for programming solutions by approximation;

(B) code or study code for programming solutions using statistical algorithms; and

(C) discuss the importance of the numerical accuracy of computers in designing algorithms.

(6) Concepts associated with the applications of computing. The student shall be provided further opportunities to:

(A) code programming solutions for text processing;

(B) code programming solutions for simulation and modeling;

(C) code programming solutions for data analysis;

(D) code programming solutions for data management;

(E) code programming solutions for system software and graphics; and

(F) code programming solutions for games.

(7) Concepts associated with computer systems. The student shall be provided opportunities to:

(A) use and be able to explain the function of interpreters and compilers which make it possible for them to execute the programs they write; and

(B) analyze the trade-offs made in microprocessor-based personal computers and in larger multi-user systems among factors such as cost, storage capacity, execution speed, remote access, and the ability to share files.

(8) Concepts associated with the social implications of computers. The student shall be provided opportunities to:

(A) discuss the responsible use of computer systems; and

(B) discuss the social ramifications of computer applications related to privacy, values, and reliability of systems.

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

Issued in Austin, Texas, on July 19, 1984.

TRD-847575 Raymon L. Bynum
 Commissioner of Education

Proposed date of adoption:

September 8, 1984

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

Chapter 77. Comprehensive Instruction

Subchapter R. Bilingual Education and Other Special Language Programs

19 TAC §77.356

(Editor's note: The Texas Education Agency proposes for permanent adoption the amendments it adopts on an emergency basis in this issue. The text of the amendments is published in the Emergency Rules section of this issue.)

The Texas Education Agency proposes amendments to §77.356, concerning the testing and classification of students for bilingual education and other special language programs. The proposed amendments delete the list of tests to be used for classification of limited English-speaking students from the section and provides instead that a list of tests to be used for such classification shall be approved by the State Board of Education. This will simplify the process of keeping the list updated. The amendments are adopted simultaneously on an emergency basis.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is a simplified process for

keeping an updated list of tests to be used for classification of limited English-speaking students. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. 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 rules has been published in the *Texas Register*.

This amendment is proposed under the Texas Education Code, §21.453, which directs the State Board of Education by rule to adopt standardized criteria for the identification, assessment, and classification of students of limited English proficiency eligible for entry into or exit from bilingual education.

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

Issued in Austin, Texas, on July 18, 1984.

TRD-847539 Raymon L. Bynum
 Commissioner of Education

Proposed date of adoption:

October 13, 1984

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

Chapter 89. Adaptations for Special Populations

Subchapter G. Special Education Funding

19 TAC §89.250

(Editor's note: The Texas Education Agency proposes for permanent adoption the amendments it adopts on an emergency basis in this issue. The text of the amendments is published in the Emergency Rules section of this issue.)

The Texas Education Agency proposes amendments to §89.250, concerning special education funding. The proposed amendments set out funding formulas for special education programs for the 1984-1985 school year only. Funding provisions set out in House Bill 72, 68th Legislature, Second Called Session, 1984, will be applicable beginning with the 1985-1986 school year. The formula for 1984-1985 proposed here is a modified personnel unit allocation system similar to that used for the 1983-1984 school year. These amendments are adopted simultaneously on an emergency basis.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications

for state or local government or small businesses as a result of enforcing or administering the rule.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is the establishment of funding provisions to allow the continued delivery of services to eligible handicapped students. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. 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 rules has been published in the *Texas Register*.

The amendments are proposed under the Texas Education Code, § 16.151, as amended by House Bill 72, 68th Legislature, Second Called Session, 1984, which directs the State Board of Education to adopt by rule a funding formula for the special education program for the 1984-1985 school year.

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 19, 1984.

TRD-847576 Raymon L. Bynum
Commissioner of Education

Proposed date of adoption:
September 8, 1984

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

Clarification of Provisions in Federal Regulations and State Law

19 TAC §89.227

(Editor's note: The Texas Education Agency proposes for permanent adoption the amendments it adopts on an emergency basis in this issue. The text of the amendments is published in the Emergency Rules section of this issue.)

The Texas Education Agency proposes amendments to §89.227, concerning contracting for educational placements for handicapped students. The proposed amendments delete the requirement for Texas Education Agency approval of individual day contract placements. Institutions for such placements must be approved by the agency. The amendments are adopted simultaneously on an emergency basis.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications

for state or local government or small businesses as a result of enforcing or administering the rule.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is a reduction in paperwork for school districts and for the agency. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. 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 rules has been published in the *Texas Register*.

The amendments are 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, as amended by House Bill 72, 68th Legislature, Second Called Session, 1984, which provides for special education as part of the Foundation School Program.

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 18, 1984.

TRD-847543 Raymon L. Bynum
Commissioner of Education

Proposed date of adoption:
September 8, 1984

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

Chapter 117. Pupil Attendance Accounting

19 TAC §117.1

(Editor's note: The Texas Education Agency proposes for permanent adoption the amendments it adopts on an emergency basis in this issue. The text of the amendments is published in the Emergency Rules section of this issue.)

The Texas Education Agency proposes amendments to §117.1, concerning requirements for pupil attendance accounting for state funding purposes. The proposed amendment implements House Bill 72, 68th Legislature, Second Called Session, 1984, which requires the State Board of Education to designate eight weeks in which attendance will be counted for state funding purposes. It is proposed that the four weeks for the fall semester be designated at this time, beginning with the first Monday in October, and that the

weeks for spring attendance accounting be selected at a later date, based upon results from the first reporting period. The proposed amendment also provides for record keeping and reporting of full-time equivalent students for special education and vocational education programs and of attendance for students in bilingual education or special language programs. These amendments are adopted simultaneously on an emergency basis.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is clear directions to school districts concerning attendance accounting required beginning with the 1984-1985 school year. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. 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 rules has been published in the *Texas Register*.

The amendments are proposed under the Texas Education Code, § 16.006, as amended by House Bill 72, 68th Legislature, Second Called Session, 1984, which directs the State Board of Education to designate by rule the eight weeks to be used for attendance accounting purposes.

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 19, 1984.

TRD-847577 Raymon L. Bynum
 Commissioner of Education

Proposed date of adoption:

September 8, 1984

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

Chapter 141. Teacher Certification Subchapter S. Testing Program Basic Skills Tests Required for Admission to Teacher Education Programs

19 TAC §141.433

(Editor's note: The Texas Education Agency proposes for permanent adoption the amendments it adopts on

an emergency basis in this issue. The text of the amendments is published in the Emergency Rules section of this issue.)

The Texas Education Agency proposes amendments to § 141.433, concerning fees for the basic skills tests required for entering into teacher education programs. The proposed amendments change the fee required of the candidates to register for the tests. This fee increase was determined by the Policy Board of the Educational Testing Service, which administers the test. Additional fee changes are not anticipated. The fee for the preprofessional skills tests shall be \$33 rather than \$28 for the three tests. The fees for retakes shall be \$23 rather than \$13 for one test and \$28 rather than \$23 for two tests. These amendments are adopted simultaneously on an emergency basis.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is a clarification of the fees to be charged for the preprofessional skills tests. The anticipated economic cost to individuals who are required to comply with the rule as proposed is \$33 for 1984-1988 for the individual fee for preprofessional skills test, \$23 for 1984-1988 for the fees for test retakes for one test, and \$28 for 1984-1988 for retakes for two tests.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. 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 rules has been published in the *Texas Register*.

These amendments are proposed under the Texas Education Code, § 13.032(f), which authorizes the State Board of Education to fix and require a payment of a fee for examinations required as part of the teacher testing program.

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 19, 1984.

TRD-847578 Raymon L. Bynum
 Commissioner of Education

Proposed date of adoption:

October 13, 1984

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



Chapter 149. Education Personnel Development

Subchapter A. Education Personnel Development Program

19 TAC § 149.3

(Editor's note: The Texas Education Agency proposes for permanent adoption the new rule it adopts on an emergency basis in this issue. The text of the rule is published in the Emergency Rules section of this issue.)

The Texas Education Agency proposes new § 149.3, concerning the designation of areas or fields of acute teacher shortage for purposes of the programs for educational aid for teachers included in House Bill 72, 68th Legislature, Second Called Session, 1984. The proposed new section provides that these areas be designated based on the most current teacher supply/demand information, including, but not limited to, numbers and types of new certificates issued, shortages reflected in school district permit requests, and changing needs which result from new curriculum or program requirements. This new section has been adopted on an emergency basis.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is enabling people preparing to teach in areas and fields of acute teacher shortage to participate in certain loan programs to be administered by the Coordinating Board, Texas College, and University System, as a result of House Bill 72, 68th Legislature, Second Called Session, 1984. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. 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 rules has been published in the *Texas Register*.

This new section is proposed under the Texas Education Code, §§ 52.40(b), 54.104(b), and 60.11, all of which require the State Board of Education to designate areas or fields of acute teacher shortage for the purposes of educational aid programs for teachers.

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 18, 1984.

TRD-847541

Raymon L. Bynum
Commissioner of Education

Proposed date of adoption:

September 8, 1984

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

TITLE 22. EXAMINING BOARDS Part VI. Texas State Board of Registration for Professional Engineers

Chapter 131. Practice and Procedure Examinations

22 TAC § 131.105

The Texas State Board of Registration for Professional Engineers proposes new § 131.105, concerning an analysis of a person's performance on an examination. The Texas Engineering Practice Act, § 14(c), requires the board to furnish a person with an analysis upon written request, and the new section establishes the procedures and conditions for meeting this requirement.

Woodrow W. Mize, P.E., executive director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Mize also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is a better understanding of the opportunity for the examination analysis. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed, as long as the individual makes the request for an analysis under the conditions of the rule. Regrading will be by the National Council of Engineering Examiners at a cost set by the council.

Comments on the proposal may be submitted to Woodrow W. Mize, P.E., Executive Director, Texas State Board of Registration for Professional Engineers, P.O. Drawer 18329, Austin, Texas 78760.

The new section is proposed under Texas Civil Statutes, Article 3271a, §8, which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§131.105. Examination Analysis. In accordance with the Texas Engineering Practice Act, §14(c), a written analysis will be provided to anyone failing an examination, provided a written request is received in the board office during the period the actual examination is retained in the board files. Further, privileges of viewing examination results, regrading, etc., as permitted by the uniform examination procedures set out by the National Council of Engineering Examiners (NCEE), may also be available, provided that any costs associated with regrading by the NCEE will be paid by the examinee.

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

Issued in Austin, Texas, on July 20, 1984.

TRD-847638 Woodrow W. Mize, P.E.
Executive Director
Texas State Board of
Registration

Proposed date of adoption:

October 17, 1984

For further information, please call (512) 475-3141.

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 65. Wildlife

Subchapter J. Transporting, Shipping, and Exporting Bobcat Pelts

31 TAC §§65.251-65.254

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Parks and Wildlife Commission proposes the repeal of §§65.251-65.254, relating to transporting, shipping, and exporting bobcat pelts; and simultaneously proposes new sections in this issue of the *Texas Register* to replace these sections. The repeal is necessary so that new sections can be adopted for clarification and conformance with existing federal regulations.

James E. Dickinson, finance director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state and local government or small businesses as a result of the repeal.

Mr. Dickinson has also determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is the capability to clarify existing rules and to conform with existing federal requirements relating to tagging and exporting bobcat pelts. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to William C. Brownlee, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4979 or (800) 792-1112.

The repeal is proposed under the Texas Parks and Wildlife Code, Chapter 67, which provides the Texas Parks and Wildlife Commission with the authority to adopt regulations necessary to manage nongame species, and Executive Order DB-35, issued by Governor Dolph Briscoe on January 6, 1978, to comply with the federal directives of the Endangered Species Scientific Authority (ESSA).

§65.251. Definitions.

§65.252. Limitations.

§65.253. Report Requirements.

§65.254. Penalties.

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

Issued in Austin, Texas, on July 20, 1984.

TRD-847636 Maurine Ray
Administrative Assistant
Texas Parks and Wildlife
Department

Earliest possible date of adoption:

August 27, 1984

For further information, please call (512) 479-4979
or (800) 792-1112.

The Texas Parks and Wildlife Commission proposes new §§65.251-65.254, concerning the taking, transporting, shipping, and exporting of bobcat pelts. The new sections provide regulation necessary to qualify pelts of bobcat taken in Texas for international export under federal guidelines associated with the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Bobcats in Texas are not endangered, but their similarity in appearance to other feline species that are endangered requires that certain guidelines on commerce be provided to minimize illegal marketing.

The proposed new sections establish limitations on the taking of bobcats for the purpose of sale of their pelts, designate necessary permits, provide an open season for the harvest of wild bobcats to sell their pelts, establish a dealer-based system of tag issuance and tagging of bobcat pelts, and provide limitations and reporting requirements for tagging, purchase, sale, and export of bobcat pelts.

James E. Dickinson, finance director, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or

local government or small businesses as a result of enforcing or administering the rules.

Mr. Dickinson also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is international exportation of bobcat pelts taken in Texas. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to William C. Brownlee, Nongame and Endangered Species Program Director, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4979 or (800) 792-1112.

The new sections are proposed under the Texas Parks and Wildlife Code, Chapter 67, which provides the Texas Parks and Wildlife Commission with the authority to establish by regulation limitations on the taking, possession, transportation, exportation, sale, and offering for sale of nongame fish and wildlife that the department considers necessary to manage these species.

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

Commission—The Texas Parks and Wildlife Commission.

Dealer—Any individual permitted by the department to accept bobcat pelts for money or other considerations and to tag bobcat pelts.

Department—The Texas Parks and Wildlife Department.

Person—The individual who takes or possesses the pelts of bobcats for the purpose of sale or export.

Possess—The act of having control of a bobcat pelt, but does not include take.

State office—Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744.

Tag—A permanent, numbered marker issued by the department.

Take—The pursuing, shooting, killing, or capturing by any means bobcat for the purpose of sale or export of the pelt.

Taking and tagging period—A specified time that is legal to take a bobcat for its pelt and present for tagging for purpose of sale or export.

§65.252. Limitations.

(a) The taking and tagging season for bobcats is November 15 of one year through February 15 of the following year.

(b) The number of tags issued for the tagging period by the department will be limited to that authorized by the U.S. Fish and Wildlife Service.

(c) Bobcat pelts taken in this state must be permanently tagged prior to purchase, sale, or transport outside the boundaries of this state, and no dealer may possess pelts of bobcats taken in this state unless the pelt is permanently tagged. Each untagged bobcat pelt legally obtained in another state or country must be supported by documented proof of origin.

(d) No individual may tag and/or purchase bobcat pelts in this state unless he has registered with the

department. Upon registration, a permit will be issued authorizing the individual to tag or purchase bobcat pelts. Individuals may register at the state office or any law enforcement field office of the Texas Parks and Wildlife Department.

(e) Persons may have a pelt tagged at no cost by any dealer upon presentation of the pelt. No dealer may refuse to tag a bobcat pelt presented as being legally taken in this state. This is not construed to mean the person must sell to the dealer who tags the pelt.

(f) Dealers may obtain pelt tags from any law enforcement field office or the state office upon presentation of proof of registration.

(g) No dealer may sell, trade, barter, or attempt to sell, trade, or barter any bobcat pelt tags.

(h) No dealer may transfer tags issued to him/her to any other dealer nor may a dealer use tags issued to another dealer.

(i) Dealer pelt tag inventory plus associated records shall be available for inspection by any law enforcement officer(s) of the state at all times.

(j) No tags will be issued by the department prior to November 1 of each year or after February 15 of the following year.

(k) All unused tags issued to dealers by the department must be returned to the state office so as to arrive not later than February 25 of each year.

(l) Tags issued each year by the department may not be placed on the pelts of bobcats taken during a period other than the current specified taking and tagging period.

§65.253. Report Requirements.

(a) A report form provided by the department to the dealer must be completed by the person presenting each bobcat pelt at the time of tagging. Information shall include, but not be limited to: date taken, county where taken, county where tagged, name and address of the person, tag number, date of tagging, and the permit number of the dealer performing the tagging. The original copy of the form must be submitted by the dealer to the state office not later than the 10th day of the following month. A copy must remain with the dealer or person possessing the pelt until shipped or sold out of state, at which time the copy will also be submitted to the state office.

(b) A report on printed forms furnished by the department shall be completed and forwarded to the state office by dealers so as to arrive therein not later than the 10th of each month. Information shall include, but not be limited to, the tag numbers of bobcat pelts purchased, date of purchase, the name and address of person and/or dealer purchased from, the tag numbers of bobcat pelts sold, permit number of dealer to whom the pelts were sold, and date of sale during the preceding month. If pelts are sold or shipped out of state, the name and address of the consignee and date pelts were shipped must be reported on the same form.

(c) The use of any tags by dealers must be recorded at the time of use on forms furnished by the department showing tag number(s), name and address of the person presenting the pelt for tagging, and date of tagging. The report must be received in the state office with all unused tags no later than February 25 of each year.

(d) Persons shipping or selling bobcat pelts out of state must report on forms provided by the department the pelt tag numbers of each pelt shipped, date shipped, and the name and address of the consignee of those pelts within 20 days following shipment.

(e) An individual permitted as a bobcat pelt dealer shall not be eligible for renewal of the permit unless all unused tags and report requirements contained in these rules have been met during the previous season.

§65.254. Penalties. Penalties for violation of any of these sections are prescribed in the Texas Parks and Wildlife Code, §67.005.

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

Issued in Austin, Texas, on July 20, 1984

TRD-847637 Maurine Ray
Administrative Assistant
Texas Parks and Wildlife
Department

Earliest possible date of adoption:

August 27, 1984

For further information, please call (512) 479-4979
or (800) 792-1112.

TITLE 34. PUBLIC FINANCE

Part III. Teacher Retirement System of Texas

Chapter 25. Membership Credit Waiver

34 TAC §25.151

The Board of Trustees of the Teacher Retirement System of Texas (TRS) proposes amendments to §25.151, concerning developmental leave, eligibility, and cost. The 68th Legislature amended Texas Civil Statutes, Title 110B, §35.404, to make the combined contribution rates for 1983-1984 and 1984-1985 at 13.1% rather than 15.15%. Developmental leave law reflects those contribution rates. This section needs to be changed to reflect the changes in the law. One other minor change to refer to current law, rather than to a repealed law, is made.

Wayne Fickel, TRS controller, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Fickel also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is a lower cost to the member who takes advantage of developmental leave during the years in question. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Bruce Hineman, 1001 Trinity Street, Austin, Texas 78701.

The amendments are proposed under Texas Civil Statutes, Title 110B, §§35.402, 35.404, and 35.102, which provide the Teacher Retirement System of Texas with the authority to adopt rules and set the contribution rates.

§25.151. Developmental Leave, Eligibility, and Cost.

(a) (No change.)

(b) The member's employer is responsible for determining whether a member's leave meets the definition of "developmental leave" Texas Civil Statutes, Title 110B, §33.402(B), [Texas Education Code, §3.02(a)(21)].

(c) (No change.)

(d) To obtain each school year of credit for developmental leave, the member must, for school years prior to 1979-1980, make a deposit equal to 14.15% of the member's annual compensation rate during the last school year of creditable service which preceded the developmental leave. For the school year 1979-1980 and years after, the member must make a deposit equal to 15.15% of the member's annual compensation rate during the last school year of creditable service which preceded the developmental leave. For the school years 1983-1984 and 1984-1985 only, the percentage is 13.1%, rather than 15.15%. Persons making deposits for developmental leave credit must be employed in the public schools of Texas at the time of the deposit. A member must make the deposits for developmental leave credit by the end of the first creditable school year of service after taking developmental leave. A member who does not make deposits by the end of that year loses eligibility for purchasing credit for any preceding developmental leave.

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 17, 1984.

TRD-847563 Bruce Hineman
Executive Secretary
Teacher Retirement System of
Texas

Proposed date of adoption:

September 12, 1984

For further information, please call (512) 397-6418.

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part XI. Texas Juvenile Probation Commission

Chapter 341. Office of the Texas Juvenile Probation Commission

37 TAC §341.11

The Texas Juvenile Probation Commission (TJPC) proposes new §341.11, concerning inscriptions on com-

mission vehicles. The proposed new section implements Senate Bill 288, 68th Legislature, 1983, which adds TJPC vehicles to the list of state-owned vehicles exempt from the requirement of Texas Civil Statutes, Article 6701 M-1, requiring that all state vehicles be conspicuously marked.

Herb Hayes, TJPC fiscal officer, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Hayes also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is increased effectiveness of TJPC monitoring and technical assistance personnel, and decreased vandalism to state agency vehicles.

Comments on the proposal may be submitted to Marlana R. Valdez, General Counsel, Texas Juvenile Probation Commission, P.O. Box 13547, Austin, Texas 78711-3547.

The new section is proposed under Texas Civil Statutes, Article 6701 M-1, which provide the Texas Juvenile Probation Commission with the authority to adopt a rule exempting its vehicles from the general requirement that state-owned vehicles be marked.

§341.11. Vehicle Exemption. The Texas Juvenile Probation Commission will not place its inscription on any motor vehicle:

- (1) driven by agency personnel who provide technical assistance to local programs administering probation services to juveniles;
- (2) driven by agency personnel who programatically monitor and fiscally audit records;
- (3) driven by agency personnel who may deliver direct probation services to local jurisdictions throughout the state; and
- (4) subject to vandalism due to vehicle's extended use away from home base.

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 17, 1984.

TRD-847524 Bill Anderson
Executive Director
Texas Juvenile Probation
Commission

Earliest possible date of adoption:
August 27, 1984

For further information, please call (512) 443-2001.



TITLE 40. SOCIAL SERVICE AND ASSISTANCE

Part IX. Texas Department on Aging

Chapter 263. Interest Earned on Aging Funds

40 TAC §263.1

The Texas Department on Aging proposes new §263.1, concerning interest earned on aging funds. The proposed new section outlines procedures for grantees to report and budget interest earned on funds awarded by the Texas Department on Aging.

Craig F. Sandling, legal services developer, has determined that for the first five-year period the rule will be in effect there will be fiscal implications as a result of enforcing or administering the rule. However, the amount of fiscal impact for state or local government is undeterminable at this time because the amount of interest that could be earned depends upon the amount of money that is available for investment. This amount will vary from year to year. There is no anticipated economic effect on small businesses.

Mr. Sandling also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is the reduction of administrative costs borne by federal funds, and an increase in funds available for use in aging programs. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

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

The new section is proposed under the Human Resources Code, Chapter 101, which provides the Texas Department on Aging with the authority to adopt rules governing the function of the department.

§263.1. Standards Governing Interest Earned on Aging Funds.

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

(1) Aging funds—All funds which are awarded by the Texas Department on Aging and/or which are designated for the specific use of administering or providing services to the aged. Aging funds include, but are not limited to, the following: Older Americans Act Title III funds; USDA cash-in-lieu of commodities; State of Texas general revenue funds awarded by the Texas Department on Aging (TDOA); and Older Americans Act Title IV-A funds.

(2) Float—An amount of money represented by checks outstanding and in process of collection.

(3) Interest—A percentage return on cash balances in interest-bearing accounts.

(b) Policies.

(1) It is the policy of the TDOA to provide grantees with aging funds in advance of actual expenditures to assist the grantees in maintaining adequate cash bal-

ances to effectively administer aging services in Texas. Grantee eligibility for advance funding is contingent upon compliance with this department's procedures to report and budget interest earned.

(2) It is also the policy of this department to encourage grantees to incorporate locally the most efficient cash management procedures possible, including the skillful management of cash balances and float in order to generate interest to be used to further benefit aging programs.

(3) It is the policy of the Texas Department on Aging to treat interest earned by grantees the same as program income for the purpose of quarterly reporting interest earned; and to prescribe the deductive method of expending program income as the only allowable method of expending interest earned, with the additional provision that federal funds deducted from the grantees total project cost (as a result of expending interest earned) must be reprogrammed, within the project period during which it is earned, into allowable Older Americans Act services for the elderly within the same region which earned the interest.

(c) Procedures. In accordance with OMB Circular A-102 Attachment E—

Interest earned on advance of federal funds shall be remitted to the federal agency except for interest earned on advances to states or instrumentalities of a state as provided by the Intergovernmental Cooperation Act of 1968 (Public Law 90-577);

and, in accordance with the Intergovernmental Cooperation Act, Public Law 90-577, Title II, §203—“states shall not be held accountable for interest earned on grant-in-aid funds, pending their disbursement for program purposes”; the following procedures are proposed to assure compliance with all applicable regulations.

(1) Interest earned on aging funds will be determined by each grantee according to the proportion of aging funds which compose the grantee's local cash balances. The proportion shall be determined quarterly by totalling all advanced funds (grant-in-aid funds and

local funds) and computing the percent of total advances which represent aging funds. The derived percentage shall then be applied against the total interest earned on advances for the reporting quarter to identify interest earned on aging funds. Any grantee having particular difficulty with the computation of the aging portion of total interest earned may, at their option, establish a separate bank account for aging funds and report only interest earned on the separate account.

(2) Interest earned on aging funds awarded to grantees shall be reported quarterly on standard Form 269 financial status report, as program income expended and/or collected for area plan administration. Documentation of the computation shall be maintained in the grantees' files with the appropriate Form 269 and will be included as a review item during annual departmental fiscal assessments.

(3) All interest earned during the grant period shall be retained by the grantee and, in accordance with the grant agreement, shall be deducted from the federal share of the area plan administration costs for the purpose of redistributing the federal funds into direct aging services provided within the same region which generates the interest income.

(4) Federal funds being redistributed into direct aging services shall be budgeted according to published budget amendment procedures prescribed by this department.

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

Issued in Austin, Texas, on July 20, 1984

TRD-847650

Tim Shank
General Counsel
Texas Department on Aging

Earliest possible date of adoption:
August 27, 1984

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

Adopted Rules

An agency may take final action on a rule 30 days after a proposal has been published in the *Register*. The rule becomes effective 20 days after the agency files the correct document with the *Texas Register*, unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice.

The document, as published in the *Register*, must indicate whether the rule is adopted with or without changes to the proposal. The notice must also include paragraphs which: explain the legal justification for the rule; how the rule will function; contain comments received on the proposal; list parties submitting comments for and against the rule; explain why the agency disagreed with suggested changes; and contain the agency's interpretation of the statute under which the rule was adopted.

If an agency adopts the rule without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. The text of the rule, as appropriate, will be published only if final action is taken with alterations to the proposal. The certification information, following the submission, contains the effective date of the final action, the proposal's publication date, and a telephone number to call for further information.



TITLE 1. ADMINISTRATION
Part I. Office of the Governor
Chapter 3. Criminal Justice Division
Subchapter A. Criminal Justice
Administration of the Municipal Court
Judges and Personnel Training Fund
1 TAC §§3.401-3.433

The Criminal Justice Division of the Office of the Governor adopts new §§3.401-3.433, without changes to the proposed text published in the June 19, 1984, issue of the *Texas Register* (9 TexReg 3290).

The new sections reflect Criminal Justice Division (CJD) administrative policies, requirements, and operating procedures that apply to grants which may be funded from the municipal court judges and personnel training fund. Texas Civil Statutes, Article 1200f, charges the CJD with responsibility for administering the municipal court judges and personnel training fund and awarding grants for the training programs.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provide the Criminal Justice Division of the Office of the Governor with authority to adopt rules, regulations, and procedures as may be necessary.

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

Issued in Austin, Texas, on July 20, 1984.

TRD-847592

Gilbert J. Pena
Executive Director
Criminal Justice Division
Office of the Governor

Effective date: August 10, 1984

Proposal publication date: June 19, 1984

For further information, please call (512) 475-3001.

TITLE 7. BANKING AND
SECURITIES
Part VII. State Securities Board
Chapter 113. Registration of
Securities

7 TAC §113.11

The State Securities Board adopts new §113.11, concerning the registration in Texas of securities regis-

The new section is adopted under the Texas Education Code, §12.16, which authorizes the State Board of Education to make rules for the selection of textbooks; and §12.24(b), which directs the board to consider quality, mechanical construction, paper, print, price, authorship, literary merit, and other relevant matters, in the selection of textbooks.

§81.74. Readability Level Designation.

(a) Publishers shall file, for each textbook submitted, a statement on a form provided by the commissioner of education, signed by an official of the company, certifying the readability level of the textbook and the name of the formula used to determine the readability level. The readability formula or formulas to be used to determine the readability level shall be specified in the textbook proclamation.

(b) The statement of readability level shall be included by the publisher with all samples of textbooks submitted during the adoption process. Statements for learning systems shall be included with the teacher's resource book for the system.

(c) The statement of readability level shall be included with each teacher's edition sent to local school districts.

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

Issued in Austin, Texas, on July 19, 1984.

TRD-847579 Raymon L. Bynum
 Commissioner of Education

Effective date: August 9, 1984
Proposal publication date: May 29, 1984
For further information, please call (512) 475-7077.

Chapter 89. Adaptations for Special Populations
Subchapter E. General Educational Development

19 TAC §89.112, §89.118

The Texas Education Agency adopts an amendment to §89.112, with changes to the proposed text published in the May 29, 1984, issue of the *Texas Register* (9 TexReg 2899). Section 89.118 is adopted without changes and will not be republished. Section 89.112(g) has been clarified to read as follows:

The administration or board of an institution housing an official testing center shall have a written policy concerning the operation of the center. This policy must provide for annual reports by the chief administrative officer or chief examiner of the testing center concerning the center to the administration or board of the institution. The areas to be addressed in the report shall be specified by the administration or board of each institution; however, such reports must include the numbers of tests administered and fees received.

There were no other changes in the text.

These sections concern the general educational development (GED) testing program. The amendments provide for improved accountability of the testing centers to the institutions which house the centers and the ability to cancel or refuse to issue a GED certificate which has not been legitimately earned.

Under the amended sections, the administration or board or an institution housing an official testing center shall have a written policy concerning the operation of the center. This policy must provide for annual reports by the chief administrative officer or chief examiner of the testing center concerning the center to the administration or board of the institution. The areas to be addressed in the report shall be specified by the administration or board of each institution; however, such reports must include the number of tests administered and fees received. The amended sections also authorize the state administrator for GED to disapprove issuance of a certificate or cancel a certificate in cases of ineligibility or fraud.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Education Code, §11.35, which directs the State Board of Education to provide for the administration of high school equivalency examinations.

§89.112. Official Testing Centers.

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

(g) The administration or board of an institution housing an official testing center shall have a written policy concerning the operation of the center. This policy must provide for annual reports by the chief administrative officer or chief examiner of the testing center concerning the center to the administration or board of the institution. The areas to be addressed in the report shall be specified by the administration or board of each institution; however, such reports must include the number of tests administered and fees received.

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

Issued in Austin, Texas, on July 19, 1984.

TRD-847580 Raymon L. Bynum
 Commissioner of Education

Effective date: August 9, 1984
Proposal publication date: May 29, 1984
For further information, please call (512) 475-7077.





**TITLE 31. NATURAL RESOURCES
AND CONSERVATION**
**Part X. Texas Water Development
Board**

**Chapter 329. General Regulations
Incorporated into Permits
Hazardous Metals**

31 TAC §329.46

The Texas Water Development Board adopts an amendment to §329.46, with changes to the proposed text published in the January 20, 1984, issue of the *Texas Register* (9 TexReg 405).

As proposed, amended §329.46 would have expressly authorized the Texas Water Commission to permit discharges of treated wastewater with less stringent concentrations of hazardous metals than specified in §329.42 and §329.43 only where the applicant demonstrates that there will be no significant adverse impact on water quality and that the less stringent quality levels are necessary based on technical considerations and other relevant data. As amended by the board, §329.46 now authorizes the commission to permit discharges with less stringent concentrations of hazardous metals where the applicant demonstrates the absence of any significant adverse impact on water quality and that the less stringent quality levels are necessary based on considerations consistent with the provisions of the Texas Water Code. This clarifies the department's requirement that the applicant justify any relaxation of hazardous metals parameters on the basis of the considerations delineated under the Texas Water Code, §26.003, since these considerations must be evaluated in every wastewater discharge permit.

Formerly, §329.46 authorized the Texas Water Commission to specify more stringent concentrations of hazardous metals than those specified in §329.42 and §329.43 where necessary for the protection of water quality. However, the rule was silent as to whether the commission has authority to specify less stringent concentrations in appropriate circumstances. Under

§329.48, where wastewater discharge permits specify hazardous metals concentrations different from those specified in §329.42 and §329.43, the concentrations authorized by the permit govern the quality of the discharge. It was unclear whether §329.48 would allow the commission to authorize both more stringent and less stringent hazardous metals concentrations. However, §329.48 fails to state affirmatively that the commission is authorized to relax the hazardous metals concentrations specified in §329.42 and §329.43. In contrast, §329.46 expressly authorizes the commission to impose more stringent parameters for hazardous metals. The rule, as amended, establishes that the commission also has the authority to issue a wastewater discharge permit with less stringent concentrations of hazardous metals in circumstances where the applicant demonstrates that water quality will not be significantly adversely impacted and where the applicant also demonstrates that authorization to discharge less stringent concentrations of hazardous metals is necessitated by technical and other considerations specified in the Texas Water Code, Chapter 26.

The applicant assumes the burden of proving both the absence of any significant adverse water quality impact and the technical or other necessity for less stringent effluent concentrations of hazardous metals. In demonstrating the absence of a significant adverse impact on the receiving waters, the applicant must demonstrate that the less stringent concentration of a hazardous metal will not cause any environmental impact that is more harmful than would be the case if the wastewater were treated to levels consistent with the concentrations specified in §329.42 and §329.43.

In demonstrating that the less stringent concentrations for hazardous metals are necessitated by technical or other considerations, an applicant will need to show more than difficulty in paying the higher costs of treatment necessary to meet concentrations specified in §329.42 and §329.43. This frequently will involve situations where hazardous metals constituents such as arsenic are bound in complex organic compounds and treatment technology cannot achieve the specified concentrations for such organic species even though the specified concentrations can be obtained for inorganic species. Similar technical considerations apply when an applicant shows that use of the best available technology will treat hazardous metals to concentrations that are close to those specified in §329.42 and §329.43, and that any further reductions in hazardous metals concentrations will require duplicating the treatment technology and retreating the waste stream. Where such duplication of best available technology achieved only a *de minimis* additional reduction in the concentrations of hazardous metals, the applicant may demonstrate that technical considerations and other relevant data support less stringent discharge parameters for hazardous metals. Other considerations include circumstances where the applicant uses a treatment system that removes hazardous metals constituents more efficiently than conventional treatment systems, so that a smaller quan-

tity of hazardous metals is discharged when measured on an absolute basis, such as pounds per day, but the concentration of hazardous metals in the effluent is higher than the concentration specified in §329.42 and §329.43.

A number of comments were received concerning the proposed amendment to §329.46. Most of these comments supported the proposed amendment as clarifying departmental policy regarding the discharge of hazardous metals. Barry H. Christensen, Environmental and Safety Services, Diamond Shamrock Chemicals Company, while supporting the amendment, further commented that water quality impact demonstrations should be made using species of biota indigenous to the receiving stream and on the basis of the preponderance of available scientific data. Mr. Christensen also commented that technical demonstrations should be premised on application of best technology economically achievable and that, while any applicant should be required to demonstrate more than economic hardship in paying the higher costs of treatment required to achieve specified concentrations of metals, existing facilities should not be required to automatically retrofit as new technology becomes available. The department believes that the amended rule allows the type of demonstrations as to water quality impact suggested by Mr. Christensen, within the discretion of the commission, but that the adequacy of any such demonstration will necessarily be evaluated on a case-by-case basis. As to the technical demonstrations that enter into evaluating the other considerations relevant under provisions of the Texas Water Code, the operation of existing industries and the economic development of the state are relevant concerns in any permitting decision since these factors must be considered under the Texas Water Code, §26.003. Such concerns would be evaluated on a case-by-case basis together with other relevant concerns, such as maintaining or improving the quality of water in the state, the public health and enjoyment of waters in the state, and the propagation and protection of terrestrial and aquatic life.

Similarly, John A. Licata, Environmental and Safety Services manager, SDS Biotech Corporation, commented favorably on the proposed amendment, agreeing that the cost of advanced treatment technology alone is not sufficient justification for allowing less stringent treatment levels, provided economic considerations are relevant to the overall evaluation in determining appropriate treatment levels. As indicated previously, economic considerations are among the competing considerations identified in the Texas Water Code, §26.003, that are relevant to evaluating whether less stringent treatment levels should be authorized. Similar comments were received from H. B. Coffman on behalf of Texas Utilities Generating Company; J. D. Reed, general manager, Environmental Affairs and Safety, Standard Oil Company of Indiana, R. K. Baird, plant manager, on behalf of ICI Americas, Inc.; and Jeffrey Civins, Vinson and Elkins, on behalf of Nalco Chemical Company.

Albert R. Axe, Jr., Brown, Maroney, Rose, Barber and Dye, filed comments on behalf of ASARCO, Inc. These comments requested clarification that the amendment is intended to continue previous agency practice with respect to authorizing discharges with less stringent hazardous metals limitations, that the amendment recognizes the relevance of economic considerations, and that the department precisely delineate the elements of proof required of an applicant in establishing that there will be no significant adverse impact on water quality and that the less stringent parameters are necessitated by considerations outlined under provisions of the Texas Water Code. As has been indicated, the amendment does clarify existing agency practice in allowing discharges with less stringent metals concentrations. However, it should be understood that existing agency practices include the practice of reevaluating permit parameters on an ongoing basis, including during the permit amendment and permit renewal process. With respect to the particular demonstrations needed to justify a variance from specified treatment levels, the particular elements of proof will vary from case to case. Generally, the other considerations relevant under provisions of the Texas Water Code are identified in the Code, §26.003, and while economic considerations are therefore relevant, the higher cost of appropriate treatment technology, per se, will not justify relaxing specified treatment levels.

Finally, Ken Kramer submitted comments critical of the proposed amendment on behalf of the Lone Star Chapter of the Sierra Club. The commenter suggested that no justification for the amendment had been presented, that the requirements necessary to justify less stringent parameters were too vague, that the burden on those opposing a proposed relaxation of specified treatment levels is too heavy, that the proposed amendment would preclude delegation of National Pollutant Discharge Elimination System federal permitting authority, and that there is no public benefit to be obtained from allowing less stringent discharge parameters in particular cases. The department disagrees. The justification for the amendment has been recited (see the January 10, 1984, issue of the *Texas Register* (9 TexReg 405)). The standards for evaluating less stringent parameters are sufficiently precise to provide guidance to the commission in evaluating requested deviations from specified treatment levels without unnecessarily restricting the types of evidence and the particular arguments that may be adduced in support of these requests. The burden of justifying the variance to a less stringent treatment level falls expressly on the proponent, and not on any opponents. The department does not believe the amendment will interfere with the delegation of federal permitting authority. And the department believes there is public benefit in allowing consideration of all factors identified in the Texas Water Code, §26.003, in all parts of the permit process.

The amendment is adopted under the Texas Water Code, §§26.011, 5.131, and 5.132, which provide the Texas Water Development Board with authority

to promulgate rules to regulate wastewater discharges.

§329.46. Toxic Pollutant. The commission may require more stringent quality levels than those specified in §329.42 and §329.43 of this title (relating to Quality Levels-Inland Waters and Quality Levels-Tidal Waters) where necessary to ensure protection of the water in the state. The commission may authorize less stringent quality levels than those set forth in §329.42 and §329.43 of this title (relating to Quality Levels-Inland Waters and Quality Levels-Tidal Waters) only where the applicant demonstrates that there will be no significant adverse impact on water quality and that the less stringent quality levels are

necessary based on considerations consistent with the provisions of the Texas Water Code.

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

Issued in Austin, Texas, on July 20, 1984.

TRD-847651

Susan Plettman
General Counsel
Texas Department of Water
Resources

Effective date: August 10, 1984

Proposal publication date: January 20, 1984

For further information, please call (512) 475-7845.

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. Although some notices may be received too late for publication before the meeting is held, all those filed are published in the *Register*. Notices concerning state agencies, colleges, and universities must contain the date, time, and location of the meeting, and an agenda or agenda summary. Published notices concerning county agencies include only the date, time, and location of the meeting. These notices are published alphabetically under the heading "Regional Agencies" according to the date on which they are filed.

Any of the governmental entities named above must have notice of an emergency meeting, or an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published. However, notices of emergency additions or revisions to a regional agency's agenda will not be published since the original agenda for the agency was not published.

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

Open Meetings

Texas Aeronautics Commission

Wednesday, August 1, 1984, 1:30 p.m. The Texas Aeronautics Commission will meet in Room 221, Anson Jones Building, 410 East Fifth Street, Austin. According to the agenda summary, the commission will hear the Air Carrier Administration report and reports of the staff attorney and the director and consider adoption of the Texas aeronautical facilities plan.

Contact: Thomas L. Butler, P.O. Box 12607, Austin, Texas 78711, (512) 476-9262.

Filed: July 20, 1984, 10:49 a.m.
TRD-847621

State Board of Barber Examiners

Tuesday, August 7, 1984, 8 a.m. The State Board of Barber Examiners will meet in Room C-275, 1300 East Anderson Lane, Austin. According to the agenda, the board will consider the previous meeting minutes, sign teacher licenses, interview out-of-state applicants, and consider letters and reports

to the board by the executive director. The board will also meet in executive session.

Contact: Jo King McCrorey, 1300 East Anderson Lane, Room C-275, Austin, Texas 78752, (512) 835-2040.

Filed: July 23, 1984, 11:51 a.m.
TRD-847664

Criminal Justice Policy Council

Tuesday, July 31, 1984, 1:30 p.m. The Criminal Justice Coordinating Council of the Criminal Justice Policy Council will meet in Room 202 and Room 203, Texas Law Center, 1414 Colorado Street, Austin. Items on the agenda include subcommittee reports from the Information Systems Subcommittee, the Policy Recommendations Subcommittee, and the Subcommittee on Strategies; and other business.

Contact: Carol Lerch, Sam Houston Building, Room 410, 201 East 14th Street, Austin, Texas, (512) 475-1281.

Filed: July 23, 1984, 4:17 p.m.
TRD-847691



Texas Employment Commission

Tuesday, July 24, 1984, 9 a.m. The Texas Employment Commission (TEC) submitted an emergency revised agenda for a rescheduled meeting held in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the revised agenda summary, the commission approved the prior meeting notes, considered internal procedures of the Office of Commission Appeals, considered and acted on higher level appeals in unemployment compensation cases listed on Commission Docket 30 and Docket 30A, and set the date of the next meeting on higher level appeals. The emergency status was necessary due to the deletion of an item on the original agenda, because the TEC was informed that the Legislative Budget Board had already filed notice of this portion of the meeting. As a result, the meeting did not begin until 9 a.m. The addition of Docket 30A was necessary to comply with federal time lapse requirements. The meeting orig-

Texas Register

inally was scheduled for July 24, 1984, at 8:30 a.m., as published at 9 TexReg 3947.

Contact: Courtenay Browning, TEC Building, Room 608, Austin, Texas, (512) 397-4415.

Filed: July 19, 1984, 3:08 p.m.
TRD-847571

Tuesday, July 31, 1984, 9 a.m. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission will consider prior meeting notes and internal procedures of the Office of Commission Appeals, consider and act on higher level appeals in unemployment compensation cases on Docket 31, and set a date for the next meeting

Contact: Courtenay Browning, TEC Building, Room 608, 15th Street and Congress Avenue, Austin, Texas, (512) 397-4415.

Filed: July 23, 1984, 1:54 p.m.
TRD-847671

Texas Health Facilities Commission

Thursday, August 2, 1984, 1:30 p.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications.

Certificates of Need

Hillcrest Baptist Medical Center, Waco
AH84-0213-092

St. Paul Hospital, Dallas
AH84-0416-235

Southwood Convalescent Center,
Henderson
AN84-0309-153

Medical Arts Hospital, Dallas and
Terrell Community Hospital, Terrell
AH84-0424-256

Motions for Rehearing/Reconsideration
Forest Central Surgicenter, Dallas
AS83-0706-024

North Texas Day Surgery Center, Inc.,
Dallas
AS83-0927-180

Contact: John R. Neel, P.O. Box 50049,
Austin, Texas 78763.

Filed: July 23, 1984, 9:42 a.m.
TRD-847655

Texas Department of Human Resources

Tuesday, July 31, 1984, 9 a.m. The Vendor Drug Formulary Subcommittee of the Texas Department of Human Resources (DHR) will meet in the DHR boardroom, 706 Banister Lane, Austin. According to the agenda summary, the subcommittee will approve the minutes, review Lanoxicaps and Theolair-SR applications and LAR for fiscal year 1986-1987, hear a status report on the definition of acquisition cost and current activities, and discuss preliminary computerized reports for the Texas Maximum Allowable Cost Program.

Contact: Robert P. Harriss, P.O. Box 2960,
Austin, Texas 78769, (512) 835-0440, ext.
2586.

Filed: July 20, 1984, 8:52 a.m.
TRD-847587

State Board of Insurance

Tuesday, July 31, 1984, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing to consider the application of USlife Title Insurance Company of Dallas, Dallas, to issue an extraordinary dividend to its parent, USlife Corporation, New York, New York.

Contact: John Brady, 1110 San Jacinto
Street, Austin, Texas 78786, (512) 475-2287.

Filed: July 23, 1984, 11:26 a.m.
TRD-847667

Tuesday, July 31, 1984, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. Items on the agenda summary include a decision on an appeal of Mary Dawn Zamora from action of the Texas Catastrophe Property Insurance Association; the commissioner's report including personnel matters; the fire marshal's report, including personnel matters; and board orders on several different matters as itemized on the complete agenda.

Contact: Pat Wagner, 1110 San Jacinto
Street, Austin, Texas 78786, (512) 475-2950.

Filed: July 23, 1984, 4:03 p.m.
TRD-847687

Texas Department of Labor and Standards

Monday, July 30, 1984, 9 a.m. The
Manufactured Housing Division of the

Texas Department of Labor and Standards will meet in Room 105, E. O. Thompson Building, 920 Colorado Street, Austin. Items on the agenda include license and registration revocations, suspensions, and alleged violations of various rules and regulations of the department.

Contact: John Steele, P.O. Box 12157,
Austin, Texas, (512) 475-0155.

Filed: July 20, 1984, 4:30 p.m.
TRD-847652

Legislative Audit Committee

Tuesday, July 31, 1984, 9 a.m. The Legislative Audit Committee will meet in a rescheduled session in the Speaker's Committee Room, State Capitol, Austin. Items on the agenda include budgetary, administrative, and personnel matters and staff projects. The meeting originally was scheduled for July 3, 1984.

Contact: George W. McNeil, P.O. Box
12067, Austin, Texas 78711, (512) 475-4115.

Filed: July 19, 1984, 4:47 p.m.
TRD-847585

Legislative Budget Board

Tuesday, July 31, 1984, 9:30 a.m. The Legislative Budget Board will meet in a rescheduled session in the Speaker's Committee Room, State Capitol, Austin. Items on the agenda include consideration of the operating budget for fiscal year 1985 and any other subjects that come before the board. The meeting originally was scheduled for July 3, 1984, at 9:30 a.m.

Contact: Jim Oliver, State Capitol, Room
207-A, Austin, Texas, (512) 475-3426.

Filed: July 19, 1984, 4:09 p.m.
TRD-847581

Legislative Education Board

Tuesday, July 31, 1984, 11 a.m. The Legislative Education Board will meet in the speaker's committee room, State Capitol, Austin. According to the agenda, the board will conduct an organizational meeting.

Contact: Melinda Terry, P.O. Box 2910,
Austin, Texas 78769, (512) 475-3311.

Filed: July 23, 1984, 8:52 a.m.
TRD-847653

Texas Legislative Council

Tuesday, July 31, 1984, 9 a.m. The Texas Legislative Council will meet in the Speaker's Committee Room, State Capitol, Austin. Items on the agenda include consideration of the proposed council operating budget for fiscal year 1984-1985, administrative and personnel matters, and staff projects.

Contact: Walter C. Fisher, P.O. Box 12128, Austin, Texas 78711, (512) 475-2736.

Filed: July 19, 1984, 2:17 p.m.
TRD-847564

Legislative Reference Library

Tuesday, July 31, 1984, 9:30 a.m. The Legislative Library Board of the Legislative Reference Library will meet in the Speaker's Committee Room, State Capitol, Austin. Items on the agenda include appointment of a director and approval of the 1984-1985 operating budget.

Contact: James R. Sanders, P.O. Box 12488, Austin, Texas 78711, (512) 475-4626.

Filed: July 19, 1984, 4:19 p.m.
TRD-847582

Long-Term Care Coordinating Council for the Elderly

Monday and Tuesday, August 6 and 7, 1984, 10 a.m. and 8:30 a.m. respectively. The Long-Term Care Coordinating Council for the Elderly will meet at 909 West 45th Street, Austin. According to the agenda summary, the council will approve the previous meeting summary; consider presentations by state agencies and private/voluntary associations, council bylaws and budget, legislative issues, and agency appropriation; review goals and objectives; and discuss the structure for future council processes.

Contact: Peggy Davidson, P.O. Box 12786, Austin, Texas 78711, (512) 475-2717.

Filed: July 20, 1984, 12:09 p.m.
TRD-847630

Texas State Board of Medical Examiners

Sunday, August 5, 1984, 9 a.m. The Texas State Board of Medical Examiners will meet at 1101 Camino La Costa, Austin. According to the agenda, the board will consider licensure and permit issuance to students from certain Caribbean and Mexican med-

ical schools, including discussion of requests received. The board also may meet in executive session under authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §4.05(d), §5.06(e)(1), and Attorney General Opinion H-484, 1974.

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

Filed: July 20, 1984, 1:23 p.m.
TRD-847632

Texas Merit System Council

Thursday, August 2, 1984, 9 a.m. The Texas Merit System Council will meet in Room 507, Brown Building, Austin. Items on the agenda include an appeal hearing and a business meeting.

Contact: F. Kemp Dixon, P.O. Box 13566, Austin, Texas 78711, (512) 477-9665.

Filed: July 23, 1984, 3:55 p.m.
TRD-847686

Board of Pardons and Paroles

Monday-Friday, July 30, 31, and August 1-3, 1984, 1:30 p.m. daily Monday-Thursday, and 11 a.m. Friday. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, a three-member board panel 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, (512) 459-2713.

Filed: July 20, 1984, 10:49 a.m.
TRD-847622

Tuesday, July 31, 1984. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. Times and agendas follow.

9:30 a.m. The board will consider and act upon review, discussion, and approval of the May 29, 1984, minutes and actions; a report of the executive director on the latest directive regarding halfway houses; a status report regarding Kerper House of San Antonio and consideration of contract renewals; an appointment to the Dallas County Department of Community Corrections Advisory Board; a panel composition for emergency parole or mandatory supervision matters; review and action on parole commissioner administrative review policy; a

proposed procedure for court-ordered execution of records; proposed amendments and emergency adoptions to administrative rules concerning amendments to administrative rules, including the annual report rules, 37 TAC §145.25, and an amendment to the reprieve of execution rules, 37 TAC §143.43; and final consideration of a concept to defer parole release dates in selected cases.

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

Filed: July 20, 1984, 10:48 a.m.
TRD-847623

1:30 p.m. The board will consider executive clemency recommendations and related actions (other than out-of-country conditional pardons), including full pardons/restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; and other reprieves, remissions, and executive clemency actions.

Contact: Gladys Sommers, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2704.

Filed: July 20, 1984, 10:48 a.m.
TRD-847624

Texas State Board of Public Accountancy

The Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. Days, times, and agendas follow.

Monday and Tuesday, July 30 and 31, 1984, 8:30 a.m. daily. The board will consider committee appointments, meetings, and reports; reports of informal conferences and panel hearings; adoption of amendments to substantive rules; reports regarding litigation, communications, and board activities; and a schedule of future meetings.

Wednesday, August 1, 1984, 9:30 a.m. A board panel will conduct informal conferences concerning alleged violations of the rules of professional conduct or of the Public Accountancy Act of 1979, as amended. The panel will meet in executive session when confidential material is discussed.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752, (512) 451-0241.

Filed: July 20, 1984, 1:23 p.m.
TRD-847631, 847633



**Public Utility Commission of
Texas**

The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin Days, times, and dockets follow.

Monday, July 30, 1984, 8 a.m. A prehearing conference in Docket 5024—application of West Lakeview Water Supply Corporation for a certificate of convenience and necessity to provide water utility service within Johnson County

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 19, 1984, 2:41 p.m.
TRD-847566

Monday, July 30, 1984, 10 a.m. A prehearing conference in Docket 5273—application of Gera Water Company for a certificate of convenience and necessity within Harris County, and Docket 5696—inquiry into the legality of rates charged and services rendered by Gera Water Company.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 20, 1984, 2:08 p.m.
TRD-847642

Emergency addition to the previous agenda:

An interim rate hearing in Docket 5800—application of AT&T Communications for authority to implement "Reach Out Texas." The emergency status is necessary to be able to rule on the interim rate request before the proposed effective date.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 23, 1984, 3:06 p.m.
TRD-847682

Monday, July 30, 1984, 1:30 p.m. A prehearing conference in Docket 5633—application of Westcreek Utility Company, Inc.,

for certificates of convenience and necessity in Bexar County.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 20, 1984, 11:06 a.m.
TRD-847627

Tuesday, July 31, 1984, 2 p.m. A prehearing conference in Docket 5259—petition to recertify the City of Garland.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 23, 1984, 11:50 a.m.
TRD-847665

Thursday, August 2, 1984, 1:30 p.m. A rescheduled prehearing conference in Docket 5768—inquiry into the legality of rates charged by Terra Southwest, Inc. The hearing was originally scheduled for July 26, 1984, at 10 a.m.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 24, 1984, 8:19 a.m.
TRD-847693

Friday, August 3, 1984, 9:30 a.m. A prehearing conference in Docket 5829—application of Apache Shores Utility Corporation for authority to change rates for water service within Travis County.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 23, 1984, 3:05 p.m.
TRD-847677

Friday, August 3, 1984, 1:30 p.m. A prehearing conference in Docket 5795—complaint of Stephen M. Ehlers against Houston County Electric Cooperative.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 23, 1984, 3:06 p.m.
TRD-847676

Monday, August 6, 1984, 10 a.m. A hearing in Docket 5732—appeal of Gulf States Utilities Company from the rate-making ordinances of the City of Houston, *et al.*

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 20, 1984, 11:07 a.m.
TRD-847626

Wednesday, August 15, 1984, 10 a.m. A hearing in Docket 5703—application of A. M. Standefer, doing business as Sunday Canyon Development Company, to sell its certificate of convenience and necessity.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 23, 1984, 3:04 p.m.
TRD-847679

Friday, August 17, 1984, 10 a.m. A prehearing conference in Docket 5800—application of AT&T Communications for authority to implement "Reach Out Texas."

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 23, 1984, 3:04 p.m.
TRD-847680

Friday, August 17, 1984, 10:30 a.m. A rescheduled hearing in Docket 5750—appeal of Texas-New Mexico Power Company from rate-making ordinances of the City of Lewisville, *et al.*

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 20, 1984, 2:06 p.m.
TRD-847641

Tuesday, September 18, 1984, 9 a.m. A hearing in Docket 5783—application of Lake Vista Utility Company for a rate increase in Live Oak County.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 19, 1984, 2:41 p.m.
TRD-847567

Monday, September 24, 1984, 10 a.m. A final hearing in Docket 5800—application of AT&T Communications for authority to implement "Reach Out Texas."

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 23, 1984, 3:04 p.m.
TRD-847681

Wednesday, October 24, 1984, 10 a.m. A hearing in Docket 5648—petition of Doris M. Shiflet to terminate water service.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 23, 1984, 3:05 p.m.
TRD-847678

Monday, November 5, 1984, 10 a.m. A hearing on the merits in Docket 5728—inquiry into the legality of rates charged by San Bernard Electric Cooperative.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 20, 1984, 2:08 p.m.
TRD-847643

Monday, December 3, 1984, 10 a.m. A hearing in Docket 5676—petition of inquiry concerning the definition of telecommunication markets.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 23, 1984, 11:50 a.m.
TRD-847666



Railroad Commission of Texas

Monday, July 30, 1984, 9 a.m. Divisions of the Railroad Commission of Texas will meet in Room 309, 1124 IH 35 South, Austin. Divisions and agendas follow.

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

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1211.

Filed: July 20, 1984, 10:27 a.m.
TRD-847604

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 12967, Austin, Texas 78711, (512) 445-1204.

Filed: July 20, 1984, 10:27 a.m.
TRD-847603

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

Contact: Ken Fossler, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1103.

Filed: July 20, 1984, 10:28 a.m.
TRD-847606

The Gas Utilities Division will consider various matters falling within its regulatory jurisdiction.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0461.

Filed: July 20, 1984, 10:25 a.m.
TRD-847597

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 12967, Austin, Texas 78711.

Filed: July 20, 1984, 10:27 a.m.
TRD-847602

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

Contact: Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711.

Filed: July 20, 1984, 10:24 a.m.
TRD-847594

The Oil and Gas Division will consider various matters falling within the Railroad Commission's oil and gas regulatory jurisdiction.

Contact: Liz Nauert, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: July 20, 1984, 10:28 a.m.
TRD-847595

Additions to the previous agenda:

Consideration of category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108.

Contact: Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1209.

Filed: July 20, 1984, 10:28 a.m.
TRD-847607

Consideration of a staff recommendation to file a grant application with the U.S. Environmental Protection Agency for the Underground Injection Control Program in the amount \$298,500 for fiscal year 1985.

Contact: Jerry W. Mullican, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1373.

Filed: July 20, 1984, 10:26 a.m.
TRD-847599

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

Contact: Herman L. Wilkins, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120.

Filed: July 20, 1984, 10:26 a.m.
TRD-847598

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 12967, Austin, Texas 78711.

Filed: July 20, 1984, 10:26 a.m.
TRD-847600

The Office of the Special Counsel will consider and act on the division director's report relating to pending litigation, state and federal legislation, and other budget, administrative, and personnel matters.

Contact: Walter Earl Lilie, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

Filed: July 20, 1984, 10:28 a.m.
TRD-847605

The Surface Mining and Reclamation Division will consider proposed amendments to topsoil regulations for publication and public comment and consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: J. Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751.

Filed: July 20, 1984, 10:24 a.m.
TRD-847593

Addition to the previous agenda:

Consideration of a motion for rehearing and consideration of the bonding requirements and approval of the permit revision by the Lower Colorado River Authority for its Powell Bend Mine in Docket 16A.

Contact: J. Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751.

Filed: July 20, 1984, 1:39 p.m.
TRD-847635

The Transportation Division will consider various matters falling within the commission's transportation regulatory jurisdiction.

Contact: Michael A. James, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: July 20, 1984, 10:25 a.m.
TRD-847596

Texas Register

Texas Savings and Loan Department

Wednesday, August 1, 1984, 9 a.m. The Texas Savings and Loan Department will meet at 1004 Lavaca Street, Austin. According to the agenda summary, the department will accumulate a record of evidence regarding the application of Executive Banc Savings Association for a savings and loan association charter to be located at 555 IH 35, New Braunfels, Comal County, from which record the commission shall determine whether to grant or deny this application.

Contact: Russell R. Oliver, 1004 Lavaca Street, Austin, Texas 78701, (512) 475-7991.

Filed: July 23, 1984, 10:14 a.m.
TRD-847658

Texas Sesquicentennial Commission

Wednesday, August 8, 1984, 10 a.m. The Texas Sesquicentennial Commission will meet in Room 206 and Room 207, Texas Law Center, 1414 Colorado Street, Austin. Items on the agenda include approval of the May 2, 1984, minutes; the director's report; applications for sanctioning, including Texas independence communities/counties and Texas independence associations; private sector logo applications; presentation and discussion of the official guidebook; and other business. The commission also may meet in executive session if necessary.

Contact: Randy M. Lee, P.O. Box 1986, Austin, Texas, (512) 475-1986.

Filed: July 20, 1984, 11:06 a.m.
TRD-847629

Structural Pest Control Board

Friday, August 17, 1984, 8:30 a.m. The Structural Pest Control Board will meet in Suite 250, Building C, 1300 East Anderson Lane, Austin. According to the agenda summary, the board will approve the June 4 and 5, 1984, minutes; hear the executive director's report; preside over an appearance of James Eckhardt, John Bergstrom, and Patrick Murphy, doing business as Green Keeper, Inc., and Bug Off; review materials on termite training sessions; consider pesticide use at less than label dosage, a new classification on wood preservation, and the budget; review exams and new procedures; hear a report on a spear and

electro-gun; discuss future recertification; and consider miscellaneous items.

Contact: David A. Ivie, 1300 East Anderson Lane, Building C, Suite 250, Austin, Texas 78752, (512) 835-4066.

Filed: July 20, 1984, 1:59 p.m.
TRD-847640

Texas A&M University System

Tuesday, July 24, 1984, 8:30 a.m. The Board of Regents of the Texas A&M University System made additions to the agenda of a meeting held at the MSC Annex, Texas A&M University, College Station. The additions concerned resolutions for the women's track team and for Miss Prairie View A&M University, Prairie View A&M University.

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

Filed: July 20, 1984, 1:58 p.m.
TRD-847639

Texas Water Commission

Friday, July 20, 1984, 12:45 p.m. The Texas Water Commission met in emergency session in Room 124A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission considered an application of Williamson County Municipal Utility District (MUD) 1 for an emergency order. The emergency status was necessary because, in addition to the economical loss to the country club, the district also advised that the current depletion of water in holding tanks at the country club created a critical situation in the event of a fire in the subdivision.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: July 20, 1984, 10:44 a.m.
TRD-847601

The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Days, times, and agendas follow.

Tuesday, July 31, 1984, 10 a.m. The commission will consider water district bond issues, release from escrow, use of surplus funds, setting district-creation hearings, dissolution of district, water quality proposed permits, amendments and renewals, water use applications, amendment to certificate

of adjudication, levee projects, and the filing and setting of hearing dates.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: July 20, 1984, 10:47 a.m.
TRD-847619

Thursday, August 2, 1984, 2 p.m. The commission will consider an application of the City of Austin to the Texas Department of Water Resources for a temporary order to authorize the discharge of partially treated domestic sewage effluent at a volume not to exceed an average flow of 26 million gallons per day (60 million daily maximum,) as specified under Permit 10543-03, from its Govalle Sewage Treatment Plant located at the intersection of Bolm Road and Howard Lane on the north bank of the Colorado River in Travis County. The applicant proposes to perform construction and renovation work associated with the applicant's construction grants project. The effluent is to be discharged into the Colorado River in Segment 1402 of the Colorado River Basin.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: July 20, 1984, 10:47 a.m.
TRD-847617

Wednesday, August 8, 1984, 10 a.m. The commission will consider whether Emergency Order 84-12E issued to Diamond Shamrock Refining and Marketing Company on April 18, 1984, should be affirmed, modified, or set aside; and a request by Diamond Shamrock Refining and Marketing Company for an extension of time on Temporary Order 83-42E issued on December 14, 1983.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: July 20, 1984, 10:47 a.m.
TRD-847618

The Texas Water Commission will meet in Room 124A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Days, times, and agendas follow.

Thursday, August 9, 1984, 10:30 a.m. The commission will consider an application of Lanco Properties, Inc., for proposed Permit 12890-01 for discharge of domestic wastewater, Montgomery County, San Jacinto River Basin; and an application of S. Hussain for proposed Permit 12870-01 to authorize discharge of treated domestic wastewater in Fort Bend County, Trinity-San Jacinto Estuary.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: July 19, 1984, 2:27 p.m.
TRD-847568

Tuesday, September 11, 1984, 10 a.m. The commission will conduct a hearing on Application 4469 of the Northern Trust Company as trustee for Trust 2-49284 (Brazos Barton Farm) for a permit to divert and use 3,750 acre-feet of water per annum directly from the Brazos River, Brazos River Basin, for irrigation purposes in Robertson County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: July 20, 1984, 3:32 p.m.
TRD-847644

Friday, September 21, 1984, 10 a.m. The commission will conduct a hearing on Application 4464 of Lake LBJ Investment Corporation for a permit to authorize the construction and maintenance of two dams and reservoirs on an unnamed tributary of the Colorado River, Colorado River Basin, for developmental aesthetics on the applicant's golf course in Llano County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: July 20, 1984, 3:32 p.m.
TRD-847645

Monday, September 24, 1984, 10 a.m. The commission will conduct a hearing on Application 4467 of Margaret Anderson Harris and Deborah A. Frazier for a permit to divert and use 520 acre-feet of water per annum directly from the Brazos River, Brazos River Basin, for irrigation use in Robertson County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: July 20, 1984, 3:33 p.m.
TRD-847646

Additions to the previous agenda:

The commission will conduct a hearing on Application 4465 of Kathryn Sommer Fagan for a permit to divert and use 1,000 acre-feet of water per annum directly from the Brazos River, Brazos River Basin, for irrigation purposes in Milam County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: July 20, 1984, 3:33 p.m.
TRD-847647

The commission will conduct a hearing on Application 4466 of Nick R. Lutz, Sr., and wife, Joan Lutz, for a permit to divert and

use 520 acre-feet of water per annum directly from the Brazos River, Brazos River Basin, for irrigation use in Robertson County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: July 20, 1984, 3:33 p.m.
TRD-847648

Friday, September 28, 1984, 10 a.m. The commission will conduct a hearing on Application 4468 of Lavonia Brown for a permit to authorize the maintenance of an existing dam and a 186.8 acre-foot capacity reservoir on Chambers Creek, tributary of Holman Creek, tributary of Big Creek, tributary of the Navasota River, tributary of the Brazos River, Brazos River Basin, for recreational purposes in Limestone County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: July 20, 1984, 3:33 p.m.
TRD-847649

Texas Department of Water Resources

Thursday, August 23, 1984, 1:30 p.m. The Texas Department of Water Resources will meet in the boardroom, Trinity River Authority General Office, 5300 South Collins, Arlington. According to the agenda summary, the department will conduct a public hearing to receive testimony concerning revisions to the waste load evaluations for the Upper Trinity River and the East Fork Trinity River.

Contact: Clyde E. Bohmfalk, P.O. Box 13087, Austin, Texas 78711, (512) 475-3926.

Filed: July 19, 1984, 2:27 p.m.
TRD-847569

West Texas State University

Thursday, August 2, 1984, 10 a.m. The Property Committee of the Board of Regents of West Texas State University, will meet in Room 211, Virgil Henson Activities Center, West Texas State University, Canyon. According to the agenda, the committee will discuss a request from the South Randall County Hospital District to change the status of a land transfer and will consider adoption of a recommendation. The committee will also meet in executive session as authorized by Texas Civil Statutes, Article 6252-17, §2f, to consider real estate.

Contact: Texas Smith, West Texas State University, Canyon, Texas 79016, (806) 656-3962.

Filed: July 24, 1984, 9:07 a.m.
TRD-847692

Regional Agencies Meetings Filed July 19

The Austin-Travis County Mental Health and Mental Retardation Center, Operations and Planning Committee, met in the boardroom, 1430 Collier Street, Austin, on July 24, 1984, at 7:30 a.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141.

The Bexar Appraisal District, Appraisal Review Board, met at 535 South Main, San Antonio, on July 20, 1984, at 9 a.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Cass County Appraisal District, Appraisal Review Board, met at 208 West Houston Street, Linden, on July 25, 1984, at 9 a.m. Information may be obtained from Janelle Clements, P.O. Box 167, Linden, Texas 75563, (214) 756-7545.

The Coastal Bend Council of Governments, Executive Board, will meet at the Nueces Club, Guaranty Bank Plaza, Corpus Christi, on July 27, 1984, at 11:45 a.m. The council will meet at 901 Leopard, Corpus Christi, on the same day at 2 p.m. Information may be obtained from John P. Buckner, P.O. 9909, Corpus Christi, Texas 78469, (512) 883-5743.

The Hamilton County Appraisal District met in the community room, Hamilton National Bank, Hamilton, on July 23, 1984, at 7:30 p.m. Information may be obtained from Doyle Roberts, P.O. Box 446, Hamilton, Texas 76531, (817) 386-8418.

The Leon County Central Appraisal District, Appraisal Review Board, met in the central appraisal office, Centerville, on July 24, 1984, at 9 a.m. Information may be obtained from Mabel Watson, P.O. Box 536, Centerville, Texas 75833, (214) 536-2252.

The Palo Pinto Appraisal District, Appraisal Review Board, met at the Palo Pinto Courthouse, Palo Pinto, on July 25, 1984, at 1:30 p.m. Information may be obtained from Carol Holmes, 100 Southeast Fifth Street, Mineral Wells, Texas 76067, (817) 659-3651, ext. 230.

TRD-847562

Meetings Filed July 20

The Ark-Tex Council of Governments, Executive Committee, met at the Ramada Inn, Mount Pleasant, on July 26, 1984, at 5:30

Texas Register

p.m. Information may be obtained from Vivienne Arvin, P.O. Box 5307, Texarkana, Texas 75501, (501) 774-3481.

The Austin-Travis County Mental Health and Mental Retardation Center, Finance and Control Committee, met in the boardroom, 1430 Collier Street, Austin, on July 26, 1984, at 5 p.m. The Board of Trustees met at the same location on the same day at 6 p.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141.

The Brazos Higher Education Authority, Inc., Board of Directors, met at the City Club of Waco, 801 Washington Avenue, Waco, on July 25, 1984, at 11:30 a.m. Information may be obtained from Murray Watson, Jr., 111 South 18th Street, Waco, Texas 76710, (817) 753-0913.

The Brazos Higher Education Service Corporation, Board of Directors, met at the City Club of Waco, 801 Washington Avenue, Waco, on July 25, 1984, at 12:30 p.m. Information may be obtained from Murray Watson, Jr., 111 South 18th Street, Waco, Texas 76710, (817) 753-0913.

The Dallas Area Rapid Transit Authority, Service Plan/Work Program, submitted an emergency revised agenda for a meeting held at 601 Pacific Avenue, Dallas, on July 20, 1984, at 3:30 p.m. The Budget and Finance Committee also met at the same location on July 23, 1984, at 4 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Dawson County Central Appraisal District, Board of Directors, met at 1810 Lubbock Highway, Lamesa, on July 24, 1984, at 9 a.m. Information may be obtained from Jim Warren, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060.

The Fisher County Appraisal District, Appraisal Review Board, met in emergency session in the commissioners courtroom, Fisher County Courthouse, Roby, on July 23, 1984, at 10 a.m. Information may be obtained from Harvie Davis, Route 2, Box 99, Sweetwater, Texas (915) 776-2771.

The Gregg County Appraisal District, Board of Review, met at 2010 Gilmer Road, Longview, on July 26, 1984, at 9 a.m. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.

The Heart of Texas Council of Governments, Executive Committee, met at 320

Franklin Avenue, Waco, on July 26, 1984, at 12:30 p.m. Information may be obtained from Mary McDow, 320 Franklin Avenue, Waco, Texas 76701, (817) 756-6631.

The Leon County Central Appraisal District, Board of Directors, will meet at the Leon County Courthouse, Centerville, on July 30, 1984, at 7:30 p.m. Information may be obtained from Mabel Watson, P.O. Box 536, Centerville, Texas 75833, (214) 536-2252.

The Mental Health and Mental Retardation Center of East Texas, Board of Trustees, met in the boardroom, 2323 West Front Street, Tyler, on July 26, 1984, at 4 p.m. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75712, (214) 597-1351

The Rusk County Appraisal District, Board of Directors, will meet at 107 North Van Buren, Henderson, on August 9, 1984, at 1:30 p.m. Information may be obtained from Melvin R. Cooper, P.O. Box 7, Henderson, Texas 75653-0007, (214) 657-9697. TRD-847588

Meetings Filed July 23

The Bastrop County Appraisal District, Board of Directors, met at 1200 Cedar Street, Bastrop, on July 26, 1984, at 7:30 p.m. Information may be obtained from Clifton L. Kessler, 1200 Cedar Street, Bastrop, Texas 78602, (512) 321-3925

The Dallas Area Rapid Transit Authority, Legal Committee, made an emergency addition to the agenda of a meeting held at 601 Pacific, Dallas, on July 24, 1984, at 8 a.m. Information may be obtained from Nancy McKethan, 601 Pacific, Dallas, Texas 75202.

The East Texas Council of Governments, Job Training Partnership Act Board of Directors, met at the Ramada Inn, Highway 259, Kilgore, on July 26, 1984, at 2:30 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

The Region IX Education Service Center, Joint Committee, will meet at 301 Loop 11, Wichita Falls, on August 9, 1984, at 10 a.m. The Board of Directors will meet at the same location on the same day at 1:30 p.m. Information may be obtained from Dr. Jim O. Rogers, 301 Loop 11, Wichita Falls, Texas 76305, (817) 322-6928.

The Hickory Underground Water Conservation District 1, Board of Directors, met in the council chambers, city hall, 105 East Main Street, Brady, on July 26, 1984, at 1 p.m. Information may be obtained from Rick Illgner, P.O. Box 1214, Brady, Texas 76825, (915) 597-2785.

The Lower Rio Grande Valley Development Council, Board of Directors, met at the Harlingen Chamber of Commerce, 311 East Tyler, Harlingen, on July 26, 1984, at 1:30 p.m. Information may be obtained from Robert A. Chandler, Texas Commerce Bank Building, Room 707, 1701 West Business Highway 83, McAllen, Texas 78501, (512) 682-3481.

The North Central Texas Council of Governments, Executive Board, met on the second floor, Centerpoint Two, 616 Six Flags Drive, Arlington, on July 26, 1984, at 12:30 p.m. Information may be obtained from Edwina J. Hicks, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 461-3300.

The Nueces-Jim Weis-Kleberg Soil and Water Conservation District, Board of Directors, will meet at Dena's Restaurant, Main Street, Alice, on July 31, 1984, at 7 a.m. Information may be obtained from Wilbur F. Erck, Route 2, Box 325, Alice, Texas 78332, (512) 664-1325.

The Palo Pinto Appraisal District, Appraisal Review Board, met at the Palo Pinto Courthouse, Palo Pinto, on July 26, 1984, at 1:30 p.m. Information may be obtained from Carol Holmes, Palo Pinto, Texas 76072, (817) 659-3651, ext. 230.

The Central Appraisal District of Rockwall County, Appraisal Review Board, will meet at 106 North San Jacinto, Rockwall, on July 30, 1984, at 9 a.m. Information may be obtained from Eugene "Bo" Daffin, 106 North San Jacinto, Rockwall, Texas 75087.

The Sabine River Authority of Texas, Board of Directors, will meet in the Pegasus Room, Ramada Hotel, 5701 South Broadway, Tyler, on August 3, 1984, at 9 a.m. Information may be obtained from Sam F. Collins, P.O. Box 579, Orange, Texas 77630, (409) 883-2531.

The Trinity River Authority, Executive Committee, will meet via conference call originating from 5300 South Collins, Arlington, on July 27, 1984, at 9:30 a.m. Information may be obtained from J. Sam Scott, P.O. Box 60, Arlington, Texas 76004-0060, (817) 467-4343.

The Upshur County Appraisal District, Appraisal Review Board, will meet at Warren and Trinity Streets, Gilmer, on July 31, 1984, at 8:30 a.m. Information may be obtained from Louise Stracener, P.O. Box 31, Gilmer, Texas 75644, (214) 843-3041.

TRD-847657

Meetings Filed July 24

The Central Texas Council of Governments, Transportation Planning Commit-

tee, will meet at the Copperas Cove Country Club, Copperas Cove, on July 27, 1984, at 10 a.m. Information may be obtained from Gerald B. Bunker, P.O. Box 729, Belton, Texas 76513, (817) 939-1801.

The Gillespie County Appraisal District, Board of Directors, will meet at the City Hall Assembly Room, Fredericksburg, on August 8, 1984, at 10 a.m. Information may be obtained from Gary Neffendorf, P.O. Box 429, Fredericksburg, Texas 78624.

The Gonzales County Appraisal District, Board of Directors, will meet at 928 St. Paul

Street, Gonzales, on August 9, 1984, at 5 p.m. The Appraisal Review Board will meet at the same location on August 23, 1984 at 6 p.m. Information may be obtained from Nancy Seitz, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Red River Authority of Texas, Board of Directors, met in emergency session in Room 218, Activity Center, 1001 Indiana, Wichita Falls, on July 25, 1984, at 10:30 a.m. Information may be obtained from Ronald J. Glenn, 302 Hamilton Building, Wichita Falls, Texas, (817) 723-8697.

TRD-847692

In Addition

The *Register* is required by statute to publish applications to purchase control of state banks (filed by the banking commissioner); notices of rate ceilings (filed by the consumer credit commissioner); changes in interest rate and applications to install remote service units (filed by Texas Savings and Loan commissioner); and consultant proposal requests and awards (filed by state agencies, regional councils of government, and the Texas State Library and Archives Commission).

In order to aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows. This often includes applications for construction permits (filed by the Texas Air Control Board); applications for amendment, declaratory ruling, and notices of intent (filed by the Texas Health Facilities Commission); applications for waste disposal permits (filed by the Texas Water Commission); and notices of public hearing.



Texas Air Control Board Request for Submission of Bids for Insurance

In accordance with Texas Civil Statutes, Article 6252-19a, the Texas Air Control Board (TACB) will carry liability insurance for officers and employees who operate motor vehicles and one boat for this agency. The TACB is requesting bids for motor vehicles and trailer coverage in the amount of \$300,000/\$500,000/\$50,000, and \$10,000 property damage for the boat. This coverage is to be effective for one year beginning September 1, 1984. The following are the motor vehicles, trailers, and one boat to be included in this coverage. Statewide claim service is required

Persons interested in bidding on this coverage, must submit their bid no later than 10 a.m. on August 3, 1984. Bidders will be notified of the results. The total charge for the coverage, the premium discount, and the amount of the anticipated dividend must be included in the bid. Also, an experience modifier of 52% will be deducted from the invoice, and it will be the agency's responsibility to recover this cost from the company they bid. Fifty-two percent was the TACB's experience modifier for fiscal year 1984. If this modifier is too high, the TACB will pay the difference upon availability of current ratings. If the rating is too low, a refund will be due.

This liability policy will be subject to approval by the State Board of Insurance as to form and by the attorney general as to liability as required by the original statute.

Description	Location
Trailers	
1974 Utility Carrier	Austin
1977 Util-I-Carrier	Austin
1978 Smoke Generator	Austin
1978 Util-I-Carrier	Odessa
1979 Tejas Utility Trailer	Beaumont
1973 Custom Boat Trailer	Houston
1980 Utility Trailer	Houston
Vehicles	
1980 Ford Courier	Abilene
1980 Ford Fairmont Station Wagon	Abilene
1981 Ford Fairmont Station Wagon	Lubbock
1983 Ford Fairmont Station Wagon	Lubbock
1979 Plymouth Station Wagon	Waco
1980 Ford Fairmont Station Wagon	Waco
1981 Ford Fairmont Station Wagon	Waco
1981 Ford Pick-Up	Harlingen
1982 Dodge Station Wagon	Harlingen
1980 Ford Fairmont Station Wagon	Odessa
1980 Ford Fairmont Station Wagon	Odessa
1981 Ford Pick-Up	Odessa
1981 Ford Fairmont Station Wagon	Odessa
1983 Ford LTD Station Wagon	Odessa
1979 Plymouth Station Wagon	Houston
1979 Plymouth Station Wagon	Houston
1979 Pinto Station Wagon	Houston
1979 Dodge Van	Houston
1980 Dodge Pick-Up	Houston
1980 Ford Courier Pick-Up	Houston
1980 Ford Fairmont Station Wagon	Houston
1980 Ford Fairmont Station Wagon	Houston
1980 Ford Fairmont Station Wagon	Houston
1980 Ford Fairmont Station Wagon	Houston
1980 Ford Fairmont Station Wagon	Houston
1980 Ford Fairmont Station Wagon	Houston
1980 Ford Fairmont Station Wagon	Houston

1981 Ford Fairmont Station Wagon	Houston
1981 Ford Fairmont Station Wagon	Houston
1982 Ford Granada Station Wagon	Houston
1982 Dodge Station Wagon	Houston
1983 Chevrolet Cavalier Station Wagon	Houston
1975 Dodge Van	Fort Worth
1973 Dodge Van	Fort Worth
1979 Pinto Station Wagon	Fort Worth
1979 Plymouth Station Wagon	Fort Worth
1980 Ford Fairmont Station Wagon	Fort Worth
1980 Ford Fairmont Station Wagon	Fort Worth
1980 Ford Fairmont Station Wagon	Fort Worth
1980 Ford Fairmont Station Wagon	Fort Worth
1980 Ford Fairmont Station Wagon	Fort Worth
1981 Ford Fairmont Station Wagon	Fort Worth
1981 Ford Pick-Up	Fort Worth
1983 Ford LTD Station Wagon	Fort Worth
1983 GMC Pick-Up	Fort Worth
1979 Pinto Station Wagon	San Antonio
1981 Ford Fairmont Station Wagon	San Antonio
1981 Ford Van	San Antonio
1982 Dodge Station Wagon	San Antonio
1975 Dodge Van	Beaumont
1979 Dodge Van	Beaumont
1980 Ford Courier Pick-Up	Beaumont
1980 Pinto Station Wagon	Beaumont
1981 Ford Fairmont Station Wagon	Beaumont
1981 Ford Fairmont Station Wagon	Beaumont
1981 Ford Fairmont Station Wagon	Beaumont
1983 Ford LTD Station Wagon	Beaumont
1980 Pinto Station Wagon	El Paso
1981 Ford Pick-Up	El Paso
1983 Ford LTD Station Wagon	El Paso
1980 Pinto Station Wagon	Tyler
1981 Ford Fairmont Station Wagon	Tyler
1983 Ford LTD Station Wagon	Tyler
1980 Pinto Station Wagon	Corpus Christi
1982 Dodge Pick-Up	Corpus Christi
1983 Ford LTD Station Wagon	Corpus Christi
1975 Dodge Van	Austin
1975 Dodge Van	Austin
1975 Dodge Van	Austin
1975 Dodge Van	Austin
1975 Dodge Utility Van	Austin
1975 Dodge Utility Van	Austin
1975 Dodge Stakebed Truck	Austin
1979 Plymouth Station Wagon	Austin
1980 Ford Fairmont Station Wagon	Austin
1980 Ford Fairmont Station Wagon	Austin
1980 Ford Fairmont Station Wagon	Austin
1980 Ford Fairmont Station Wagon	Austin
1980 Ford Fairmont Station Wagon	Austin
1980 Chevrolet Cube Van	Austin
1980 Chevrolet Cube Van	Austin
1981 Ford Fairmont Station Wagon	Austin
1981 Ford Fairmont Station Wagon	Austin
1981 Ford Fairmont Station Wagon	Austin
1981 Ford Fairmont Station Wagon	Austin
1981 Ford Fairmont Station Wagon	Austin
1982 Ford Granada Station Wagon	Austin
1984 Chevrolet Utility Van	Austin
1984 Chevrolet Utility Van	Austin

1973 Caravelle, 17' 6" Fiberglass Boat
with 150 HP Mercury Outboard
Motor Houston

Issued in Austin, Texas, on July 18, 1984.

TRD-847570 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Filed: July 19, 1984
For further information, please call (512) 451-5711,
ext. 354.

Office of the Attorney General Consultant Contract Award

Pursuant to Texas Civil Statutes, Article 6252-11c, the Office of the Attorney General has awarded a contract to Southwest Econometrics, Inc., 3701 Executive Center Drive, Suite 258, Austin, Texas 78731. The request for proposals to provide assistance in managing data, developing damage models, and performing damages calculations in highway construction contract litigation appeared in the April 24, 1984, issue of the *Texas Register* (9 TexReg 2335).

The contract period is from July 13, 1984-August 31, 1985. The total amount of the contract is estimated not to exceed \$50,000, and the due date for reports and/or documents to be submitted under the contract is August 31, 1984.

Issued in Austin, Texas, on July 13, 1984.

TRD-847561 Rick Gilpin
Chief
Opinion Committee
Office of the Attorney General

Filed: July 19, 1984
For further information, please call (512) 475-5445.

Office of Consumer Credit Commissioner Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 07/30/84-08/05/84	21.25%	21.25%
Monthly Rate— Article 1.04(c)(1) 07/01/84-07/31/84	21.13%	21.13%

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Standard Quarterly Rate—Article 1.04(a)(2) 07/01/84-09/30/84	19.90%	19.90%
Retail Credit Card Quarterly Rate—Article 1.11 ⁽³⁾ 07/01/84-09/30/84	19.90%	N/A
Lender Credit Card Quarterly Rate—Article 15.02(d) ⁽³⁾ 07/01/84-09/30/84	19.90%	N/A
Standard Annual Rate—Article 1.04(a)(2) ⁽²⁾ 07/01/84-09/30/84	19.90%	19.90%
Retail Credit Card Annual Rate—Article 1.11 ⁽³⁾ 07/01/84-09/30/84	19.90%	N/A
Annual Rate Applicable to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 07/01/84-09/30/84	18.65%	N/A
Judgment Rate—Article 1.05, §2 08/01/84-08/31/84	10.99%	10.99%

- (1) For variable rate commercial transactions only
- (2) Only for open-end credit as defined in Texas Civil Statutes, Article 5069-1 01(f)
- (3) Credit for personal, family, or household use
- (4) Credit for business, commercial, investment, or other similar purpose

Issued in Austin, Texas, on July 23, 1984.

TRD-847654 Sam Kelley
Consumer Credit Commissioner

Filed: July 23, 1984
For further information, please call (512) 475-2111.

Texas Commission for the Deaf Consultant Proposal Request

In compliance with Texas Civil Statutes, Article 6252-11c, the Texas Commission for the Deaf is requesting proposals for the provision of services to eligible deaf and hearing-impaired individuals. Services to be delivered through contract include interpreter services, information and referral services, services to elderly deaf persons, message relay, and job seeking and basic living skills training.

Contact Person. Further information regarding the provision of the previously-stated services to deaf individuals and for submitting proposals may be obtained by contacting Bill Eckstein, Coordinator of Direct Services, Texas Commission for the Deaf, (512) 475-2492.

Deadline for Proposals. Deadline for the receipt of proposals in the offices of the Texas Commission for the Deaf is on or before September 6, 1984. Proposals received after this established deadline cannot be considered for selection. Proposals are to be addressed to Bill Eckstein, Coordinator of Direct Services, Texas Commission for the Deaf, P.O. Box 12904, Austin, Texas 78711.

Proposal Evaluation Criteria. Proposals will be evaluated by the Texas Commission for the Deaf on the following basis:

- (A) submission of the proposal on or before the established deadline;
- (B) operation of the program within commission authority;
- (C) submission of proposal addressing all required areas;
- (D) respondent's program plan;
- (E) respondent's ability to provide a high-quality program specifically aimed at meeting the individual needs of the client; and
- (F) ability to implement program upon receiving notification from the Texas Commission for the Deaf on award of contract.

Guidelines for Submitting Proposals. The following format has been designed by the Texas Commission for the Deaf as a guideline to assist interested organizations in submitting proposals for the delivery of services to eligible deaf and hearing-impaired persons. It is the intent of the Texas Commission for the Deaf to continue using the services of existing contracting organizations in the delivery of services, unless a better offer is received from an organization possessing the necessary qualifications and experience to provide the requested services. Each contracting organization must:

- (A) be a community-based nonprofit organization willing to provide a given service to its local deaf community;
- (B) provide a location and description of the intended headquarters to be used in the delivery of services;
- (C) show an anticipated number of persons willing to utilize the service;
- (D) be willing to cooperate with the Texas Commission for the Deaf regarding its goals, standards, requirements, and recommendations;
- (E) be capable of selecting the area of services most needed within a fiscally conservative budget and submit such a budget to the commission for review; and
- (F) possess the necessary skills, knowledge, and expertise for the planning, development, and implementation of needed services.

Issued in Austin, Texas, on July 19, 1984.

TRD-847584 Fred R. Tammen
Executive Director
Texas Commission for the Deaf

Filed: July 19, 1984
For further information, please call (512) 475-2492.



Texas Health Facilities Commission Applications Accepted for Amendment, Declaratory Ruling, and Notices of Intent

Notice is hereby given by the Texas Health Facilities Commission of applications accepted as of the date of this publication. In the following list, the applicant is listed first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling; AMD indicates amendment of previously issued commission order; CN indicates certificate of need; PFR indicates petition for reissuance; NIE indicates notice of intent to acquire major medical equipment; NIEH indicates notice of intent to acquire existing health care facilities; NIR indicates notice of intent regarding a research project; NIE/HMO indicates notice of intent for exemption of HMO-related project; and EC indicates exemption certificate.

Should any person wish to become a party to any of the previously stated applications, that person must file a proper request to become a party to the application within 15 days after the date of this publication of notice. If the 15th day is a Saturday, Sunday, state or federal holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, state or federal holiday. A request to become a party should be mailed to the chair of the commission at P.O. Box 50049, Austin, Texas 78763, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to any of these applications must meet the criteria set out in 25 TAC §515.9. Failure of a party to supply the necessary information in the correct form may result in a defective request to become a party.

Pasadena Imaging Center, Pasadena
A084-0712-457

DR—Request for a declaratory ruling that neither a certificate of need nor a notice of intent to acquire major medical equipment is required to purchase a neurological scanner system. The equipment will be located in a private physician's office at 3337 Plainview, Suite 9, Pasadena, and will be used to scan inpatients and outpatients of the physician group. The equipment will be acquired at a cost of \$383,000.

Baylor Health Services, a Texas nonprofit corporation, Dallas
AS84-0716-464

NIEH—Request for a declaratory ruling that a certificate of need is not required for Baylor Health Services, a Texas nonprofit corporation, to acquire a 50% interest in Certificate of Need AO83-0324-188, which was issued to Parkside Lodge of Dallas/Fort Worth, Inc., a wholly-owned subsidiary of Parkside Medical Services Corporation, on November 18, 1983, authorizing the establishment of a 50-bed freestanding alcoholism/substance abuse residential treatment facility in Argyle.

Humana Hospital Corporation, Inc., doing business as Clear Lake Hospital, Webster
AH82-1122-209A(071384)
CN/AMD—Request for an extension of the completion: deadline from September 26, 1984, to April 30, 1985, in Certificate of Need AH82-1122-209, which authorized the certificate holder to purchase and operate a second CT whole body scanner to be placed in 550 square feet of space in the Radiology Department and to construct a 9,150 square foot addition for a Radiation Therapy unit.

American Health Centers, Inc., a Tennessee corporation, Nashville
AN84-0713-461

NIEH—Request for a declaratory ruling that a certificate of need is not required for American Health Centers, Inc., a Tennessee corporation, to acquire by lease San Pedro Manor, an existing 108-bed nursing facility with 56 skilled and 52 ICF beds located in San Antonio, from Lumbermen's Investment Corporation, a Texas corporation.

Guy and Betty Danielson, Flint

AN84-0713-459
NIEH—Request for a declaratory ruling that a certificate of need is not required for Guy and Betty Danielson to acquire by purchase Custodial Care Home, an existing 54-bed ICF nursing facility located in Tyler, from Earl and Fannie Delley. Upon acquisition, the name of the facility will be changed to Queen Street Nursing Center

Issued in Austin, Texas, on July 23, 1984.

TRD-847656 John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed: July 23, 1984

For further information, please call (512) 475-6940.

Texas Historical Commission Consultant Proposal Request

The Texas Historical Commission (THC) files this consultant proposal request under the provisions of Texas Civil Statutes, Article 6252-11c.

Description. The THC hereby invites the offer of services on a consulting basis relevant to the Texas Heritage Conservation Plan (THCP) database. These services will entail the design, maintenance, and enhancement of an Image 3000-type database system for THCP data, as this data has been defined in the *Texas Heritage Conservation Plan Computerization Program Manual*. Computer time and proper security systems are also required.

Qualifications. The contractor must have:

- (1) ability to design and make operational the system within 15 days;
- (2) Hewlett-Packard hardware or hardware guaranteed compatible with existing THC hardware;
- (3) 1200-baud communications capability;

- (4) ability to designate a liaison person to develop and maintain the THCP database; and
- (5) ability to submit a detailed, verifiable bill on a monthly basis.

Duration and Amount of Funding. The project must not extend beyond August 31, 1985. The contract amount will not exceed \$20,000.

Contact. For further information, contact Virginia A. Wulfkuhle, Staff Archeologist, Office of the State Archeologist, Texas Historical Commission, P.O. Box 12276, 105 West 16th Street, Austin, Texas 78711, (512) 475-6328. The deadline for receipt of proposals is 5 p.m. on August 26, 1984.

Selection. The information contained in this proposal request is intended to serve only as a general description of the services desired. The THC will use any responses as a basis for further negotiation of specific project details. The THC reserves the right to accept or reject any of the proposals submitted. Selection of a contractor will be made on the basis of demonstrated competence and qualifications and reasonableness of fees for services. Unless a better offer is submitted, preference will go to the contractor that has satisfactorily performed these services in the past.

Issued in Austin, Texas, on July 18, 1984.

TRD-847536 Curtis Tunnell
 Executive Director
 Texas Historical Commission

Filed: July 18, 1984
 For further information, please call (512) 475-3092.

**Legislative Budget Board
 Joint Budget Hearing Schedule**

The Executive and Legislative Budget Offices will jointly conduct the following budget hearings to consider appropriations requests for the 1986-1987 biennium, for the period of July 30-August 3, 1984. Please confirm dates, times, and locations, since experience has shown that some rescheduling always occurs.

Agency	Date	Place
Finance Commission of Texas (Banking Department of Texas, Office of Consumer Credit Commissioner, Texas Savings and Loan Department)	9 a.m.-July 30	Conference Room, Banking Department of Texas, 2601 North Lamar Boulevard, Austin
Board of Nurse Examiners	9 a.m.-July 30	Room 304, John H. Reagan Building, 105 West 15th Street, Austin
Veterans Affairs Commission	9:30 a.m.-July 30	Room 503-G, Sam Houston Building, 201 East 14th Street, Austin
Pan American University	9:30 a.m.-July 30	Room 209, Bevington Reed Building, 200 East Riverside Drive, Austin

Pan American University at Brownsville	10:45 a.m.-July 30	Room 209, Bevington Reed Building, 200 East Riverside Drive, Austin
Credit Union Department	2 p.m.-July 30	Conference Room, Credit Union Department, 914 East Anderson Lane, Austin
University of Houston System—System Administration	9 a.m.-July 31	Conference Room, University of Houston System Offices, 4600 Gulf Freeway, Houston
Texas Youth Commission	9:30 a.m.-July 31	Room 213, State Capitol, Austin
Texas Department of Agriculture	9:30 a.m.-July 31	Room 503-G, Sam Houston Building, 201 East 14th Street, Austin
Texas Motor Vehicle Commission	9:30 a.m.-July 31	Room 119, Stephen F. Austin Building, 1700 North Congress Avenue, Austin
University of Houston—Victoria	10 a.m.-July 31	Conference Room, University of Houston System Offices, 4600 Gulf Freeway, Houston
University of Houston—Clear Lake	11 a.m.-July 31	Conference Room, University of Houston System Offices, 4600 Gulf Freeway, Houston
University of Houston—University Park	1:30 p.m.-July 31	Conference Room, University of Houston System Offices, 4600 Gulf Freeway, Houston
University of Houston—Downtown	3:30 p.m.-July 31	Conference Room, University of Houston System Offices, 4600 Gulf Freeway, Houston
Texas Board of Chiropractic Examiners	9 a.m.-August 1	Room 119, Stephen F. Austin Building, 1700 North Congress Avenue, Austin
Texas Southern University	9 a.m.-August 1	Room 117, Hannah Hall, Texas Southern University, Houston
Texas Amusement Machine Commission	9:30 a.m.-August 1	Room: 503-G, Sam Houston Building, 201 East 14th Street, Austin
Board of Pardons and Paroles	9:30 a.m.-August 1	Room 304, John H. Reagan Building, 105 West 15th Street, Austin
Texas Historical Commission	9 a.m.-August 2	Room 304, John H. Reagan Building, 105 West 15th Street, Austin
Polygraph Examiners Board	9 a.m.-August 2	Conference Room, Texas Department of Public Safety, 5805 North Lamar Boulevard, Austin

State Securities Board	9:30 a.m.-August 2	Room 503-G, Sam Houston Building, 201 East 14th Street, Austin
Texas Department of Public Safety	10 a.m.-August 2	Conference Room, Texas Department of Public Safety, 5805 North Lamar Boulevard, Austin
University of Texas System Cancer Center	10:30 a.m.-August 2	Copeland Conference Room, 10th Floor, Houston Main Building, (Prudential Building), Houston
University of Texas Medical Branch at Galveston	1:30 p.m.-August 2	Copeland Conference Room, 10th Floor, Houston Main Building, (Prudential Building), Houston
State Rural Medical Education Board	3 p.m.-August 2	Copeland Conference Room, 10th Floor, Houston Main Building, (Prudential Building), Houston
State Commission for the Blind	9 a.m.-August 3	Room 119, Stephen F Austin Building, 1700 North Congress Avenue, Austin
Texas State Board of Public Accountancy	9:30 a.m.-August 3	Room 503-G, Sam Houston Building, 201 East 14th Street, Austin
Texas Board of Private Investigators and Private Security Agencies	1 p.m.-August 3	Room 503-G, Sam Houston Building, 201 East 14th Street, Austin
Texas Department of Community Affairs	2 p.m.-August 3	Room 213, State Capitol, Austin

Issued in Austin, Texas, on July 20, 1984.

TRD-847591 Larry Kopp
Assistant Director for Budgets
Legislative Budget Board

Filed: July 20, 1984
For further information, please call (512) 476-6565.

Description of Services. The consultant will study, analyze, and monitor case management programs in the Texas Department of Mental Health and Mental Retardation facilities and community centers and develop a case management training program. All information will be compiled and submitted to the central office of the Texas Department of Mental Health and Mental Retardation. Specific activities to be performed include development of a case management program, assistance with the Texas Department of Mental Health and Mental Retardation and the community centers for mental health and mental retardation services in the implementation of the training program, and monitoring of the implementation and continuation of case management services.

The consultant will design an automated case management information system which will describe data elements necessary to support case management system functions at community center, facility, regional, and central office levels.

The consultant will design, develop, and implement a perspective capitation methodology for funding public mental health services and will evaluate the effects of such a methodology.

Evaluation Criteria. The contractor must have a minimum of a bachelor's degree, 10 years of experience in the field of mental health and mental retardation case management, and experience in the fields of funding methodology research and the design of programs. Subject to the provisions of the opening paragraph of this notice, the consultant demonstrating the most relevant experience and background and having the greatest and most expert knowledge of the service to be performed will be awarded the contract

Closing Date for Offers. The closing date for receipt of offers is August 24, 1984

Contact Person. Prospective offerors should contact Gary E. Miller, M.D., Commissioner, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711, (512) 465-4501.

Issued in Austin, Texas, on July 17, 1984

TRD-847583 Gary E. Miller, M.D.
Commissioner
Texas Department of Mental
Health and Mental Retardation

Filed: July 19, 1984
For further information, please call (512) 465-4591.

Texas Department of Mental Health and Mental Retardation Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, the Texas Department of Mental Health and Mental Retardation serves notice of invitation for a continuation of services currently performed by Penelope Caragonne and other related services. The Texas Department of Mental Health and Mental Retardation intends to award the contract to the present contractor unless a better offer is submitted.

North Central Texas Council of Governments Consultant Proposal Request

This request by the North Central Texas Council of Governments (NCTCOG) for consultant services is filed under the provisions of Texas Civil Statutes, Article 6252-11c.

Background. It is the intent of the North Central Texas Council of Governments (NCTCOG) to select a consultant to conduct an on-board transit survey in the Dallas-Fort Worth area in the fall of 1984. The primary objective of this survey is to develop transit origin-destination data needed to calibrate the regional NCTCOG modal split travel demand models and validate base year transit assignments. Information generated by the survey will also be made available to the Dallas Area Rapid Transit Authority (DART), the Dallas Transit System (DTS), and the City Transit Service of Fort Worth (CITRAN) for use in service planning activities.

The following task descriptions indicate the minimum contract requirements and are not fully inclusive of the possible level of effort. Proposers are invited to offer appropriate changes and explanations; cost estimates must be provided for these tasks and for any proposed changes:

- (1) review NCTCOG sampling plan;
- (2) design survey instrument;
- (3) design surveyor materials;
- (4) pretest survey instrument, surveyor materials, and collection methods;
- (5) modify survey instruments and collection methods;
- (6) administer and conduct surveys;
- (7) organize, edit, and code the data; and
- (8) document survey collection effort

The consultant should address the advantages, disadvantages, and costs of the following three options for staffing and supervising the surveys:

- (1) consultant subcontracts with one or more firms to provide surveyors and supervisors (consider universities and survey-research firms);
- (2) consultant directly hires temporary personnel as surveyors and supervisors (personnel not hired by another firm); and
- (3) the NCTCOG directly hires temporary personnel as surveyors and consultant provides supervision to NCTCOG staff (consultant oversees and advises NCTCOG).

A large Minority Business Enterprise (MBE) participation in this project is envisioned; at least 40% of the contract amount is encouraged with a 25% minimum. The consultant should consider the potential of these or other options in attaining this level of involvement.

No budget has been established for the travel survey collection because of the potential range of costs. Costs should be presented on a unit basis in the event additional bus trips are needed. The NCTCOG reserves the right to negotiate with the selected consultant on the cost, number of trips surveyed, and approaches for conducting this effort.

Contract Award Procedures. A consultant selection committee will review proposals and recommend a contractor to conduct the on-board survey. The contract award procedures which follow are not totally inclusive or exclusive of other procedures which, in the opinion of the consultant selection committee, are necessary to achieve the best results possible within the scope of services requested. The recommendation by the consultant selection committee will be considered by the executive board of the North Texas Central Texas Council of

Governments; the executive board of the NCTCOG will authorize award of a contract to the contractor which is considered to be best able to perform the work set forth in the contract.

Only consultants with demonstrated capability and successful experience in administering such surveys will be considered for the project. Consultants are invited to contact Melvin Minkoff, Transportation Planner, North Central Texas Council of Governments, P.O. Drawer COG, Arlington, Texas 76005-5888.

Due Date. Proposals are due by noon on Monday, August 13, 1984, in the office of Martin Minkoff, Transportation and Energy Department, North Central Texas Council of Governments, P.O. Drawer COG, 616 Six Flags Drive, Suite 200, Arlington, Texas 76005-5888, (817) 461-3300. Proposals submitted must include names and telephone numbers of appropriate references for previous survey work. The performance of consultants in surveys and other work will be verified by the NCTCOG contacting appropriate references.

Evaluation Criteria. A proposal is sought that is comprehensive and imaginative. All proposals will be evaluated according to the following criteria:

- (1) project understanding;
- (2) scope of services;
- (3) firm qualifications and experience;
- (4) proposed staff qualifications and experience;
- (5) study schedule;
- (6) budget and cost estimates;
- (7) oral presentation (if requested);
- (8) firm's Affirmative Action Policy and Plan; and
- (9) Minority Business Enterprise (MBE) participation.

Evaluation Methodology. Evaluation methodology will consist of an evaluation by the Consultant Selection Committee of a written proposal and an oral presentation (if requested), clarifying questions that may be asked by telephone, and references who will be contacted.

Contract Award. The NCTCOG Executive Board will review the Consultant Selection Committee's recommendation to contract with a consultant, and if approved, the NCTCOG Executive Board will award a contract.

The North Central Texas Council of Governments, in accordance with the Civil Rights Act of 1964, Title VI, 78 Statute 252, 42 United States Code 2000d-2000d-4, and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation issued pursuant to such act, hereby notifies all bidders that it will affirmatively ensure that in regard to any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration of an award.

Respondents must be willing to abide by all the applicable regulations of the Urban Mass Transportation Administration, U.S. Department of Transportation, including inspection and audit.

The ability of the North Central Texas Council of Governments to enter into a contract for performance of the proposed program will be dependent on the timely receipt of funds from the Urban Mass Transportation Administration.

The North Central Texas Council of Governments reserves the right to reject, in total or part, any and/or all proposals, should it be advantageous to do so.

There is a limited amount of funding available for this contract; therefore, the projected cost will be an item of evaluation. An Office of Management and Budget Optional Form 60 Contract Pricing Proposal will be required for negotiation of reasonable costs. Respondents should indicate proprietary interests where applicable.

The contract will comply with all federal and state laws and regulations applicable to subcontractors, including, but not limited to, equal employment opportunity, Davis-Bacon Act, and records management.

Issued in Arlington, Texas, on July 18, 1984.

TRD-847625 William J. Pitstick
Executive Director
North Central Texas Council of
Governments

Filed: July 20, 1984
For further information, please call (817) 461-3300.

Texas Parks and Wildlife Department Consultant Contract Award

This consultant contract award is filed in accordance with the provisions of Texas Civil Statutes, Article 6252-11c. The consultant proposal request appeared in the April 13, 1984, issue of the *Texas Register* (9 TexReg 2104).

The service to be performed will provide ongoing counsel and advice to the Texas Parks and Wildlife Department concerning technical and procedural aspects of the sunset review process, and other necessary activities that will facilitate the efficient exchange of information between the Sunset Review Commission and its staff, and the employees of the Texas Parks and Wildlife Department and members of the Texas Parks and Wildlife Commission.

The name and address of the consultant selected is Darryll W. Grubbs, 2704 San Pedro, #16, Austin, Texas 78705. The total value of the study is not to exceed \$8,000. The contract is dated May 15, 1984. The consulting services are to be provided through January 7, 1985.

Issued in Austin, Texas, on July 16, 1984.

TRD-847525 Charles D. Travis
Executive Director
Texas Parks and Wildlife
Department

Filed: July 18, 1984
For further information, please call (512) 479-4806.

State Purchasing and General Services Commission Advertisement for Real Estate Appraisal Services

Proposals for MAI appraisers for estimating the current market value of three parcels of land will be received by the State Purchasing and General Services Commission until August 7, 1984. Proposals shall be sent to David Garbade, Director for Facilities Construction and Space Management Division, State Purchasing and General Services Commission, P.O. Box 13047, Austin, Texas 78711, or may be delivered to the Central Services Building, Room 202, 1711 San Jacinto Street, Austin. Selection will be based on demonstrated competence, knowledge, qualifications, and reasonableness of the proposed fee for the services. Contact David Garbade at (512) 475-2270 for further information.

Issued in Austin, Texas, on July 18, 1984.

TRD-847519 Homer A. Foerster
Executive Director
State Purchasing and General
Services Commission

Filed: July 18, 1984
For further information, please call (512) 475-5966.

Texas Sesquicentennial Commission Public Information

The Texas Sesquicentennial Commission is requesting proposals from manufacturers interested in producing and distributing commemorative products for the celebration of Texas' 150th anniversary of independence in 1986.

Based upon such criteria as product quality, adherence to the theme of the Sesquicentennial, and its track record for marketing and production, a single manufacturer will be chosen for each of some 25 categories. The categories include a medallion, flag, "patriot kit" for schoolchildren, spur, belt buckle, boots, hat, ring, map, metal object, fine art print, ceramic object, pistol, rifle, knife, art poster, reproductions of early Texas currency and other artifacts, and Texana, an open category for uniquely Texan objects not fitting into another category, to be suggested by applicants.

The items will be distributed through officially-sanctioned Texas Independence Communities and Texas Independence Associations, which are allowed to sell the products to help finance their Sesquicentennial projects.

Interested manufacturers may contact the Texas Sesquicentennial Commission for a copy of the specifications for bid submittal at P.O. Box 1986, Austin, Texas 78767, before 5 p.m. on August 31, 1984.

All proposals submitted must conform to commission specifications. Incomplete applications will not be considered.

The Sesquicentennial will take to the skies in June of 1986 when the Texas State Technical Institute (TSTI) in Waco hosts the Texas Sesquicentennial Air Show, a two-day extravaganza of aviation in Texas. The air show has received the official stamp of approval from the Waco Sesquicentennial Commission, taking its place among the major statewide events for the Sesquicentennial.

With a tentative date of June 14 and 15, 1986, the air show will take place at TSTI's Waco campus airport (formerly James Connally Air Force Base). Jack H. Kultgen, founding chairman of the TSTI Board of Regents and former member of the Texas Highway Commission, has been named honorary general chairman of the event.

The air show's theme of the history of Texas aviation will be carried out with possible demonstrations from such well-known flying teams as the U.S. Air Force Thunderbirds, the Navy Blue Angels, the Army Golden Knights, the Confederate Air Force of Texas, and many other aerobatic performers.

Ground displays of Texas aircraft, as well as exhibits featuring NASA (which celebrates the 25th anniversary of the opening of its Houston Space Center in 1986), the general aviation industry, and the Texas-based commercial airlines will also be included.

Proceeds from the Sesquicentennial air show will benefit local Waco charities and nonprofit organizations involved in the event, which is sponsored by the Aeronautical Council of Texas. The air show received official sanction from the Texas Sesquicentennial Commission, as well as the Texas Aeronautics Commission, some months ago.

"The Sesquicentennial Air Show should prove to be one of the most exciting, attractive, and crowd-pleasing events for 1986," said Texas Sesquicentennial Commission executive director Randy M. Lee. "We're extremely proud that this first air show will be held during the Sesquicentennial and will carry the Texas label. I know of no better way to showcase Texas' rich aviation history."

For more information about the Sesquicentennial air show, contact Dr. Thomas L. Charlton, Chairman, Waco Sesquicentennial Commission, CSB Box 401, Waco, Texas 76798, (817) 755-3437.

Texas Tech University Consultant Contract Award

Description. This notice is filed pursuant to Texas Civil Statutes, Article 6252-11c. Following publication of the consultant proposal request in the January 31, 1984, issue of the *Texas Register* (9 TexReg 594), Texas Tech University and Texas Tech University Health Sciences Center executed a contract with Peat, Marwick, Mitchell, and Company, 1624 15th Street, Lubbock, Texas 79408, to serve as a consultant.

Under the contract, the consultant will:

- (1) assist in the preparation of a systems modifications specification;
- (2) assist in system development; and
- (3) assist with project implementation, including:

- (a) project management;
- (b) functional assistance; and
- (c) continued technical assistance.

Cost and Dates. The amount of the contract will be \$130,000 plus out-of-pocket and administrative expenses. The beginning date of the contract is February 17, 1984, and the closing date will be October 31, 1984.

Due Date of Documents. The consultant will report to the university on or before October 31, 1984.

Issued in Lubbock, Texas, on July 20, 1984.

TRD-847589 Freda Pierce
Secretary
Board of Regents
Texas Tech University

Filed: July 20, 1984

For further information, please call (806) 742-2161.

Consultant Proposal Request

Description. This notice is filed pursuant to Texas Civil Statutes, Article 6252-11c. Following publication of the consultant proposal request in the January 31, 1984, issue of the *Texas Register* (9 TexReg 594), Texas Tech University and Texas Tech University Health Sciences Center executed a contract with American Management Systems, Inc., 1777 North Kent Street, Arlington, Virginia 22209, to serve as a consultant. Under the contract, the consultant will:

(1) convert the existing Texas Tech University/Texas Tech University Health Sciences Center financial system definition and conceptual design report and detail data processing systems specifications;

(2) convert the systems specifications into a fully tested operational system ready for implementation in a production environment by completing the following tasks:

- (a) program coding and testing;
 - (b) system testing;
 - (c) preparation of program, system, operation, and user documentation;
 - (d) training for management, users, and data processors; and
 - (e) development and testing of conversion procedures; and
- (3) install the accepted fully tested system in a production environment.

Cost and Dates. The amount of the contract will be \$420,000 plus housing and related expenses. The beginning date of this contract was February 17, 1984, and the closing date is October 31, 1984.

Due Date for Documents. The consultant will report to the university on or before October 31, 1984.

Issued in Lubbock, Texas, on July 20, 1984.

TRD-847590 Freda Pierce
Secretary
Board of Regents
Texas Tech University

Filed: July 20, 1984

For further information, please call (806) 742-2161.

Texas Department of Water Resources Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, §6(d), the Texas Department of Water Resources (TDWR) announces that it intends to extend the services of Woodward-Clyde Consultants, Inc. (WCC), 7330 Westview Drive, Houston, Texas, to perform remedial action design and engineering (construction supervision) activities for the bio-ecology abandoned hazardous waste site unless a better proposal for such services is submitted. Such services were provided to the department pursuant to Contract 14-30027 dated December 11, 1982. This project is to be conducted by the TDWR through a cooperative agreement with the Environmental Protection Agency (EPA) and pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), referred to as "Superfund", and the Texas Water Code, Chapter 26, Subchapter H.

By a letter dated February 8, 1982, the governor of Texas designated the TDWR as the lead agency for Superfund activity in the state. Recipients of Superfund remedial action cooperative agreements may use a consultant procured to conduct any or all of the remedial investigation (RI), feasibility study (FS), or design to perform follow-on RI, FS, design, or engineering activities without going through the public notice and evaluation procedures in 40 Code of Federal Regulations Part 33, §33.510 and §33.515.

The TDWR followed all of the requirements, including the public notice and evaluation required in 40 Code of Federal Regulations, Part 33, §33.510 and §33.515, for the initial procurement of WCC.

The TDWR has determined that using a consulting firm (WCC) procured to conduct the RI/FS to perform design and engineering activities without going through the public notice and evaluation procedures in 40 Code of Federal Regulations Part 33, §33.510 and §33.515, is consistent with state law. Accordingly, contingent upon the availability of funds, and consistent with the terms and conditions of Cooperative Agreement V006452 and all applicable state and federal law, the TDWR intends to award a contract for consulting services to WCC unless a better proposal for such services is submitted, for the extension of the services performed under Contract 14-30027.

Scope of Work. The consultant will be responsible for all services and equipment necessary to conduct the site design and engineering management phases of the project.

(A) Engineering design. The consultant will produce the design requirements necessary to adequately define and execute the remedial alternative defined as Alternative 8 (RCRA) in the report titled *Remedial Alternatives Analysis Bio-Ecology Site* by WCC.

(1) Data development. Assemble and review all available data.

(2) Develop detailed design specifications and bid documents. This part of the project is the refinement of data into specific design requirements and bid documents.

(B) Construction engineering management.

(1) Recommend contractor. The consultant shall aid the TDWR in the advertisement, receipt, tabulation, and review of bids from potential contractors.

(2) Project management. As a part of the construction field activity, the consultant shall provide adequate manpower and equipment resources on the site to ensure that:

(a) the site safety plan is being practiced;

(b) consistent with the safety plan, that the contractor and all subcontractor work practices, methods, and materials employed at the site are equivalent to the bid document; and

(c) perform quality assurance and quality control practices.

(C) Upon completion of construction activity and contingent upon adequate monitoring data for the one year O&M period following construction, the consultant shall provide certification of closure in accordance with the design specifications.

Budget and Schedule. The maximum budget anticipated for the contract is \$575,800, with \$227,100 allocated for design, \$295,200 for construction engineering management, and \$53,500 for operation and maintenance for one year. Approximately 10% of each amount should be considered as contingency funds. The following schedule is anticipated:

(1) The contract will be awarded about 30 days following the date of this publication.

(2) The contractor will submit a worker safety plan, a chain-of-custody procedure, and a quality assurance program for TDWR approval after the award of a contract. TDWR approval of these items must be received before work may begin on-site.

(3) A draft design bid package will be delivered 10 weeks after the award of a contract.

(4) A final design bid package will be delivered 20 weeks after the award of a contract.

(5) An advertisement for bids will be published 25 weeks after the award of a contract.

(6) A tabulation of bids received and a recommendation will be delivered 32 weeks after the award of a contract.

(7) Monthly progress reports will be submitted by the 15th of each month for the preceding month.

(8) Actual field engineering construction management will begin 35 weeks after award of a contract and end 65 weeks after award of a contract.

(9) A final report and engineering certification of site closure will be delivered 117 weeks after the award of a contract.

The decision to proceed with construction is subject to approval following state and EPA review of the design package.

Proposal Guidelines. Five copies of the proposal must be received at the following address before 5 p.m. on the 21st calendar day following the date of this publication, or on the first working day thereafter, if the 21st calendar day is not a working day: Charles R. Faulds, Texas Department of Water Resources, Enforcement and Field Operations Division, P.O. Box 13087, Austin, Texas 78711.

Upon submittal, the proposals shall become the property of the State of Texas. The contents of the proposals shall

be considered as a part of the public record, unless otherwise identified by the consultant. The submittal of confidential or proprietary information should be under separate cover on or before the due date. Confidential submittals should be limited and must include an explanation of the basis for confidentiality.

The proposal should contain a summary of the essential elements of the proposal; related experience and qualifications; a management plan, including identification of personnel and an anticipated schedule for the proposed study; financial information of the company; and an explanation of why the consultant's offer is better, what advantages would accrue to the state in selecting the consultant in lieu of WCC, and how the consultant is to obtain a commensurate degree of familiarity with the bioecology site without impacting either the budget or schedule for this project.

Evaluation Criteria. The following evaluation criteria will be used to determine if a consultant submittal would be better than continuing with WCC for this project. Specific points have not been assigned to the evaluation sections, which include a demonstrated technical competence of the consultant based on previous related experience, financial stability of the organization, and avail-

able facilities and equipment; competence, related experience, and availability of personnel assigned to the project; management and manpower plan; and, at the state's option, a requirement to submit "best and final" technical approaches, clarification, additional information, and/or a personal presentation.

Cost will be a consideration of award in that, if a reasonable cost, as determined by the State of Texas, cannot be negotiated with the selected candidate, that candidate will be bypassed. The evaluation of proposals and selection of a consultant in lieu of WCC will be made by the executive director of the TDWR, whose decision shall be final. The TDWR reserves the right to reject any and all proposals and to resubmit an invitation for proposals with respect to this project for good cause as determined by the executive director.

Issued in Austin, Texas, on July 19, 1984.

TRD-847620

Susan Plettman
General Counsel
Texas Department of Water
Resources

Filed: July 20, 1984

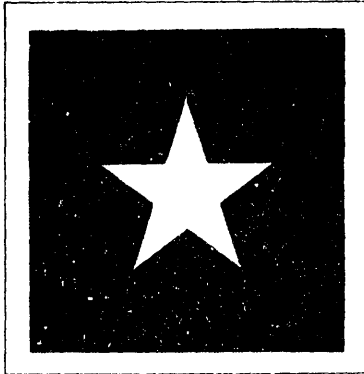
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