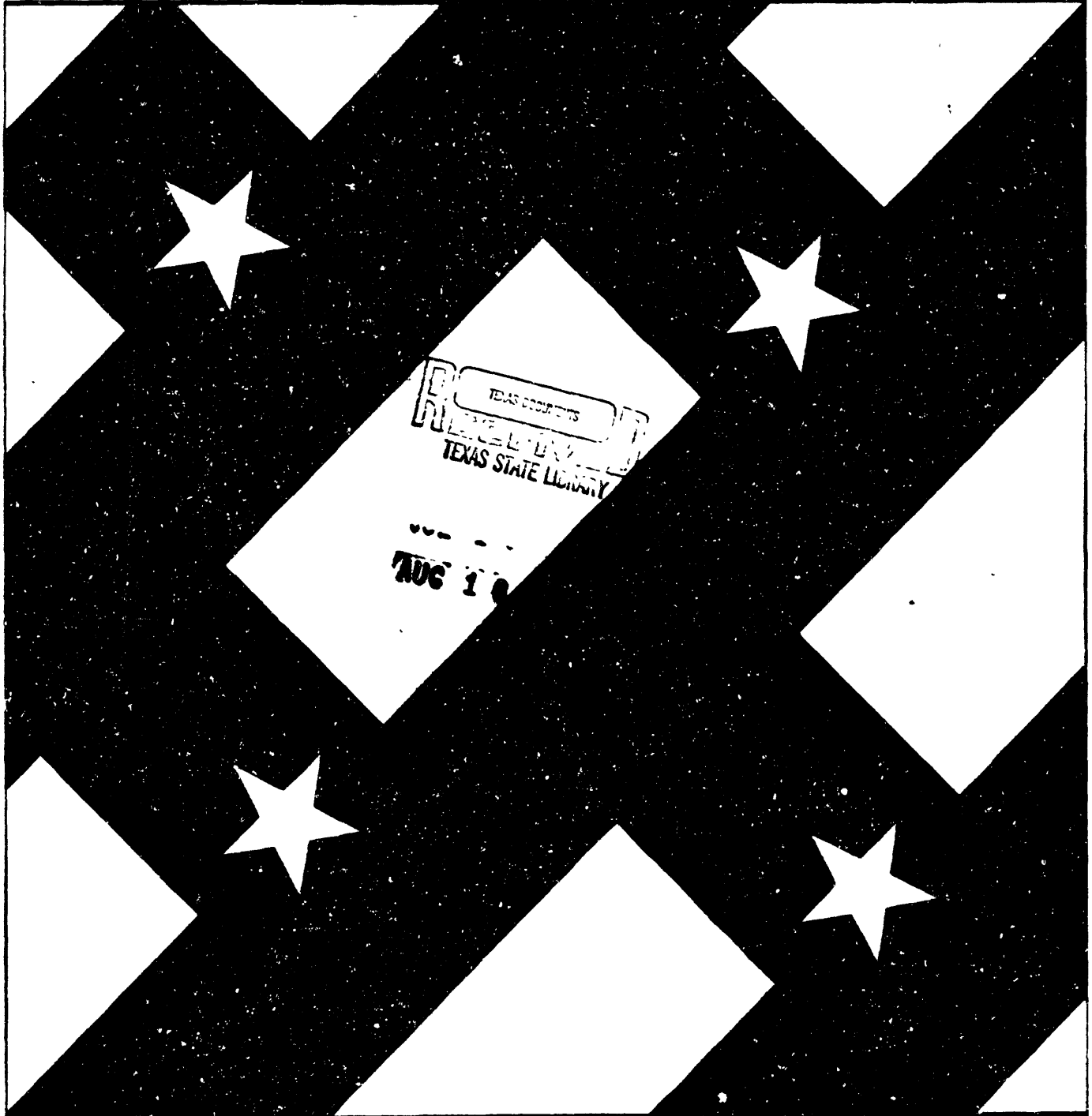


# Texas Register

Volume 10, Number 61, August 16, 1985

Pages 3103 - 3150



### Highlights

The Coordinating Board, Texas College and University System adopts emergency sections on creation of public junior colleges. Effective date - August 7. . . . . **page 3110**

The Texas Education Agency adopts an

emergency section on education personnel development. Effective date - August 9. . . . . **page 3112**

The Comptroller of Public Accounts adopts an emergency section concerning the sales and use tax. Effective date - August 26. . . . . **page 3113**

**Office of  
the Secretary  
of State**

## Texas Register

The *Texas Register* (ISSN 0362-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1985 with the exception of June 25, July 9, August 30, December 3, and December 31, by the Office of the Secretary of State.

Material in the *Texas Register* is the property of the State of Texas. However, it may be copied, reproduced, or republished by any person for any purpose whatsoever without permission of the *Texas Register* director, provided no such republication shall bear the legend *Texas Register* or "Official" without the written permission of the director. The *Register* is published under Texas Civil Statutes, Article 6252-13a. Second class postage is paid at Austin, Texas, and additional entry offices.

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

**Information Available:** The 11 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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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
- The Legislature—bills submitted to, signed by, and vetoed by the Governor and bills that are submitted to the Governor and enacted without his signature
- 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: "10 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 10 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

Myra A. McDaniel  
Secretary of State

Director  
Dave Harrell

Documents Section Coordinator  
Jane Hookz

Document Editors  
Cynthia Cooks,  
Cynthia Y. Rodriguez-Peraz  
Open Meetings Specialists  
Judy Brewster, Colleen M. Smith

Production Section Coordinator  
Sue Bumpous

Production Editors  
Melinda Vaughan, Jody Allen

Circulation Section Coordinator  
Dee Wright

Circulation Assistant  
Kristine Hopkins Mohajer

TAC Editors  
William Craig Howell  
Hollis Glasser

Subscriptions—one year (96 regular issues and four index issues), \$80; six months (48 regular issues and two index issues), \$60. Single copies of most issues of the *Texas Register* are available at \$3.00 per copy.

---

# Table of Contents

---

## The Governor

- Appointment Made August 2
  - 3107— Texas Board of Human Resources
- Appointment Made August 6
  - 3107— 82nd District Court
- Appointments Made August 7
  - 3107— Texas State Board of Medical Examiners
  - 3107— 321st Judicial District Court
  - 3107— Texas Indian Commission
  - 3107— Texas Guaranteed Student Loan Corporation
  - 3107— Fourth Administrative Judicial District
  - 3107— Board of Nurse Examiners
- Appointment Made August 9
  - 3107— Texas School for the Deaf

## Emergency Rules

- Coordinating Board, Texas College and University System
  - 3108— Program Development
  - 3110— Public Junior Colleges
- Texas Education Agency
  - 3112— Education Personnel Development
- Comptroller of Public Accounts
  - 3113— Tax Administration

## Proposed Rules

- Coordinating Board, Texas College and University System
  - 3116— Program Development
  - 3116— Public Junior Colleges
  - 3118— Student Services
- Texas Education Agency
  - 3120— Education Personnel Development
- Texas Cosmetology Commission
  - 3120— General Provisions
- Comptroller of Public Accounts
  - 3122— Tax Administration

## Withdrawn Rules

- Texas Cosmetology Commission
  - 3125— General Provisions

## Adopted Rules

- Texas Education Agency
  - 3126— Pupil-School Relations
- Texas Parks and Wildlife Department
  - 3127— Fisheries
  - 3127— Wildlife
- Texas Department of Human Resources
  - 3128— Medicaid Eligibility
  - 3131— CCAD
  - 3131— Child Protective Services
  - 3132— Legal Services

## Open Meetings

- 3133— Texas Air Control Board
- 3133— Texas Corn Producers Board
- 3133— Texas School for the Deaf
- 3133— Texas State Board of Dental Examiners
- 3134— Texas Education Agency
- 3134— Texas Employment Commission
- 3134— Employees Retirement System of Texas
- 3134— Office of the Governor
- 3134— Texas Grain Sorghum Producers
- 3135— Texas Department of Health
- 3135— Texas Department of Human Resources
- 3135— Texas Indian Commission
- 3136— State Board of Insurance
- 3136— Texas Department of Labor and Standards
- 3136— Legislative Audit Committee
- 3136— Texas Low-Level Radioactive Waste Disposal Authority
- 3137— Board of Pardons and Paroles
- 3137— Public Utility Commission of Texas
- 3137— Railroad Commission of Texas
- 3138— Texas Real Estate Commission
- 3139— Texas Savings and Loan Department
- 3139— Board of Tax Professional Examiners
- 3139— Teachers' Professional Practices Commission
- 3139— Teacher Retirement System of Texas
- 3139— Commission on Standards for the Teaching Profession
- 3139— Texas A&M University System
- 3140— University of Texas System
- 3140— Texas Woman's University
- 3141— Texas Water Commission
- 3142— West Texas State University
- 3142— Regional Agencies

## In Addition

- Texas Department of Agriculture
  - 3145— Correction of Error
- Texas Air Control Board
  - 3145— Proposed Delayed Compliance Orders
- Banking Department of Texas
  - 3145— Application to Acquire Control of a State Bank
- Office of Consumer Credit
  - 3145— Rate Ceilings
- Texas Education Agency
  - 3146— Request for Proposals
- State Department of Highways and Public Transportation
  - 3146— Consultant Contract Award
- Texas Department of Human Resources
  - 3147— Consultant Proposal Request
  - 3147— Public Notice
- Industrial Accident Board
  - 3147— Correction of Error

State Board of Insurance  
3147— Public Hearing

Texas Department of Mental Health and  
Mental Retardation  
3148— Consultant Contract Amendment

Public Utility Commission of Texas  
3149— Consultant Contract Award  
Texas Savings and Loan Department  
3149— Applications for Change of Control of  
Associations  
3149— Applications for Loan Offices

# TAC Titles Affected

## TAC Titles Affected—August

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

### TITLE 1. ADMINISTRATION

Part III. Office of the Attorney General	
1 TAC §57.1	2509

### TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture	
4 TAC §§7.25-7.31	2536

### TITLE 7. BANKING AND SECURITIES

Part I. State Finance Commission	
7 TAC §3.1	2542
7 TAC §3.2	2542
7 TAC §3.3	2542
7 TAC §3.4	2543
7 TAC §3.5	2543
7 TAC §3.6	2509
7 TAC §3.21	2984

Part IV. Texas Savings and Loan Department	
7 TAC §§65.1-65.13	2510
7 TAC §§65.1-65.16	2510

Part VII. State Securities Board	
7 TAC §101.2	2515
7 TAC §107.2	2515
7 TAC §107.4	2999
7 TAC §107.9	2999
7 TAC §109.13	2999
7 TAC §109.14	3001
7 TAC §111.2	2516
7 TAC §§115.1-115.6	2516
7 TAC §§117.4, 117.5, 117.7	3002
7 TAC §133.11	2519
7 TAC §133.16	2519
7 TAC §133.23	2520
7 TAC §139.12	2520
7 TAC §133.29	2003

### TITLE 10. COMMUNITY DEVELOPMENT

Part I. Texas Department of Community Affairs	
10 TAC §1.11, §1.12	2521
Part IV. Texas Housing Agency	
10 TAC §§147.1-147.22	2496, 2522

### TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas	
16 TAC §3.8	3044
16 TAC §§9.8-9.10	3002
Part IV. Texas Department of Labor and Standards	
16 TAC §§6.1, 61.5, 61.6	2985
16 TAC §§77.1, 77.5, 77.9, 77.13, 77.17, 77.21	2522
16 TAC §§79.1, 79.5, 79.9, 79.13, 79.17, 79.21, 79.25, 79.29, 79.33, 79.37, 79.41	2524

### TITLE 19. EDUCATION

Part I. Coordinating Board, Texas College and University System	
19 TAC §§5.211-5.216, 5.220, 5.222	3108, 3116
19 TAC §§9.1-9.3, 9.5	3110, 3116
19 TAC §9.4	3110, 3117
19 TAC §§9.21-9.24, 9.26, 9.27	3111, 3117
19 TAC §§9.29-9.31	3112, 3117
19 TAC §§21.55-21.57, 21.65	3118
19 TAC §§21.171, 21.173, 21.174, 21.177	3119

Part II. Texas Education Agency	
19 TAC §§75.62, 75.66, 75.67	2544
19 TAC §75.121, §75.122	2544
19 TAC §§75.121-75.123	2544
19 TAC §75.153	2545
19 TAC §75.164	2546
19 TAC §§89.111, 89.1112, 89.116-89.118	2499, 2526
19 TAC §§133.21-133.25	3126
19 TAC §§133.26-133.28	2500, 2527
19 TAC §141.300	2546
19 TAC §141.421	2986
19 TAC §141.431	2988
19 TAC §141.441, §441.442	2987
19 TAC §149.24	3112, 3120

### TITLE 22. EXAMINING BOARDS

Part III. Texas Board of Chiropractic Examiners	
22 TAC §§71.71-71.4, 71.6, 71.12	2989
22 TAC §77.1	2990

Part IV. Texas Cosmetology Commission	
22 TAC §§83.1, 83.10, 83.13, 83.15	2990
22 TAC §§89.10, 89.34, 89.53	2991, 3120, 3125
22 TAC §§89.27, 89.30, 89.31, 89.33	3004
22 TAC §89.39	2992
22 TAC §§89.39, 89.70, 89.71	2992

Part XII. Board of Vocational Nurse Examiners	
22 TAC §231.1	2528
22 TAC §§231.15, 231.41, 231.48	2992
22 TAC §233.1	2528
22 TAC §§233.12, 233.20-233.24, 233.28	2529
22 TAC §§233.41-233.43	2993
22 TAC §233.71	2994
22 TAC §233.81	2530
22 TAC §235.6, §235.15	2530
22 TAC §321.1	2547
22 TAC §329.1	2547
22 TAC §331.1	2547
22 TAC §333.1	2547

Part XXXII. State Committee of Examiners for Speech-Language Pathologists and Audiologists	
22 TAC §741.2	3004, 3067
22 TAC §§741.121-741.129	3067
22 TAC §§741.121-741.123	3004, 3067
22 TAC §741.163	3004, 3067
22 TAC §741.181	3004, 3068
22 TAC §§741.193, 741.194, 741.197	3004, 3068
22 TAC §§741.208-741.210	3004, 3068

### TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health	
25 TAC §§37.81-37.106	3004, 3070
25 TAC §§37.81-37.98	3004, 3070
25 TAC §§61.1-61.10, 61.12, 61.13	3079
25 TAC §73.1	3068
25 TAC §115.14	2503, 2531, 2535
25 TAC §133.21	3004, 3084
25 TAC §325.3, §325.5	2548
25 TAC §325.31, §325.32	2548, 3006
25 TAC §325.42	2548, 3006
25 TAC §§325.51, 325.52, 325.55, 325.60, 325.62	2548, 3007
25 TAC §§325.71-325.75	2548, 3008
25 TAC §§325.91-325.95	2548, 3012
25 TAC §325.111	2548, 3012

25 TAC §325.114	2548, 3012
25 TAC §§325.121-325.124	2548, 3012
25 TAC §§325.133, 325.136, 325.137, 325.140, 325.150, 325.152-325.154	2548, 3013
25 TAC §325.171	2548, 3013
25 TAC §325.183	2548, 3013
25 TAC §325.221, §325.222	2548, 3016
25 TAC §§337.3, 337.4, 337.6-337.10, 337.12, 337.13, 337.17	3046
25 TAC §337.18	3051
<b>Part II. Texas Department of Mental Health and Mental Retardation</b>	
25 TAC §§403.71-403.90	3087
25 TAC §§403.71-403.76	3087
25 TAC §§403.442-403.444, 403.448, 403.453	3052
<b>TITLE 28. INSURANCE</b>	
<b>Part I. State Board of Insurance</b>	
Noncodified 059.01.11.041-044	3016
Noncodified 059.04.07.014	2503
Noncodified 059.21.49.007, .009	2548
Noncodified 059.21.49.008	2548
<b>TITLE 31. NATURAL RESOURCES AND CONSERVATION</b>	
<b>Part I. General Land Office</b>	
31 TAC §1.91	3053
31 TAC §57.242	3127
31 TAC §§65.311-65.313	3127
31 TAC §§116.1-116.3, 116.10	3087
31 TAC §§153.11-153.14	3055
31 TAC §§153.11-153.15	3055
31 TAC §153.37	3056
<b>Part III. Texas Air Control Board</b>	
31 TAC §101.20	3016
31 TAC §103.33	2994
31 TAC §§116.3, 116.6, 116.7, 116.10	3087
<b>Part X. Texas Water Development Board</b>	
31 TAC §335.2	3042
31 TAC §335.43, §335.45	3042
<b>Part XVI. Texas Coastal and Marine Council</b>	
31 TAC §§501.1-501.4	2535
<b>TITLE 34. PUBLIC FINANCE</b>	
<b>Part I. Comptroller of Public Accounts</b>	
34 TAC §3.323	3113
34 TAC §3.324	2550
34 TAC §3.393	3056
34 TAC §3.395	2531
34 TAC §3.399	2550
34 TAC §3.403	2504
34 TAC §3.412	2532
34 TAC §3.547	3122
34 TAC §3.549	3042
34 TAC §3.554	3123
34 TAC §3.555	3042
34 TAC §3.556	3043

<b>Part III. Teacher Retirement System of Texas</b>	
34 TAC §25.21	3060
34 TAC §25.22	3060
34 TAC §25.27	3061
34 TAC §25.30	3062
34 TAC §25.112	3062
34 TAC §29.14, §29.15	3063
34 TAC §§31.2, 31.3, 31.7, 31.9	3063
34 TAC §31.12	3064
<b>Part IV. Texas County and District Retirement System</b>	
34 TAC §103.1	3065
<b>TITLE 37. PUBLIC SAFETY AND CORRECTIONS</b>	
<b>Part XIV. Commission on Jail Standards</b>	
37 TAC §259.69	2550
37 TAC §259.164	2550
37 TAC §259.248	2551
37 TAC §259.358	2551
37 TAC §261.58	2551
37 TAC §261.153	2551
37 TAC §261.237	2552
37 TAC §289.2	2552
<b>Part X. Texas Adult Probation Commission</b>	
37 TAC §323.3	3090
<b>TITLE 40. SOCIAL SERVICES AND ASSISTANCE</b>	
<b>Part I. Texas Department of Human Resources</b>	
40 TAC §11.6010	2552
40 TAC §15.2001	3128, 3130
40 TAC §15.3001	3129
40 TAC §15.3108	3129
40 TAC §15.3303	3129
40 TAC §15.3312	3130
40 TAC §§15.3403, 15.3404, 15.3408	3129
40 TAC §15.3408	3130
40 TAC §§15.3409-15.3412, 15.3416	3129
40 TAC §15.5205, §15.5206	3129
40 TAC §15.5403	3130
40 TAC §33.139	3017
40 TAC §48.2201, §48.2202	3131
40 TAC §§49.1707, 49.1708, 49.1712, 49.1713	3131
40 TAC §§49.1714-49.1746	3131
40 TAC §§49.1714-49.1763	3131
40 TAC §57.8201	2533
40 TAC §§57.8301-57.8306	2533
40 TAC §§57.8401-57.8408	2533
40 TAC §79.2501	3132
<b>Part III. Texas Commission on Alcoholism</b>	
40 TAC §§153.1, 153.4-153.6, 153.32, 153.33, 153.36, 153.38, 153.41, 153.42	3090
<b>Part V. Veterans Land Board</b>	
40 TAC §177.3, §177.8	3090
<b>TITLE 43. TRANSPORTATION</b>	
<b>Part I. State Department of Highways and Public Transportation</b>	
34 TAC §25.91, §25.92	2506, 2534
34 TAC §25.95	2507, 2534

# The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 475-3021.

## Appointment Made August 2

### Texas Board of Human Resources

For a term to expire January 20, 1987:

Sid Stahl  
5030 Ravine Drive  
Dallas, Texas 75220

Mr. Stahl is replacing Thomas M. Dunning of Dallas, who resigned.

Issued in Austin, Texas, on August 2, 1985.

TRD-857189      Mark White  
Governor of Texas

★      ★      ★

## Appointment Made August 6

### 82nd District Court

To be district judge, Falls County and Robertson County, until the next general election and until his successor shall be elected and duly qualified:

Robert Stem  
146 Bridge Street  
Marlin, Texas 76661

Mr. Stem is replacing Thomas B. Bartlett, Jr., of Marlin, who resigned.

Issued in Austin, Texas, on August 6, 1985.

TRD-857189      Mark White  
Governor of Texas

★      ★      ★

## Appointments Made August 7

### Texas State Board of Medical Examiners

For a term to expire April 13, 1991:

Carlos D. Godinez, M.D.  
606 South Broadway  
McAllen, Texas 78501

Dr. Godinez is being reappointed.

### 321st Judicial District Court

To be judge, Smith County, until the next general election and until her successor shall be duly elected and qualified:

Ruth J. Blake  
1403 South Robertson  
Tyler, Texas 75701

Ms. Blake is replacing Harold B. Clapp of Tyler, who resigned.

### Texas Indian Commission

For a term to expire January 31, 1991:

Owanah P. Anderson  
2206 Berkley  
Wichita Falls, Texas 76308

Ms. Anderson is being reappointed.

### Texas Guaranteed Student Loan Corporation

For a term to expire January 31, 1991:

Homero Avila  
601 South Boulevard  
Donna, Texas 78537

Mr. Avila is replacing George Verduzco of Laredo, who resigned.

Issued in Austin, Texas, on August 7, 1985.

TRD-857189      Mark White  
Governor of Texas

★      ★      ★

### Fourth Administrative Judicial District

To be presiding judge for a term to expire four years from date of qualification:

Joe E. Kelly  
P.O. Box 2502  
Victoria, Texas 77902

Judge Kelly is being reappointed.

### Board of Nurse Examiners

For a term to expire January 31, 1991:

Karen T. McLeaish  
4656 Lemonwood  
Odessa, Texas 79761

Ms. McLeaish is replacing Loe Evelyn Johnson of Corpus Christi, whose term expired.

Issued in Austin, Texas, on August 7, 1985.

TRD-857309      Mark White  
Governor of Texas

★      ★      ★

## Appointment Made August 9

### Texas School for the Deaf

To the Governing Board for a term to expire January 31, 1991:

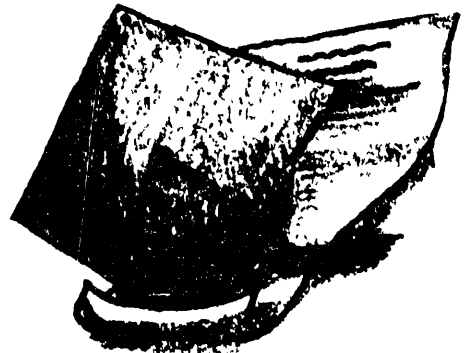
Sid Ander  
4301 Rowan Drive  
Fort Worth, Texas 76116

Mr. Ander is replacing Larry Evans of San Antonio, whose term expired.

Issued in Austin, Texas, on August 9, 1985.

TRD-857309      Mark White  
Governor of Texas

★      ★      ★



# 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.

**Symbology in amended emergency 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 I. Coordinating Board, Texas College and University System Chapter 5. Program Development Subchapter K. Private Degree-Granting Institutions Operating in Texas

### ★ 19 TAC §§5.211-5.216, 5.220, 5.222

The Coordinating Board, Texas College and University System adopts on an emergency basis amendments to §§5.211-5.216, 5.220, and 5.222, concerning private degree-granting institutions operating in Texas. These amendments are being adopted on an emergency basis to conform to the provisions of House Bill 934 which amended the certification law, Texas Education Code, Chapter 61, Subchapter G. The changes modify the basis for exemption for institutions preparing students for state licensure, clarify the prohibition that noncollegiate schools use the term "college" or "university," and add instruction by the electronic media to the coordinating board's jurisdiction.

The amendments are adopted on an emergency basis under the Texas Education Code, §61.311, which provides the Coordinating Board, Texas College and University System, with the authority to adopt rules governing the issuance of certificates of authority.

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

**Academic degree program**—Any baccalaureate or higher level degree program generally comparable to one offered by a Texas senior college accredited by a recognized accrediting agency, as well as any associate degree program which fulfills the lower-division requirements of a conventional baccalaureate degree program, offered by a Texas public or private four-year university or college accredited by a recognized accrediting agency.

**Educational or training establishment**—An enterprise that meets the defini-

tion of a private institution of higher education, as set forth subsequently in this section, except the enterprise does not provide courses or credits alleged to be applicable to an academic degree program.

**Home campus**—The headquarters of an institution, such location to be determined as a matter of fact by the commissioner based upon consideration of information such as but not limited to the following:

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

**Person**—Any individual, firm, partnership, association, corporation, enterprise, or other private entity or combination thereof.

**Private institution of higher education or institution**—An educational [education] institution which:

(A) (No change.)

(B) is incorporated under the laws of this state, or maintains a place of business in this state, or has a representative present in this state, or solicits business in this state; and

(C) furnishes or offers to furnish courses of instruction in person, by electronic media, or by correspondence leading to a degree or providing credits alleged to be applicable to a degree.

**Representative**—Includes a recruiter, agent, tutor, counselor, business agent, instructor, and/or any other instructional or support personnel.

### §5.212. Exemptions.

(a) The provisions of this subchapter do not apply to:

(1) an institution [institutions] which is [are] fully accredited by a recognized accrediting agency, except that no institution may establish or operate a branch campus, extension center, or other off-campus unit without board approval. However, any branch campus which was fully separately accredited as a free-standing institution or was a candidate for separate accreditation as a free-standing institution prior to January 1, 1981, is exempt:

(2) an institution or degree program that has received approval by an agency of the State of Texas authorizing the graduates of the institution to take a professional or vocational state licensing examination administered by that agency. (The granting of permission by a state agency to a graduate of an institution to take a licensing examination does not by itself

constitute approval of the institution or degree program required for an exemption under this subsection.) [institutions whose graduates are subject to licensure by an agency of the State of Texas prior to their engaging in professions directly related to their course of study.]

(b) The exemptions provided by subsection (a)(1) and (2) of this section apply only to the extent that the program(s) or the [an] institution is accredited or approved, as applicable, and if an institution offers to award a degree for which it is not accredited or approved by the appropriate agency of the State of Texas, the exemption does not apply.

(c) The board may issue an exempt institution or person [may be issued] a certificate of authorization to grant degrees on request of said person or institution and upon a determination by the board that said person or institution meets the requirements of this subchapter.

(d) (No change.)

(e) A new institution may not presume [assume] exempt status and offer to award degrees or courses leading to degrees until it has applied for and been granted exempt status by the commissioner.

(f) (No change.)

### §5.213. Coordinating Board.

(a) Designation. The coordinating board shall administer the provisions of the subchapter of the Texas Education Code, in addition to its other duties [presently] provided by law. To achieve the purposes of the subchapter, the commissioner may request from any department, division, board, bureau, commission, or other agency of the state, and the same shall provide, such information as will enable the board to exercise properly its powers and perform its duties hereunder.

(b)-(c) (No change.)

### §5.214. Minimum Standards for Nonexempt Institutions.

(a) In addition to compliance with each minimum standard, the overall character and fitness of the institution to award the requested degree(s) are major factors in deciding whether to grant an institution a certificate of authority to grant degrees. The decision concerning the institution's overall character and fitness will be based on such factors as the following: overall stability, the experience and qualifications of the officers and faculty in higher education, pri-



ority given to education, record of progress and improvement following initial approval, and responsiveness to recommendations and suggestions for improvement. A visiting team composed of faculty and staff from public and private institutions with experience in accreditation visits will evaluate an institution applying for a certificate of authority. The following academic and administrative standards, which are similar to those used nationwide in accreditation procedures, constitute the basis for the visiting team's recommendation concerning certification. The visiting team, Certification Advisory Committee, commissioner, and board will determine the applicant's qualification for a certificate of authority based upon the above general provisions and the following [The following standards are] minimum standards:

(1) (No change.)

(2) The character, education, and experience in higher education [and character] of governing board members, administrators, supervisors, counselors, agents, and faculty are such as may reasonably ensure that the students will receive education consistent with the objectives of the course of program of study.

(3) There are a sufficient number of full-time teaching faculty resident and accessible to ensure:

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

(C) Adequate opportunity for proper preparation for instruction and professional growth by faculty members.

(4)-(9) (No change.)

(10) Adequate records are securely maintained by the institution to show attendance, progress, or grades, and to assure that satisfactory guidelines are followed relating to attendance, progress, and performance, and that transcripts are issued upon the request of the student.

(11) (No change.)

(12) The institution is financially stable and will be able to fulfill its commitments to students. The institution will be evaluated to determine if it has sufficient reserves so that together with tuition and fees from currently enrolled students it would be able to complete its educational obligations to currently enrolled students if it were unable to admit any new students.

(13) Financial records and reports of the institution are kept and made separate and distinct from those of any affiliated or sponsoring person or entity. Financial records and reports should be in accordance with the guidelines of the National Association of College and University Business Officers as set forth in *College and University Business Administration, Third Edition*, or such later editions as may be published. An annual or biennial independent audit report of all fiscal accounts of the educational institution will be authorized by the governing board and shall be performed by a properly authorized certified or public accountant (in Texas, public

accountant is one who holds [this means holding] a permit from the Texas State Board of Public Accountancy).

(14)-(15) (No change.)

(16) The institution has published and adheres to a fair and equitable cancellation and refund policy.

(17) (No change.)

(18) There is sufficient distinction among the roles and personnel of the governing board of the institution and of the administration and faculty to ensure the appropriate separation and independence of board, administration, and faculty [these functions].

(b) The bases of judgment for the application of the provisions of [these standards in] subsection (a) of this section, including the 18 standards, are generally accepted administrative and academic practices and principles of accredited institutions of higher education in Texas and elsewhere in the United States. Such practices and principles are generally set forth by institutional and specialized accrediting bodies and the several academic and professional societies which have established standards for their member's programs (e.g., the National Association of College and University Business Officers, American Association of Collegiate Registrars and Admissions Officers, *et al*).

(c) The board may accept as evidence of compliance with minimum standards established in this section the accreditation of an institution by selected accrediting agencies if the commissioner or his designees have participated in the review by such an agency of the institution operating in Texas and concur with the actions of that [the] agency. This option shall not be construed as giving exempt status to an applicant institution so accredited if it has not already been exempted under §5.212(a)(1) of this title (relating to Exemptions); nor is to be understood that the board may [should] not require further evidence and make further investigations concerning whether the institution should be authorized to operate in Texas.

§5.215. *Prohibition Applicable to Nonexempt Institutions.* A [After the effective date of the subchapter, no] person [or institution] may not:

(1) grant, award, or purport to offer a degree on behalf of a private institution of higher education [or enroll students for courses] unless the institution has been issued a certificate of authority to grant the degree by the board in accordance with the provisions of the subchapter;

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

(4) use the term "college" or "university" in the official name or title of a private institution of higher education established after the effective date of the subchapter [and subject to its provisions], unless the institution has been issued a certificate of authority to grant a degree or degrees; [or]

(5) use the term "college" or "university" in the official name or title of an educational or training establishment; or

(6)[(5)] act as an agent who solicits students for enrollment in a private institution of higher education subject to the provision [provisions] of the subchapter without a certificate of registration.

§5.216. *Procedures for [Authority of] Nonexempt Institutions Applying for Authority to Grant Degrees and Offer Courses.*

(a) Eligibility to apply.

(1) Institutions which have been in operation in Texas and have complied with Texas statutes as nondegree-granting institutions or educational or training establishments for a minimum of two years may make application to the board for a certificate of authority to grant degrees. As a minimum, "in operation" means to enroll students and to conduct classes.

(2) (No change.)

(3) An institution must be fully operational as of the date of the on-site evaluation; i.e., it must have in-hand or under contract all the human, physical, administrative, and financial resources it considers necessary to demonstrate its capability to meet the minimum standards for nonexempt institutions. The conditions found at the institution as of the date of the on-site evaluation visit will provide the basis for the visiting team, Certification Advisory Committee, commissioner, and board determination of [judging] the institution's qualifications for a certificate of authority.

(b) Application for certificate of authority.

(1) (No change.)

(2) As a minimum, the application form shall contain the name, [and] address, and telephone number of the institution; purpose of the institution; names of the sponsors or owners of the institution; regulations, rules, constitutions, bylaws, or other regulations established for the governance [government] and operation of the institution; the names and addresses of the chief administrative officer, the principal administrators, and each member of the board of trustees or other governing board; the names of members of the faculty who will, in fact, teach in the program of study, with the highest degree held by each; a full description of the admission requirements, degree requirements, degree or degrees to be awarded and the course or courses of study prerequisite thereto; and a description of the facilities and equipment utilized by the institution.

(c) Issuance of certificate.

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

(3) The institution awarded a certificate of authority shall not use terms to interpret the significance of the certificate which specify or connote greater approval than simple permission to operate and grant certain specified degrees in Texas. Terms which may not be used include, but are not

limited to, "accredited," "supervised," "endorsed," and "recommended" by the State of Texas or agency thereof.

(d) Authority to represent transferability of course credit. Any institution as defined in §5.211 of this title (relating to Definitions), whether or not it purports to offer degrees, may solicit students for or enroll them in courses on the basis that such courses will be credited to a degree program offered by another institution, provided that:

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

(3) The written agreement between the institution subject to these rules and the accredited institution is approved by both boards of trustees in writing and by its accrediting agency(ies), and is filed with the board.

(e) (No change.)

(f) Renewal of certificate.

(1) (No change.)

(2) An institution may be granted not more than four successive certificates of authority following the date of initial certification. Absent sufficient cause, upon expiration of the fourth certificate, the institution must have been accredited by a recognized accrediting agency. If the institution has applied for and pursued accreditation in good faith, the board shall consider the application of any accreditation standard that prohibited accreditation of the institution on the basis of religious policies practiced by the institution as a *prima facie* justification for extending the institution's eligibility for certification if all other requirements of the board are satisfied.

(3) (No change.)

#### §5.220. Penalties for Nonexempt Institutions.

(a) (No change.)

(b) Any person who establishes a private institution of higher education [after the effective date of the subchapter] and uses the term "college" or "university" in the official name of the institution with out first having been issued a certificate of authority to grant degrees or any person who establishes an educational or training establishment and uses the term "college" or "university" in the official name or title of the establishment [for the institution] is guilty of a misdemeanor and upon conviction is subject to a fine of not less than \$1,000 nor more than \$3,000.

#### §5.222. Off-Campus Operations.

(a) A private institution must be approved by the board to operate a branch campus, extension center, or other off-campus unit in Texas. An institution whose off-campus offerings may reach the scale of a branch campus, extension center, or other off-campus unit, as defined in §5.211 of this title (relating to Definitions), must submit a description of its plans, including such information as provided for on an application form furnished by the commissioner. Upon receipt of an acceptable plan-

ning letter [as described in this section], the commissioner may authorize the institution to continue the planned activity, on a temporary basis, pursuant to the following procedures:

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

(b) (No change.)

Issued in Austin, Texas, on August 6, 1985.

TRD-857149

James McWhorter  
Assistant Commissioner  
for Administration  
Coordinating Board,  
Texas College and  
University System

Effective date: August 7, 1985

Expiration date: December 5, 1985

For further information, please call  
(512) 475-2033.

★ ★ ★

## Chapter 9. Public Junior Colleges

### Subchapter A. Criteria to Be Met in the Creation of Public Junior Colleges

#### ★ 19 TAC §§9.1-9.3, 9.5

The Coordinating Board, Texas College and University System, adopts on an emergency basis amendments to §§9.1-9.3, and 9.5, concerning criteria to be met in the creation of public junior college districts. These amendments are being adopted on an emergency basis to conform to new criteria established in Senate Bill 675, amending the Texas Education Code, Chapter 61, Subchapter B and Subchapter C Criteria for establishing each type of new community college district are increased from a \$30 million tax base and a scholastic population of 3,000 to a \$2.5 billion tax base and a scholastic population of 15,000. The coordinating board is directed to develop and use new criteria for feasibility, state-wide and local need, and effect of a new district on an existing college when considering a community college election.

The amendments are adopted on an emergency basis under the Texas Education Code, §61.061, which provides the Coordinating Board, Texas College and University System with the authority to adopt rules regarding the creation of public junior colleges.

§9.1. *Junior College District Coextensive with an Independent School District.* A junior college district coextensive with an independent school district must have a minimum assessed valuation of not less than \$2.5 billion and a total scholastic population of not less than 15,000 in the next preceding school year. [\$12 million and the average daily attendance of the next preceding school year in the upper four grades of

the public schools of the districts must exceed 400 students. If the assessed valuation exceeds \$20 million, however, the enrollment in the upper four grades may be less than 400 but must exceed 300 students.] A petition for an election to create a district of this type must be signed by not less than 10% [5.0%] of the qualified voters of the district.

§9.2. *Union Junior College District.* A union junior college district (two or more independent school districts) must have a minimum valuation of \$2.5 billion [\$30 million]. At least 15,000 [3,000] scholastics must reside in the district. [Some alternative criteria are provided in a bracket law for counties with populations between 8,000 and 8,500. On this point, see Texas Education Code 130.032.] A petition for this type of district must be signed by at least 10% of the qualified voters in each of the independent school districts.

§9.3. *Single-County or Joint County Junior College District [Districts].* Criteria for a single-county or joint-county junior college district [districts] are identical to those for union junior college districts, except that [including the bracket law.] the petition must be signed by at least 10% of the qualified [taxpaying] voters of the county or counties, as applicable.

§9.4. [§9.5]. *Provisions Applicable to Each Type of District.* (No change.)

Issued in Austin, Texas, on August 6, 1985.

TRD-857150

James McWhorter  
Assistant Commissioner  
for Administration  
Coordinating Board,  
Texas College and  
University System

Effective date: August 7, 1985

Expiration date: December 5, 1985

For further information, please call  
(512) 475-2033.

★ ★ ★

#### ★ 19 TAC §9.4

*(Editor's note: The text of the following rule repealed on an emergency basis will not be published. The rule may be examined in the offices of the Coordinating Board, Texas College and University System, 200 East Riverside, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)*

The Coordinating Board, Texas College and University System adopts on an emergency basis the repeal of §9.4, concerning criteria to be met in the creation of joint-county junior college districts. The repeal is adopted on an emergency basis to conform to new criteria established in Senate Bill 675 amending the Texas Education Code, Chapter 61, Subchapter B

and Subchapter C. Criteria for a joint-county junior college district is included in §9.3, setting forth the criteria for both single-county and joint-county junior college districts.

The repeal is adopted on an emergency basis under the Texas Education Code, §61.061, which provides the Coordinating Board, Texas College and University System with the authority to adopt rules regarding the creation of public junior colleges.

#### §9.4. Joint-County Junior College Districts.

Issued in Austin, Texas, on August 6, 1985.

TRD-857151 James McWhorter  
Assistant Commissioner  
for Administration  
Coordinating Board,  
Texas College and  
University System

Effective date: August 7, 1985  
Expiration date: December 5, 1985  
For further information, please call  
(512) 475-2033.

★ ★ ★

### Subchapter B. Procedures to Be Followed in the Creation of Public Junior Colleges

#### ★ 19 TAC §§9.21-9.24, 9.26, 9.27

The Coordinating Board, Texas College and University System adopts on an emergency basis amendments to §§9.21-9.24, 9.26, and 9.27, concerning procedures to be followed in the creation of public junior colleges. The amendments are adopted on an emergency basis to conform to new criteria established in Senate Bill C75 amending the Texas Education Code, Chapter 61, Subchapter C. The sections require, rather than permit, that bond and tax propositions be included on the petition and on the ballot to create a new community college and establish criteria for board use in considering a request to authorize a community college election as specified by law.

The amendments are adopted on an emergency basis under the Texas Education Code, §61.061, which provides the Coordinating Board, Texas College and University System with the authority to adopt rules regarding the creation of public junior colleges.

#### §9.21. Creation of a Local Steering Committee.

(a) (No change.)  
(b) This steering committee should be composed of a cross-section of the population [people] in the area, with representation from major civic groups. A chairman, cochairman, and secretary should be appointed, along with any other officers who may be of assistance to the committee.

Where the proposed junior college district is to be coextensive with the independent school district, the local board of trustees may serve in lieu of the local steering committee.

(c) The duties of the steering committee should include the following:

(1)-(5) (No change.)

(6) It should present the petition to the district or city school board or commissioners court for action in compliance with the Texas Education Code, §130.012 or §§130.033-130.035.

#### §9.22. Contact with Coordinating Board.

The steering committee should file a letter of intent with the commissioner of higher education [contact the coordinating board staff] as soon as practicable. The [This] staff of the coordinating board will offer advice and assistance under the direction of the commissioner [head of the Division of Program Development].

#### §9.23. Conduct of a Local Survey.

(a) [This is] A survey of need, potential student clientele, and financial ability will [to] be carried out under auspices of the local steering committee. This feasibility [The] survey may be made either by the local steering committee or by professionals.

(b) (No change.)

(c) The survey should be made in consultation with the coordinating board staff [compliance with plans prepared by the head of the Division of Program Development] and, upon completion, the survey and a copy of the proposed petitions should be submitted to the commissioner of higher education. After consultation with the commissioner or his representative, the petition may be circulated.

§9.24. Circulation of a Petition. The local steering committee is responsible for the circulation of an approved [a] petition for authorization of an election to establish a junior college district. The petition must follow guidelines furnished by the commissioner of higher education, including the amounts of proposed bonds, bond tax rate ceiling to be proposed, and maintenance tax limits that will appear on the ballot in the event an election is authorized.

#### §9.26. Presentation of Petition to the Coordinating Board.

(a) (No change.)

(b) The validated petition and other documents must be submitted to the commissioner of higher education prior to the date established by the commissioner. Generally [As a rule], a committee of the coordinating board will visit the community and hear interested parties to the question, and report its recommendations to the full board. The petition should be received by the commissioner 45 days prior to a regular meeting of the coordinating board or at least in sufficient time for the commissioner to schedule a public hearing in the local community and to prepare his recommen-

dations for a regular quarterly meeting of the coordinating board.

#### §9.27. Action by the Board.

(a) The statutes of the State of Texas require the coordinating board to consider the needs [of the state] and the welfare of the state as a whole, the geographic location of existing colleges, as well as the welfare of the community involved, before authorizing an election to create [recommending the creation of] a new junior college district. The board shall determine whether programs in a proposed institution would create unnecessary duplication or seriously harm programs in existing community college districts.

(b) The board shall apply the following criteria when considering the creation of a new community college district:

(1) demographic and economic characteristics of the proposed district;

(A) population trends by age group;

(B) economic development trends and projections;

(C) employment trends and projections (supply-demand data);

(2) potential student clientele;

(A) educational levels by age group;

(B) college-going data (trends by age group);

(3) financial ability of the proposed district and the state;

(A) projected growth (decline) in tax base;

(B) trends in state appropriations for community colleges and other institutions of higher education;

(4) projected programs and services based on economic and population trends;

(5) proximity to existing community colleges;

(A) identification of institutions that could be affected by a new community college;

(B) documentation of existing programs and services;

(i) on the campuses of nearby institutions, available to citizens of proposed district;

(ii) offered in the proposed district by existing institutions;

(6) impediments to programs and services by existing community colleges;

(A) financial limitations on existing institutions inhibiting the offering of programs and services in the proposed district;

(B) availability of facilities, libraries, and equipment for institutions to offer classes in the proposed district;

(C) distance, traffic patterns, to existing campuses;

(7) impact on existing institutions of higher education;

(A) effect on enrollment of existing institutions;

(B) effect on financing of existing institutions;

(8) alternative approaches to meeting need;

(A) out-of-district classes offered in the district by existing institutions;

(B) transportation of students to nearby institutions;

(C) contract programs and services from combinations of institutions.

(c)(b) All interested parties will be heard at a regular quarterly meeting of the coordinating board, and permission to hold an election to create a junior college district will be granted or denied. Favorable coordinating board action will result in a minute order of the board being sent to appropriate local officials to conduct an election.

Issued in Austin, Texas, on August 6, 1985

TRD-857152

James McWhorter  
Assistant Commissioner  
for Administration  
Coordinating Board,  
Texas College and  
University System

Effective date: August 7, 1985

Expiration date: December 5, 1985

For further information, please call  
(512) 475-2033.

★ ★ ★

### ★ 19 TAC §§9.29-9.31

The Coordinating Board, Texas College and University System adopts on an emergency basis new §§9.29-9.31, concerning procedures to be followed in the creation of public junior colleges. These sections are adopted on an emergency basis to conform to new requirements established in Senate Bill 675, amending the Texas Education Code, Chapter 61, Subchapter C. The section requires, rather than permits, that bond and tax propositions be included on the petition and on the ballot to create a new community college, and will establish criteria for board use in considering a request to authorize a community collage election as specified by law.

The new sections are adopted on an emergency basis under the Texas Education Code, §61.061, which provides the Coordinating Board, Texas College and University System, with the authority to determine procedures to be followed in the creation of public junior colleges.

**§9.29. Calling the Election; Submission of Questions.** If the coordinating board authorizes an election to establish a junior college district, it shall then be the duty of the district or city school board or the commissioners' court or courts to enter an order for an election to be held in the proposed district at the next authorized election date as provided in the Election Code, Article 2.01(b), to determine whether or not such

junior college district be created and formed, and to submit the questions of issuing bonds and levying bond taxes, and levying maintenance taxes in the event the district is created. The order shall contain a description of the independent school district or districts, county or counties whose boundaries will be coterminous with the junior college district to be formed and fix the date of the election.

**§9.30. Election.** A majority of the electors in the proposed district, voting in the election, shall determine the question of creation of the junior college district submitted in the order, the election of the original trustees, and the questions of issuing bonds and levying taxes. A majority of the electors voting in such election shall determine such questions submitted in the order.

**§9.31. Required Taxing Authority.** Pursuant to the Texas Education Code, §61.063 and §130.003(d), a junior college district will not be eligible for, or receive, a proportionate share of the legislative appropriation for public junior colleges unless it receives authorization to, and does, levy and collect ad valorem taxes for the operation and maintenance of the district.

Issued in Austin, Texas, on August 6, 1985

TRD-857153

James McWhorter  
Assistant Commissioner  
for Administration  
Coordinating Board,  
Texas College and  
University System

Effective date: August 7, 1985

Expiration date: December 5, 1985

For further information, please call  
(512) 475-2033.

★ ★ ★

## Part II. Texas Education Agency

### Chapter 149. Education

#### Personnel Development

#### Subchapter B. Inservice Education

### ★ 19 TAC §149.24

The Texas Education Agency adopts on an emergency basis new §149.24, concerning inservice training in management skills for district administrators. This new section implements the Texas Education Code, §13.353, concerning the inservice training of school district administrators in the areas of general management, instructional leadership, and teacher evaluation.

Inservice programs must be sponsored by an education service center, college or university, appropriate professional organization, school district, or the Central Education Agency. All programs

must be approved by the Central Education Agency.

The inservice training in general management must address organization, personnel management, accounting, and paperwork reduction.

The instructional leadership inservice must address knowledge and skills related to learners and learning, teaching, and creation of a climate conducive to instruction.

The teacher evaluation inservice training must address knowledge and skills related to teacher selection, supervision of teaching and learning, and teacher appraisal.

The new section specifies that the initial training in instructional leadership must be at least a 36-hour program, with continuing inservice of at least 12 hours annually thereafter. Time requirements for inservice training in the areas of general management and teacher evaluation will be specified at a later date, after the completion and review of on-going pilot programs in these areas.

This new section is adopted on an emergency basis to provide school districts, colleges and universities, and other entities which intend to seek approval for inservice training programs as much notice as possible concerning program requirements.

This new section is adopted on an emergency basis under the Texas Education Code, §13.353, which directs the State Board of Education to establish rules for inservice training and continuing education in management for school district administrators.

### §149.24. Inservice Training and Management Skills for District Administrators.

(a) The training required in accordance with the Texas Education Code, §13.353, applies to certified school district administrators in positions listed in the Texas Education Code, §16.056(b), starting with supervisor (I) through superintendent—district with 50,000 or more ADA.

(1) Program approval.

(A) Each inservice program provided under subsection (b)(1), (2), and (3)(A), of this section must be submitted to the Central Education Agency for approval.

(B) The criteria outlined in subsection (b)(1), (2), and (3)(A), of this section will be used for the review and approval of training programs. The review shall consider the comprehensiveness of the program and its compliance with the law and State Board of Education rules.

(C) Approved programs must have an evaluation design which includes the assessment of the knowledge and skills of the participants before and after the training.

(D) Approved inservice programs will be reviewed by the Central Education Agency at least every three years with

compliance audits schedule at any time. All programs will maintain approval status unless notified by the agency.

(2) Training institutions and trainers.

(A) Approved inservice programs for district administrators must be sponsored by an education service center, college or university, appropriate professional organization, school district, or the Central Education Agency.

(B) Program trainers must have documented training and experience in the subject areas in which they are delivering instruction.

(C) Institutions sponsoring programs will verify the qualifications of program trainers.

(D) Institutions providing training in general management, instructional leadership, and teacher evaluation must designate a member of its training staff to attend a Central Education Agency sponsored workshop on training standards.

(3) Certification. The commissioner of education will establish a process for issuing and recording certification of the required inservice training for district administrators.

(b) Inservice programs are required in the following areas.

(1) General management inservice. Content of general management inservice programs must address the following areas:

- (A) organization;
- (B) personnel management;
- (C) accounting; and
- (D) paperwork reduction.

(2) Instructional leadership inservice.

(A) Content of instructional leadership training programs. Inservice programs for instructional leadership must address the following content areas:

(i) knowledge and skills related to learners and learning:

(I) know the contents of the sequence curriculum and be able to discuss these fluently with teachers;

(II) be able to analyze the content of objectives; and

(III) possess an up-to-date understanding of the basic variations in the ways learners receive and process information and master curriculum elements;

(ii) knowledge and skills related to teaching:

(I) understand and be able to recognize, discuss, and demonstrate the fundamental effective teaching practices;

(II) know and be able to demonstrate various methods of assessing learner mastery of curriculum elements;

(III) be aware of and be able to recognize a variety of frameworks or designs for organizing and delivering lessons;

(IV) understand and be able to apply the basic elements of planning a lesson (selection and analysis of an objec-

tive, diagnostic of various learners' levels of mastery, selection of learning activities and materials, and designation of means of assessing mastery); and

(V) be able to evaluate the effectiveness of lessons against objective criteria and refine the lesson on the basis of findings;

(iii) knowledge and skills related to managing and supervising teaching and learning:

(I) know the basic purposes of instructional supervision and how the process relates to teacher appraisal and inservice training;

(II) be able to establish criteria for effective teaching, involving teachers in the process;

(III) be able to establish and communicate procedures for the supervision and improvement of teaching;

(IV) be able to observe and objectively record important events in a teaching/learning episode (through anecdotal notes, structured instruments, electronic recording);

(V) be able to analyze recorded observations of a teacher/leader episode and draw conclusions about strengths and weaknesses in teaching;

(VI) be able to conduct a skillful and effective conference with a teacher to evaluate an observed teacher/leader episode; and

(iv) knowledge, skills, and attitudes related to climate for instruction:

(I) view instruction as the primary function in the school, find time to devote to it, and reflect this priority clearly to teachers;

(II) keep abreast of the most recent findings and developments in learning styles, teaching practices, and supervision techniques;

(III) secure and protect fiscal and other resources needed for effective instruction;

(IV) maintain a positive climate (expectations, support) in the school conducive to and reinforcing to teaching and learning;

(V) recognize that different teachers put effective teaching practices and frameworks together in different ways that get results, and continuously learn about effective teaching from observing teachers; and

(VI) apply criteria for effective teaching in the screening, hiring, and placement of teachers.

(B) Length of training program. Initial inservice training for administrators in instructional leadership shall consist of not less than 36 hours. Each school administrator shall thereafter attend continuing inservice programs in the topics listed in this paragraph on an annual basis. The continuing inservice shall consist of not less than 12 hours.

(C) Training sequence. All school district administrators must have completed initial training in instructional leadership prior to attending training for teacher evaluation (appraisal) certification.

(3) Teacher evaluation inservice.

(A) Inservice programs for teacher evaluation must address the following content areas:

(i) knowledge and skills related to teacher selection;

(ii) knowledge, application, and use of skills related to supervising teaching and learning; and

(iii) knowledge and skills related to the teacher appraisal system standards, processes, and appraisal instrument.

(B) Inservice requirements relating to teacher evaluation training may be met in accordance with the Texas Education Code, §13.301(c), as it relates to certification of appraisers of teacher performance.

(c) Exemplary programs in instructional leadership training conducted prior to standards being adopted by the State Board of Education may be submitted to the Central Education Agency for review. These programs must be able to document content, length of program, knowledge and performance objectives, trainer expertise, and attendance of all participants to qualify for approval.

Issued in Austin, Texas, on July 26, 1985.

TRD-857302

W. N. Kirby  
Commissioner of  
Education

Effective date: August 9, 1985  
Expiration date: December 7, 1985  
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 §3.323

*(Editor's note: The text of the following rule repealed on an emergency basis will not be published. The rule may be examined in the offices of the Comptroller of Public Accounts, LBJ Building, 111 East 17th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)*

The Comptroller of Public Accounts adopts on an emergency basis the repeal of §3.323, concerning imports and exports. The repeal is necessary because

a substantially revised section is being adopted concurrently.

The repeal is adopted on an emergency basis to provide immediate and current standards for documenting exportation of merchandise. The types of acceptable documentation were restricted substantially by legislation passed during the recent legislative session. The new legislation will become effective on August 26, 1985, and interested persons have an immediate need for knowledge of the new standards and procedures.

The repeal is adopted on an emergency basis 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.

### §3.323. Imports and Exports.

Issued in Austin, Texas, on August 12, 1985.

TRD-857306

Bob Bullock  
Comptroller of Public  
Accounts

Effective date: August 26, 1985  
Expiration date: December 24, 1985  
For further information, please call  
(512) 463-4806.

★ ★ ★

The Comptroller of Public Accounts adopts on an emergency basis new §3.323, concerning imports and exports. The new section is necessary because of changes to the sales tax law made by the last legislative session. The changes restrict the types of documents which will be considered acceptable to show proof of export. The Texas proof of export form no longer will be allowed as proof of export. Neither will certifications by forwarding agents be allowed as proof of export.

This new section is adopted on an emergency basis to provide guidelines for documenting exportation, since the current standards and practices will be invalid as of August 26, 1985.

This new section is adopted on an emergency basis 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.

### §3.323. Imports and Exports.

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

(1) Consignee—Person named in bill of lading to whom or to whose order the bill promises delivery.

(2) Consignor—Person named in the bill of lading as the person from whom the goods have been received for shipment.

(3) Licensed and certificated carrier—A person authorized by the appropriate United States agency or by the appropriate state agency within the United States to operate an aircraft, vessel, train, motor vehicle, or pipeline as a common or contract carrier. Certificates of inspection or airworthiness certificates are not the appropriate documents for authorizing a person to operate as a common or contract carrier. These documents relate to the carrier device itself rather than a person's right to operate a carrier business.

(4) Licensed customs broker—A person licensed by the United States Custom Service to act as a custom house broker.

(b) U.S. Constitution. On the basis of the import and export clause of the United States Constitution (Article 1, §10, Clause 2), tangible personal property imported into or exported from Texas is exempt from taxation by the Texas Tax Code, §151.307 and §151.330, so long as the property retains its character as an import or export.

### (c) Exports.

(1) When an exemption is claimed because tangible personal property is exported beyond the territorial limits of the United States, proof of export may be shown only by:

(A) a copy of a bill of lading issued by a licensed and certificated carrier of persons or property authorized to conduct business in the country shown as the destination of the property which shows the seller as consignor, the buyer as consignee, and a delivery point outside the territorial limits of the United States;

(B) documentation provided by a licensed United States customs broker certifying that delivery was made to a point outside the territorial limits of the United States;

(C) formal entry documents from the country of destination showing that the property was imported into a country other than the United States. For the country of Mexico, the formal entry document would be the "pedimento de importaciones" document with a computerized, certified number issued by Mexican customs officials; or

(D) a copy of the original airway, ocean, or railroad bill of lading which describes the items being exported and a copy of the freight forwarder's receipt if the freight forwarder takes possession of the property in Texas.

(2) The retailer is responsible for obtaining proof of exportation. Exemption certificates, affidavits, or statements from the purchaser that the goods will be or have been exported are not sufficient to exempt the sale as an export. The Texas proof of export form is no longer acceptable as proof of export. A passport number taken by a seller from a passport issued by a foreign country is not acceptable as proof of export.

(3) Storing property in Texas prior to exportation is a use of that property in Texas. Property stored in Texas loses its exemption as an export. Sufficient time will be allowed to arrange for shipping. Property in Texas longer than a month from date of purchase will be presumed to have been stored. Any use of the property in Texas prior to export also causes the loss of the export exemption.

(4) The sale of property to military personnel is taxable unless proof of export is maintained as outlined in paragraph (1) of this subsection.

(d) Imports. Property imported into Texas from another country is exempt from Texas use tax as long as the property retains its character as an import. When transit ceases in Texas, the import becomes subject to the Texas use tax.

### (e) Refunds

(1) A retailer who collects sales tax on a taxable item which qualifies for exemption under subsection (b) of this section may refund the sales tax collected upon presentation by the purchaser of export documentation as required by subsection (c) of this section.

(2) The refund may be made by certified check, company check, money order, credit memo, or cash. If the refund is made, the retailer must receive from the purchaser of the exported item at the time the refund is made a receipt showing a description of the item purchased, the amount and date of the refund, the name, address, and signature of the purchaser.

(3) A copy of the certified check, company check, money order, credit memo, or signed cash receipt must be attached to a copy of the export documents and maintained in the seller's files. In an audit, the auditor must be able to tie the export documents to the original taxable transaction. Refunds made pursuant to undocumented export exemptions will be assessed against the seller.

(f) Records. Please refer to §3.281 of this title (relating to Records Required; Information Required) and §3.282 of this title (relating to Auditing Taxpayer Records).

(g) Contents of licensed customs broker export certification. The documentation provided by a licensed United States customs broker must, at a minimum, reflect the following information:

- (1) the name and address of the purchaser of the merchandise;
- (2) the name and address of the seller of the merchandise;
- (3) the name and address of the customs broker;
- (4) the date of sale, date of exportation, and location of exportation;
- (5) description of the items exported;
- (6) invoice number and sales price of the items exported;

(7) the broker's license number and signature, together with a certification that the merchandise has been exported.

(b) Suggested form of customs broker's certification. A suggested form for

the customs broker's certification is set out as Attachment A.

STATE OF TEXAS

LICENSED CUSTOM BROKER'S EXPORT CERTIFICATION

Customs Broker name	Broker license number
---------------------	-----------------------

Customs Broker address

---

---

Purchaser name

---

Purchaser address

---

---

Seller name	Date of sale
-------------	--------------

Seller address

---

---

DESCRIPTION OF MERCHANDISE EXPORTED

INVOICE NUMBER	QUANTITY	DESCRIPTION	SALE PRICE

Export location	Date and time of export
-----------------	-------------------------

I declare that I am a licensed United States Customs Broker, that the merchandise described above was exported from the location and at the date and time specified above and that all statements and information in this certification are true and correct to the best of my knowledge and belief

Signature of Customs broker	Date
-----------------------------	------

ORIGINAL Seller COPY - Customs Broker COPY Purchaser

Issued in Austin, Texas, on August 12, 1985.  
TRD-857305 Bob Bullock  
Comptroller of Public Accounts

Effective date: August 26, 1985  
Expiration date: December 24, 1985  
For further information, please call (512) 483-4806.

# Proposed Rules

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. Also, in the case of substantive rules, a public hearing must be granted if requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members.

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

## TITLE 19. EDUCATION Part I. Coordinating Board, Texas College and University System Chapter 5. Program Development Subchapter K. Private Degree-Granting Institutions Operating in Texas

### ★ 19 TAC §§5.211-5.216, 5.220, 5.222

*(Editor's note: The Coordinating Board, Texas College and University System 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 Coordinating Board, Texas College and University System proposes amendments to §§5.211-5.216, 5.220, and 5.222, concerning private degree-granting institutions operating in Texas. These changes conform to the provisions of House Bill 934 which amended the certification law, Texas Education Code, Chapter 61, Subchapter G. The changes modify the basis for exemption for institutions preparing students for state licensure, clarify the prohibition that non-collegiate schools use the term "college" or "university," and add instruction by the electronic media to the coordinating board's jurisdiction.

Dr. David Kelly, community college affairs director, has determined that for the first five-year period the sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Dr. Kelly also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections is protection from unapproved institutions preparing students for licensure from misuse of the terms "college" and "university," and from unapproved courses taught by electronic media. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Kenneth H. Ashworth, Coordinating Board, Texas College and University System, P.O. Box 12788, Austin, Texas 78711.

The amendments are proposed under the Texas Education Code, §61.311, which provides the Coordinating Board, Texas College and University System, with the authority to adopt rules governing the issuance of certificates of authority.

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 August 6, 1985

TRD-857154

James McWhorter  
Assistant Commissioner  
for Administration  
Coordinating Board,  
Texas College and  
University System

Proposed date of adoption:

October 18, 1985  
For further information, please call  
(512) 475-2033.

★ ★ ★

## Chapter 9. Public Junior Colleges Subchapter A. Criteria to Be Met in the Creation of Public Junior Colleges

### ★ 19 TAC §§9.1-9.3, 9.5

*(Editor's note: The Coordinating Board, Texas College and University System, 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 Coordinating Board, Texas College and University System proposes amendments to §§9.1-9.3, and 9.5, concerning criteria to be met in the creation of public junior college districts. These changes conform to the sections to new criteria established in Senate Bill 675, which amended the Texas Education Code, Chapter 61, Subchapter B and Sub-

chapter C. Criteria for establishing each type of new community college district are increased from a \$30 million tax base and 3,000 scholastics to a \$2.5 billion tax base and 15,000 scholastics. The coordinating board is directed to develop and use new criteria for feasibility, state-wide and local need, and effect of a new district on existing college when considering a community college election.

Dr. David Kelly, community college affairs director, has determined that for the first five-year period the sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Dr. Kelly also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections is protection from the creation of additional colleges requiring state support in areas only marginally able to sustain and operate of community college of high quality. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Kenneth H. Ashworth, Coordinating Board, Texas College and University System, P.O. Box 12788, Austin, Texas 78711.

The amendments are proposed under the Texas Education Code, §61.061, which provides the Coordinating Board, Texas College and University System, with the authority to adopt rules regarding the creation of public junior colleges.

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 August 6, 1985.

TRD-857155

James McWhorter  
Assistant Commissioner  
for Administration  
Coordinating Board,  
Texas College and  
University System

Proposed date of adoption:

October 18, 1985  
For further information, please call  
(512) 475-2033.

★ ★ ★





★ 19 TAC §9.4

(Editor's note: The Coordinating Board, Texas College and University System proposes for permanent adoption the repeal of §9.4 on an emergency basis in this issue. The text of the section proposed for repeal will not be published. The section may be examined in the offices of the Coordinating Board, Texas College and University System, Room 250, 200 East Riverside Drive, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Coordinating Board, Texas College and University System proposes the repeal of §9.4, concerning criteria to be met in the creation of public junior college districts. These changes conform to new criteria established in Senate Bill 675, which amended the Texas Education Code, Chapter 61, Subchapter B and Subchapter C. Criteria for establishing each type of new community college district are increased from a \$30 million tax base and 3,000 scholastics to a \$2.5 billion tax base and 15,000 scholastics. The coordinating board is directed to develop and use new criteria for feasibility, state-wide and local need, and effect of a new district on existing colleges when considering a community college election.

Dr. David Kelly, community college affairs director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Dr. Kelly also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is protection from the creation of additional colleges requiring state support in areas only marginally able to sustain and operate a community college of high quality. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Kenneth H. Ashworth, Coordinating Board, Texas College and University System, P.O. Box 12788, Austin, Texas 78711.

The repeal is proposed under the Texas Education Code, §61.061, which provides the Coordinating Board, Texas College and University System, with the authority to adopt rules regarding the creation of public junior colleges.

§9.4. Joint-County Junior College District

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 August 6, 1985.

TRD-857196 James McWhorter Assistant Commissioner for Administration Coordinating Board, Texas College and University System

Proposed date of adoption: October 18, 1985

For further information, please call (512) 475-2033.



Subchapter B. Procedures to Be Followed in the Creation of Public Junior Colleges

★ 19 TAC §§9.21-9.24, 9.26, 9.27

(Editor's note: The Coordinating Board, Texas College and University System, 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 Coordinating Board, Texas College and University System proposes amendments to §§9.21-9.24, 9.26, and 9.27, concerning procedures to be followed in the creation of public junior colleges. These changes conform to the sections to new requirements established in Senate Bill 675, amending the Texas Education Code, Chapter 61, Subchapter C. The sections require, rather than permit, that bond and tax propositions be included on the petition and on the ballot to create a new community college and establish criteria for board use in considering a request to authorize a community college election as specified by law.

Dr. David Kelly, community college affairs director, has determined that for the first five-year period the sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Dr. Kelly also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections is the assurance of full disclosure of potential bonds and taxes in any petition circulated to request an election and will benefit from the board's full considering fully any request under the new criteria. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Kenneth H. Ashworth, Coordinating Board, Texas College and University System, P.O. Box 12788, Austin, Texas 78711.

The amendments are proposed under the Texas Education Code, §61.061, which provides the Coordinating Board, Texas College and University System, with the authority to determine procedures to be followed in the creation of public junior colleges.

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 August 6, 1985.

TRD-857157 James McWhorter Assistant Commissioner for Administration Coordinating Board, Texas College and University System

Proposed date of adoption: October 18, 1985

For further information, please call (512) 475-2033.



★ 19 TAC §§9.29-9.31

(Editor's note: The Coordinating Board, Texas College and University System, proposes for permanent adoption the new sections it adopts on an emergency basis in this issue. The text of the new sections is published in the Emergency Rules section of this issue.)

The Coordinating Board, Texas College and University System proposes new §§9.29-9.31, concerning procedures to be followed in the creation of public junior colleges. These sections conform to the regulations to new requirements established in Senate Bill 675, amending the Texas Education Code, Chapter 61, Subchapter C. The new sections require, rather than permit, that bond and tax propositions be included on the petition and on the ballot to create a new community college, and establish criteria for board use in considering a request to authorize a community college election as specified by law.

Dr. David Kelly, community college affairs director, has determined that for the first five-year period the sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Dr. Kelly also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections is the assurance of full disclosure of potential bonds and taxes in any petition circulated to request an election and will benefit from the board's full considering fully any request under the new criteria. There is no anticipated economic

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

Comments on the proposal may be submitted to Kenneth H. Ashworth, Coordinating Board, Texas College and University System, P.O. Box 12788, Austin, Texas 78711.

The new sections are proposed under the Texas Education Code, §61.061, which provides the Coordinating Board, Texas College and University System, with the authority to determine procedures to be followed in the creation of public junior colleges.

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 August 6, 1985

TRD-857158

James McWhorter  
Assistant Commissioner  
for Administration  
Coordinating Board,  
Texas College and  
University System

Proposed date of adoption:  
October 18, 1985

For further information, please call  
(512) 475-2033.

★ ★ ★

## Chapter 21. Student Services

### Subchapter C. Hinson-Hazlewood College Student Loan Program for All Loans Made for or After Fall Semester 1971 and Which Are Subject to the Provisions of the Guaranteed Student Loan Program and the Health Education Assistance Loan Program

#### ★ 19 TAC §§21.55-21.57, 21.65

The Coordinating Board, Texas College and University System proposes amendments to §§21.55-21.57 and 21.65, concerning the Texas Public Educational Grants Program. House Bill 1120 extends loan eligibility to certain students in proprietary schools and nonaccredited institutions of higher education, and House Bill 1341 removes physicians from the categories of persons eligible for cancellation of Hinson-Hazlewood loans. The list of institutions whose students are eligible to receive loans was expanded. Eligibility criteria for students at these schools was laid out, and parts of old rules and regulations were deleted.

Mack Adams, assistant commissioner for student services, has determined that for the first five-year period the sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Mr. Adams also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections is broader loan eligibility for Texas students. Although physicians lose the repayment option, that benefit is replaced through another program. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Kenneth H. Ashworth, Coordinating Board, Texas College and University System, P.O. Box 12788, Austin, Texas 78711.

The amendments are proposed under the Texas Education Code, §52.01, which provides the Coordinating Board, Texas College and University System with the authority to adopt rules regarding the Texas Public Educational Grants Program

#### §21.55. *Eligible Institution.*

(a) (No change.)

(b) Student attending other institutions. Any student attending an institution other than an eligible institution as set forth in subsection (a) of this section after May 1, 1985, may be eligible for a loan made from the Texas opportunity plan fund providing the postsecondary institution is: [shall not be eligible for a loan from the Texas opportunity plan fund.]

(1) an eligible school under provisions of the federal Guaranteed Student Loan Program (the Higher Education Act, Title IV, Part B, 1965); and

(2) certified by the Texas Education Agency under provisions of the Texas Proprietary School Act (Texas Education Code, Chapter 32), licensed by the Texas Cosmetology Commission, licensed by the Texas State Board of Barber Examiners, or certified to grant or award degrees by the board under provisions of the Texas Education Code, Chapter 61, Subchapter G.

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

#### §21.56. *Qualifications for Loans.*

(a) Criteria. The commissioner may authorize, or cause to be authorized, loans to qualified students at any eligible institution provided the applicant:

(1)-(5) (No change.)

(6) has been counseled by a qualified financial aid counselor at an eligible institution regarding his or her obligations and responsibilities to the loan program and has signed a statement acknowledging such, or, in the case of a student attending an institution described in §21.55(b) of this title (relating to Eligible Institution), has signed a statement acknowledging his or her obligations and responsibilities to the loan program;

(7)-(8) (No change.)

(b) (No change.)

(c) Criteria for students attending other institutions. The commissioner may authorize, or cause to be authorized, loans

to students attending postsecondary institutions, as set forth in §21.55(b) of this title (relating to Eligible Institution), provided the applicant meets all of the criteria in subsection (a) of this section except paragraphs (2)-(4) of that subsection and provided the applicant:

(1) is unable to obtain a guaranteed student loan from a commercial lender; and

(2) has received a favorable evaluation of credit reports by the board.

#### §21.57. *Amount of Loan.*

(a) Limit on reasonable expenses. The maximum amount of loan to any qualified applicant in a fiscal year is dependent upon the applicant's level of study. Qualified undergraduate applicants and applicants described in §21.55(b) of this title (relating to Eligible Institution) and §21.56(c) of this title (relating to Qualifications for Loans) may borrow up to \$2,500 of subsidized loan in a fiscal year. Qualified applicants enrolled in graduate or post-baccalaureate professional school may borrow a subsidized maximum of \$5,000 in a fiscal year. Qualified students who have exhausted the maximum amount for subsidized loans are eligible for an auxiliary loan to assist students (ALAS) at an unsubsidized maximum of \$3,000 in a fiscal year. Qualified students in pharmacy, medicine, osteopathic medicine, dentistry, veterinary medicine, optometry, and public health, who have exhausted the maximum amount for subsidized loans and ALAS loans, are eligible for a supplemental loan through the Health Education Assistance Loan Program (HEAL). Qualified students in pharmacy are eligible for a HEAL loan in maximum principal amount of \$7,500 in a fiscal year; qualified students in medicine, osteopathic medicine, dentistry, veterinary medicine, optometry and public health are eligible for a HEAL loan in maximum principal amount of \$10,000 in a fiscal year. The amount of loan shall not exceed the amount that the student needs in order to meet reasonable expenses as a student. A change in either financial resources or reasonable expenses of the student which results in an increase in the financial need of the student may make the student eligible for additional loans. A change in either financial resources or reasonable expenses of the student which results in a decrease in the financial need of the student shall make the student responsible for the immediate repayment of any overcommitment of loan funds. Repayment may be restored to the fund by a cash payment or by the reduction of any pending loan disbursement to the student. Prior to recommending the loan, the Hinson-Hazlewood College Student Loan Program officer at the eligible institution shall make certain that the student is properly utilizing his or her eligibility for the basic educational opportunity grant and all other forms of student assistance including a reasonable amount to be earned from employment during the period of the loan.

(b) Aggregate maximum of loan. The total outstanding principal balance for an undergraduate student and students described in §21.55(b) of this title (relating to Eligible Institution) and §21.56(c) of this title (relating to Qualifications for Loans) may not exceed \$12,500. Students enrolled in graduate or post-baccalaureate professional school may not have a subsidized principal balance of more than \$25,000 (including amounts borrowed at the undergraduate level). Graduate or post-baccalaureate professional students may not have an aggregate principal balance of more than \$15,000 through the ALAS Program. Aggregate principal amounts for supplemental loans guaranteed through the HEAL Program may not exceed \$37,500 for qualified pharmacy students nor more than \$50,000 for other qualified students.

**§21.65. Repayment of Loans.**

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

(e) The commissioner may cancel the repayment of a loan received by a person who earns [a professional doctor of medicine degree or] a doctorate of psychology and who is employed by the Texas Youth Commission [Council], the State Department of Human Resources [Public Welfare], the Texas Department of Corrections, or the Texas Department of Mental Health and Mental Retardation. Such cancellation shall be in compliance with a contract to be entered between the commissioner and the eligible person as provided in the Texas Education Code, §52.40.

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 August 6, 1985.

TRD-857159

James McWhorter  
Commissioner for  
Administration  
Coordinating Board,  
Texas College and  
University System

Proposed date of adoption:

October 18, 1985

For further information, please call  
(512) 475-2033.



**Subchapter G. Texas Public Educational Grants Program**

★ 19 TAC §§21.171, 21.173, 21.174, 21.177

The Coordinating Board, Texas College and University System proposes amendments to §§21.171, 21.173, 21.174, and 21.177, concerning the Hinson-Hazlewood College Student Loan Program. House Bill 1147 changed certain parameters of the Texas Public Education Grants Program. Texas State Technical In-

stitute is eligible to participate in the program. Resident and nonresident funds will be kept in separate accounts, with set-asides from one group going only to persons from that group, and aliens are now eligible for awards.

Mack Adams, assistant commissioner for student services, has determined that for the first five-year period the sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Mr. Adams also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections is broader student eligibility and clearer tracking of source and use of funds. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Kenneth H. Ashworth, Coordinating Board, Texas College and University System, P.O. Box 12788, Austin, Texas 78711.

The amendments are proposed under the Texas Education Code, §56.012, which provides the Coordinating Board, Texas College and University System with the authority to adopt rules regarding the student loan program.

**§21.171. Purpose.** In order to provide a program to supply grants of money to students attending public institutions of higher education in Texas, the Coordinating Board, Texas College and University System is authorized by the Texas Education Code, Chapter 56, Subchapter C, [House Bill 688, 64th Legislature, 1975] to review guidelines for the administration of the Texas Public Educational Grants Program as submitted for such review by Texas public institutions of higher education and by the Texas State Technical Institute; also, to accept and administer funds transferred to the coordinating board by the approved institution for making matching grants in accordance with provisions of the statute [Texas Education Code, §§56.031-56.038].

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

Act—[House Bill 688, 64th Legislature, 1975, codified in] Texas Education Code, Chapter 56, Subchapter C.

Institution—A public institution of higher education as defined in the Texas Education Code, §61.003, and which is required by the Texas Education Code, §56.033, to set aside funds for use as Texas public educational grants, or Texas State Technical Institute.

**§21.174. Review of Guidelines.**

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

(c) Differing needs of institutions. In reviewing guidelines, consideration shall be given to the differing needs of each institution and to the desirability of this program being used to aid students who may have demonstrable financial need but who may be ineligible for other aid programs. In all instances, however, the financial need of applicants shall be of utmost importance in determining the acceptability of guidelines. Guidelines shall contain provisions for restricting grants to nonresident and alien students to those funds which are actually set aside from nonresident and alien tuition revenues. Likewise, provisions must be made that resident students shall receive awards financed solely through funds set aside from resident tuition revenues. [In addition, such guidelines shall contain provisions for restricting grants to nonresident students to not more than 10% of total funds awarded through the program by an institution in a fiscal year; also, that no funds shall be awarded through the program to alien students.]

**§21.177. Eligible Students.** To be eligible for a Texas public educational—state student incentive grant, a person must:

(1) be a citizen, a national or a permanent resident of the United States and otherwise eligible to pay Texas resident tuition in a fully state-supported institution of higher education, except that awards may be made to nonresident students in an amount not to exceed 10% of the total awards made to students at an institution from funds set aside for use as Texas public educational grants;

(1)(2) be enrolled in an approved institution for at least one-half of a full course load;

(2)(3) not be in default on a loan made, insured, or guaranteed under the National Direct Student Loan, Hinson-Hazlewood College Student Loan, or Guaranteed Student Loan Programs;

(3)(4) establish financial need in accordance with the following procedures:

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

(4)(5) have completed a student application for a grant on a form prescribed by the board;

(5)(6) have complied with other requirements adopted by the board under the Act;

(6)(7) affirm eligibility for the grant at the time of disbursement by signing the student affirmation form;

(7)(b) be maintaining satisfactory progress in his or her course of study; and

(8)(9) not owe a refund on a grant received under the Basic Educational Opportunity Grant or State Student Incentive Grant Programs.

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 August 6, 1985.

TRD-857180

James McWhorter  
Commissioner for  
Administration  
Coordinating Board,  
Texas College and  
University System

Proposed date of adoption.

October 18, 1985

For further information, please call  
(512) 475-2033.

★ ★ ★

## Part II. Texas Education Agency

### Chapter 149. Education Personnel Development

#### Subchapter B. Inservice Education

★ 19 TAC §149.24

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

The Texas Education Agency proposes new §149.24, concerning inservice training in management skills for district administrators. This new section implements the Texas Education Code, §13.353, concerning the inservice training of school district administrators in the areas of general management, instructional leadership, and teacher evaluation.

Inservice programs must be sponsored by an education service center, college, or university, appropriate professional organization, school district, or the Central Education Agency. All programs must be approved by the Central Education Agency.

The inservice training in general management must address organization, personnel management, accounting, and paperwork reduction.

The instructional leadership inservice must address knowledge and skills related to learners and learning, teaching, and creation of a climate conducive to instruction.

The teacher evaluation inservice training must address knowledge and skills related to teacher selection, supervision of teaching and learning, and teacher appraisal.

The new section specifies that the initial training in instructional leadership must be at least a 36-hour program with continuing inservice of at least 12 hours annually thereafter. Time requirements for inservice training in the areas of general management and teacher evaluation will

be specified at a later date, after the completion and review of on-going pilot programs in these areas.

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

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section is improvement in general management skills, instructional leadership skills, and teacher evaluation skills or school district administrators. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to 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 new section is proposed under the Texas Education Code, §13.353, which directs the State Board of Education to establish rules for inservice training and continuing education in management for school district administrators.

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

Issued in Austin, Texas, on July 26, 1985.

TRD-857303

W. N. Kirby  
Commissioner of  
Education

Proposed date of adoption

October 12, 1985

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

★ ★ ★



## TITLE 22. EXAMINING BOARDS

### Part IV. Texas Cosmetology Commission

#### Chapter 89. General Provisions

★ 22 TAC §§89.10, 89.34, 89.53

The Texas Cosmetology Commission proposes amendments to §§89.10, 89.34, and 89.53, concerning the procedures for maintaining monthly hours reports on students, procedures for applying for reciprocity, and the minimum requirements for private and public beauty culture schools. These amendments clarify the statutes.

Jo Ann Reeves, executive director, has determined that for the first five-year period the sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Ms. Reeves also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections is clarification of the statutes, thereby saving confusion due to misinterpretation. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Jo Ann Reeves, Executive Director, Texas Cosmetology Commission, 1111 Rio Grande, Austin, Texas 78701, (512) 475-5460.

The amendments are proposed under Texas Civil Statutes, Article 8451a, §4, which provide Texas Cosmetology Commission with the authority to promulgate rules.

**§89.10. Monthly Hour Report.** On a form prescribed [and furnished] by the commission, the school will post in a conspicuous place no later than the seventh day of the month following, a record of hours acquired by each student during the preceding month, and the report signed by each student in attendance will be kept available for inspection by the student or a representative of the Texas Cosmetology Commission. One copy of the monthly hour report will be given to the commission inspector each month, and must be signed by the school manager, instructor, or school owner and must be notarized. Students are not allowed to prepare hour reports; student instructors are exempt.

**§89.34. Applicants for Licensure Through Reciprocity.**

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

(d) An applicant who holds a current license or certificate from another state or nation and meets all requirements in subsections (a) and (b) of this section, with the ex-

ception of the required number of hours or equivalent work experience, may be examined to prove competence for licensure. An applicant who successfully completes the examination will be issued a license upon submission of the fee required for reciprocity. An applicant who fails to successfully complete the examination will be required to accrue the needed hours in a licensed or approved school of beauty culture. Upon completion of the training, the applicant will be issued a license upon successful completion of the examination and payment of the reciprocity fee.

(e)(d) An applicant who is aggrieved by the decision of the commission not to grant reciprocity may request a formal commission hearing to review the decision. Such request must be in writing and submitted to the commission within 15 days of the decision not to grant reciprocity.

(f)(e) Any commission hearings held as a result of a request for a review shall be conducted in accordance with §89.57 of this title (relating to Disciplinary Hearings), §89.58 of this title (relating to the Administrative Procedure and Texas Register Act (APTRA)), §89.59 of this title (relating to Notice of Hearing), §89.60 of this title (relating to Continuances), §89.61 of this title (relating to Record of Hearing), §89.62 of this title (relating to Rules of Evidence and Discovery Rules for Commission Hearings), §89.63 of this title (relating to Findings and Final Orders), §89.64 of this title (relating to Proceedings for Review), §89.65 of this title (relating to Transmission of Record to Reviewing Court), §89.66 of this title (relating to Informal Disposition), and §89.67 of this title (relating to Enforcement).

**§89.53. Minimum Requirements for Both Private and Public Beauty Culture Schools.**

(a) The following are the requirements for a private beauty culture school as authorized by the Texas Cosmetology Commission as approved on June 1, 1985 [October 3, 1983].

(1) (No change.)

(2) The classroom must be separate and apart from the junior and senior work rooms and must have walls extending to the ceiling and must include:

(A) 10[25] student desks minimum, (plus one desk for each additional student enrolled and in attendance per theory class) [with tablet arm];

(B)-(C) (No change.)

(D) charts covering bones, muscles, nerves, skin, and nails;

(E) medical dictionary.

(3) The following equipment [list] is [not] designated [to one particular part of the school,] for the junior and/or senior departments of the school and [but] could be used by all students:

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

(C) one heat cap or therapeutic lamp;

(D)-(I) (No change.)

(J) 12 mannequins with sufficient hair;

(K)-(L) (No change.)

(M) visual aid equipment (projector and screen or video cassette recorder);

(N) (No change.)

(4) The junior department must contain the following:

[(A) 10 all purpose chairs (swivel or hydraulic);

[(B) 10 styling stations with mirrors (28 inches by 28 inches minimum);]

[(A)][(C) one mannequin tables [table] styling stations, or styling bar [(size) to accommodate a minimum of 10 students];

[(B)][(D) two hair dryers with chairs (chairs specifically made for professional salon type hair dryers);

(C)[(E) two manicure tables;

(D)[(F) two manicure stools;

(E)[(G) four covered trash cans;

(F)[(H) at least one large wet sterilizer.

(5) The senior department must contain the following:

(A)-(F) (No change.)

(G) sufficient [12] hand mirrors;

[(H) one facial area (semiprivate) with two facial chairs;]

(H)[(I) sufficient wet sterilizers.

(6) The school must contain one semi-private facial area with two facial chairs and adequate sterilization (patron must be protected from public view.) [The dispensary must contain adequate space (minimum 50 square feet) with a double sink with hot and cold running water and space for storage and dispensary of supplies and some school equipment ]

(7) The school must contain a dispensary of not less than 50 contiguous square feet with a double sink with hot and cold running water and space for storage and dispensing of supplies and some school equipment.

(8)[(7)] The school shall have at least one dry sterilizer (large enough to accommodate junior and senior departments).

(9)[(8)] All top surfaces such as hairdressing stations, dispensary shelves, etc., must be covered with formica or a similar material. All buildings approved for schools must be adequately heated and air conditioned.

(10)[(9)] The equipment in a beauty culture school shall not be changed after approval without notifying the Texas Cosmetology Commission.

(11)[(10)] Owners of private beauty culture schools must maintain a surety bond in the amount of \$5,000.

(12)[(11)] All equipment in a beauty culture school shall be of professional type in new or excellent condition.

(13)[(12)] Original license fee for a private beauty culture school is \$500 plus a \$200 initial inspection fee, and renewal fees are \$200.

(14)[(13)] All facilities must be inspected and approved prior to a student's hours being accepted for credit.

(15)[(14)] A textbook for each student enrolled must be furnished.

(16)[(15)] As enrollment increases, required equipment is subject to increase.

(b) The following are the requirements for a public school cosmetology program.

(1) (No change.)

(2) The classroom must be separated from the laboratory area and equipped with the following:

(A) one chalkboard (minimum three feet by six feet);

(B) 10 student desks minimum, (plus one desk for each additional student enrolled and in attendance per theory class) [minimum of 25 armrest chairs];

(C)-(E) (No change.)

(3) A dispensary of not less than 50 contiguous square feet with a double sink with hot and cold running water and space for storage and dispensing of supplies and some school equipment (applicable for schools approved after August 31, 1985). [The dispensary must be equipped with large wet and dry sterilizers, and a double sink. Dispensary shelves must be covered with formica or similar material.]

(4) (No change.)

(5) The school equipment list shall contain:

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

(C) one heat cap or therapeutic light [two steam caps];

[(D) therapeutic light;]

[(D)][(E) eight dozen cold wave rods;

[(E)][(F) three electric irons, or three marcel stoves and irons;

[(F)][(G) 16 styling stations covered with formica or similar material with mirror at least 28 inches by 28 inches;

[(H) 16 styling chairs which are swivel or hydraulic;]

[(G)][(I) 12 mannequins with sufficient hair with table or attached to styling stations (if table is used it should be a minimum of four feet by eight feet);

[(J) eight canvas head blocks;]

[(H)][(K) one electric time clock;

[(I)][(L) sufficient hand mirrors;

[(J)][(M) one pair of professional hand clippers;

[(K)][(N) three professional hand held hair dryers;

[(L)][(O) four manicure tables

[(M)][(P) one closed cabinet for clean towels;

[(Q) sufficient covered trash cans in all departments.]

(N) one closed container for soiled towels;

(O) four covered trash cans in lab area.

(6)-(7) (No change.)

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

Issued in Austin, Texas, on August 7, 1985.

TRD-857202

Jo Anne Reeves  
Executive Director  
Texas Cosmetology  
Commission

Earliest possible date of adoption:  
September 16, 1985

For further information, please call  
(512) 475-8480.

★ ★ ★

## TITLE 34. PUBLIC FINANCE

### Part I. Comptroller of Public Accounts

#### Chapter 3. Tax Administration Subchapter V. Bingo Regulation and Tax

##### ★34 TAC §3.547

The Comptroller of Public Accounts proposes an amendment to §3.547, concerning books and records for bingo licenses. The amendment changes certain operational and record-keeping requirements by authorizing an increase in the size of funds from \$1,000 to \$2,500, by requiring issuance of receipts and use of cash registers by all operators whose gross receipts exceed \$200,000 per year, by requiring retention of cash register receipts in some instances, and by specifying other technical changes with regard to bingo card sales and reporting. The amendment also deletes language which is a direct quotation from the Bingo Enabling Act, Texas Civil Statutes, Article 179d.

Billy Hamilton, revenue estimating director for the comptroller, has determined that these changes are technical in nature and will result in no fiscal implications for units of state or local government. The amendments will have no fiscal implications for small businesses.

Mr. Hamilton also has determined that the public benefit from these amendments will be simplification of record-keeping requirements, thereby operating with more accurate records. Costs will accrue only to organizations whose gross receipts are greater than \$200,000 per year, which will now be required to use cash registers to record all sales. These costs cannot be precisely estimated since they would vary depending on the type and number of cash registers which the organization chooses to acquire. There are no additional costs to individuals.

Comments on the proposal may be submitted to Ches Stubblefield, Manager, Miscellaneous Services, P.O. Box 13528, Austin, Texas 78711.

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

##### §3.547. Books and Records—Bingo Licensees.

(a) Each organization licensed to conduct bingo must maintain books and records necessary to complete and substantiate each bingo report. Larger grossing organizations (\$200,000 or more annually) [(Class G-Glass J)] have special record-keeping requirements that are explained in subsection (b) of this section. In addition, every licensee must maintain the following records:

(1) Cash receipt records. The records required to document cash receipts consist of the following:

(A) Daily cash report. This report must be prepared after each bingo occasion. It must be signed and dated by the preparer and another member of the organization [(preferably the finance officer)]. The report must be prepared in the format prescribed by the comptroller and must contain the following information:

(i)-(v) (No change.)

(vi) Petty cash fund. A petty cash fund not to exceed \$2,500 [1,000] may be used to make change at the start of a bingo game. Except for emergency expenses validated by proper receipts, the amount of the beginning petty cash fund must be the same as the ending petty cash fund from the previous daily cash report.

(vii)-(viii) (No change.)

(B) Bingo bank account. A licensed organization must establish and maintain one regular checking account designated the "bingo account" and may also maintain an interest-bearing savings account designated the "bingo savings account," as provided in the Bingo Enabling Act, §19a(a). [All funds from the conduct of bingo, less the amount awarded as cash prizes, must be deposited in the bingo account. No other funds may be deposited in the bingo account. Deposits must be made no later than the next business day following the day of the bingo occasion on which the receipts were obtained. All accounts must be maintained in a financial institution in Texas.] Any interest income earned from the bingo savings account must be accounted for as part of the net proceeds available for charitable distribution[, and may not be used for any other purpose].

(C) Sales journal. A sales journal must be maintained in a permanent ledger listing the total amounts in each category from [to summarize certain information in] daily cash reports and should be totaled on a monthly basis. [The summarized

information must include the total gross receipts, total cash prizes, total adjusted gross receipts, and the cash overages and shortages. This journal must be summarized on a monthly basis.]

(2) Cash disbursement records. The records required to document cash disbursements will consist of the following:

(A) Bingo bank account. Funds from the bingo account must be withdrawn by [preprinted, consecutively numbered] checks or withdrawal slips as provided in the Bingo Enabling Act, §19a(b), [signed by a duly authorized representative of the licensee and made payable to a person or organization. Checks must be imprinted with the words "Bingo Account" and must contain the organization's 11-digit bingo license number on the face of the check. There must also be noted on the face of the check or withdrawal slip the nature of the payment made. No check or slip may be made payable to "cash," "bearer," or a fictitious payee. All checks, including voided checks and slips, must be kept and accounted for. The disbursement of net proceeds on deposit in the bingo savings account to a charitable purpose must be made by transferring the intended disbursement back into the bingo account and then withdrawing the amount by a check drawn on that account as prescribed in this section.]

(B) Cash disbursements journal. Each check issued by the licensee must be recorded in a cash disbursements journal, which must contain[, on a monthly basis,] the following information:

(i) (No change.)

(ii) amount;

(iii){(ii)} date of check;

(iv){(iii)} name of payee; and

(v){(iv)} expense by category

[by type]. The expenses for each category must be totaled monthly.

(C)-(D) (No change.)

(b) Receipts to customers and records of [for] bingo income. All licensees whose annual gross receipts exceed or will exceed \$200,000 [per year (Class G-Class J licensees)] must issue [document the sale of bingo cards through the issuance of] receipts to the bingo players at the time of the sale by [. A receipt must be issued at the time a card is sold to a bingo player. Receipts must be supplied by the licensee, and may be] either [theatre-style tickets, disposable bingo cards, or] cash register receipts, or the disposable bingo cards themselves and must use a cash register to record all sales.

(1) (Ticket receipts. When theatre-type tickets are used as receipts, the following directions must be followed:

[(A) all tickets on a roll must be consecutively prenumbered;

[(B) after a roll of tickets has been started, tickets must be issued consecutively from that roll;

[(C) each ticket on a roll must represent the same specific amount of money. That amount must be clearly printed on

the face of the ticket. One ticket color must represent cards selling for one price. When cards are sold in multiples or for a special price, one ticket may be issued representing the special price;

(D) a purchase log must be maintained to document the tickets purchased by the licensee. The log must be maintained in the format prescribed by the comptroller;

(E) a daily receipt summary must be maintained to document the tickets issued for each separate type of sale during a bingo occasion. The summary must be maintained in a format prescribed by the comptroller. The daily receipt summary must record for each bingo occasion the lowest and highest numbered tickets issued as receipts for each separate roll of tickets, and their respective dollar values.

(F) The purchase log and daily receipt summary for theatre tickets must be on the premises and available for inspection during any bingo session.]

(1)(2) Disposable bingo cards [card receipts]. When disposable cards are used [as receipts], the following directions must be followed:

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

(C) A purchase log must be maintained, in the format prescribed by the comptroller, to document the cards purchased by the licensee. All purchases of disposable cards must be recorded in the purchase log. [These cards must be purchased from the distributor or manufacturer licensed by the State of Texas. This log must be maintained in the format prescribed by the comptroller.]

(D) A "disposable card sales [daily receipt] summary" must be maintained, in a format prescribed by the comptroller, to document the disposable cards sold for each bingo game. [The summary must be maintained in a format prescribed by the comptroller. If there is more than one card per disposable sheet, then the licensee must identify the sale of the sheet by recording the lowest numbered card on the sheet.]

(E) Disposable cards of different colors and series numbers may be sold in specially collated pads known as "ups." [The sale of "ups pads" is subject to the following conditions:

(i) the purchase of "ups pads" must be recorded in the disposable bingo card purchase log;]

(ii) "ups pads [pad]" must be sold as units. [a unit;] They may not be broken and sold as partial pads or individual sheets [during the same bingo session]. They may not be sold from the floor.

(iii) the "ups pad" must be sold prior to the start of the bingo session. While additional floor sales of disposable cards are allowable during the games, these sales may not be from the "ups pad"; and

(iv) the sale of the "ups pad" must be documented by either the cash register or theatre ticket method.]

(F) The purchase log and disposable card sales [daily receipts] summary for disposable bingo cards must be on the premises and available for inspection during any bingo session.

(2)(3) Cash registers. [register receipts. When] A cash register must be [is] used to record all sales. [produce receipts,] The following directions must be followed.

(A) (No change.)

(B) Except as provided in subparagraph (F) of this paragraph, a consecutively numbered receipt must be given to the customer, and a duplicate record of the transaction must be printed on the tape kept inside the cash register.

(C)-(D) (No change.)

(E) The cash register must be used exclusively for bingo receipts during a bingo occasion. If the cash register is used [by the licensee] for other purposes between bingo sessions, then the internal cash register tapes from these other uses must be retained for not less than four years;

(F) If bingo [A receipt must be issued at the time of sale to a bingo player. If a cash register is used to receipt the initial sale of bingo cards, but disposable] cards are [subsequently] sold from the floor, [during the game,] these floor sales must be separately accounted for by ringing up on the cash register the total sales by each floor usher for each game [either their disposable card numbers or by theatre tickets]. A licensee may not simply ring up on the cash register the total sales made by each floor usher for the entire occasion.

(c) (No change.)

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

Issued in Austin, Texas, on August 8, 1985

TRD-857213

Bob Bullock  
Comptroller of Public  
Accounts

Earliest possible date of adoption:  
September 16, 1985

For further information, please call  
(512) 463-4606.

★ ★ ★

### ★ 34 TAC §3.554

The Comptroller of Public Accounts proposes an amendment to §3.554, concerning instant bingo. The amendment eliminates the requirement that payments to winners of instant bingo be made in cash only.

Billy Hamilton, revenue estimating director, for the comptroller, has determined that this change is procedural in nature and will have no fiscal implications for units of state or local government. The amendment will result in no fiscal implications for small businesses.

Mr. Hamilton also has determined that the public benefit will be elimination of steps in claiming instant bingo winnings. There are no costs to individuals.

Comments on the proposal may be submitted to Ches Stubblefield, Manager, Miscellaneous Services, P.O. Box 13526, Austin, Texas 78711

The amendment is proposed under Texas Civil Statutes, Article 1, and, which provide that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the Bingo Enabling Act.

### §3.554. Instant Bingo.

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

(d) Prizes, costs, sales, percentages.

(1) All prizes from the sale of instant bingo cards must be awarded in cash. Prizes may not involve the opportunity of obtaining another bingo card.]

(1)(2) The cost to purchase an individual instant bingo card may not exceed \$ .50 and must be clearly posted in the vicinity of the location where cards are sold.

(2)(3) All winning instant bingo cards must be presented for payment during the bingo occasion at which the card is purchased. A licensed organization must punch a hole with a standard hole punch through or otherwise mark or deface each winning instant bingo card of \$5.00 or more immediately upon payment.

(3)(4) Instant bingo cards may be sold to the playing public only by a licensed organization, only during the times and in the immediate vicinity that regular bingo games are in progress, and only on the premises specified in its license.

(4)(5) No single prize on a winning instant bingo card may exceed \$500.

(5)(6) Prizes awarded on winning instant bingo cards must be taken into consideration in determining the maximum total of \$2,500 for any one occasion. Cards must be sold and prizes awarded on winning cards far enough in advance of the close of an occasion to enable an organization to adjust, if necessary, the prizes remaining for its regular and special bingo games.

(6)(7) A licensed organization may not withdraw a series of cards from play until the series is completely sold out, all winning cards of \$5.00 or more have been cashed, or the bingo occasion ends.

(7)(8) A licensed organization may not commingle different deals of instant bingo cards.

(8)(9) Receipts from the sale of instant bingo cards must be included in the reported total gross receipts of the organization.

(9)(10) The gross receipts on any one bingo occasion from the playing of instant bingo may not exceed 50% of a licensed organization's gross receipts for that occasion.

(e)-(g) (No change.)

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

Issued in Austin, Texas, on August 8, 1985.

TRD-857214

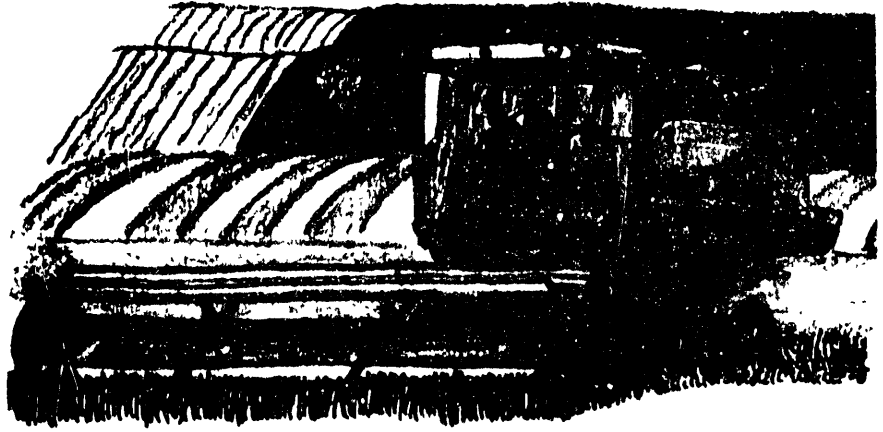
Bob Bullock  
Comptroller of Public  
Accounts

Earliest possible date of adoption:

September 16, 1985

For further information, please call  
(512) 463-4606

★ ★ ★





# Withdrawn

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

---

## TITLE 22. EXAMINING BOARDS

### Part IV. Texas Cosmetology Commission

#### Chapter 89. General Provisions

★22 TAC §§89.10, 89.34, 89.53

The Texas Cosmetology Commission has withdrawn from consideration for permanent adoption the proposed amendments to §§89.10, 89.34, and 89.53, concerning general provisions. The text of the amended sections as proposed appeared in the August 9, 1985, issue of the *Texas Register* (10 TexReg 2991).

Issued in Austin, Texas, on August 7, 1985.

TRD-857203

Jo Ann Reeves  
Executive Director  
Texas Cosmetology  
Commission

Filed: August 8, 1985  
For further information, please call  
(512) 475-5460.

★ ★ ★



# 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.

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. If an agency adopts the rule with changes to the proposed text, the proposal will be republished with the changes.

## TITLE 19. EDUCATION

### Part II. Texas Education

#### Agency

#### Chapter 133. Pupil-School Relations

#### Subchapter B. Discipline Management

#### ★19 TAC §§133.21-133.25

The Texas Education Agency adopts an amendment to §133.22, with changes to the proposed text published in the March 29, 1985, issue of the *Texas Register* (10 TexReg 1057). New §§133.21 and 133.23-133.25 are adopted without changes and will not be republished.

In §133.22(b)(1)(C), the word "regulation" is changed to "procedures." The requirement that districts define "incurable conduct" is deleted, since this issue is addressed in new §133.26. A proposed requirement for annual publication and distribution of the code of student conduct to all students, parents, and staff was amended to require such distribution initially, with provision of a copy for new students and employees thereafter. In subsection (b)(1)(E), the text is amended to clarify that, for minor infractions, the district may use its discretion in determining whether a parent-teacher conference is required. The last sentence of the paragraph is rewritten to require that districts first attempt to conduct the required parent-teacher conferences face-to-face, but may conduct them by telephone where a face-to-face conference is impractical. As a last resort, the district may contact the parents by mail. Subsection (b)(2) is edited for clarity.

House Bill 72, 68th Legislature, 2nd Called Session, 1984, requires each school district to adopt and implement a discipline management program. Before implementation, the proposed program must be submitted to the Central Education Agency for approval. The rules in this subchapter contain the provisions for adoption and approval of discipline management programs, content of approved programs, monitoring, and teacher training.

Each school district will develop a discipline management plan to be adopted

by the local board of trustees. Each plan must be submitted to the Central Education Agency for approval by a date specified by the commissioner of education. The plan must provide for the development of a code of student conduct for the district that sets out rules, procedures, and expectations related to student conduct and specifies the consequences of violating the code. The discipline management plan must also describe the responsibilities of teachers, administrators, parents, and students with regard to discipline. Parent training workshops for home reinforcement of study skills must be included in the plan. Each district must also provide annually for signed statements by each student's parent that the parent understands and consents to the responsibilities outlined in the district's code of student conduct.

The Central Education Agency will develop sample formats which district may, but are not required to, use in the development of their plans. The agency may also recommend specific discipline management training programs at institutions of higher education after review by the commissioner of education to ensure that the programs are of sufficient quality to address the requirements of law and these rules.

Each school district must provide training in the discipline management plan of the district for each teacher, administrator, counselor, and librarian, and for other individuals specified in §133.24(a).

No comments were received regarding adoption of the amendment and new sections.

The amendments and new sections are adopted under the Texas Education Code, §21.701, which requires each school district to implement a discipline management program approved by the Central Education Agency.

#### §133.22. Discipline Management Programs.

(a) Adoption and approval of programs. The commissioner of education shall provide for the review of school district management plans. The review shall consider the completeness of the plan and its compliance with provisions of the law and State Board of Education rules. The commissioner of education shall develop sample

formats to serve as models that districts may use in the development of discipline management plans. Such formats shall not be required, but will be available for school districts to use if they wish.

#### (b) Content of approved programs.

(1) The board of trustees shall provide in the contents of the plan for the following:

(A) The development of the plan with administrators, teachers, parents, and students, and, if needed, with the assistance of the education service centers;

(B) The categories of the persons specified that have been designated as campus discipline persons and their job duties, including the implementation and assessment of the program on that campus and referral of appropriate students to school-community guidance centers if available;

(C) The development of a code of student conduct that, at a minimum, includes rules, procedures, and expectations related to conduct and specifies the consequences of violating the code and for which discipline, removal to an alternative educational setting, or expulsion may be imposed. The school district shall explain what it will consider to be serious and persistent misbehavior in its discipline management program and student code of conduct. The code of student conduct shall initially be published and distributed to all administrators, teachers, parents, and students. Thereafter, the code of student conduct shall be provided for each newly employed administrator and teacher and newly enrolled student, parent, or guardian upon request. The discipline management plan of each district shall provide for procedures to communicate the provisions of the code of student conduct to parents and all interested parties. Changes during the year in the code of student conduct shall be published and distributed to students in a timely manner.

(D) The discipline management plan shall describe the responsibilities of teachers, administrators, parents, and students.

(E) At least two parent-teacher conferences shall be held during the school year for the parents of students who have committed one or more disciplinary infractions, and/or who have been removed to an alternative educational program at least once during the previous or current semester; except that, for minor infractions, the

district may use its discretion in determining whether a parent-teacher conference is required. This section does not require teachers to conduct two conferences with every parent (although the school district may require any teacher to do so), but the school district is required to conduct the two conferences. The district must first attempt to conduct these conferences face-to-face, but, where impractical, they may be conducted by telephone. However, if these methods fail, then the district may confer with parents by letter.

(F) Parent training workshops for home reinforcement of study skills and specific curriculum objectives shall be included in the district's plan.

(G) The district shall provide annually for signed statements by each student's parent that the parent understands and consents to the responsibilities outlined in the district's student code of conduct.

(2) The district's management plan shall specify who may serve as the student's representative, the district's hearing officer at any hearing required by the Texas Education Code, §21.301 and §21.3011, and shall set forth the district's notice and hearing procedures.

(3) The school district's outline of its alternative educational program shall be included in its discipline management plan.

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 August 8, 1985.

TRD-857304

W. N. Kirby  
Commissioner of  
Education

Effective date: August 30, 1985

Proposal publication date: March 29, 1985

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

★

★

★

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part II. Texas Parks and Wildlife Department

#### Chapter 57. Fisheries

##### Issuance of Oyster Leases

###### ★31 TAC §57.242

The Texas Parks and Wildlife Commission adopts an amendment to §57.242, without changes to the proposed text published in the June 14, 1985, issue of the *Texas Register* (10 TexReg 1986).

The amendment provides protection of public health and oysters located on pub-

lic reefs by requiring that leases be identified with markers as permanent as possible.

The amendment provides that private leases located in public waters be identified with permanent markers to protect oysters on adjacent public grounds. Human health is protected by assuring that oysters transplanted from polluted waters to properly marked leases and subsequently harvested, after approval from the Texas Department of Health, as safe for human consumption.

Richard A. Riggins, P.E., Gonzales Engineering Surveying, Inc., representing Robert Reyes, commented by letter against the rules requiring a 30-foot long screw anchor. Comments are available for public inspection at the Texas Parks and Wildlife Headquarters Complex, 4200 Smith School Road, Austin, Texas 78744.

The Texas Parks and Wildlife Commission disagreed with the comment, because the rules implemented on an emergency basis on existing oyster leases were judged to be satisfactory.

The amendment is adopted under the Texas Parks and Wildlife Code, Chapter 76, which authorizes the Texas Parks and Wildlife Commission to provide rules for the marking of private oyster beds.

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 August 9, 1985.

TRD-857287

Boyd M. Johnson  
General Counsel  
Texas Parks and Wildlife  
Department

Effective date: August 30, 1985

Proposal publication date: June 14, 1985

For further information, please call  
(512) 479-4805.

★

★

★

## Chapter 65. Wildlife

### Subchapter N. Early Season Migratory Game Bird

#### ★31 TAC §§65.311-65.313

The Texas Parks and Wildlife Commission adopts amendments to §65.313, with changes to the proposed text published in the June 14, 1985, issue of the *Texas Register* (10 TexReg 1987). Section 65.311 and §65.312 are adopted without changes and will not be republished.

Section 65.313(f)(2)(C)(i) and (iii) and (3)(A)(i)-(iii) is amended to close the special white-winged dove season. For clarity, §65.313(f)(4)(C) is amended to add the words "in the aggregate" to the bag limits for gallinules. Section 65.313(f)(5)(A) is amended to open the early teal season

the second Saturday in September rather than the third Saturday to coincide closer with the expected teal migration.

Fluctuations in migratory game bird populations and the need to provide better hunting opportunities for most sportsmen require the Texas Parks and Wildlife Commission to adopt regulation changes for the 1985-1986 hunting seasons. The 1985 special white-winged dove season was closed since departmental surveys in the Lower Rio Grande Valley indicated the whitewing spring breeding population was 30% below the long-term average due to the citrus freeze in December 1983, and the 1985 white-wing production was at its lowest level since 1971 due to continual heavy rain in June and early July 1985, which destroyed many nesting attempts.

The amendments allow the taking of early season migratory game bird wildlife resources consistent with their populations.

At the public hearing, Dave Jenkins of Speaks, opposed moving the central/south mourning dove zone boundary northward to IH 10 since this would delay the opening of the mourning dove season in his area.

The department received a total of 26 public comments including 16 letters, six telephone calls, and four public hearing comments on the proposed regulations. Of the comments received, two persons recommended moving the dove zone boundary north to IH 10; two persons recommended leaving it on U.S. Highway 87. Six persons recommended closing the special white-winged dove season due to the low whitewing numbers; three persons recommended leaving it open.

Dave Jenkins of Speaks made comments against the proposed rules.

The Texas Parks and Wildlife Commission disagreed with some recommendations made by the public because they were judged not to be consistent with recognized wildlife management principles and published federal regulation frameworks.

The amendments are adopted under the Texas Parks and Wildlife Code, Chapter 64, Subchapter C, which provides the commission with the authority to regulate seasons, means, methods, and devices for taking and possessing migratory game bird wildlife resources.

#### §65.313. Open Seasons, Shooting Hours, Bag and Possession Limits.

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

(f) Every migratory game bird wounded by hunting and retrieved by the hunter shall be immediately killed and become a part of the bag limit.

(1) (No change.)

(2) Mourning doves.

(A) (No change.)

(B) Central zone: that portion of the state east of a line beginning at the junction of the Texas-Arkansas state line and IH 30; thence southwest along IH 30 to IH 20 at Fort Worth; thence southwest along IH 20 to IH 10; thence west on IH 10 to U.S. Highway 90 at Van Horn; thence southeast along U.S. Highway 90 to IH 10 at San Antonio; thence east along IH 10 to the Texas-Louisiana state line.

(i)-(iii) (No change.)

(C) South zone: that portion of the state south and west of a line beginning at the International Bridge south of Fort Hancock; thence north along FM Road 1088 to State Highway 20; thence west along State Highway 20 to State Highway 148; thence north along State Highway 148 to Interstate Highway 10 at Fort Hancock; thence east along IH 10 to U.S. Highway 90 at Van Horn; thence southeast along U.S. Highway 90 to IH 10 at San Antonio; thence east along IH 10 to the Texas-Louisiana state line.

(i) Dates: beginning on September 20, for 54 consecutive days and beginning on the first Saturday in January, for 16 consecutive days.

(ii) (No change.)

(iii) Bag and possession limits: 12 mourning doves, white-winged doves, and white-tipped (white-fronted) doves in the aggregate, including no more than two white-winged doves and two white-tipped doves per day; 24 mourning doves, white-winged doves, and white-tipped doves in the aggregate, including no more than four white-winged doves and four white-tipped doves in possession.

(3) White-winged doves. Special white-winged dove area: that portion of the state south and west of a line beginning at the International Bridge south of Fort Hancock; thence north along FM Road 1088 to State Highway 20; thence west along State Highway 20 to State Highway 148; thence north along State Highway 148 to IH 10 at Fort Hancock; thence east along IH 10 to U.S. Highway 90 at Van Horn; thence southeast along U.S. Highway 90 to U.S. Highway 83 at Uvalde; thence south along U.S. Highway 83 to State Highway 44; thence east along State Highway 44 to State Highway 16 at Freer; thence south along State Highway 16 to State Highway 285 at Hebbronville; thence east along State Highway 285 to FM Road 1017; thence southeast along FM Road 1017 to State Highway 186 at Linn; thence east along State Highway 186 to the Mansfield Channel at Port Mansfield; thence east along the Mansfield Channel to the Gulf of Mexico.

(A) Date: no special open season or white-winged doves.

(B) Shooting hours: none.

(C) Bag and possession limits: none.

(4) Gallinules (moorhen or common gallinule and purple gallinule). Statewide:

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

(C) Bag and possession limits: 15 in the aggregate per day; 30 in the aggregate in possession.

(5) Teal ducks (blue-winged, green-winged, and cinnamon). Statewide:

(A) Dates: beginning on the second Saturday in September, for nine consecutive days.

(B)-(C) (No change.)

(6)-(7) (No change.)

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

Issued in Austin, Texas, on August 5, 1985.

TRD-857288

Boyd M. Johnson  
General Counsel  
Texas Parks and  
Wildlife Department

Effective date: September 1, 1985  
Proposal publication date: June 14, 1985  
For further information, please call  
(512) 479-4808 or (800) 792-1112.

★ ★ ★



## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Resources Chapter 15. Medicaid Eligibility

The Texas Department of Human Resources adopts amendments to §15.2001 and §15.3001, the repeal of and new §15.3108, amendments to §§15.3303, 15.3403, 15.3404, 15.3408, the repeal of and new §§15.3409-15.3412, 15.3416, 15.5205, and 15.5206, and an amendment to §15.5403, without changes to the proposal published beginning in the June 14, 1985, issue of the *Texas Register* (10 Tex-Reg 1988).

The amendments and new sections address changes in the department's policy for determining initial eligibility of SSI-related medical assistance only (Type Program 14) applicants in Title XIX long-term care facilities. These changes in policy are based on an interpretation of federal regulations received from the Health Care Financing Administration (HCFA). Under the new policy, individuals may become eligible under the Type Program 14 special income limit no earlier than the first day of the first month in

which the individual is living in a Title XIX long-term care facility, and the SSI reduced payment standard (\$25) would be applicable for that month.

The amendments to §15.2001 and §15.5403 also delete a reference to individuals in approved Title XIX institutions for treatment of tuberculosis. The Deficit Reduction Act of 1984 eliminated the special provider classification for tuberculosis hospitals. This eliminates the special medical assistance only coverage group for individuals 65 years old or older in these hospitals. Treatment for tuberculosis in these hospitals will now be billed through the department's health insuring agent using regular hospital billing procedures and limitations.

The department received three comments on the proposal during the public comment period. Two from the Texas Health Care Association (THCA) and one from an individual (a director of social work at a hospital). Although the THCA did not clearly favor or oppose the proposal, the THCA did make specific recommendations about the proposal.

The following is a summary of the comments received and the department's response to each comment. The individual who commented on the proposal opposed the policy change because of the hardship it would cause by requiring individuals to pay for their care in a nursing facility for up to a month before they can be eligible for Medicaid. The THCA recommended that the department explore the possibility of state supplementation for an individual's month of entry into the nursing facility for the difference between the individual's resources and the Title XIX vendor rate. The THCA stated that many individuals cannot afford to pay for even a partial month's care. The THCA also recommended delaying implementation based on information of interest in congress in changing the federal regulation for the policy. The department realizes the hardships resulting from the policy; however, it does not have the funds for the supplementation payments or the high administrative costs of operating such a system. Because the department is required to follow federal regulations or pay severe fiscal penalties, it has no option but to implement the policy or reduce services further because of the loss of federal funding.

### Subchapter U. Eligible Recipients for Title XIX (Medicaid)

#### ★ 40 TAC §15.2001

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal

counsel and found to be a valid exercise of the agency's legal authority.

issued in Austin, Texas, on August 9, 1985.

TRD-857284      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Resources

Effective date: August 30, 1985  
Proposal publication date: June 14, 1985  
For further information, please call  
(512) 450-3786.

★      ★      ★

### Subchapter EE. Individuals for Whom SSI Eligibility Criteria Are Used

#### ★ 40 TAC §15.3001

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on August 9, 1985.

TRD-857283      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Resources

Effective date: August 30, 1985  
Proposal publication date: June 14, 1985  
For further information, please call  
(512) 450-3786.

★      ★      ★

### Subchapter FF. SSI Basic Program Requirements

#### ★ 40 TAC §15.3108

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on August 9, 1985.

TRD-857282      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Resources

Effective date: September 1, 1985  
Proposal publication date: June 14, 1985  
For further information, please call  
(512) 450-3786.

★      ★      ★

The new section is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on August 9, 1985.

TRD-857281      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Resources

Effective date: September 1, 1985  
Proposal publication date: June 14, 1985  
For further information, please call  
(512) 450-3786.

★      ★      ★

### Subchapter HH. Income for Individuals Related to the SSI Program

#### ★ 40 TAC §15.3303

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on August 9, 1985.

TRD-857280      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Resources

Effective date: September 1, 1985  
Proposal publication date: June 14, 1985  
For further information, please call  
(512) 450-3786.

★      ★      ★

### Subchapter II. Budgeting for Individuals Related to the SSI Program

#### ★ 40 TAC §§15.3403, 15.3404, 15.3408

The amendments are adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public assistance programs.

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

issued in Austin, Texas, on August 9, 1985.

TRD-857279      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Resources

Effective date: September 1, 1985  
Proposal publication date: June 14, 1985  
For further information, please call  
(512) 450-3786.

★      ★      ★

#### ★ 40 TAC §§15.3409-15.3412, 15.3416

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on August 9, 1985.

TRD-857278      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Resources

Effective date: September 1, 1985  
Proposal publication date: June 14, 1985  
For further information, please call  
(512) 450-3786.

★      ★      ★

The new sections are adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on August 9, 1985.

TRD-857277      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Resources

Effective date: September 1, 1985  
Proposal publication date: June 14, 1985  
For further information, please call  
(512) 450-3786.

★      ★      ★

### Subchapter AAA. Procedures for Application for Medical Assistance

#### ★ 40 TAC §15.5205, §15.5206

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22 and

Chapter 32, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on August 9, 1985.

TRD-857276

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Resources

Effective date: September 1, 1985  
Proposal publication date: June 14, 1985  
For further information, please call  
(512) 450-3766.

★ ★ ★

The new sections are adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on August 9, 1985.

TRD-857275

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Resources

Effective date: September 1, 1985  
Proposal publication date: June 14, 1985  
For further information, please call  
(512) 450-3766.

★ ★ ★

### Subchapter CCC. Vendor Payments in Title XIX Long- Term Care Facilities

#### ★40 TAC §15.5403

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on August 9, 1985.

TRD-857274

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Resources

Effective date: September 1, 1985  
Proposal publication date: June 14, 1985  
For further information, please call  
(512) 450-3766.

★ ★ ★

The Texas Department of Human Resources adopts amendments to §§15.2001, 15.3312, and 15.3408 concerning Medicaid eligibility. The amendments are adopted in response to the settlement of the Lynch v. Rank lawsuit. As a result of the lawsuit, the Health Care Financing Administration has broadened conditions of eligibility under Type Program 03. An individual denied social security income benefits for any reason since April 1977 may be eligible for Medicaid. The individual must meet current SSI eligibility criteria with exclusion of Social Security cost-of-living increases received since he last received both SSI and Social Security in the same month.

### Subchapter U. Eligible Recipients for Title XIX (Medicaid)

#### ★40 TAC §15.2001

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public assistance programs. The amendment is adopted effective July 1, 1985, to comply with federal requirements.

§15.2001. *Categorically Needy.* The Texas Medical Assistance Program, under the provision of the Social Security Act, Title XIX (Medicaid), provides certain benefits to all individuals who meet the department's definition of categorically needy. The categorically needy are defined as:

(1)-(7) (No change.)

(8) individuals that were denied SSI cash benefits for any reason since April 1977, may be eligible for continued Title XIX coverage under Type Program 03. They must meet all current SSI eligibility criteria with the exclusion of any Social Security cost-of-living increases received since they last received both SSI and Social Security benefits in the same month. The earliest cost-of-living increase that can be excluded under Type Program 03 is the increase received in July 1977.

(9) (No change.)

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

Issued in Austin, Texas, on August 9, 1985.

TRD-857273

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Resources

Effective date: July 1, 1985  
Proposal publication date: N/A  
For further information, please call  
(512) 450-3766.

★ ★ ★

### Subchapter HH. Income for Individuals Related to the SSI Program

#### ★40 TAC §15.3312

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public assistance programs. The amendment is adopted effective July 1, 1985, to comply with federal requirements.

§15.3312. *Special Income Exclusion for Type Program 03 Applicants/Recipients.*

(a) There are two groups of individuals that may qualify for a special income exclusion under Type Program 03:

(1) (No change.)

(2) Individuals that were denied SSI benefits for any reason since April 1977 may be eligible for Medicaid if they meet all current SSI eligibility criteria except for social security cost-of-living increases received since they last received both SSI and social security benefits in the same month. Individuals that qualify for Medicaid because of the exclusion of one cost-of-living increase are entitled to the exclusion of any subsequent cost-of-living increase in social security benefits. The earliest increase which can be excluded is the July 1977, increase.

(b) (No change.)

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

Issued in Austin, Texas, on August 9, 1985.

TRD-857272

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Resources

Effective date: July 1, 1985  
Proposal publication date: N/A  
For further information, please call  
(512) 450-3766.

★ ★ ★

### Subchapter II. Budgeting for Individuals Related to the SSI Program

#### ★40 TAC §15.3408

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public assistance programs. The amendment is adopted effective July 1, 1985, to comply with federal requirements.

§15.3408. *Budget Steps for Nonvendor Living Arrangements.* The caseworker uses the following steps to prepare a budget for nonvendor living arrangements. The procedure must be followed at the time of application and for every redetermination.

★ ★ ★ ★ ★ ★



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

(5) For Type Program 03 cases, deduct the amount of the RSDI increase(s) received since the individual last received both SSI and Social Security in the same month.

(6)-(7) (No change.)

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

Issued in Austin, Texas, on August 9, 1985.

TRD-857271  
Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Resources

Effective date: July 1, 1985  
Proposal publication date: N/A  
For further information, please call  
(512) 450-3766.

★ ★ ★

### Chapter 48. CCAD Intermediate Community Services Program

★ 40 TAC §§48.2201, §48.2202

The Texas Department of Human Resources adopts new §48.2201 and §48.2202, without changes to the proposed text published in the July 2, 1985, issue of the *Texas Register* (10 TexReg 2163).

Section 48.2201 establishes the client eligibility criteria for admission into the Intermediate Community Services (ICS) Program according to the 1915(c) waiver request approved by the Health Care Financing Administration (HCFA). Section 48.2202 provides notification regarding an applicant's right to appeal denial of services. These rules enable the department to determine client eligibility for admission into the ICS Program and provide applicants the right to appeal denial of services.

The department received one comment on the proposal. The Association for Retarded Citizens, Texas, supported the adoption of the rules. The name of the department was changed in both rules to reflect that effective August 26, 1985, the department becomes the Texas Department of Human Services.

The new sections are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on August 9, 1985.

TRD-857288  
Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Resources

Effective date: September 1, 1985  
Proposal publication date: July 2, 1985  
For further information, please call  
(512) 450-3766.

★ ★ ★

### Chapter 49. Child Protective Services

#### Subchapter Q. Purchased Protective Services

★ 40 TAC §§49.1707, 49.1708,  
49.1712, 49.1713

The Texas Department of Human Resources (DHR) adopts amendments to §§49.1707, 49.1708, 49.1712, and 49.1713; the repeal of §§49.1714-49.1748; and new §§49.1714-49.1729, 49.1732-49.1753, 49.1755-49.1758, and 49.1760-49.1763 without changes to the proposed text published in the June 28, 1985, issue of the *Texas Register* (10 TexReg 2109). The DHR adopts new §§49.1730, 49.1731, 49.1754, and 49.1759 with changes to the proposed text. The sections without changes will not be republished.

The sections regarding DHR's purchased child protective services policies are clarified and expanded to ensure that comparable services are purchased statewide. The amended and new sections contain information about the purpose, description, eligibility requirements, and unit of service for each type of service purchased.

There were no public comments received on the proposal. The DHR made some clarification and editorial changes to §§49.1730, 49.1731, 49.1754, and 49.1759. Also, the name of the department was changed in the rules to reflect that effective August 26, 1985, the department becomes the Texas Department of Human Services.

The amendments are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The amendments also are adopted under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

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 August 9, 1985.

TRD-857284  
Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Resources

Effective date: August 30, 1985  
Proposal publication date: June 28, 1985  
For further information, please call  
(512) 450-3766.

★ ★ ★

#### §§49.1714-49.1748

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The repeal also is adopted under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

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 August 9, 1985.

TRD-857283  
Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Resources

Effective date: August 30, 1985  
Proposal publication date: June 28, 1985  
For further information, please call  
(512) 450-3766.

★ ★ ★

★ 40 TAC §§49.1714-49.1763

The new sections are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The new rules also are adopted under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

§49.1730. *Programs for Developmentally Delayed Children.*  
(a) The DHS purchases services for

# Open Meetings

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

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

**Posting of open meeting notices.** All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol, Austin. These notices may contain more detailed agendas than what is published in the *Register*.

## Texas Air Control Board

**Friday, August 23, 1985, 9 a.m.** The Regulations Development Committee of the Texas Air Control Board will meet in the map room, John E. Gray Institute, 855 Florida Avenue, Lamar University, Beaumont. According to the agenda, the committee will consider public hearings on proposed rules to incorporate administrative penalties and revised enforcement procedures and will discuss and consider proposed revisions to Regulation V and the ozone control strategies for Dallas and Tarrant Counties to incorporate gasoline volatility controls.

Contact: Paul M. Shinkawa, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 354.

Filed: August 12, 1985, 1:54 p.m.  
TRD-857358

**Friday, August 23, 1985, 10 a.m.** The Texas Air Control Board will meet in the map room, John E. Gray Institute, 855 Florida Avenue, Lamar University, Beaumont. According to the agenda, the board will approve the July 26, 1985, meeting minutes; receive reports; consider and act on proposed revisions to Regulation V and the state implementation plan; receive the hearing examiner's report; consider the use of data terminals in the central office; consider a request for leave of absence; and consider new business.

Contact: Paul M. Shinkawa, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-711, ext. 354.

Filed: August 12, 1985, 1:54 p.m.  
TRD-857359

★ ★ ★

## Texas Corn Producers Board

**Tuesday, August 20, 1985, 9 a.m.** The Texas Corn Producers Board of the Texas

Department of Agriculture will meet at 218 East Bedford, Dimmitt. According to the agenda, the board will conduct a budget review and discuss a donation to High Plains Research, the annual meeting, the annual U.S.F.G.C. meeting in Seattle, and retirement annuity for the operating president.

Contact: Carl King, 218 East Bedford, Dimmitt, Texas 79027, (806) 647-4224.

Filed: August 12, 1985, 2:41 p.m.  
TRD-857346

★ ★ ★

## Texas School for the Deaf

**Friday, August 16, 1985, 6 p.m.** The Governing Board of the Texas School for the Deaf will meet in the conference room, Woodlands Inn, The Woodlands. Items on the agenda include the approval of the June 14, 1985, meeting minutes; audience reports and comments; business requiring board action, including consultant contracts (exhibit), the cash budget 1985-1986, staff development/training concerning policy/procedure (exhibit), the TASB/TASA convention in San Antonio (exhibit), a board representative from the Council on Disabilities (exhibit), an oral report on the admission review and dismissal process, the student calendar, and the appointment of two teachers to the School Planning Committee; business for information purposes, including an oral report on the summer family learning vacation, a status report on the student life summer institute (exhibit), an oral report on summer school, an oral report on the status of the career ladder, a report on the VAX system (exhibit), a status report on accreditation self-study (exhibit), a status report on the School Planning Committee (exhibit), an oral report on student support services, and the executive director's report; and reports from board members. The board also will meet in ex-

ecutive session to consider personnel and legal matters.

Contact: Sheila O'Leary, 1102 South Congress Avenue, Austin, Texas 78704, (512) 442-7821.

Filed: August 8, 1985, 3:43 p.m.  
TRD-857215

**Saturday, August 18, 1985, 8 a.m.** The Governing Board of the Texas School for the Deaf will hold a working retreat and planning sessions in the conference room, the Woodlands Inn, The Woodlands. According to the agenda, the board will consider orientation activities, program information sharing and evaluation, discussion of communication philosophy, and long-range planning efforts.

Contact: Sheila O'Leary, 1102 South Congress Avenue, Austin, Texas 78704, (512) 442-7821.

Filed: August 8, 1985, 3:43 p.m.  
TRD-857216

★ ★ ★

## Texas State Board of Dental Examiners

**Thursday, August 22, 1985, 5 p.m.** The Texas State Board of Dental Examiners (TSBDE) will meet in the Dean's Conference Room, Baylor College of Dentistry, 3302 Gaston Avenue, Dallas. Items on the agenda summary include the discussion of a request from Michael J. Crete for student participation on the TSBDE; a request from Dr. Georg Molar to limit his practice to endodontics; a request from Dr. Jack Wilson for an amendment to the Dental Practice Act; the approval of honorary retired dentists and hygienists; the approval of anesthesia applications; a request from Dr. Norman Hoot for approval of a pit and fissure sealant course; consideration of tentative dates for the next board meeting; a request of Dr. Paul Fraternali for reinstatement of



# Open Meetings

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

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

**Posting of open meeting notices.** All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol, Austin. These notices may contain more detailed agendas than what is published in the *Register*.

## Texas Air Control Board

**Friday, August 23, 1985, 9 a.m.** The Regulations Development Committee of the Texas Air Control Board will meet in the map room, John E. Gray Institute, 855 Florida Avenue, Lamar University, Beaumont. According to the agenda, the committee will consider public hearings on proposed rules to incorporate administrative penalties and revised enforcement procedures and will discuss and consider proposed revisions to Regulation V and the ozone control strategies for Dallas and Tarrant Counties to incorporate gasoline volatility controls.

**Contact:** Paul M. Shinkawa, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 354.

**Filed:** August 12, 1985, 1:54 p.m.  
TRD-857358

**Friday, August 23, 1985, 10 a.m.** The Texas Air Control Board will meet in the map room, John E. Gray Institute, 855 Florida Avenue, Lamar University, Beaumont. According to the agenda, the board will approve the July 26, 1985, meeting minutes; receive reports; consider and act on proposed revisions to Regulation V and the state implementation plan; receive the hearing examiner's report; consider the use of data terminals in the central office; consider a request for leave of absence; and consider new business.

**Contact:** Paul M. Shinkawa, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-711, ext. 354.

**Filed:** August 12, 1985, 1:54 p.m.  
TRD-857359

★ ★ ★

## Texas Corn Producers Board

**Tuesday, August 20, 1985, 9 a.m.** The Texas Corn Producers Board of the Texas

Department of Agriculture will meet at 218 East Bedford, Dimmitt. According to the agenda, the board will conduct a budget review and discuss a donation to High Plains Research, the annual meeting, the annual U.S.F.G.C. meeting in Seattle, and retirement annuity for the operating president.

**Contact:** Carl King, 218 East Bedford, Dimmitt, Texas 79027, (806) 647-4224.

**Filed:** August 12, 1985, 2:41 p.m.  
TRD-857346

★ ★ ★

## Texas School for the Deaf

**Friday, August 16, 1985, 6 p.m.** The Governing Board of the Texas School for the Deaf will meet in the conference room, Woodlands Inn, The Woodlands. Items on the agenda include the approval of the June 14, 1985, meeting minutes; audience reports and comments; business requiring board action, including consultant contracts (exhibit), the cash budget 1985-1986, staff development/training concerning policy/procedure (exhibit), the TASB/TASA convention in San Antonio (exhibit), a board representative from the Council on Disabilities (exhibit), an oral report on the admission review and dismissal process, the student calendar, and the appointment of two teachers to the School Planning Committee; business for information purposes, including an oral report on the summer family learning vacation, a status report on the student summer institute (exhibit), an oral report on the summer school, an oral report on the status of the career ladder, a report on the VAX system (exhibit), a status report on accreditation self-study (exhibit), a status report on the School Planning Committee (exhibit), an oral report on student support services, and the executive director's report; and reports from board members. The board also will meet in ex-

ecutive session to consider personnel and legal matters.

**Contact:** Sheila O'Leary, 1102 South Congress Avenue, Austin, Texas 78704, (512) 442-7821.

**Filed:** August 8, 1985, 3:43 p.m.  
TRD-857215

**Saturday, August 18, 1985, 8 a.m.** The Governing Board of the Texas School for the Deaf will hold a working retreat and planning sessions in the conference room, the Woodlands Inn, The Woodlands. According to the agenda, the board will consider orientation activities, program information sharing and evaluation, discussion of communication philosophy, and long-range planning efforts.

**Contact:** Sheila O'Leary, 1102 South Congress Avenue, Austin, Texas 78704, (512) 442-7821.

**Filed:** August 8, 1985, 3:43 p.m.  
TRD-857216

★ ★ ★

## Texas State Board of Dental Examiners

**Thursday, August 22, 1985, 8 p.m.** The Texas State Board of Dental Examiners (TSBDE) will meet in the Dean's Conference Room, Baylor College of Dentistry, 3302 Gaston Avenue, Dallas. Items on the agenda summary include the discussion of a request from Michael J. Crete for student participation on the TSBDE; a request from Dr. Georg Molar to limit his practice to endodontics; a request from Dr. Jack Wilson for an amendment to the Dental Practice Act; the approval of honorary retired dentists and hygienists; the approval of anesthesia applications; a request from Dr. Norman Hoot for approval of a pit and fissure sealant course; consideration of tentative dates for the next board meeting; a request of Dr. Paul Fraternali for reinstatement of

prescription writing privileges; a discussion of the 1986-1987 budget; and an open discussion on the examiner's manual.

Contact: Willaim S. Nail, 411 West 13th Street, Suite 503, Austin, Texas 78701, (512) 475-2443.

Filed: August 9, 1985, 8:47 a.m.  
TRD-857232

★ ★ ★

### Texas Education Agency

**Monday, August 12, 1985, 4 p.m.** The Committee for Finance and Programs of the State Board of Education of the Texas Education Agency met in emergency session in Room 802, 815 Brazos Street, Austin. According to the agenda, the committee considered a tender offer for stock held by the permanent school fund. The emergency status was necessary because the tender offer required a response by midnight on Wednesday, August 14, 1985.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: August 12, 1985, 1:45 p.m.  
TRD-857340

**Friday, August 16, 1985, 9 a.m.** The Teacher Appraisal Advisory Committee of the Texas Education Agency (TEA) will meet in Room 410, Region XIII Education Service Center, 7703 North Lamar Boulevard, Austin. Items on the agenda include review of TEA draft documents of the teacher appraisal instrument, procedures to be used in developing the appraisal system, and options for instrumentation.

Contact: Susan Barnes, 201 East 11th Street, Austin, Texas 78701, (512) 834-4242.

Filed: August 8, 1985, 4:22 p.m.  
TRD-857218

★ ★ ★

### Texas Employment Commission

**Friday, August 16, 1985, 8:30 a.m.** The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. Items on the agenda summary include prior meeting notes, internal procedures of commission appeals, consideration and action on tax liability cases and higher level appeals in unemployment compensation cases listed on commission Docket 34, and setting the date of the next meeting.

Contact: Courtenay Browning, TEC Building, 15th Street and Congress Avenue, Austin, Texas 78778, (512) 463-2226.

Filed: August 8, 1985, 4:12 p.m.  
TRD-857217

★ ★ ★



### Employees Retirement System of Texas

**Thursday, August 22, 1985, 9 a.m.** The Board of Trustees of the Employees Retirement System (ERS) of Texas will meet in the ERS Building, 18th and Brazos Streets, Austin. Items on the agenda summary include the review and approval of the June 27, 1985, board meeting minutes; setting rates of interest and approval of the amount of interest transferred from the interest fund to benefit increase reserve fund; discussion and action on the Rudd & Wisdom proposal for continuing actuarial services for the fiscal year ending August 31, 1986; consideration of appointments to the Investment Advisory Commission; consideration and action on the revision of broker/dealer list guidelines; consideration and action on temporary suspension of E. F. Hutton from the approved broker/dealer list; discussion and action on proposals for investment counseling for the fiscal year ending August 31, 1986; certification to the state comptroller and state treasurer of estimated amounts of state contributions for retirement, insurance, and social security in the fiscal year ending August 31, 1986; approval of transfers from the interest fund to the employees savings fund, retirement annuity reserve fund, and state accumulation fund; election of the Board of Trustees chairman and vice-chairman for the year ending August 31, 1986; a report of the Election Committee for the election of an employee-member to the Board of Trustees (term to run from August 9, 1985, until August 31, 1991); the certification of results of the election of members to the Group Insurance Advisory Committee (terms to run from September 1, 1985, until August 31, 1988) and appointment of members to GIAC (terms to run from September 1, 1985, until August 31, 1989); consideration and action on a rate reduction request for fiscal year 1986 by Central Texas Health Plan—Austin, Health America Corporation of Texas-San Antonio, and PruCare of Austin; action on appeals of contested cases—Cruz, Lawson, Stevenson; consideration and action on 34 TAC §81.7(f), relating to changes in insurance coverage beyond the first 31 days of eligibility; consideration and action on 34 TAC §71.15 to implement the Texas Education Code, §73.503; consideration and action on amendment to 34 TAC §75.1 to implement amendments to Texas Civil Statutes, Article 6228f; consideration and action on 34 TAC §71.10, relating to purchase of military service; presentation of management letter based on audit of financial activities for the year ending August 31,

1984, and report on the disposition of previous recommendations; discussion and action on the proposed operating budget for the year ending August 31, 1986; and confirmation of the next meeting, September 26, 1985.

Contact: Clayton T. Garrison, 18th and Brazos Streets, Austin, Texas 78701, (512) 476-6431.

Filed: August 12, 1985, 1:31 p.m.  
TRD-857339

★ ★ ★

### Office of the Governor

**Friday, August 23, 1985, 9 a.m.** The Executive Development Council of the Office of the Governor will meet in Room 100, the dean's conference room, LBJ School of Public Affairs, 26th and Red River Streets, Austin. According to the agenda summary, the council will consider committee reports.

Contact: Cora Hilliard, P.O. Box 13561, Austin, Texas 78711, (512) 475-0226.

Filed: August 8, 1985, 2:02 p.m.  
TRD-857200

**Friday, August 23, 1985, 11 a.m.** The Texas Crime Stoppers Advisory Council of the Criminal Justice Division of the Office of the Governor will meet in the Beaumont Plaza Holiday Inn, 3950 IH 10 South, Beaumont. Items on the agenda include the approval of the minutes, a report on local crime stoppers programs, and a report on current operations.

Contact: Greg MacAleese, P.O. Box 12428, Austin, Texas 78711, (512) 475-2303, or (800) 252-8477.

Filed: August 13, 1985, 9:39 a.m.  
TRD-857385

★ ★ ★

### Texas Grain Sorghum Producers Board

**Friday and Saturday, August 23 and 24, 1985, noon and 8 a.m. respectively.** The Texas Grain Sorghum Producers Board of the Texas Department of Agriculture will meet on the 14th floor, Lubbock Club, First National Bank Building, 1500 Broadway, Lubbock, on Friday, and at the Holiday Inn Civic Center, 801 Avenue Q, Lubbock, on Saturday. Items on the agenda include the financial report; current market development activities; election certification and the swearing-in ceremony for new directors; the proposed budget review; the assessment rate for 1985-1986; the frequency and location

of regular meetings; and a field trip to the Texas Tech University research station.

Contact: Elbert Harp, Box R, Abernathy, Texas 79311, (806) 298-2543.

Filed: August 12, 1985, 2:41 p.m.  
TRD-857345

★ ★ ★

### Texas Department of Health

**Friday, August 16, 1985, 4:30 p.m.** The Nursing Home and Alternative Care Committee of the Texas Board of Health of the Texas Department of Health will meet in emergency session in the commissioner's conference room, 1100 West 49th Street, Austin. According to the agenda summary, the committee will discuss emergency and proposed amendments to minimum licensing standards for nursing homes, minimum licensing standards for custodial care homes, minimum licensing standards for personal care homes, minimum licensing standards for facilities serving the mentally retarded citizens of Texas, and procedures on long term care facilities; discuss emergency and proposed new rules for ambulatory surgical center licensure fees, birthing center licensure fees, and abortion clinic licensure fees; and discuss final adoption of rules relating to reduction of fees for dietitian licensure and rules relating to licensure of licensed aides in speech-language pathology/audiology. The emergency status is necessary because the Texas Board of Health needs to adopt several rules concerning nursing homes on an emergency basis at the Saturday, August 17, 1985, meeting and needs to have the committee's advice prior to the adoption of any rules.

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

Filed: August 9, 1985, 4:19 p.m.  
TRD-857294

**Saturday, August 17, 1985.** Committees of the Texas Board of Health of the Texas Department of Health will meet at 1100 West 49th Street, Austin. Times, rooms, committees, and agendas follow.

**8 a.m.** In Room T-407, the Personnel Committee will discuss appointments to the Primary Care Advisory Committee, the Advisory Committee for the Maternal and Infant Health Improvement Act, the Respiratory Care Practitioners Advisory Board, and the Advisory Council of Massage Therapy.

**8:15 a.m.** In Room T-604, The Environmental Health Committee will consider proposed amendments to rules concerning sanitary standards at places of employment, final adoption of migrant labor housing facilities, and rules on retail food store

sanitation, and emergency and proposed rules to implement municipal solid waste management program fees.

**8:30 a.m.** In Room G-107, the Legislative Committee will discuss legislative strategy for the 70th legislative session.

**9:30 a.m.** In Room T-610, the Texas Board of Health will consider approval of the July 20, 1985, meeting minutes; resolutions for William J. Foran, Dr. Richard W. Ragsdale, Robert E. Monroe, and Jack C. Char-michael; approval of signature authorizations for state chest hospital expenditures; the implementation date of rule concerning subscale grading of Emergency Medical Services (EMS)/certification examination; the commissioner's report; the Budget Committee report on the allocation of preventive health and health services block grant funds and maternal and child health block grant funds; transfer of funds from communicable diseases to epidemiology; transfer of funds from maternal and child health to community health services; transfer of board certification pay and recruitment and retention pay at state chest hospitals; the Personnel Committee report on appointment to the Primary Care Advisory Committee; appointments to the Advisory Committee for the Maternal and Infant Health Improvement Act; appointments to the Respiratory Care Practitioners Advisory Board; appointments to the Advisory Council on Massage Therapy; and the Legislative Committee report; administrative penalty for nursing homes; and introduction to the Maternal and Child Health Coalition; emergency and proposed amendments to minimum licensing standards for nursing homes; licensing standards for custodial care homes; licensing standards for personal care homes; licensing standards for facilities serving the mentally retarded citizens of Texas; and emergency and proposed amendments to procedures on long term care facilities; emergency and proposed new rules for ambulatory surgical center licensure fees, for birthing center licensure fees and for abortion clinic licensure fees; emergency and proposed amendments to EMS rules concerning fee requirements for certification and recertification of EMS personnel; fees and proposed amendments on inspection requirements concerning EMS rule on vehicles permits; emergency and proposed rules to implement municipal solid waste management program fees; proposed amendments to the special senses and communications disorders rules, EMS rules concerning required equipment for basic life support vehicles, and EMS rules concerning medical director requirements for permits for advanced life support vehicles and mobile intensive care units; amendments to rules concerning sanitary standards at places of employment; final adoption of rules relating to reduction of fees for dietitian licensure, licensure of licensed aides in speech-language pathology/audiology, on retail food

store sanitation; final adoption of EMS rules concerning medical direction/supervision of prehospital care, and migrant labor housing facilities; repropoed rules concerning proxyllaxis against aphthemia neonatorum; announcements and comments (no Board of Health action required); and the meeting date for September. The board also will meet in executive session.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7487.

Filed: August 9, 1985, 4:18 p.m.  
TRD-857295-857298

★ ★ ★

### Texas Department of Human Resources

**Wednesday, August 21, 1985, 9:30 a.m.** The Family Self-Support Services Branch Advisory Council of the Texas Department of Human Resources will meet in the dining room, first floor, 701 West 51st Street, Austin. According to the agenda summary, the council will consider the goals and objectives for fiscal year 1986, the agenda and schedule for fiscal year 1986 meetings, the impact of licensing changes for child placing agencies (day care only), and program updates.

Contact: Joan Reeves, P.O. Box 2960, Austin, Texas 78769, (512) 450-4140.

Filed: August 13, 1985, 9:41 a.m.  
TRD-857386

★ ★ ★



### Texas Indian Commission

**Thursday and Friday, August 22 and 23, 1985, 1 p.m. and 8 a.m. respectively.** The Texas Indian Commission made additions to the agenda of a meeting to be held in the Cultural Arts Center, Tigua Indian Reservation, El Paso. The additions concern the consideration of comments and necessary decisions and actions. The commission also will meet in executive session to discuss personnel matters.

Contact: Raymond D. Apodaca, 9434 Viscount, Suite 122, El Paso, Texas 79925, (915) 591-4461.

Filed: August 8, 1985, 1:58 p.m.  
TRD-857204

★ ★ ★

## State Board of Insurance

**Friday, August 9, 1985, 10:30 a.m.** The State Board of Insurance emergency revised agenda for a meeting held in Room 414, 1110 San Jacinto Street, Austin. According to the revised agenda, the board discharged its responsibilities to regulate and maintain the solvency of certain insurers over which it has regulatory authority. The emergency status was necessary due to insurers' financial situation.

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

**Filed:** August 9, 1985, 7:59 a.m.  
TRD-857223

**Tuesday, August 20, 1985, 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 Docket 9057—application of Carl Aaron Waldrop, Austin, to acquire control of Mission American Life Insurance Company, Houston.

**Contact:** J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 463-6524.

**Filed:** August 12, 1985, 12:03 p.m.  
TRD-857328

**Tuesday, August 20, 1985, 10 a.m.** The State Board of Insurance will meet in Room 414, State Insurance Building, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will consider the proposal for a decision in the appeal of Eula M. Daniel from action of the Texas Catastrophe Property Insurance Association; board orders on several different matters as itemized on the complete agenda; the fire marshal's report concerning personnel; the commissioner's report concerning personnel; litigation; and solvency matters.

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

**Filed:** August 12, 1985, 3:45 p.m.  
TRD-857372

The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. Days, times, and dockets follow.

**Tuesday, August 20, 1985, 1:30 p.m.** A public hearing to consider Docket 9061—application for original charter of AC Merger Life Insurance Company, Houston.

**Contact:** John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 463-6525.

**Filed:** August 12, 1985, 12:03 p.m.  
TRD-857329

**Wednesday, August 21, 1985, 9 a.m.** A public hearing to consider whether Docket 9036—whether the application of Terry Melvin Ellis for a Group I legal reserve life

insurance agent's license should be approved.

**Contact:** Staci Copelin, 1110 San Jacinto Street, Austin, Texas 78786, (512) 463-6498.

**Filed:** August 12, 1985, 12:03 p.m.  
TRD-857330

**Wednesday, August 21, 1985, 1:30 p.m.** A public hearing to consider Docket 9040—application for amendment to the articles of incorporation of Southwestern Life Insurance Company, Dallas.

**Contact:** John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 463-6525.

**Filed:** August 12, 1985, 12:03 p.m.  
TRD-857331

**Friday, August 23, 1985, 9 a.m.** A public hearing to consider Docket 9043—whether the application of Adam James Breaux for a Group I legal reserve life insurance agent's license should be approved; and to consider whether the right to renew the Group II insurance agent's license of Adam James Breaux should be revoked.

**Contact:** Staci Copelin, 1110 San Jacinto Street, Austin, Texas 78786, (512) 463-6498.

**Filed:** August 12, 1985, 12:03 p.m.  
TRD-857332

**Monday, August 26, 1985, 9 a.m.** The State Board of Insurance will meet in Room 101, Reagan Building, 15th Street and Congress Avenue, Austin. According to the agenda, the board will conduct a public hearing to consider a petition by Motors Insurance Corporation for transfer of motor vehicle insurance issued to a lender or creditor insuring its interest in the motor vehicle as collateral from the Texas Insurance Code, Chapter 5, Subchapter A—motor vehicles insurance, to the Texas Insurance Code, Chapter 5, Subchapter C, Article 5.53—inland marine insurance.

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

**Filed:** August 12, 1985, 3:45 p.m.  
TRD-857373

★ ★ ★



## Texas Department of Labor and Standards

**Friday, August 23, 1985, 9:30 a.m.** The Manufactured Housing Division of the Texas Department of Labor and Standards will meet in Room 104, John H. Reagan Building, 100 West 15th Street, Austin. According to the agenda, the division will conduct a public hearing to receive comments re-

garding the Texas Manufactured Housing Act, and to provide for uniform enforcement of all provisions of this Act.

**Contact:** Orlando S. Mata, P.O. Box 12157, Aurtin, Texas 78711, (512) 475-0155.

**Filed:** August 12, 1985, 11:08 a.m.  
TRD-857326

★ ★ ★

## Legislative Audit Committee

**Wednesday, August 28, 1985, 1:30 p.m.** The Legislative Audit Committee will meet in Room 309, State Capitol, Austin. Items on the agenda include the 1986 fiscal year operating budget, the audit planning process, a review of selected prior audits, and other concerns.

**Contact:** Lawrence F. Alwin, P.O. Box 12067, Austin, Texas 78711, (512) 475-4115.

**Filed:** August 9, 1985, 2:49 p.m.  
TRD-857285

★ ★ ★

## Texas Low-Level Radioactive Waste Disposal Authority

**Monday, August 19, 1985, 3 p.m.** The Budget Committee of the Texas Low-Level Radioactive Waste Disposal Authority will meet via a conference call originating in Suite 175, 1300-C East Anderson Lane, Austin. According to the agenda, the committee will consider the 1986 operating budget.

**Contact:** L. R. Jacobi, 1300-C East Anderson Lane, Suite 175, Austin, Texas 78752, (512) 835-6795.

**Filed:** August 9, 1985, 9:46 a.m.  
TRD-857234

**Tuesday, August 20, 1985, 3 p.m.** The Texas Low-Level Radioactive Waste Disposal Authority will meet in Room 658, main administration building, 301 University Boulevard, University of Texas Medical Branch, Galveston. Items on the agenda summary include the approval of the previous meeting minutes, the general manager's report and communications, old business concerning a proposal to study the disposal of short-lived radionuclides; and new business.

**Contact:** L. R. Jacobi, 1300-C East Anderson Lane, Suite 175, Austin, Texas 78752, (512) 835-6795.

**Filed:** August 9, 1985, 9:46 a.m.  
TRD-857235

★ ★ ★

## Board of Pardons and Paroles

**Monday-Friday, August 19-23, 1985, 1:30 p.m. daily Monday-Thursday and 11 a.m. Friday.** A three-member panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will receive, review, and consider information and reports concerning prisoners and inmates and administrative releases 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:** August 9, 1985, 11:39 a.m.  
TRD-857258

**Tuesday, August 20, 1985, 1:30 p.m.** The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions, other than out-of-country conditional pardons, including full pardons and 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, (512) 459-2704.

**Filed:** August 9, 1985, 11:40 a.m.  
TRD-857259

★ ★ ★

## 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.

**Thursday, August 22, 1985, 1:30 p.m.** A prehearing conference in Docket 6421—application of Texas Commercial Investments, Inc., for a water certificate of convenience and necessity within Travis County.

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

**Filed:** August 9, 1985, 3:09 p.m.  
TRD-857289

**Friday, August 23, 1985, 10 a.m.** A prehearing conference in Docket 6438—complaint of Amoco Oil Company against Texas-New Mexico Power Company.

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

**Filed:** August 8, 1985, 3:01 p.m.  
TRD-857207

**Friday, August 23, 1985, 1:30 p.m.** A prehearing conference in Docket 6406—application of the City of Sanger to amend its certificate of convenience and necessity within Denton County.

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

**Filed:** August 8, 1985, 3:01 p.m.  
TRD-857208

**Tuesday, October 15, 1985, 10 a.m.** A hearing on the merits in Docket 6242—petition of Snider Industries, Inc., concerning rates observed by Southwestern Electric Power Company.

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

**Filed:** August 8, 1985, 3:01 p.m.  
TRD-857209

**Addition to the previous agenda:**

A final prehearing conference in Docket 6375—application of Central Power and Light Company for a system-wide rate increase.

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

**Filed:** August 8, 1985, 3:01 p.m.  
TRD-857210

**Wednesday, October 16, 1985, 9 a.m.** A hearing on the merits in Docket 6375—application of Central Power and Light Company for a system-wide rate increase.

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

**Filed:** August 8, 1985, 3:02 p.m.  
TRD-857211

**Wednesday, October 16, 1985, 10 a.m.** A hearing on the merits in Docket 6382—application of Tri-County Utilities for a rate increase.

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

**Filed:** August 8, 1985, 3:02 p.m.  
TRD-857212

**Tuesday, October 22, 1985, 10 a.m.** A hearing on the merits in Docket 6343—application of Aqua Pura Water System for a water certificate of convenience and necessity within Anderson County.

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

**Filed:** August 12, 1985, 2:48 p.m.  
TRD-857354

**Thursday, October 24, 1985, 1:30 p.m.** A hearing on the merits in Docket 6297—application of TKR, Inc., Water System for

a water certificate of convenience and necessity within Tarrant County.

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

**Filed:** August 12, 1985, 2:46 p.m.  
TRD-857355

★ ★ ★

## Railroad Commission of Texas

**Monday, August 12, 1984, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas submitted an emergency revised agenda for a meeting held in Room 309, 1124 IH 35 South, Austin. According to the revised agenda, the commission considered oil and gas Docket 7C-84,743—application of Peccary Company to consider disposal of oil and gas waste by injection into a porous formation not productive of oil or gas (protested). The emergency status was necessary because the item was properly noticed for conference on August 5, 1985, and was passed.

**Contact:** Greg Waner, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1293.

**Filed:** August 9, 1985, 10:53 a.m.  
TRD-857238

**Monday, August 12, 1985, 9 a.m.** The Transportation Division of the Railroad Commission of Texas submitted an emergency revised agenda for a meeting held in Room 309, 1124 IH 35 South, Austin. According to the agenda, the commission considered Docket 013147A1N—application of Edwards Transportation Company for a new contract carrier permit. The emergency status was necessary because the item was properly posted for conference on August 5, 1985, and was passed.

**Contact:** Mike James, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1330.

**Filed:** August 9, 1985, 10:51 a.m.  
TRD-857237

**Monday, August 19, 1985, 9 a.m.** Divisions of the Railroad Commission of Texas will meet in the auditorium, first floor, 1701 North Congress Avenue, Austin. Divisions and agendas follow.

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

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

**Filed:** August 9, 1985, 10:52 a.m.  
TRD-857249

The Automatic Data Processing Division director's report on division administration,

**budget, procedures, equipment acquisitions, and personnel matters.**

**Contact:** Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204.

**Filed:** August 9, 1985, 10:51 a.m.  
TRD-857242

**The Flight Division director's report on division administration, budget, procedures, and personnel matters.**

**Contact:** Ken Fossler, 1701 North Congress Avenue, Austin, Texas 78701.

**Filed:** August 9, 1985, 10:54 a.m.  
TRD-857253

**Various matters falling within the Gas Utilities Division's regulatory jurisdiction.**

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

**Filed:** August 9, 1985, 10:51 a.m.  
TRD-857243

**The Office of Information Services director's report on division administration, budget, procedures, and personnel matters.**

**Contact:** Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6710.

**Filed:** August 9, 1985, 10:51 a.m.  
TRD-857245

**The LP-Gas Division director's report on division administration, budget, procedures, and personnel matters.**

**Contact:** Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-6701.

**Filed:** August 9, 1985, 10:50 a.m.  
TRD-857241

**Various matters falling within the Oil and Gas Division's regulatory jurisdiction.**

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

**Filed:** August 9, 1985, 10:54 a.m.  
TRD-857255

**Additions to the previous agenda:**

**Consideration of Celeron Oil and Gas Company's application for rule making and motion for rehearing of commission letter orders of July 8, 1985, dealing with proposed statewide rules and field rules for the Panhandle fields and a commission letter to operators in the Panhandle fields, and various other requests for rule making with regard to the Panhandle fields.**

**Contact:** Susan Cory, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1285.

**Filed:** August 9, 1985, 10:50 a.m.  
TRD-857239

**Consideration of whether to initiate rule making proceedings to amend statewide Rule 31, 16 TAC §3.31, pertaining to gas well allowables, and to consider whether to adopt amendments to statewide Rule 31,**

**pertaining to gas well allowables, on an emergency basis.**

**Contact:** Patrick Thompson, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1292.

**Filed:** August 9, 1985, 10:53 a.m.  
TRD-857246

**Consideration of whether the commission should respond in any official manner to the action of the FERC in Docket GP84-23-000, the "Stowers Case," and the form and content of any such response.**

**Contact:** Susan Cory, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1285.

**Filed:** August 9, 1985, 10:52 a.m.  
TRD-857247

**Consideration of Oil and Gas Docket 5-81,329—motion of the Railroad Commission of Texas to determine the effectiveness of the temporary field rules for the Bear Grass (Travis Peak) Field, Leon County (protested); and consideration of oil and gas Docket 7C-84,743—application of Peccary Company to consider disposal of oil and gas waste by injection into a porous formation not productive of oil or gas (protested).**

**Contact:** Sandy Joseph or Felix Dailey, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1293 or 445-1307 on Docket 5-81,329, and Greg Waner, (512) 445-1293 on Docket 7C-84,743.

**Filed:** August 9, 1985, 10:52 a.m.  
TRD-857248

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

**Filed:** August 9, 1985, 10:55 a.m.  
TRD-857251

**The Personnel Division director's report on division administration, budget, procedures, and personnel matters.**

**Contact:** Mark K. Bogan, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120.

**Filed:** August 9, 1985, 10:50 a.m.  
TRD-857240

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

**Contact:** Gail Gemberling, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6976.

**Filed:** August 9, 1985, 10:52 a.m.  
TRD-857250

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

**Contact:** Walter Earl Lilie, 1701 North Congress Avenue, Austin, Texas 78711,

(512) 463-7149.

**Filed:** August 9, 1985, 10:54 a.m.  
TRD-857252

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

**Contact:** J. Randel (Jerry) Hill, 1701 North Congress Avenue, Austin, Texas 78711, (512) 475-8751.

**Filed:** August 9, 1985, 10:50 a.m.  
TRD-857244

**Various matters falling within the Transportation Division's regulatory jurisdiction.**

**Contact:** Michael A. James, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1330.

**Filed:** August 9, 1985, 10:54 a.m.  
TRD-857254

**Tuesday, August 20, 1985, 9 a.m. The Transportation Division of the Railroad Commission of Texas will meet in the east auditorium, first floor, 1700 North Congress Avenue, Austin. According to the agenda, the division will conduct an oral argument in Docket 02685BA4A application of Perkins and Luce Enterprises, Inc., to amend motor bus Permit 2685B.**

**Contact:** Mike James, P.O. Drawer, 12967, Austin, Texas 78711, (512) 445-1330.

**Filed:** August 9, 1985, 10:52 a.m.  
TRD-857256

★ ★ ★

### **Texas Real Estate Commission**

**Monday, August 19, 1985, 9:30 a.m. The Texas Real Estate Commission will meet in the conference room, 1101 Camina La Costa, Austin. Items on the agenda summary include the July 15, 1985, meeting minutes; staff reports for the month of June 1985; the appearance of G. E. Irby to discuss a proposed rule concerning the use of addendum forms; the consideration of motions for rehearing and/or probation; a discussion of new legislation; education matters; the 1984 state auditor's report review; consideration of Texas as host to the southern district conference in 1987; and consideration of approval of the administrator's financial statement pursuant to the Appropriation Bill, §86. The commission will also meet in executive session to discuss pending litigation pursuant to Texas Civil Statutes, Article 6252-17, §2(c).**

**Contact:** Camilla S. Shannon, P.O. Box 12188, Austin, Texas 78711, (512) 465-3900.

**Filed:** August 8, 1985, 1:58 p.m.  
TRD-857205

★ ★ ★

## Texas Savings and Loan Department

The Texas Savings and Loan Department will meet at 2601 North Lamar Boulevard, Austin. Days, times, and agendas follow.

**Tuesday, August 20, 1985, 9 a.m.** The department will accumulate a record of evidence in regard to the application of San Jacinto Savings Association (Bellaire), for 15150 Preston Road, Dallas, Dallas County, from which record the commissioner shall determine whether to grant or deny the application. This application originally was for the northeast corner of Campbell and Preston Roads in Dallas.

**Tuesday, August 29, 1985, 9 a.m.** The department will accumulate a record of evidence in regard to the application of Peoples Savings and Loan Association, Llano, Llano County, for a branch office for 7959 Fredericksburg Road, Oak Hill Shopping Center, San Antonio, Bexar County, from which record the commissioner shall determine whether to grant or deny the application. This is a purchase from Alamo Savings Association.

**Thursday, September 3, 1985, 10 a.m.** According to the agenda summary, the department will call all applications on the complete agenda, and if no protest is registered and existing when called, further hearing will be dispensed with. If protest is registered and existing when called, hearing on the application(s) will be continued to a later date.

**Contact:** Russell R. Oliver, 2601 North Lamar, Suite 201, Austin, Texas 78705, (512) 479-1250.

**Filed:** August 8, 1985, 10:36 a.m.  
TRD-857194-857196

★ ★ ★

## Board of Tax Professional Examiners

**Wednesday, August 28, 1985, 9 a.m.** The Board of Tax Professional Examiners will meet in the conference room, 9501 North IH 35, Austin. According to the agenda summary, the board will consider approval of the June 11, 1985, meeting minutes and certify and recertify qualified registrants; act on the formal adoption of a collections field rule change, revisions to the fiscal year 1985 and 1986 operating budgets, the contract with the State Property Tax Board, the Level IV exam survey form and schedule, and a request from a registrant for a waiver of exam; consider reports from the Requirements and Registration Policy Committees; discuss items concerning a Texas School Assessors Association course, examination program, demonstration appraisal procedures, enforcement, and projected ac-

tivities; and present information items including registrations cancelled, complaints, and administrative statistics.

**Contact:** Sam H. Smith, P.O. Box 15920, Austin, Texas 78761, (512) 834-4982.

**Filed:** August 12, 1985, 2:12 p.m.  
TRD-857356

★ ★ ★

## Teachers' Professional Practices Commission

**Thursday, August 15, 1985, 9 a.m.** The Teachers' Professional Practices Commission met in emergency session in the L.P. Sturgeon Conference Room, 316 West 12th Street, Austin. Items on the agenda included work on the fourth draft of the revised rules of procedure for hearing complaints before the commission; an update on proposed new 19 TAC §157.65; hearings concerning complaints made to the commission; the director's report on cases pending; the chairperson's report on reappointments; and work on the meeting dates for the 1985-1986 school years. The emergency status was necessary to facilitate meeting before inservice education begins in local school districts.

**Contact:** James A. Salmon, 201 East 11th Street, Austin, Texas 78701, (512) 834-4091.

**Filed:** August 12, 1985, 4 p.m.  
TRD-857374

★ ★ ★

## Teacher Retirement System of Texas

**Tuesday, September 10, 1985, noon.** The Medical Board of the Teacher Retirement System of Texas will meet in the boardroom, 1001 Trinity Street, Austin. According to the agenda, the board will discuss members' files that are due a re-examination report.

**Contact:** Don Cadenhead, 1001 Trinity Street, Austin, Texas 78701, (512) 397-6400.

**Filed:** August 12, 1985, 3:29 p.m.  
TRD-857363

★ ★ ★

## Commission on Standards for the Teaching Profession

**Thursday, August 22, 1985, 1 p.m.** The Committee on Certification Programs and Requirements of the Commission on Stan-

dards for the Teaching Profession will meet in Room 105, TEA North Building, 1200 East Anderson Lane, Austin. According to the agenda, the committee will review individual programs under the 1984 standards from Lubbock Christian College, Stephen F. Austin State University, Sul Ross State University (Alpine and Uvalde Study Center), and Wiley College; and review teacher education programs under the 1984 standards for North Texas State University, Tarleton State University, The University of Texas at Arlington, The University of Texas at Tyler, The University of Texas at the Permian Basin, Houston Baptist University, East Texas University (Texarkana), Prairie View A&M University, Trinity University, Southwestern Adventist College, The University of Houston (University Park), Laredo State University, St. Mary's University, and East Texas Baptist University.

**Contact:** Dr. Edward M. Vodicka, 201 East 11th Street, Austin, Texas 78701, (512) 834-4042.

**Filed:** August 12, 1985, 1:46 p.m.  
TRD-857361

**Friday, August 23, 1985, 8:15 a.m.** The Executive Committee of the Commission of Standards for the Teaching Profession will meet in Room 255, 200 East Riverside Drive, Austin. According to the agenda, the committee will discuss agenda items with committee chairpersons as posted for each committee.

**Contact:** Dr. Edward M. Vodicka, 201 East 11th Street, Austin, Texas 78701, (512) 834-4042.

**Filed:** August 12, 1985, 1:46 p.m.  
TRD-857352

**Friday, August 23, 1985, 9 a.m.** The Commission on Standards for the Teaching Profession will meet in Room 255, 200 East Riverside Drive, Austin. Items on the agenda summary include a progress report on plans for the 38th annual Texas conference on teacher education, plans for the move to the William B. Travis Building, and a report from the Committee on Certification Programs and Requirements regarding its August 22, 1985, meeting.

**Contact:** Dr. Edward M. Vodicka, 201 East 11th Street, Austin, Texas 78701, (512) 834-4042.

**Filed:** August 12, 1985, 1:46 p.m.  
TRD-857360

★ ★ ★

## Texas A&M University System

**Friday and Saturday, August 16 and 17, 1985, 1:30 p.m. and 2 p.m. respectively.** The Board of Regents of the Texas A&M

University System will meet at the Mischer Ranch, Easterly. According to the agenda, the board will consider long-range planning for the system. No action will be taken.

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

**Filed:** August 9, 1985, 8:19 a.m.  
TRD-857224

Committees of the Board of Regents of the Texas A&M University System and the full board will meet in the MSC Annex, Texas A&M University, College Station. Days, times, committees, and agenda summaries follow.

**Sunday, August 19, 1985, 1:30 p.m.** The Planning and Building Committee will consider cancellation of unexpended balances of appropriations for the system, hear the chancellor's report on contract actions for the system and a report on construction project appropriations and authorizations; hear a report of contract actions for the system by the deputy chancellor or presidents; consider initiation of major construction projects for the system; consider action on bids for Texas A&M University (TAMU), Tarleton State University (TSU), the Texas Engineering Experiment Station (TEES), and Texas A&M University at Galveston (TAMUG); and consider appropriations for preliminary and detailed designs for Prairie View A&M University (PVAMU).

**Sunday, August 18, 1985, 3 p.m.** The Committee for Service Units will consider a transfer of funds for TEES and the continuance of a revolving fund at the Texas Veterinary Medical Diagnostic Laboratory.

**Sunday, August 18, 1985, 3:15 p.m.** The Committee for Academic Campuses will consider an authorization to assess and collect a handling fee for installment payments of tuition and fees for TAMU, PVAMU, TSU, and TAMUG; establishment of the Tuition and Fees Emergency Loan Program for TAMU, PVAMU, TSU, and TAMUG; adoption of rules and regulations for scholarship funds appropriated for the 1986-1987 biennium for TAMU, PVAMU, TAMUG, and TSU; approval of a fee increase for an official student transcript from TAMU; an appointment to the Board of Consultants of the Center for Education and Research in Free Enterprise at TAMU; approval of faculty development leave for TAMU; granting of titles of professor emeritus at TAMU; authorization to execute a license agreement with Integrated Chemical Sensors Corporation for TAMU; adoption of a food point system for TSU; and confirmation of vending machine contracts for TSU.

**Monday, August 19, 1985, 8:30 a.m.** The Executive Committee will consider approval of budgets for TAMUS; athletic councils and the Texas Petroleum Research Committee for the Texas Veterinary Medical

Diagnostic Laboratory (TVDM); an appropriation of funds for TAMU, TSU, and Texas Transportation Institute (TTI); an authorization to administer government classified contracts for TAMUS; adoption of a revised investment policy for TAMUS; authorization for the chancellor to issue system travel regulations and delegations of authority to approval travel for TAMUS; authorization to maintain revolving bank accounts for TAMUS; authorization to continue revolving funds operated by the parts of TAMUS; selection of a member of the Board of Regents as a member of the Board for Lease of University Lands to represent TAMUS; designation to approve travel vouchers for members of the Board of Regents and the Office of the Board of Regents for TAMUS; employment beyond age 70 at TAMUS, TAMU, and the Texas Agricultural Extension Service (TAEX); budget and fiscal changes and personnel actions, recommendations for academic tenure, appointments and promotions, terminations of employment, acceptance of gifts, grants, loans, and bequests for TAMUS; appointment of a dean of the College of Engineering Technology and a professor of engineering technology at PVAMU; consideration of land matters concerning TAMUS; naming of facilities and roads for TAMUS; consideration of litigation for TAMUS; and consideration of personnel matters for TAMUS.

**Tuesday, August 20, 1985, 8:30 a.m.** The Board of Regents will consider construction for TAMUS; transfer of funds for TEES; continuance of a revolving fund at TVMDL; authorization to assess and collect a handling fee for installment payments of tuition and fees for TAMU, PVAMU, TSU, and TAMUG; establishment of the Tuition and Fees Emergency Loan Program for TAMU, PVAMU, TSU, and TAMUG; adoption of rules and regulations for scholarship funds appropriated for the 1986-1987 biennium for TAMU, PVAMU, TAMUG, and TSU; approval of a fee increase for an official student transcript from TAMU; an appointment to the Board of Consultants of the Center for Education and Research in Free Enterprise at TAMU; approval of faculty development leave for TAMU; granting of titles of professor emeritus at TAMU; authorization to execute a license agreement with Integrated Chemical Sensors Corporation for TAMU; adoption of a food point system for TSU; and confirmation of vending machine contracts for TSU; confirmation of vending machine contracts for TSU; approval of budgets for TAMUS; athletic councils and the Texas Petroleum Research Committee for TVDM; an appropriation of funds for TAMU, TSU, and TTI; an authorization to administer government classified contracts for TAMUS; adoption of a revised investment policy for TAMUS; authorization for the chancellor to issue system travel regulations and delegations of authority to

approval travel for TAMUS; authorization to maintain revolving bank accounts for TAMUS; authorization to continue revolving funds operated by the parts of TAMUS; selection of a member of the Board of Regents as a member of the Board for Lease of University Lands to represent TAMUS; designation to approve travel vouchers for members of the Board of Regents and the Office of the Board of Regents for TAMUS; employment beyond age 70 at TAMUS, TAMU, and TAEX; budget and fiscal changes and personnel actions, recommendations for academic tenure, appointments and promotions, terminations of employment, acceptance of gifts, grants, loans, and bequests for TAMUS; appointment of a dean of the College of Engineering Technology and a professor of engineering technology at PVAMU; consideration of land matters concerning TAMUS; naming of facilities and roads for TAMUS; consideration of litigation for TAMUS; and consideration of personnel matters for TAMUS.

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

**Filed:** August 9, 1985, 8:19 a.m.  
TRD-857225-857229

★ ★ ★

## University of Texas System

**Friday, August 9, 1985, 10:30 a.m.** The Board of Regents of the University of Texas System made an emergency addition to the agenda of meeting held on the ninth floor, Ashbel Smith Hall, 201 West Seventh Street, Austin. According to the agenda, the board considered an exception to the regents' *Rules and Regulations, Part One, Chapter VIII, §1.1*, and approval to name a building at the university in Austin. The emergency status was necessary since the original posting of the agenda required that the board consider the matter at this meeting.

**Contact:** Arthur H. Dilly, P.O. Box N, Austin, Texas 78713-7328, (512) 499-4402.

**Filed:** August 8, 1985, 1:42 p.m.  
TRD-857198

★ ★ ★

## Texas Woman's University

**Thursday, August 15, 1985, 1:30 p.m.** The Board of Regents of the Texas Woman's University made an addition to the agenda of a meeting held on the 16th floor, Administration and Conference Tower, Denton. The addition concerned the authoriza-



tion of feasibility studies and planning with the intent to utilize HEAF monies for remodeling and utilizing the former Library Science Building for the Department of Communication Sciences, the library for components of the Institute of Health Sciences, a portion of Smith-Carroll Hall for the Department of Journalism and Broadcasting and the University Press, and the basement of the Graduate Research Building for an animal care facility and for completion of the renovation of the HPERD annex.

Contact: Mary Evelyn Blagg Huey, Texas Woman's University, Denton, Texas 76204, (817) 383-1466.

Filed: August 8, 1985, 1:57 p.m.  
TRD-857206

★ ★ ★

### Texas Water Commission

**Monday, August 12, 1985, 2 p.m.** The Texas Water Commission met in emergency session in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission considered personnel matters associated with the agency reorganization. The emergency status was necessary because personnel matters that are involved with the agency reorganization under Senate Bill 249 necessitate action as soon as possible.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: August 9, 1985, 2:02 p.m.  
TRD-857290

**Tuesday, August 13, 1985, 10 a.m.** The Texas Water Commission made an emergency addition to the agenda of a meeting held in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The addition concerned an application by Randy Morine Development, Inc.—consideration of motion to reschedule final hearing filed in behalf of Save Bear Creek and Onion Creek Coalition and Robert and Pat Closter. The emergency addition was necessary inasmuch as the matter is scheduled for commission consideration on August 14, 1985, it was necessary for the commission to consider the request as soon as possible.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: August 12, 1985, 1:49 p.m.  
TRD-857364

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

**Tuesday, August 20, 1985, 10 a.m.** Water district applications for release from es-

crow, transfer of escrowed funds, use of surplus funds, and the setting of a district creation hearing, water quality proposed permits, amendment and renewals, production area authorization, water use applications, extension of time applications, water rate matters, and the filing and setting of hearing dates.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: August 9, 1985, 2:03 p.m.  
TRD-857291

**Tuesday, August 20, 1985, 2 p.m.** Application 4546—George McCauley Munson and wife, Martha Munson, for a \$11,121 permit, San Jacinto-Brazos Coastal Basin, Brazoria County; matter of the adjudication of claims of water rights of the Brazos River Authority, Fort Bend County Water Control Improvement District 1 and Galveston County Water Authority; and adjudication of claims of water rights in the Nueces-Rio Grande Coastal Basin.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: August 9, 1985, 2:03 p.m.  
TRD-857292

**Wednesday, August 21, 1985, 2 p.m.** Application of the City of Port Neches, P.O. Box 758, Port Neches, Texas 77651, to the Texas Department of Water Resources for a temporary order to authorize the discharge of partially treated domestic sewage at a volume not to exceed an average flow of 1.4 million gallons per day (2.8 million daily maximum) from its sewage treatment plant which is located approximately one mile northwest of the intersection of State Highway 347 and State Highway 73 in the 6100 block of Georgia Street, Port Neches, Jefferson County. The applicant has stated that such a request is necessary to tie in the new primary clarifier now under construction to the existing pre-aeration basin at the head of the plant.

Contact: Paula Hilsenbeck, P.O. Box 13087, Austin, Texas 78711, (512) 463-8087.

Filed: August 12, 1985, 1:48 p.m.  
TRD-857365

**Wednesday, August 21, 1985, 2 p.m.** Application of the City of McAllen to the Texas Department of Water Resources for a temporary order to authorize the discharge of partially treated wastewater at a volume not to exceed an average flow of seven million gallons per day from its facility which is located southwest of the City of McAllen approximately one mile west of FM Road 1926 and 1.25 miles north of FM Road 1016 in Hidalgo County. The applicant proposed to rehabilitate its existing sewage treatment plant currently operating under Permit 10633-03 by converting it into an extended air activated sludge plant. The rehabilitation, funded under a U.S. Environmental Protection Agency construc-

tion grant, involves constructing new treatment units as well as modernizing existing ones.

Contact: Claire Patterson, P.O. Box 13087, Austin, Texas 78711, (512) 463-8079.

Filed: August 12, 1985, 1:48 p.m.  
TRD-857366

**Wednesday, August 21, 1985, 2 p.m.** Application of the City of Leander, P.O. Drawer 1, Leonard, Texas 75432, to the Texas Department of Water Resources for an amended temporary order to extend the construction deadline found in other requirement 10 of Permit 10920-01 from August 31, 1985, to April 1, 1987, at its wastewater treatment facilities which are located approximately 100 yards west of the intersection of U.S. Highway 69 and the MK&T Railroad southeast of Leonard, Fannin County. The applicant proposes that such a request is necessary to reflect construction of a new wastewater treatment facility as part of a U.S. Environmental Protection Agency construction grants project.

Contact: John Vay, P.O. Box 13087, Austin, Texas 78711, (512) 463-8087.

Filed: August 12, 1985, 1:48 p.m.  
TRD-857367

**Wednesday, August 21, 1985, 2 p.m.** To determine whether a temporary order should be issued, and whether an emergency authorization by the executive director of the Texas Department of Water Resources on May 24, 1985, to the City of Laredo, P.O. Box 2950, Laredo, Texas 78044-2950, should be affirmed, modified, or set aside by the commission. The emergency authorization permitted the City of Laredo to dewater and repair the gear mechanism of their west primary clarifier to prevent further severe property damage and to allow necessary and unforeseen repairs to their Zacate Creek Sewage Treatment Plant. The proposed temporary order would authorize the applicant to discharge partially treated wastewater effluent at a volume not to exceed an average flow of eight million gallons per day.

Contact: John Vay, P.O. Box 13087, Austin, Texas 78711, (512) 463-8087.

Filed: August 12, 1985, 1:49 p.m.  
TRD-857368

**Thursday, August 22, 1985, 10 a.m.** Application of the City of Bonham, P.O. Box 578, Bonham, Texas 75418 to the Texas Department of Water Resources for a second temporary order to authorize the discharge of partially treated or untreated domestic sewage effluent at a volume not to exceed an average flow of one million gallons per day from its sewage treatment plant which is located ½ mile east of the City of Bonham on Seven Oaks Road in Fannin County. The applicant proposes to make needed repairs to clarifiers and

pumps. Inclement weather has delayed construction activities such that an additional 90 days past the original temporary order deadline of August 1, 1985, is necessary to complete construction.

**Contact:** Ramon E. Dasch, P.O. Box 13087, Austin, Texas 78711, (512) 463-8079.

**Filed:** August 12, 1985, 1:50 p.m.  
TRD-857369

**Thursday, August 22, 1985, 2 p.m.** To determine whether emergency Order 85-34E granted by the commission on August 5, 1985, to the City of Palestine, P.O. Drawer Z, Palestine, Texas 75801 should be affirmed, modified, or set aside by the commission. The order permitted the City of Palestine to discharge treated domestic wastewater effluent at a volume not to exceed an average flow of 2.5 million gallons per day into Wells Creek; thence to Hurricane Creek; thence to the Neches River in Segment 060 of the Neches River Basin from its Wells Creek Municipal Wastewater Treatment Plant, which is located on the east side of the City of Palestine; north of the Missouri-Pacific Railroad track and approximately 1,000 feet east of the intersection of the Railroad and State Loop 256 in Anderson County.

**Contact:** John Vay, P.O. Box 13087, Austin, Texas 78711, (512) 463-8087.

**Filed:** August 12, 1985, 1:49 p.m.  
TRD-857370

**Wednesday, August 28, 1985, 3 p.m.** Application of City of Shenandoah for an amendment to Permit 12212-02, San Jacinto River Basin, Montgomery County; and Application 4559 by Travis Norris Raun, Richard Truitt Raun, and Norris Raun for a permit to divert and use 9,000 acre-feet of water from Sandy Creek, tributary of Navidad River, tributary of Lavaca River, Lavaca River Basin, for irrigation purposes in Wharton and Jackson Counties.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** August 9, 1985, 2:04 p.m.  
TRD-857293

**Thursday, August 29, 1985, 10 a.m.** The Texas Water Commission will meet in Room 119, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider an application by Randy Morine Development, Inc., for proposed Permit 12938-01 to authorize a discharge of treated wastewater effluent at a volume not to exceed an average flow of 1.3 million gallons per day, Colorado River Basin, Travis County.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** August 12, 1985, 1:49 p.m.  
TRD-857371

**Wednesday, September 18, 1985, 9 a.m.** The Texas Water Commission will meet in Parish Hall, Holy Spirit Catholic Church, West Watts Street, Progreso. According to the agenda summary, the commission will receive evidence to determine whether Permit 12755-01 issued to Military Highway Water Supply Corporation, P.O. Box 1048, Progreso, Texas 78579, on September 12, 1983, should be confirmed, amended, or revoked for cause. Permit 12755-01 authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 200,000 gallons per day from the Progreso Wastewater Treatment Plant which is located approximately 1.4 miles northeast of the intersection of FM 1015 and U.S. Highway 281 in Hidalgo County. The effluent is discharged into an unnamed drainage ditch; thence to Arroyo Colorado in Segment 2201 of the Nueces-Rio Grande Coastal Basin.

**Contact:** Douglas P. Roberts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** August 8, 1985, 1:35 p.m.  
TRD-857199

★ ★ ★

### West Texas State University

**Tuesday, August 20, 1985, 9 a.m.** The Board of Regents of West Texas State University will meet in Room 211, Virgil Henson Activities Center, West Texas State University, Canyon. Items on the agenda include approval of minutes; president's contract; title change—vice president for finance and administrative services; tuition scholarship guidelines; business and finance items; budget changes; construction contract; other contracts; resolution—Meadows Foundation gift; annexation of land by city; property exchange; travel reimbursement approval; surplus property sale; year-end accounting entries; student service fee; and the 1985-1986 operating budget. The board will also meet in executive session as authorized by Texas Civil Statutes, Article 6252-17, §2f and §2g, to discuss faculty and staff and curriculum items; retirements; resignations; leave of absence; employment; and change of title.

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

**Filed:** August 12, 1985, 1:54 p.m.  
TRD-857357

★ ★ ★

### Regional Agencies Meetings Filed August 8

The Atascosa County Appraisal District, Board of Directors, met at 1010 Zanderson,

Jourdanton, on August 15, 1985, at 1:30 p.m. Information may be obtained from Vernon A. Warren, 1010 Zanderson, Jourdanton, Texas 78026, (512) 769-2730.

The Cherokee County Appraisal District, Board of Directors, met at 107 East Sixth Street, Rusk, on August 15, 1985, at 2:30 p.m. Information may be obtained from S. R. Danner, P.O. Box 494, Rusk, Texas 75785, (214) 683-2296.

The Dallas Area Rapid Transit Authority, Real Estate Committee, met in emergency session at 601 Pacific Avenue, Dallas, on August 9, 1985, at noon. The Service Plan/Work Program and Budget and Finance Committees, submitted an emergency revised agenda for a meeting at 2 p.m. The Budget and Finance Committee met in emergency session at the same location on August 12, 1985, at 4 p.m. The Legal Committee met at the same location on August 13, 1985, at 8 a.m. The Board met at the same location on August 13, 1985, at 5 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Region V Education Service Center, Board of Directors, met at 2295 Delaware Street, Beaumont, on August 15, 1985, at 1:45 p.m. Information may be obtained from Fred J. Waddell, 2295 Delaware Street, Beaumont, Texas 77703, (409) 835-5212.

The Region XIII Education Service Center, Board of Directors, will meet in Room 200, 7703 North Lamar Boulevard, Austin, on August 16, 1985, at 12:30 p.m. Information may be obtained from Dr. Joe Parks, 7703 North Lamar Boulevard, Austin, Texas 78752, (512) 458-9131.

The Region XVII Education Service Center, Board of Directors, will meet at 4000 22nd Place, Lubbock, on August 20, 1985, at 10 a.m. Information may be obtained from Ray Lanier, 4000 22nd Place, Lubbock, Texas 79410, (806) 792-4000.

The Lampasas County Appraisal District, met at 403 East Second Street, Lampasas, on August 14, 1985, at 3 p.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

The Nolan County Central Appraisal District, Board of Directors, met at the Holiday Inn Restaurant, Sweetwater, on August 14, 1985, at 7 a.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421.

The Central Appraisal District of Rockwall County, Board of Directors, met in the small courtroom, County Courthouse, Rockwall, on August 13, 1985, at 7:30 p.m.

Information may be obtained from Ray E. Helm, 106 North San Jacinto, Rockwall, Texas 75087, (214) 722-2034.

**The Trinity River Authority, Central Regional Wastewater System Right Of Way Committee**, met at 5300 South Collins, on August 14, 1985, at 10:30 a.m. Information may be obtained from Jack Worsham, 5300 South Collins, P.O. Box 60, Arlington, Texas 76004-0060, (817) 467-4343.

**The West Central Texas Municipal Water District, Board of Directors**, will meet in Suite 300, 401 Cypress Street, on August 22, 1985, at 8 a.m. Information may be obtained from Virginia Duncan, P.O. Box 2362, Abilene, Texas 79604, (915) 673-8254. TRD-857182

★ ★ ★

### Meetings Filed August 9

**The Austin-Travis County Mental Health Mental Retardation Center, Board of Trustees**, met in the boardroom, 1430 Collier Street, Austin, on August 14, 1985, 7 a.m. Information may be obtained from Glenda Boyle, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141.

**The Austin Travis County Mental Health Mental Retardation, Operations and Planning Committee**, will meet in the boardroom, 1430 Collier, Austin, on August 19, 1985, 7:30 a.m. Information may be obtained from Sharon Taylor, 1430 Collier, Austin, Texas 78704, (512) 447-4141.

**The Bell County Appraisal District** met in the commissioners courtroom, second floor, Bell County Courthouse, Belton, on August 15, 1985, at 7 p.m. Information may be obtained from Tolly Moore, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-3521, ext. 410.

**The Brazos Higher Education Authority, Inc., Board of Directors**, met in rescheduled session at the City Club of Waco, 801 Washington Avenue, Waco, on August 14, 1985, at noon. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0913.

**The Brazos Higher Education Service Corps, Inc., Board of Directors**, met in rescheduled session at the City Club of Waco, 801 Washington Avenue, Waco, on August 14, 1985, at 1 p.m. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0913.

**The Brazos Student Finance Corporation, Board of Directors**, met in rescheduled ses-

sion at the City Club of Waco, 801 Washington Avenue, Waco, on August 14, 1985, at 12:30 p.m. Information may be obtained from Murray Watson Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0913.

**The Coryell County Appraisal District, Board of Directors**, met at 105 North Seventh Street, Gatesville, on August 15, 1985, at 7 p.m. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593.

**The Region X Education Service Center, Board of Directors**, met in the Richardson Hilton Inn, 1981 North Central Expressway, Richardson, on August 14, 1985, at 1:15 p.m. Information may be obtained from Joe Farmer, 400 East Spring Valley, Richardson, Texas 75080, (214) 231-6301.

**The Region XIV Education Service Center, Board of Directors**, will meet at 1850 State Highway 351, Abilene, on August 22, 1985, at 5:30 p.m. Information may be obtained from Taressa Huey, Route 1, Box 70A, Abilene, Texas 79601, (915) 676-8201.

**The Jack County Appraisal District, Board of Directors**, will meet in the Los Creek Office Building, 216-D South Main, Jacksboro, on August 20, 1985, at 6 p.m. The board also met at the same location on the same day at 7 p.m. Information may be obtained from Doris G. Ray, 216-D South Main, Los Creek Office Building, Jacksboro, (817) 567-6301.

**The Northeast Texas Municipal Water District, Board of Directors**, met at 1003 Linda Drive, Daingerfield, on August 15, 1985, at 7 p.m. Information may be obtained from Homer Tanner, P.O. Box 680, Daingerfield, Texas 75638, (214) 645-2241.

**The Palo Pinto Appraisal District, Board of Directors**, will meet in the county courthouse, Palo Pinto, on August 21, 1985, at 3 p.m. The Appraisal Review Board also will meet at the same location on August 22, 1985, at 10 a.m. Information may be obtained from Edna Beaty, P.O. Box 250, Palo Pinto, Texas 76072, (817) 659-3651, ext. 208.

**The West Texas Council of Governments, Board of Directors**, will meet in the conference room, eighth floor, Two Civic Center Plaza, El Paso, on August 16, 1985, at 9:30 a.m. (Mountain Standard Time). Information may be obtained from Cecile C. Gamez, Two Civic Center Plaza, El Paso, Texas 79999.

TRD-857233

★ ★ ★



### Meetings Filed August 12

**The Bexar Appraisal District, Appraisal Review Board**, will meet at 535 South Main, San Antonio, on August 16, 1985, at 9 a.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

**The Capital Area Planning Council, Governor's Regional Review Committee**, met in Suite 100, 2520 IH 35 South, Austin, on August 15, 1985, at 10 a.m. The Executive Committee will meet at the same location on August 20, 1985, at 2 p.m. Information may be obtained from Bruce A. Perryman or Richard G. Bean, 2520 IH 35 South, Austin, Texas 78704, (512) 443-7653.

**The Deep East Texas Private Industry Council, Options Review Committee**, will meet at the Ramada Inn, Medford Drive, Lufkin, on August 16, 1985, at 1 p.m. The council will also meet at the same location on August 20, 1985, at 3 p.m. Information may be obtained from Charlene Meadows, Box 1463, Lufkin, Texas 75901, (409) 634-4432.

**The Region III Education Service Center, Board of Directors**, will meet at Totah's Restaurant, Houston Highway, Victoria, on August 19, 1985, at 11:30 a.m. Information may be obtained from Dr. Dennis Grizzle, 1905 Leary Lane, Victoria, Texas 77901, (512) 573-0731.

**The Region XI Education Service Center, Board of Directors**, will meet at 3001 North Freeway, Fort Worth, on August 27, 1985, at noon. Information may be obtained from R. P. Campbell, Jr., 3001 North Freeway, Fort Worth, Texas 76106, (817) 625-5311, ext. 102.

**The Heart of Texas Council of Governments, Executive Committee**, will meet at 320 Franklin, Waco, on August 22, 1985, at 10 a.m. Information may be obtained from Mary McDow, 320 Franklin Avenue, Waco, Texas 76701, (817) 756-6631.

**The Central Appraisal District of Johnson County, Board of Directors**, will meet at 109 North Main, Cleburne, on August 28, 1985, at 8 p.m. Information may be obtained from Don Gilmore, 109 North Main, Cleburne, Texas 76031, (817) 645-3986.

**The Lone Star Municipal Power Agency** will meet in the coffee room, First National Bank, 1300 11th Street, Huntsville, on August 20, 1985, at 5:30 p.m. Information may be obtained from Cathy Locke, 8240 MoPac Expressway, Austin, Texas 78759, (409) 764-3509.

**The Lower Neches Valley Authority, Board of Directors**, will meet at 7850 Eastex Freeway, Beaumont, on August 20, 1985, at 10:30 a.m. Information may be obtained

from J. D. Nixon, P.O. Drawer 3464, Beaumont, Texas 7704, (409) 892-4011.

**The Nueces-Jim Wells-Kleberg Soil and Water Conservation District, Board of Directors, will meet at Dena's Restaurant, 711 East Main, Alice, on August 20, 1985, 7 a.m. Information may be obtained from Carol G. Freeman, P.O. Box 142, Alice, Texas 78332, (512) 668-9390.**

**The San Antonio River Authority, Board of Directors, will meet in the Leonard H. Von Dohlen Conference Room, swimming pool annex, Goliad State Historical Park, Goliad, on August 21, 1985, at 2 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, San Antonio, Texas 78204, (512) 227-1373.**

**The San Antonio River Industrial Development Authority, Board of Directors, will meet in the conference room, 100 East Guenther Street, San Antonio, on August 21, 1985, at 10 a.m. Information may be obtained from Fred N. Pfeiffer, 100 East Guenther Street, San Antonio, Texas 78204, (512) 227-1373.**

**The Upper Leon River Municipal Water District, Board of Directors, will meet in the general office, filter plant, Proctor Lake. Information may be obtained from Zollie D. Skaggs, Box 67, Comanche, Texas 76442, (817) 879-2258.**

TRD-857310

★ ★ ★

## Meetings Filed August 13

**The Central Counties Center for Mental Health and Mental Retardation Services, Board of Trustees, will meet at 302 South 22nd Street, Temple, on August 20, 1985, at 7:45 p.m. Information may be obtained from Steven B. Schnee, P.O. Box 518, Temple, Texas 76503, (817) 778-4841.**

**The Dewitt County Appraisal District, Board of Directors, will meet at 103 Bailey Street, Cuero, on August 20, 1985, at 7:30 p.m. Information may be obtained from Wayne K. Woolsey, P.O. Box 4, Cuero, Texas (512) 275-5753.**

**The Gonzales County Appraisal District, Board of Directors, met in emergency session at 928 St. Paul Street, Gonzales, on August 14, 1985, at 1 p.m. The Appraisal Review Board also met in emergency session at the same location on the same day at 6 p.m. Information may be obtained from Nancy Seitz, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.**

**The Houston-Galveston Area Council, Project Review Committee, will meet in the fourth floor conference room, Suite 500, Three Timmons Lane, Houston, on August 20, 1985, at 8:30 a.m. The Board of Directors also will meet at the same location on the same day at 9:30 a.m. Information may be obtained from Geraldine McCray, P.O. Box 22777, Houston, Texas 77227, (713) 627-3200.**

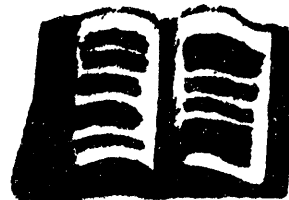
**The Central Appraisal District of Johnson County, Board of Directors, will meet at 109 North Main, Cleburne, on August 28, 1985, at 7:30 p.m. Information may be obtained from Don Gilmore, 109 North Main, Cleburne, Texas 76031, (817) 645-3986.**

**The San Antonio River Authority, Board of Directors, will meet in the Leonard H. Von Dohlen Conference Room, swimming pool annex, Goliad State Historical Park, Highway 183 South, Goliad, on August 21, 1985, at 2 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, San Antonio, Texas 78204, (512) 227-1373.**

**The Tyler County Tax Appraisal District, Board of Review, will meet at 103 Pecan, Woodville, on August 19-23, 1985, at 10 a.m. daily, except August 20, 1985, when the board will meet at 4 p.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.**

TRD-857384

★ ★ ★



# In Addition

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

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

## Texas Department of Agriculture Correction of Error

Adopted rules submitted by the Texas Department of Agriculture contained two errors as published in the August 6, 1985, issue of the *Texas Register* (10 TexReg 2541).

Section 7.25(b)(1) should read "the intended date and approximate time of application;"

The third line in §7.30(c)(8) should read "been designated as demonstrating possible ad-"

★ ★ ★

## Texas Air Control Board Proposed Delayed Compliance Orders

The Texas Air Control Board has proposed to issue delayed compliance orders to two facilities of Arrow Industries, Inc., located in Dallas County. The two facilities are located at 3401 Gardenbrook, Farmers Branch, and at 2625 Belt Line Road, Carrollton.

Under the provisions of the proposed orders, the Belt Line and Gardenbrook facilities of Arrow Industries, Inc., would be required to be in compliance with 31 TAC §115.201 by December 31, 1985, in accordance with 31 TAC §115.422(b). The proposed orders would supersede orders previously issued to the Belt Line and Gardenbrook facilities by the board which provided for the same compliance date but did not satisfy all of the requirements of the U.S. Environmental Protection Agency relating to delayed compliance orders under the federal Clean Air Act, §113. The issuance of the proposed orders will not result in any increase in emissions over present levels from either of Arrow's facilities in Dallas County.

Copies of the proposed delayed compliance orders are available for public inspection at the Texas Air Control Board Region 8 office, 6421 Camp Bowie, Suite 312, Fort Worth, Texas 76116, and at the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723. All interested persons may inspect these documents, submit written comments to the executive director, and/or request a hearing relative to the issuance of such orders by the Texas Air Control Board. Such comments and/or requests for hearing received in writing by September 9, 1985, shall be considered by the board in determining whether a hearing should be held on the issuance of such orders and/or whether the orders should be issued. All comments and/or requests for a hearing will be made

available for public inspection at the Texas Air Control Board office in Austin.

Issued in Austin, Texas, on August 7, 1985.

TRD-857231 Bill Stewart, P.E.  
Executive Director  
Texas Air Control Board

Filed: August 9, 1985

For further information, please call (512) 451-5711, ext. 354.

★ ★ ★

## Banking Department of Texas Application to Acquire Control of a State Bank

Texas Civil Statutes, Article 342-401a, require any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On May 17, 1985, the banking commissioner received an application to acquire control of the First State Bank, Colmesneil, by J. B. McClanahan of San Antonio.

On August 7, 1985, notice was given that the application would not be denied.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on August 7, 1985.

TRD-857201 William F. Aldridge  
Director of Corporate  
Activities  
Banking Department of  
Texas

Filed: August 8, 1985

For further information, please call (512) 475-4451.

★ ★ ★

## Office of Consumer Credit Commissioner Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79,

Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Collings Effective Period (Dates are Inclusive)	Consumer <sup>(3)</sup> Agricul- tural/Commercial <sup>(4)</sup> thru \$250,000	Commercial <sup>(4)</sup> over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 08/19/85-08/25/85	18.00%	18.00%
Monthly Rate— Article 1.04(c)(1) 08/01/85-08/31/85	18.00%	18.00%
Standard Quarterly Rate—Article 1.04(a)(2) 07/01/85-09/30/85	18.00%	18.00%
Retail Credit Card Quarterly Rate— Article 1.11(3) 07/01/85-09/30/85	18.00%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d)(3) 07/01/85-09/30/85	16.50%	N/A
Standard Annual Rate— Article 1.04(a)(2)(2) 07/01/85-09/30/85	18.00%	18.00%
Retail Credit Card Annual Rate— Article 1.11(3) 07/01/85-09/30/85	18.00%	N/A
Annual Rate Applica- ble to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 07/01/85-09/30/85	18.42%	N/A
Judgment Rate— Article 1.05, §2 08/01/85-08/31/85	10.00%	10.00%

- (1) For variable rate commercial transactions only.  
 (2) Only for open-end credit as defined in Texas Civil Statutes, Article 5069-1.01(f).  
 (3) Credit for personal, family, or household use.  
 (4) Credit for business, commercial, investment, or other similar purpose

issued in Austin, Texas, on August 12, 1985.

TRD-867307 Sam Kelley  
Consumer Credit  
Commissioner

Filed: August 12, 1985  
For further information, please call (512) 475-2111.

★ ★ ★

## Texas Education Agency Request for Proposals

The Texas Education Agency requests proposals from vendors to participate in the establishment of four to eight sites in which specific instructional problems can be addressed with technology-based tools. It is the intent of this project to establish cooperative arrangements with multiple vendors, independent school districts, and/or

education service centers so that the application of technology can be tested in various instructional settings. Selected school pilot sites will be required to participate in providing site visits and dissemination of evaluation and program information to other schools in the state.

After responses to this request for proposals have been reviewed and vendors selected, a subsequent request for applications will be issued to local education agencies (LEAs). Project ideas from these institutions will be reviewed, and the Texas Education Agency will pair selected vendors with selected LEAs. The budget submitted by a given vendor respondent will become a subset of the budget submitted by a given selected LEA. Grants will be awarded directly to the LEAs, who will pay vendors the designated price for equipment and software.

**Due Dates.** Vendor respondents will be provided one, and only one, opportunity to inspect any documents, forms, etc., that have been developed to provide information about the scope of the proposed project; discuss the scope of the work to be undertaken by the vendor; discuss probable relationships between the vendor and participating LEA; and have Texas Education Agency staff clarify questions of concern. Only on August 30, 1985, in the fourth floor conference room of the Teacher Retirement System Building, 1001 Trinity, Austin, will substantive information be provided.

**Deadline for receipt of proposals by TEA is 5 p.m. on September 20, 1985.** The right to reject any or all applications is reserved.

**Procedures for Selecting Vendors.** Respondents deemed by a review panel to be best qualified by experience, personnel, management plan, quality of the proposed instructional system, quality of the activities plan, and cost benefit will be selected as approved vendors for this project. Selected vendors will be listed in a request for application which will be sent to LEAs. Selected vendors will be paired with selected LEAs for project participation.

**Contact.** Further information and copies of instructions and forms for the preparation and submission of applications may be obtained by contacting Sandra Pratscher, Director of Instructional Computing, Texas Education Agency, 201 East 11th Street, Austin, Texas 78701, (512) 475-2479.

Issued in Austin, Texas, on August 9, 1985.

TRD-867301 W N. Kirby  
Commissioner of Education

Filed: August 9, 1985  
For further information, please call (512) 475-7077.

★ ★ ★

## State Department of Highways and Public Transportation Consultant Contract Award

The State Department of Highways and Public Transportation intends to amend its consultant contract with Ira Dobrow for programming services he is performing in connection with the department's material and supply management system. The total contract dollar amount will be increased from \$110,000 to \$165,000, and the termination date extended from August 31, 1985, to August

31, 1986. The total number of hours anticipated from the contractor will be increased from 2,000 to 3,000.

The consultant proposal request appeared in the May 18, 1984, issue of the *Texas Register* (9 TexReg 2796), the consultant contract award notice appeared in the July 24, 1984, issue of the *Texas Register* (9 TexReg 4041), and an amendment to contract appeared in the December 18, 1984, issue of the *Texas Register* (9 TexReg 6384).

Issued in Austin, Texas, on August 7, 1985

TRD-857197

Diane L. Northam  
Administrative Technician  
State Department of Highways and  
Public Transportation

Filed: August 8, 1985

For further information, please call (512) 475-2141.

★ ★ ★

## Texas Department of Human Resources Consultant Proposal Request

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources (DHR) is requesting proposals for training services.

**Description of Services.** The DHR is requesting proposals for training child-care providers and families to promote the prevention of abuse and neglect in out-of-home care. Training is also requested in child-care and child development for providers and families, and training in child-care facility management.

**Limitations.** Training curriculum and/or delivery must be completed by December 31, 1986. The total funding amount will not exceed \$1,600,000.

**Contact Person.** For a detailed description of the request for proposals procedures and more information, please contact Gloria Horner, Mail Code 160-W, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, (512) 450-3260.

**Evaluation and Selection.** Offers will be evaluated using the following criteria: proven experience in training child-care staff from a practitioner orientation; plan for development and delivery of proposed training; accessibility of training to target area; expertise of trainers in the proposed area of training; and cost.

Final selection will be based on the department's evaluation of the previously mentioned criteria. The department will conduct an offerer's conference from 10 a.m. to 2 p.m. on September 4, 1985, in the public hearing room of the John H. Winters Building, 701 West 51st Street, Austin. All interested parties are invited to attend.

**Closing Date.** Offers must be received by 5 p.m. on September 29, 1985.

Issued in Austin, Texas, on August 12, 1985.

TRD-857308

Marlin W. Johnston  
Commissioner  
Texas Department of Human  
Resources

Filed: August 12, 1985

For further information, please call (512) 460-3788.

★ ★ ★

## Public Notice

The Texas Department of Human Resources (DHR) has published a report outlining its intended use of federal block grant funds in fiscal year 1986 for Title XX Social Services. The DHR provides assistance and services to needy families and children, and the aged or disabled. Copies of the report may be obtained at no charge from Special Services Division, 427-W, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, (512) 450-3284.

Issued in Austin, Texas, on August 9, 1985.

TRD-857280

Marlin W. Johnston  
Commissioner  
Texas Department of Human  
Resources

Filed: August 9, 1985

For further information, please call (512) 460-3788.

★ ★ ★

## Industrial Accident Board Correction of Error

Proposed rules submitted by the Industrial Accident Board contained errors as published in the July 26, 1985, issue of the *Texas Register*.

The reference to Texas Civil Statutes in the seventh line in the last column on page 2404 should be to Article 8306, §7c.

On page 2405, in Rule 061.07.00.25, the 10th line from the bottom of the first column, the bracketed material should read "[A statement of controversion or]"

In Rule 061.07.00.35(b), the first line should read "If a carrier [an association or self-]"

Line 14 in the same subsection should read "evaluated by the board.] It is insufficient to"

★ ★ ★

## State Board of Insurance Public Hearings

The State Board of Insurance hereby gives notice of a public hearing to be held at 2 p.m. on Wednesday, August 28, 1985, in Room 414, 1110 San Jacinto Street, Austin. The purpose of this hearing is to consider revisions to rates of the *Commercial Lines Manual—Texas*, Division Six, general liability, as filed by the Insurance Services Office, Inc., on behalf of its members and subscriber companies. The filings to be considered are listed as follows.

**Item 1.** GL 85 BPRD1 revisions of basic limits bodily injury and property damage rates for products completed operations classifications (subline 316)—division six of the commercial lines manual. Request by the Insurance Services Office, Inc., for approval of revisions to the basic limits bodily injury and property damage rates for products completed operations producing selected rate level change of  $\pm 20\%$  for bodily injury and  $\pm 20\%$  for property damage to become effective December 1, 1985.

**Item 2.** GL 85 IMCO1 revision of bodily injury increased limit tables for premises/operations (subline 314), bodily injury increased limit tables for premises/operations (subline code 313) and property damage increased limit tables for contractual, owners or contractors protective and premises/operations (subline code 313) classes of division six of the *Commercial Lines Manual* and the guide (a) rate pamphlet. Request by Insurance Services Office, Inc., for approval of revisions to the increased limits tables shown in the previously mentioned statement of identification. This proposal will result in rate change of  $\pm 15.3\%$  for owners, landlords, and tenants, bodily injury, and  $\pm 7.4\%$  for manufacturers and contractors bodily injury and  $\pm 9.5\%$  for manufacturers and contractors property damage to become effective December 1, 1985.

**Item 3.** GL 85 BOLT1 revisions of basic limits bodily injury rates for premises/operations (subline codes 314 and 326) classifications for division six of the *Commercial Lines Manual*. Request by Insurance Services Office, Inc., for approval of revisions to the basic limits bodily injury rates for premises/operations (subline codes 314 and 326) classifications (owners, landlords, and tenants) producing a selected statewide rate level change of  $\pm 30\%$  to become effective December 1, 1985.

**Item 4.** GL 85 BMC1 (A) revision of bodily injury and property damage basic limits rates for premises/operations (subline 313) classifications—division six of the *Commercial Lines Manual*. Request by Insurance Services Office, Inc., for approval of revisions to the basic limits bodily injury and property damage rates for premises/operations (subline 313) classifications (manufacturers and contractors) producing a statewide selected rate level change of  $\pm 25.3\%$  for bodily injury and  $\pm 55.7\%$  for property damage to become effective December 1, 1985.

The previously mentioned matters are brought before the board pursuant to the provisions of the Insurance Code, Articles 5.13, 5.14, 5.15, and 5.97.

Issued in Austin, Texas, on August 9, 1985.

TRD-857299 James W. Norman  
Chief Clerk  
State Board of Insurance

Filed: August 9, 1985  
For further information, please call (512) 475-2880.

★ ★ ★

The State Board of Insurance will hold a hearing at 9 a.m. on August 26, 1985, in Room 101, John H. Reagan Building, 15th Street and Congress Avenue, Austin.

Motors Insurance Corporation has petitioned the State Board of Insurance to transfer under the provisions of the Insurance Code, Article 5.02, motor vehicle insurance issued to a lender or creditor insuring its interest in the motor vehicle as collateral from regulation under the Insurance Code, Chapter 5, Subchapter A—motor vehicle insurance, to regulation under the Insurance Code, Chapter 5, Subchapter C, Article 5.53—inland marine insurance. The company asserts that, due to the nature of such collateral transactions and the purpose of the insurance, such transactions are generally installment sales and the motor vehicle merely serves as collateral to secure the obligation of the purchaser. The company further asserts that motor vehicles used as collateral cannot be distinguished from other items of personal property used as collateral in other installment sales transactions and that

motor vehicle insurance provided for in this type of transactions is more property defined and classified as inland marine insurance.

This transfer, if adopted by the board, may require, and the board may also consider, amendments in the *Texas Automobile Manual* and the standard provisions for automobile policies (October 1, 1974, edition) including, but not limited to, repeal of Rule 135—single interest coverages—comprehensive, fire and theft, collision and conversion, embezzlement, or secretion in the *Texas Automobile Manual* and the single interest automobile physical damage insurance policy (finance master policy form and individual policy form) in the standard provisions for automobile policies (October 1, 1974, edition).

The matter to be considered will be considered in accordance with the provisions of the Insurance Code, Article 5.02 and Article 5.96. Proponents' petitions for such rating plan or manual rule change, along with justification data, have been filed with James W. Norman, chief clerk, State Board of Insurance. Such petition and data may be reviewed for specificity at the office of the chief clerk or by contacting D. E. O'Brien, Director, Automobile and Miscellaneous Lines Section, Casualty Division, State Board of Insurance Building annex, 1110 San Jacinto Street, Austin, Texas 78786. The hearing will be held under authority of the Insurance Code, Articles 1.04, 5.01, 5.02, 5.03, 5.06, 5.10, 5.53, and 5.96.

Issued in Austin, Texas, on August 9, 1985

TRD-857300 James W. Norman  
Chief Clerk  
State Board of Insurance

Filed: August 9, 1985  
For further information, please call (512) 475-2880.

★ ★ ★



## Texas Department of Mental Health and Mental Retardation Consultant Contract Amendment

The Texas Department of Mental Health and Mental Retardation amends the consultant contract award it has with Instructional Systems Design, which it originally entered into on February 6, 1985. The notice of award of consultant services appeared in the February 15, 1985, issue of the *Texas Register* (10 TexReg 609).

Under this contract, Instructional Systems Design is to develop a comprehensive systemwide case management curriculum and provide training and technical assistance to trainers to staff.

The original contract will be amended to increase the maximum payable to \$37,416 from the original amount of \$28,385 for additional services to be provided by the consultant from August 1, 1985–November 30, 1985.

For further information, contact Janet Collins, Case Management Administrator, Texas Department of Men-



tal Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711, (512) 454-3761, ext. 4220.

Issued in Austin, Texas, on August 8, 1985.

TRD-857219 Gary E. Miller, M.D.  
Commissioner  
Texas Department of Mental Health  
and Mental Retardation

Filed: August 8, 1985  
For further information, please call (512) 485-4501.

★ ★ ★

## Public Utility Commission of Texas Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Public Utility Commission of Texas (PUC) publishes this notice of consultant contract award. The request for proposals was published in the June 21, 1985, issue of the *Texas Register* (10 TexReg 2093).

The contractor will plan, coordinate, promote, and implement the 1986 Industrial Energy Technology Conference. A complete description of the services and list of deliverables required are available upon request through the Energy Efficiency Division of the PUC.

The contractor selected to perform this service is Energy Management Consultants of Austin.

The total value of this contract is \$143,260, and the contract period shall commence upon execution of contract through August 31, 1986.

Copies of the final report and the conference evaluation will be available on August 31, 1986.

Issued in Austin, Texas, on August 6, 1985.

TRD-857230 Rhonda Colbert Ryan  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: August 9, 1985  
For further information, please call (512) 488-0100.

★ ★ ★

## Texas Savings and Loan Department Applications for Change of Control of Associations

Texas Civil Statutes, Article 852a, §11.20, require any person who intends to acquire control of a state-chartered savings and loan association to file an application with the savings and loan commissioner for approval of the transaction. A hearing may be held if the application is denied by the commissioner.

On August 2, 1985, the savings and loan commissioner received an application for approval of the acquisition of control of Sabine Valley Savings and Loan Association, Center, by Albert Taub of Arlington.

Any inquiries may be directed to the Texas Savings and Loan Department, 1004 Lavaca Street, Austin, Texas 78701, (512) 475-7991.

Issued in Austin, Texas, on August 7, 1985.

TRD-857191 Russell R. Oliver  
General Counsel  
Texas Savings and Loan  
Department

Filed: August 8, 1985  
For further information, please call (512) 475-7991.

★ ★ ★

## Applications for Loan Offices

Notice is given to all savings and loan associations operating in Texas that application to establish and operate a loan office has been filed with the savings and loan commissioner of Texas.

Docket and Application	Applicant's Agent/Attorney
Docket 85-138 First Texas Savings Association Dallas 1431 Greenway Drive Irving	Joe E. Epps First Texas Savings Association First Texas Tower 14951 Dallas Parkway Dallas, Texas 75240

This application is filed pursuant to the Texas Savings and Loan Act, Texas Civil Statutes, Article 852a, 2.13. The applicable rules of the Texas Savings and Loan Department are 7 TAC §§53.5-53.7, which are published in the department's book titled *Texas Laws and Regulations for Savings and Loan Associations*. The rules are also published in Title 7 of the *Texas Administrative Code* and are on file with the secretary of state's office, Texas Register, Austin.

The applicant association asserts that there is a public need for the proposed office; the association has no serious supervisory problems which would affect its ability to properly operate such office; the applicant association will have adequate income to support the proposed operation; and a separate enclosed office area will be provided (such enclosure may be counters or railings of less than ceiling height).

Any association that objects to a loan office applicant must file its objection in writing with the Texas savings and loan commissioner, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, within 15 days of the date of this notice, that is no later than August 22, 1985.

An objection should include the docket number of the application, and a copy of the objection should be mailed to the applicant's agent or attorney previously listed.

Issued in Austin, Texas, on August 7, 1985.

TRD-857192 L. L. Bowman III  
Commissioner  
Texas Savings and Loan  
Department

Filed: August 8, 1985  
For further information, please call (512) 475-7991.

★ ★ ★

Notice is given to all savings and loan associations operating in Texas that application to establish and operate a loan office has been filed with the savings and loan commissioner of Texas.

**Docket and Application**

Docket 85-136  
Northpark Savings Association  
Richardson  
5050 Quorum Drive  
Suite 244  
Dallas

**Applicant's  
Agent/Attorney**  
Jake Massey  
Vice President  
Northpark Savings  
Association  
275 West Campbell Road  
Richardson, Texas 75083

This application is filed pursuant to the Texas Savings and Loan Act, Texas Civil Statutes, Article 852a, 213. The applicable rules of the Texas Savings and Loan Department are 7 TAC §§53.5-53.7, which are published in the department's book titled *Texas Laws and Regulations for Savings and Loan Associations*. The rules are also published in Title 7 of the *Texas Administrative Code* and are on file with the secretary of state's office, Texas Register, Austin.

The applicant association asserts that there is a public need for the proposed office; the association has no serious supervisory problems which would affect its ability to properly operate such office; the applicant association will have adequate income to support the proposed operation; and a separate enclosed office area will be provided (such enclosure may be counters or railings of less than ceiling height).

Any association that objects to a loan office applicant must file its objection in writing with the Texas savings and loan commissioner, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, within 15 days of the date of this notice, that is no later than August 22, 1985.

An objection should include the docket number of the application, and a copy of the objection should be mailed to the applicant's agent or attorney previously listed.

Issued in Austin, Texas, on August 7, 1985.

TRD-857193      L. L. Bowman III  
Commissioner  
Texas Savings and Loan  
Department

Filed: August 8, 1985  
For further information, please call (512) 475-7891.

★      ★      ★

Texas Civil Statutes, Article 852a, §11.20, require any person who intends to acquire control of a state-chartered savings and loan association to file an application with the savings and loan commissioner for approval of the transaction. A hearing may be held if the application is denied by the commissioner.

On July 31, 1985, the savings and loan commissioner received an application for approval of the acquisition of control of Certified Savings Association, Georgetown, by Billy B. Hill, Jr., Michael E. Doman, and James R. Reynolds, all of Dallas.

Any inquiries may be directed to the Texas Savings and Loan Department, 1004 Lavaca Street, Austin, Texas 78701, (512) 475-7991.

Issued in Austin, Texas, on August 7, 1985.

TRD-857190      Russell R. Oliver  
General Counsel  
Texas Savings and Loan  
Department

Filed: August 8, 1985  
For further information, please call (512) 475-7891.

★      ★      ★

