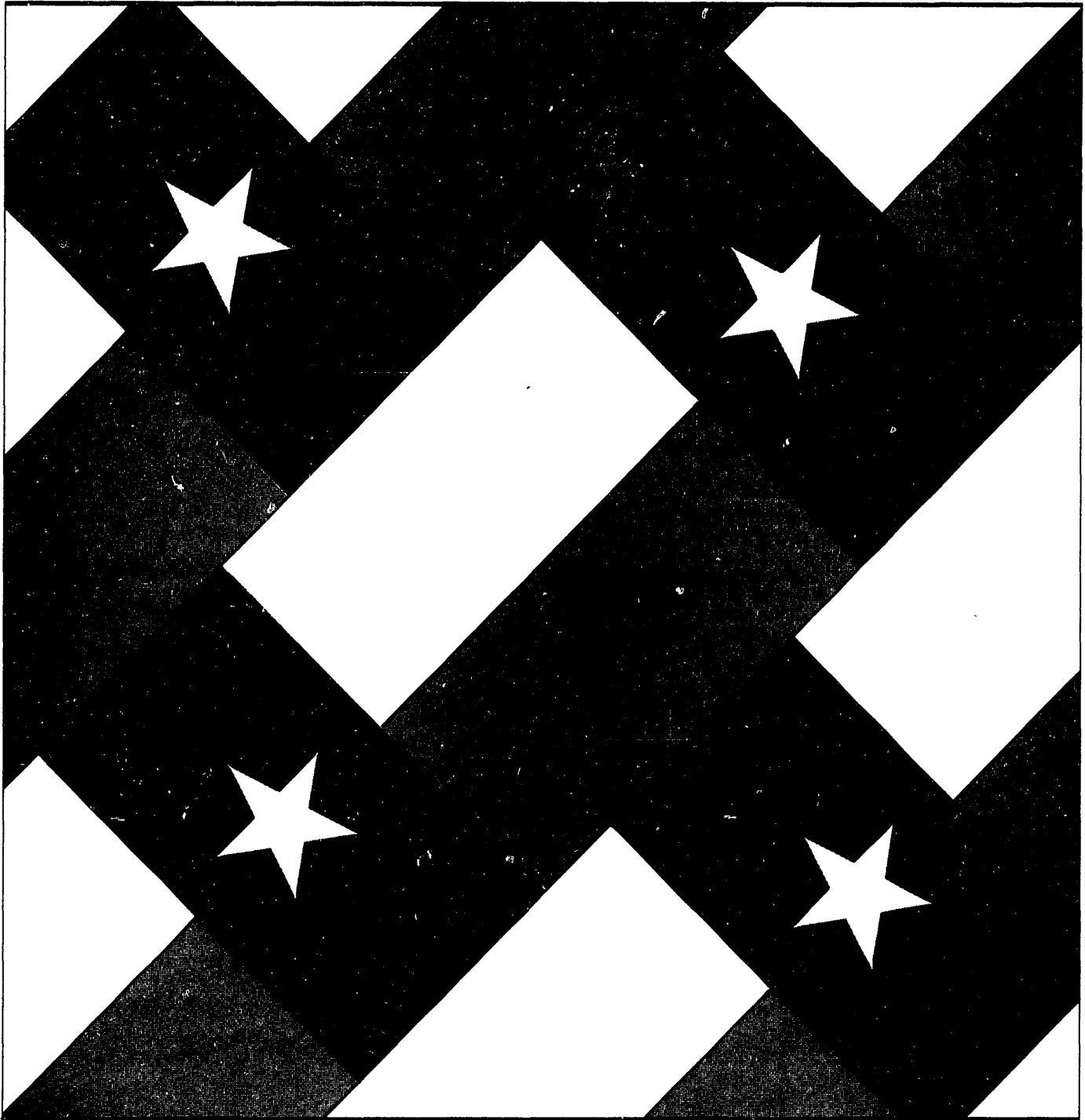


Texas Register

Volume 12, Number 24, March 31, 1987

Pages 1045-1065



Highlights

The **Office of the Governor** proposes an amendment clarifying which Criminal Justice Division staff members constitute the Audit Review Board. Earliest possible date of adoption - May 1 **page 1052**
The **Office of the Secretary of State** proposes a new section offering subscription discounts and to adjust subscription rates

to the *Texas Register*. Earliest possible date of adoption- May 1 **page 1054**
The **Texas Department of Labor and Standards** adopts an amendment establishing more equal certification requirements for technical personnel employed by design review agencies. Effective date - April 14 . **page 1056**

**Office of
the Secretary
of State**

Texas Register

The *Texas Register* (ISN 0362-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1987 with the exception of January 6, September 1, December 1, and December 29 by the Office of the Secretary of State.

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

Information Available: The 10 sections of the *Register* represent various facets of state government. Documents contained within them include:

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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

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

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written: "12 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 12 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

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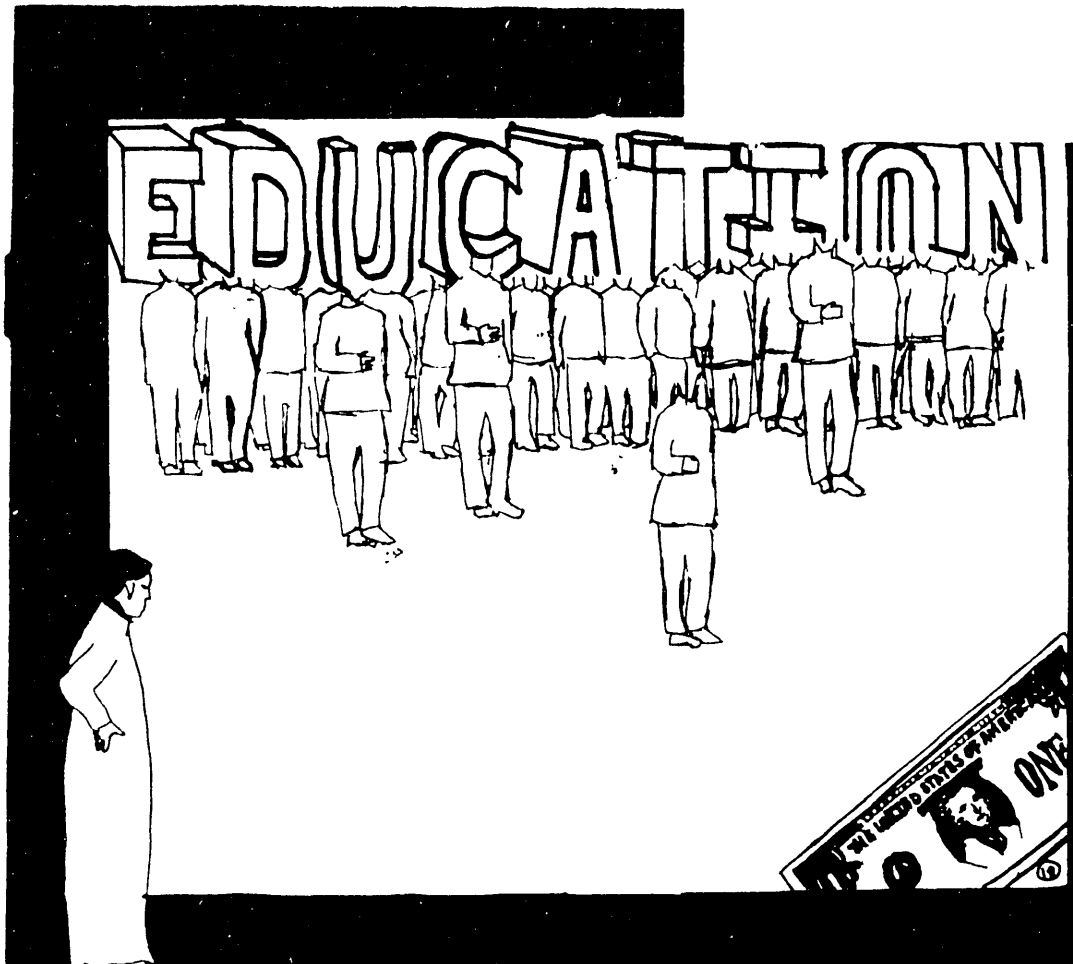
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The Governor

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) 463-1814.

Executive Order WPC 87-4

ESTABLISHING THE SUPERCONDUCTING SUPER COLLIDER HIGH ENERGY RESEARCH FACILITY ADVISORY COUNCIL

WHEREAS, the Texas National Research Laboratory Commission (NRLC) is created by Senate Bill 1169, 69th Legislature, 1985, Regular Session Article 4413(47d) Texas Revised Civil Statutes, and is charged with developing a comprehensive plan for the presentation of a proposal for obtaining the Superconducting Super Collider high energy research facility.

WHEREAS, there is a critical need to provide an Advisory Council of experienced knowledgeable persons to evaluate data and make recommendations to the NRLC in the preparation of a proposal to the United States Department of Energy.

NOW, THEREFORE, I, William P. Clements, Jr., Governor of Texas, under the authority vested in me, do hereby create and establish the Superconducting Super Collider High Energy Research Facility Advisory Council (SSC Advisory Council).

The SSC Advisory Council will consist of not more than 20 members to be appointed and serve at the pleasure of the Governor. The Governor shall designate a chairman from the membership who shall serve at the pleasure of the Governor.

The SSC Advisory Council will be charged with the responsibility of organizing and exchanging ideas related to the preparation of the proposal; evaluating the criteria and specifications of the project; making recommendations for evaluation methodology for the consideration of regional proposals; making recommendations on the regional proposals and the State's proposal to the Department of Energy.

The SSC Advisory Council shall meet at the call of the Chairman. A majority of the membership shall constitute a quorum. The Chairman shall, with the NRLC Chairman, establish the agenda for Advisory Council meetings.

The members of the Council shall serve without compensation, but will be reimbursed for their travel and expenses.

All agencies of State and local governments are hereby directed to cooperate with and assist the Advisory Council in the performance of its duties.

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

Given under my hand this Ninth day of March, 1987.

Issued in Austin, Texas, on March 9, 1987.

TRD-8702582

William P. Clements, Jr.
Governor of Texas

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 1. ADMINISTRATION Part I. Office of the Governor Chapter 3. Criminal Justice Division Subchapter A. Criminal Justice Audits of Criminal Justice Division Projects and Audit Report Exceptions

★ 1 TAC §3.105

The Criminal Justice Division (CJD) of the Office of the Governor proposes an amendment to §3.105, concerning the Audit Review Board.

The proposed amendment will clarify which CJD staff members will constitute the Audit Review Board for the purpose of reviewing the documentation presented in response to audit exceptions for legal, financial, and program acceptability under the state rules, regulations, and guidelines.

Rider Scott, executive director, Criminal Justice Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Scott also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that grantees will be provided a means to appeal audit exceptions determined during audits and present additional documentation for review. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Rider Scott, Executive Director of the Criminal Justice Division, Office of the Governor, P.O. Box 12428, Austin, Texas 78711, for a period of 30 days following publication in the issue of the *Texas Register*.

The amendment is proposed under Texas Civil Statutes, Article 4413(32a), 6(a)(11), which provide the Criminal Justice Divi-

sion of the Office of the Governor with the authority to adopt rules, regulations, and procedures as may be necessary to carry out the provisions of the Act.

§3.105. *Audit Review Board.* The Audit Review Board will consist of the **Criminal Justice Division deputy director**, [(CJD) assistant director of program management.] **the Criminal Justice Division extradition counsel**, [CJD assistant director for administration] and the **Criminal Justice Division [CJD] comptroller**, who will review the documentation for legal, financial, and program acceptability under state rules, regulations, and guidelines.

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 March 25, 1987.

TRD-8702581 Rider Scott
Executive Director
Office of the Governor

Earliest possible date of adoption:
May 1, 1987
For further information, please call
(512) 463-1919.

★ ★ ★

Chapter 5. Budget and Planning Office Uniform Grant and Contract Management Standards for State Agencies

★ 1 TAC §5.167

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Office of the Governor, Room 300, Sam Houston Building, 201 East 14th Street, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The Budget and Planning Office of the Office of the Governor proposes the repeal of §5.167, concerning Attachment P—Audit Requirements. The repeal allows for the single audit of federal and state funds under the Uniform Grant and Contract Management Guidelines (UGCMS).

The repeal is proposed contemporane-

ously with the proposal of new §5.167, Circular A-128—Single Audit Requirements, concerning single audit of federal and state funds under the UGCMS.

The Budget and Planning Office proposes the repeal to comply with the actions of the Federal Office of Management and Budget (OMB) to rescind Attachment P of Circular A-102 and execute the provisions of Circular A-128.

Bob Davis, director, Budget and Planning Office, 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 enforcing or administering the repeal.

Mr. Davis also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of enforcing the repeal will be a reduction in the amount of time required for state and local governments to conduct the single audits. There will also be a reduction in cost to the state and local governments as a result of requiring only one audit for all grants rather than separate audits for each grant. There is no anticipated economic cost to individuals who are required to comply with the proposed repeal.

Comments on the proposal may be submitted to George Bishop, Supervisor of the Audit Section, Criminal Justice Division, Office of the Governor, P.O. Box 12428, Austin, Texas 78711, within 30 days of publication.

The repeal is proposed under Texas Civil Statutes, Article 4413(32a), which provide the Office of the Governor, Budget and Planning Office, with the authority to establish uniform grant and administrative procedure in order to promote the efficient use of public funds in local governments.

§5.167. *Attachment B-Audit Requirements* 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 March 25, 1987.

TRD-8702556 Bob Davis
Director
Budget and Planning
Office
Office of the Governor

Earliest possible date of adoption:
May 1, 1987
For further information, please call
(512) 463-1919.

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The Budget and Planning Office proposes new §5.167, concerning Circular A-128—Single Audit Requirements. The new section allows for the single audit of federal and state funds under the Uniform Grant and Contract Management Guidelines (UGCMS).

The new section is proposed contemporaneously with the repeal of existing §5.167, Attachment P-Audit Requirements, concerning single audit of federal and state funds under the UGCMS.

The purpose of the new section is to comply with the action of the Federal Office of Management and Budget (OMB) to rescind Attachment P of Circular A-102 and execute the provisions of Circular A-128.

Bob Davis, director, Budget and Planning Office, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Davis also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a reduction in the amount of time required for state and local governments to conduct the single audits. It is also anticipated that there will be a reduction in cost to the state and local governments as a result of requiring only one audit for all grants rather than separate audits for each grant. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to George Bishop, Supervisor of Audit Section, Criminal Justice Division, Office of the Governor, P.O. Box 12428, Austin, Texas 78711, within 30 days of publication.

The new section is proposed under Texas Civil Statutes, Article 4413(32a), which provide the Office of the Governor, Budget and Planning Office, with rule-making powers.

§5.167. *Circular A-128—Single Audit Requirements.*

(a) The federal Office of Management and Budget (OMB) Circular A-128 is incorporated into the state Uniform Grant and Contract Management Standards and is to be used by state agencies in administering federal or state financial assistance to subrecipients with the modifications identified in this section. When the word "fed-

eral" is used in OMB Circular A-128, as incorporated in the Uniform Grant and Contract Management Standards, it shall be expanded to read "federal or state" except for the instances referring to the federal cognizant agency.

(b) The concept of single audit under the Uniform Grant and Contract Management Act of 1981 (Texas Civil Statutes, Article 4413(32g)) is designed to provide local governments, political subdivisions, and subrecipients of federal block grants, otherwise exempted from the requirements of OMB Circular A-128, an opportunity for a coordinated single audit covering funds received directly from federal agencies as well as those federal or state funds received through state agencies. Under these rules, a designated state single audit coordinating agency will assure that the single audit effort is well coordinated among state funding agencies and the federal cognizant agency. The federal cognizant agency is responsible for assuring that the independent audit is performed in accordance with the provisions of OMB Circular A-128. No attempt is made to emulate the federal cognizant agency by the designation of the state single audit coordinating agency. Rather, the purpose is to provide an audit coordination effort at the state level to bolster the single audit concept. It must be thoroughly understood that the single audit process is available but will not replace the state agency program monitoring and review of subrecipients' compliance with contractual terms and conditions throughout the grant period. As indicated by Circular A-128, any supplemental audit work should build upon the audit accomplished by the single audit.

(c) In 1983, the 68th Legislature amended the Uniform Grant and Contract Management Act by passing State Bill 117. This required that all subrecipients of federal block grants be included under provisions of the Uniform Grant and Contract Management Standards. As referenced in Circular A-128, paragraph 6c, state funding agencies may require nonprofit organizations and other block grant subrecipients to use either provisions of Circular A-128 or Circular A-110.

(d) In reference to Circular A-128, paragraph 5, the cognizant agency is the federal agency assigned by the federal Office of Management and Budget. Under the Uniform Grant and Contract Management Standards, the Single Audit Coordinating Agency is the state agency assigned by the Governor's Budget and Planning Office. If a local government or other organization covered by the Uniform Grant and Contract Management Act intends to initiate a single audit, the following should be considered.

(1) Determine whether the federal Office of Management and Budget has assigned a federal cognizant agency for the single audit. If not, the subrecipient should contact the Office of Management and Budget, Financial Management Division, 126

Jackson Place N.W., Washington, D.C. 20503, (202) 395-3993, to obtain a federal cognizant agency designation. If a designation is not made, the federal agency that provides the most funds, whether directly or through subrecipients, is responsible for the federal cognizant agency role.

(2) When a single audit is needed and two or more state agencies provide federal or state funds to a subrecipient covered by this Act, the subrecipient may request the designation of a state single audit coordinating agency from the Governor's Budget and Planning Office. If only one state agency provides funds, no state single audit coordinating agency will be necessary and the subrecipient should work directly with its state funding agency.

(3) In order to have a state single audit coordinating agency designated, a subrecipient must submit a written request to the Governor's Budget and Planning Office, P.O. Box 13561, Austin, Texas 78711. This request must list the state agencies providing financial assistance with the grant amounts for the year to be audited and indicate that the governing body has authorized the initiation of the single audit.

(4) Within 30 days after the receipt of the request, the Governor's Budget and Planning Office, after consultation with the state auditor, will designate a state single audit coordinating agency. The following criteria will be used in selecting the appropriate state single audit coordinating agency:

- (A) state agency request to be the coordinating agency;
- (B) state agency capability;
- (C) amount and source of funds awarded to the grantee;
- (D) state agency workload; and
- (E) subrecipient request.

(5) The designation of a state single audit coordinating agency will remain in force until eliminated or revised by the Governor's Budget and Planning Office. All previous State Cognizant Agency designations by the Governor's Budget and Planning Office will become the State Single Audit Coordinating Agency under these rules.

(e) At the earliest practical date, but not later than 60 days prior to beginning a single audit, the subrecipient shall notify the state grantor agencies and the State Single Audit Coordinating Agency that the audit plan is being formulated. Each state grantor agency should assure that special audit issues are identified and transmitted to the subrecipient during this early warning period. The State Single Audit Coordinating Agency shall have an opportunity to review the scope of the audit and, at its option, participate in an engagement conference with the independent auditor prior to commencement of the single audit. If it appears useful to coordinate with the federal level, the State Single Audit Coordinating Agency may wish to contact the Federal Cognizant Agency to coordinate at this early stage.

(f) In reference to Circular A-128, paragraph 8.b.(2)(c), the subrecipients must contact each state funding agency to obtain supplemental state compliance requirements.

(g) In reference to Circular A-128, paragraph 13.f, the State Single Audit Coordinating Agency must be provided a completed audit report by the subrecipient. Normally, within 30 days after receipt, a desk review will be accomplished by the State Single Audit Coordinating Agency to determine that the audit report covers the major elements of Circular A-128. A standard checklist report will be completed by the State Single Audit Coordinating Agency and distributed to other funding state agencies. If the report is found not to have met the requirements of Circular A-128, the subrecipient must work with the independent auditor to respond to the omissions and, subsequently, notify the coordinating agency when all exceptions have been resolved.

(h) When the State Single Audit Coordinating Agency determines that the audit report meets the report requirements of Circular A-128, the subrecipient will be so notified by letter and instructed to distribute the audit report to all state funding agencies for their review. A copy of the notification letter should accompany the distributed reports.

(i) Each state funding agency is responsible for reviewing the portion of the audit dealing with its programs and is also responsible for the necessary follow-up and resolution of audit findings that relate to its individual programs. The subrecipient must notify the State Single Audit Coordinating Agency after the audit findings have been resolved as required by the appropriate funding agencies.

(j) The federal cognizant agency has the ultimate responsibility for resolving cross-cutting issues that affect programs of more than one funding agency. However, the subrecipient must notify the State Single Audit Coordinating Agency and the state grantor agencies when the cross-cutting audit findings have been resolved.

(k) The federal cognizant agency is responsible for negotiation, approval, and audit of indirect cost allocation plans. The State Single Audit Coordinating Agency's responsibility is limited to approving such allocation plans only where the recipient is funded entirely by state funds.

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 March 25, 1987.

TRD-8702557 Bob Davis
 Director
 Office of the Governor

Earliest possible date of adoption:
May 1, 1987

For further information, please call
(512) 463-1919.

Part IV. Office of the Secretary of State Chapter 91. Texas Register Subscriptions; Individual Copies; and Reprints

★ 1 TAC §91.121

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

The Office of the Secretary of State proposes the repeal of §91.121, concerning subscriptions. The repeal deletes language concerning the price of the *Texas Register*.

Dee Wright, assistant director, Publications Division, has determined that for the first five-year period the proposed repeal 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 repeal.

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

Comments on the proposal may be submitted to Dan Procter, Director, Publications Division, P.O. Box 13824, Austin, Texas 78711.

The repeal is proposed under Texas Civil Statutes, Article 6252-13a, which provide the Office of the Secretary of State with the authority to make copies of the *Texas Register* available to other persons on payment of reasonable fees to be fixed by the secretary of state, and further gives the secretary of state the authority to promulgate rules and ensure the effective administration of the Act.

§91.121. Subscriptions.

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 March 19, 1987.

TRD-8702591 Randall H. Erben
 Assistant Secretary of
 State
 Office of the Secretary
 of State

Earliest possible date of adoption:
May 1, 1987

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

The Office of the Secretary of State proposes new §91.121, concerning subscription rates. The new section enables the secretary of state to offer subscription discounts and adjust subscription rates as prices increase/decrease in postage and publication costs.

Dee Wright, assistant director, Publications Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Ms. Wright also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be continued timely delivery of an informative publication which reports the activities of state government. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Dan Procter, Director, Publications Division, P.O. Box 13824, Austin, Texas 787811.

The new section is proposed under Texas Civil Statutes, Article 6252-13a which provide the Office of the Secretary of State with the authority to make copies of the *Texas Register* available to other persons on payment of reasonable fees to be fixed by the secretary of state, and further gives the secretary of state the authority to promulgate rules to ensure the effective administration of the Act.

§91.121. Subscription Rates.

(a) The *Texas Register* will be sold for a price not to exceed the cost of publication and mailing either on an annual or six-month basis.

(b) Subscription rates will be adjusted from time to time to offset changes in costs incidental to publication and postage.

(c) All rates changes will require prior approval of the secretary of state.

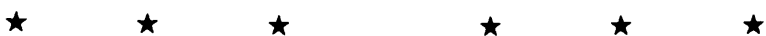
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 19, 1987.

TRD-8702592 Randall H. Erben
 Assistant Secretary of
 State
 Office of the Secretary
 of State

Earliest possible date of adoption:
May 1, 1987

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



TITLE 22. EXAMINING BOARDS

Part XII. Board of Vocational Nurse Examiners

Chapter 231. Administration Disciplinary Action

★ 22 TAC §231.93

The Board of Vocational Nurse Examiners proposes an amendment to §231.93, concerning transmission of record to reviewing court. The amendment specifies who will be responsible for the cost of such a proceeding.

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

Mrs. Hammer also has determined that for each year of the first five years the section is in effect the public benefit antici-

pated as a result of enforcing the section will be that the agency will not be expending state funds for preparation and transmission of records relative to individuals who appeal actions taken by the board. The anticipated economic cost to individuals who are required to comply with the proposed section will be the cost of transcripts of proceedings and preparation and transmission of records to a reviewing court.

Comments on the proposal may be submitted to Joyce A. Hammer, Executive Director, Board of Vocational Nurse Examiners, 1300 East Anderson Lane, Building C, Suite 285, Austin, Texas 78752, (512) 835-2071.

The amendment is proposed under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to govern its procedures and to carry in effect the purposes of the law.

§231.93. *Transmission of Record to Reviewing Court.* Within 30 days after service of the petition for review, or within such further time as the reviewing court may al-

low, the board shall transmit to the reviewing court the original or certified copy of the entire record of the proceeding under review; but by stipulation of all parties to the review proceeding, the record may be shortened. The court may require subsequent corrections to the record and may also require or permit additions to the record. **The cost for preparation and transmission of the entire record of the proceeding under review shall be borne exclusively by the appellant.**

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 March 23, 1987

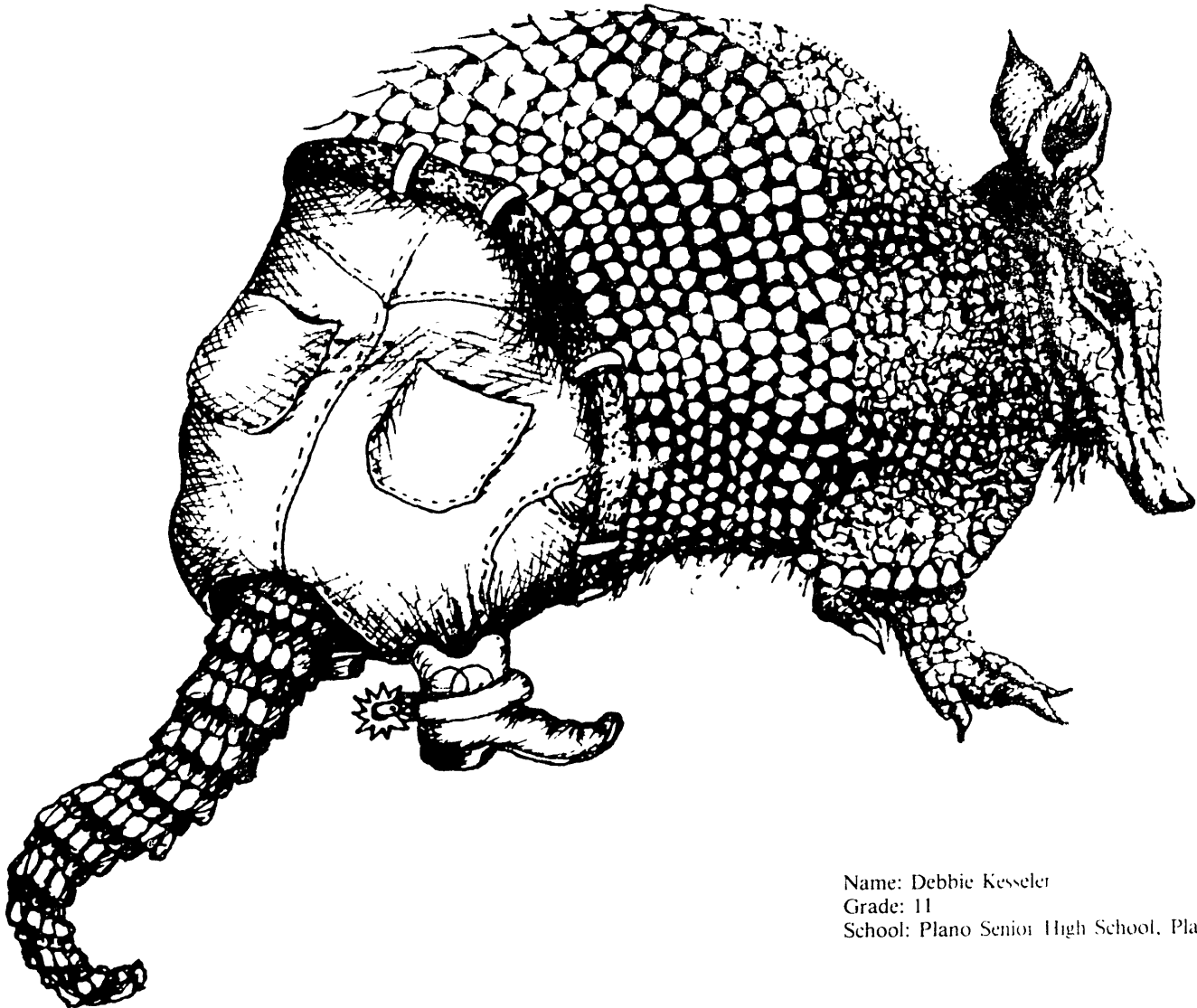
TRD-8702572

Joyce A. Hammer
Executive Director
Board of Vocational
Nurse Examiners

Earliest possible date of adoption
May 1, 1987

For further information, please call
(512) 835-2071

★ ★ ★



Name: Debbie Kesselet
Grade: 11
School: Plano Senior High School, Plano

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 16. ECONOMIC REGULATION Part IV. Texas Department of Labor and Standards Chapter 70. Industrialized Housing and Buildings Subchapter D. Administration and Enforcement

★ 16 TAC §70.43

The Texas Department of Labor and Standards adopts an amendment to §70.43, with changes to the proposed text published in the February 20, 1987, issue of the *Texas Register* (12 TexReg 560).

The amendment establishes more equal certification requirements for technical personnel employed by design review agencies. The changes to the proposed text clarify the sections paragraph structure.

The section sets forth specific certification requirements for the technical personnel of a design review agency.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 5221f-1, which provide the commissioner of the Texas Department of Labor and Standards with the authority to adopt rules and regulations and promulgate administrative orders as necessary to assure compliance with the intent and purpose.

§70.43. *Criteria for Approval of Design Review Agencies.* An agency seeking approval by the council as a design review agency (DRA) shall submit an application in writing to the department. The application will indicate the agency's name, address, and telephone number of each office in which design review services are to be performed. The application will include the following information:

(1) (No change.)

(2) a resume for each person listed in the organizational chart indicating academic and professional qualifications, experience in related areas, and specific duties within the agency. The minimum personnel requirements and qualifications shall be as

follows:

(A) (No change.)

(B) technical staff members may qualify for more than one discipline and, therefore, the agency need not have individual staff members for each discipline. Required certifications need not be from the same code agency for the different disciplines. For example, a DRA may have a structural reviewer, a mechanical reviewer, and an electrical reviewer with the required certifications through the International Conference of Building Officials, Inc., while the plumbing reviewer, building planning reviewer, and fire safety reviewer have the required certifications through the Southern Building Code Congress International, Inc. The DRA is not limited to one code group when filling the different disciplines. The technical staff shall consist of the following positions:

(i) (No change.)

(ii) the mechanical reviewer shall have a bachelor's degree in engineering with specialized course work in HVAC Systems, or service equivalent in accordance with subparagraph (C) of this paragraph, a minimum of one year of mechanical engineering experience related to buildings, and certification as a mechanical inspector as granted by either the Southern Building Code Congress International, Inc., or as granted by the International Conference of Building Officials, Inc. Any expiration dates of certifications must also be submitted;

(iii) the electrical reviewer shall have a bachelor's degree in engineering with specialized course work in electrical engineering, or service equivalent in accordance with subparagraph (C) of this paragraph, a minimum of one year of electrical engineering experience related to buildings, and certification as either a commercial electrical inspector as granted by the Southern Building Code Congress International, Inc., or as an electrical inspector as granted by the International Conference of Building Officials, Inc. Any expiration dates of certifications must also be submitted;

(iv) the plumbing reviewer shall have a bachelor's degree in engineering with specialized course work in hydraulics, or service equivalent in accordance with subparagraph (C) of this paragraph, a minimum of one year of plumbing experience

related to buildings, and certification as a plumbing inspector as granted by either the Southern Building Code Congress International, Inc. or as granted by the International Conference of Building Officials, Inc. Any expiration dates of certifications must also be submitted;

(v)-(vi) (No change.)

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

(3)-(5) (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 March 23, 1987.

TRD-8702569

Larry Kosta
Assistant Commissioner
Texas Department of
Labor and Standards

Effective date: April 14, 1987
Proposal publication date: February 20, 19887
For further information, please call
(512) 463-3128.

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TITLE 31. NATURAL RESOURCES AND CONSERVATION Part XIV. Texas Board of Irrigators Chapter 421. Introductory Provisions, General Provisions

★ 31 TAC §421.1

The Texas Board of Irrigators adopts an amendment to §421.1, without changes to the proposed text published in the February 10, 1987, issue of the *Texas Register* (12 TexReg 459).

Section 421.1 is amended to reflect that the executive director is employed by the Texas Water Commission, rather than by the Texas Department of Water Resources, as mandated by Senate Bill 249. The amendment provides a more accurate expression of the procedures and stan-

dards by which the Texas Water Commission and the Texas Board of Irrigators exercise their responsibilities relating to their spheres of authority and jurisdiction.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8751, §7, which provide that the Board of Irrigators shall adopt those rules which are consistent with Article 8751 to govern the conduct of its business and proceedings, and shall adopt standards governing revocation of certificates of registration and connections to public or private water supplies by a licensed irrigator or a licensed installer.

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 March 23, 1987.

TRD-8702547 Joyce Watson
Executive Secretary
Texas Board of Irrigators

Effective date: April 13, 1987
Proposal publication date: February 10, 1987
For further information, please call
(512) 463-8087.

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Chapter 423. Registration of Irrigators and Installers Application for Registration

★31 TAC §423.7

The Texas Board of Irrigators adopts an amendment to §423.7, without changes to the proposed text published in the February 10, 1987, issue of the *Texas Register* (12 TexReg 460). The amendment increases the examination fee from \$50 to \$75 for an irrigator's certificate of registration.

The justification for the increase in the examination fee from \$50 to \$75 for an irrigator's certificate of registration is Senate

Bill 249, Part 9, which allows a maximum fee of \$100. In addition, recent appropriations reductions necessitate the increase in order for the board to keep pace with operating expenses.

The amendment provides a more accurate expression of the procedures and standards by which the Texas Water Commission and the Texas Board of Irrigators exercise their responsibilities relating to their spheres of authority and jurisdiction.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8751, §7, which provide that the Board of Irrigators shall adopt those rules which are consistent with Article 8751 to govern the conduct of its business and proceedings, and shall adopt standards governing revocation of certificates of registration and connections to public or private water supplies by a licensed irrigator or a licensed installer.

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 March 23, 1987.

TRD-8702548 Joyce Watson
Executive Secretary
Texas Board of Irrigators

Effective date: April 13, 1987
Proposal publication date: February 10, 1987
For further information, please call
(512) 463-8087.

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Chapter 429. Violation of Statute or Board Rules Enforcement

★31 TAC §§429.51, 429.53, 429.55

The Texas Board of Irrigators adopts new §§429.51, 429.53, and 429.55 without changes to the proposed text published

in the February 10, 1987, issue of the *Texas Register* (12 TexReg 460).

The justification for these new sections is the 69th Legislature, Senate Bill 249, Part 9, which gives the Texas Board of Irrigators jurisdiction to petition appropriate courts for civil penalties and injunctions for violations of Texas Civil Statutes, Article 8751, board rules, and Texas Water Commission orders that pertain to the Texas Board of Irrigators sphere of authority.

The new sections will result in a clearer and more accurate expression of the procedures and standards by which the Texas Water Commission and the Texas Board of Irrigators exercise their responsibilities relating to their spheres of authority and jurisdiction in regard to civil penalties, injunctions, and action by the attorney general.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 8751, §7, which provide that the Board of Irrigators shall adopt those rules which are consistent with Article 8751 to govern the conduct of its business and proceedings, and shall adopt standards governing revocation of certificates of registration and connections to public or private water supplies by a licensed irrigator or a licensed installer.

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 March 23, 1987.

TRD-8702549 Joyce Watson
Executive Secretary
Texas Board of Irrigators

Effective date: April 13, 1987
Proposal publication date: February 10, 1987
For further information, please call
(512) 463-8087.

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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 Department of Agriculture

Tuesday, May 5, 1987, 10:30 a.m. The Texas Department of Agriculture will meet in the District Office, Expressway 83, two blocks west of Morningside Road, San Juan. According to the agenda, the department will hold an administrative hearing to review alleged violation of Texas pesticide laws by Cameron Crop Care, holder of commercial applicator license.

Contact: Deborah E. Brown, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: March 25, 1987, 1:53 p.m.
TRD-8702612

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Texas Education Agency

Wednesday, April 1, 1987, 10 a.m. The Advisory Committee on Paperwork Reduction of the Texas Education Agency will meet in Room 2-115, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the committee will consider State Board of Education rules on paperwork reduction, proposed legislation related to paperwork reduction in the areas of vocational education and special education, sharing sessions on standardized testing including minimizing lost class time and maximizing use of results, sharing session on streamlining special education reports, and future directions of the Advisory Committee.

Contact: Jim Clark, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

Filed: March 24, 1987, 4:26 p.m.
TRD-8702585

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Texas Employment Commission

Wednesday, April 1, 1987, 8:30 a.m. The Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will consider 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 13, and set the date of the next meeting.

Contact: Courtenay Browning, 101 East 15th Street, Austin, Texas 78778, (512) 463-2226.

Filed: March 24, 1987, 10:12 a.m.
TRD-8702562

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State Department of Highways and Public Transportation

Tuesday-Wednesday, March 31-April 1, 1987, 10 a.m. daily. The State Highway and Public Transportation Commission of the State Department of Highways and Public Transportation made an emergency addition to the agenda of a meeting to be held in the Auditorium Room 101, and Room 101-A, First Floor, Dewitt C. Greer State Highway Building, 11th and Brazos Streets, Austin. According to the agenda summary, the commission will hold a discussion of 55 mph speed limit modifications. The emergency status is necessary because the potential enactment of a new federal highway bill, which permits modification of speed limits on sections of the interstate system, requires commission discussion.

Contact: Lois Jean Turner, Dewitt C. Greer State Highway Building, Room 203, 11th and Brazos Streets, Austin, Texas 78701-2483, (512) 463-8616.

Filed: March 24, 1987, 2:15 p.m.
TRD-8702571

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Texas Historical Commission

Friday, April 3, 1987, 9:30 a.m. The State Preservation Board "Permanent Advisory Committee" of the Texas Historical Commission will meet at 1511 Colorado Street, Austin. According to the agenda, the committee will introduce new members, consider an agreement between State Purchasing and General Services, consider the old General Land Office Building, and update on projects.

Contact: Curtis Tunnell, 1511 Colorado Street, Austin, Texas 78701, (512) 463-6100.

Filed: March 24, 1987, 4:25 p.m.
TRD-8702588

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University of Houston System

Wednesday, April 1, 1987, 1 p.m. The Executive Committee of the University of Houston System will meet at 990 North Tower, UH-Downtown, 1 Main Street, Houston. According to the agenda, the committee will hear architectural presentations for science and research I—University of Houston and architectural presentations for student housing, phase I—University of Houston.

Contact: Michael T. Johnson, 4600 Gulf Freeway, Suite 500, Houston, Texas 77023, (713) 749-7545.

Filed: March 26, 1987, 8:25 a.m.
TRD-8702625

Wednesday, April 1, 1987, 3 p.m. The Board of Regents of the University of Houston System will meet in the Student Lounge, Third Floor, UH-Downtown, 1 Main Street, Houston. According to the agenda summary, the board will consider election of officers, recommendations of procedures for selection of architectural/engineering consultants, and appointment of various consultants and various reports from UH-Downtown.

Contact: Michael T. Johnson, 4600 Gulf Freeway, Suite 500, Houston, Texas 77023, (713) 749-7545.

Filed: March 26, 1987, 8:24 a.m.
TRD-8702626

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Texas Department of Human Services

Wednesday, March 26, 1987, 10 a.m. The Texas Board of Human Services of the Texas Department of Human Services, met in the Public Hearing Room, 701 West 51st Street, Austin. According to the agenda summary, the board met in executive session with its attorney on matters regarding the pending litigation as follows: Dallas County Hospital District doing business as the Parkland Hospital vs. Otis Bowen, et al, United States District Court for the Northern District of Texas. The board will then reconvene to open session. The emergency status was necessary because the case was being heard on an expedited basis by the federal court requiring immediate board attention.

Contact: Bill Woods, P.O. Box 2960, Austin, Texas 78769, (512) 450-3047.

Filed: March 25, 1987, 4:38 p.m.
TRD-8702623

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State Board of Insurance

Monday, April 6, 1987

The Commissioner's Hearings Section of the State Board of Insurance will meet in Room 353, 1110 San Jacinto Street, Austin. Times and agendas follow.

9 a.m. The section will consider Docket 9469—Whether the application of Carl Egbert Phibbs, III, for a Group I, legal reserve life insurance agent's license should be denied.

Contact: J.C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: March 25, 1987, 3:00 p.m.
TRD-8702617

9 a.m. The section will consider Docket 9476—Whether Sayre & Toso, Inc., Dallas, has complied with commissioner's order 87-0110, dated February 3, 1987.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: March 25, 1987, 3:00 p.m.
TRD-8702618

1:30 p.m. The section will consider Docket 9477—Whether Compac Insurance Com-

pany, Los Angeles, California, has complied with commissioner's order 87-0111, dated February 3, 1987.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: March 25, 1987, 3:01 p.m.
TRD-8702619

1:30 p.m. The section will consider Docket 9478—Whether Mission American Insurance Company, Los Angeles, California, has complied with commissioner's order 87-0112, dated February 3, 1987.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: March 25, 1987, 3:01 p.m.
TRD-8702620

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Texas Department of Mental Health and Mental Retardation

The Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation made emergency additions to the agendas of meetings held in the Auditorium, Central Office, 909 West 45th Street, Austin. The emergency status was necessary because the construction schedule for Austin Child Guidance Center requires immediate board consideration. Dates, times, and agendas follow.

Thursday, March 26, 1987, 2 p.m. The Executive Committee considered a resolution of appreciation to James T. Moore, R.D., L.D., the nomination of Mexia State School Property for next school land board oil and gas lease sale, proposed revision to board policy on the Medical Advisory Committee membership, consideration of appointment to the Medical Advisory Committee, proposed revision to board policy on Board of Trustees training, board policy on naming of TDMHMR buildings, proposed board commendation format, and lease of ASH property to Austin Child Guidance Center.

Contact: Gary E. Miller, P.O. Box 12668, Austin, Texas 78711, (512) 465-4588.

Filed: March 24, 1987, 4:28 p.m.
TRD-8702586

Friday, March 27, 1987, 9 a.m. The board heard citizens comments, approved minutes of the February 27, 1987, meeting, considered the commissioner's calendar, the calendar for the Executive Committee and Business Committee, and litigation.

Contact: Gary E. Miller, P.O. Box 12668, Austin, Texas 78711, (512) 465-4588.

Filed: March 24, 1987, 4:28 p.m.
TRD-8702587

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State Property Tax Board

Friday, April 3, 1987, 9 a.m. The State Property Tax Board will meet in the Agency Conference Room, 9501 North I-35, Austin. According to the agenda, the board will approve minutes for the January 16, 1987, board meeting, consider revisions of the 1985 property value study, budget adjustments, hear a report concerning the responsibilities and functions of the Office of General Counsel and the Operations Division, and a discussion of draft guidelines for the valuation of agricultural lands.

Contact: Ron Patterson, 9501 North I-35, Austin, Texas 78753, (512) 834-4800.

Filed: March 24, 1987, 2:50 p.m.
TRD-8702574

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Texas State Board of Public Accountancy

Thursday, April 2, 1987, 9 a.m. The Continuing Education Committee of the Texas State Board of Public Accountancy, will meet in Suite 340, 1033 La Posada, Austin. According to the agenda, the committee will discuss mandatory continuing education; changing the reporting period; consider that continuing education hours be accrued by all licensees, not just those in public practice; and a two-tier licensing system.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: March 24, 1987, 2:09 p.m.
TRD-8702570

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Public Utility Commission of Texas

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

Wednesday, March 25, 1987, 9 a.m. The Hearings Division made an emergency addition to the agenda of a meeting. The addition concerned a meeting in executive session to consider Central Power and Light Company and the Public Utility Commission of Texas vs. Lubow, McKay, Stevens, and Lewis, C.A. A-86-CA 570. The emergency status was necessary because of prompt discussion by the commission and the Attorney General on issues raised by defendant's filing because of deadlines inherent in that litigation.

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

Filed: March 24, 1987, 2:58 p.m.
TRD-8702575

Friday, March 27, 1987, 10 a.m. The Hearings Division met in emergency session to consider Docket 6184—Inquiry of the Public Utility Commission of Texas concerning the economic viability of Unit Two of the South Texas Electric Generating Station. The emergency status was necessary because a request to modify schedule must be heard before deadlines in the schedule have passed.

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

Filed: March 24, 1987, 2:57 p.m.
TRD-8702577

Thursday, April 2, 1987, 10 a.m. The Hearings Division will consider Docket 7180—Application of San Marcos Telephone Company, Inc. for private pay telephone service.

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

Filed: March 24, 1987, 2:56 p.m.
TRD-8702578

Monday, April 6, 1987, 10:30 a.m. The Hearings Division will consider Docket 7439—Petition of West Texas Utilities Company to set interim fixed fuel factors.

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

Filed: March 23, 1987, 3:08 p.m.
TRD-8702616

Wednesday, April 8, 1987, 10 a.m. The Hearings Division will consider Docket 7434—Complaint of Netcom against Southwestern Bell Telephone Company.

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

Filed: March 24, 1987, 2:57 p.m.
TRD-8702579

Tuesday, May 26, 1987, 10 a.m. The Hearings Division will consider Docket 7832—Application of Texas Utilities Electric Company for a certificate of convenience and necessity for a proposed transmission line and associated substation within Henderson, Kaufman, and Van Zandt Counties.

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

Filed: March 24, 1987, 2:57 p.m.
TRD-8702576

Monday, June 22, 1987, 10 a.m. The Hearings Division will consider Docket 7415—Petition of Bluebonnet Electric Cooperative, Inc. for authority to change rates.

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

Filed: March 24, 1987, 2:57 p.m.
TRD-8702580

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State Purchasing and General Services Commission

Thursday, April 9, 1987, 1:30 p.m. The Texas School Bus Committee of the State Purchasing and General Services Commission will meet in Room 916, L.B.J. Office Building, 111 East 17th Street, Austin. According to the agenda, the committee will discuss specifications for school bus engines, bodies, chassis, optional equipment, and bus accessories; discuss approved products list; and addendum to the school bus specifications.

Contact: Troy Martin, 111 East 17th Street, Austin, Texas 78711, (512) 463-3415.

Filed: March 25, 1987, 9:47 a.m.
TRD-8702593

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School Land Board

Friday, April 3, 1987, 4 p.m. The School Land Board will meet in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will approve minutes of the previous board meeting, and consider nominations for May 5, 1987, special oil and gas lease sale.

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

Filed: March 24, 1987, 11:18 a.m.
TRD-8702564

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Board for Lease of State-Owned Lands

Tuesday, March 25, 1987, 1:30 p.m. The Board for Lease of Texas Department of Corrections of the Board for Lease of State-Owned Lands met in emergency session in Room 833, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board approved minutes of the previous board meeting, and considered pooling applications. The emergency status was necessary because of expiration of leases.

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

Filed: March 24, 1987, 11:18 a.m.
TRD-8702563

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Structural Pest Control Board

The Structural Pest Control Board will meet in Suite 250, Building C, 1300 East Anderson Lane, Austin. Dates, times, and agendas follow.

April 9, 1987, 10 a.m. The board will approve minutes of the February 19, 1987, meeting, consider William A. Cohn, doing business as Arrow Pest Control to appear before the board at 10 a.m. at the board's request, Mike Cohn, doing business as Arrow Pest Control to appear before the board at 11 a.m. at the board's request, Robert R. Walsh, Jr., doing business as Chase Pest Control to appear before the board at 1 p.m. at the board's request, and other miscellaneous.

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

Filed: March 25, 1987, 10:42 a.m.
TRD-8702594

Friday, April 10, 1987, 8:30 a.m. The board will hear the executive director's report, consider Bill Butler and Ricky Butler doing business as Butlers Red Bell Termite Company to appear before the board at 9 a.m. at the board's request, Micheal R. Blankenship doing business as Environmental Pest Control to appear before the board at 2 p.m. at the board's request, and other miscellaneous business. The board will also meet in executive session with attorney to discuss pending litigation.

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

Filed: March 25, 1987, 10:42 a.m.
TRD-8702595

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Texas Water Commission

Monday, April 6, 1987, 10 a.m. The Office of Hearings Examiners will meet in Room 119, Stephen F. Austin State Office Building, 1700 North Congress, Austin. According to the agenda, the examiners will hold a hearing on the complaints of the Springwoods Municipal Utility District against the City of Austin, Docket 7144-M.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: March 24, 1987, 11:36 a.m.
TRD-8702565

Wednesday, April 22, 1987, 2:00 p.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin State Office Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will meet to discuss the application from the Columbian Chemicals Company,

P.O. Box 1018, Conroe, Texas 77305, to the Texas Water Commission for a temporary order to authorize a discharge of stormwater at a total volume of 13,000,000 gallons as a preliminary step in closing its facility which is located adjacent to FM Road 1485, approximately 1.5 miles southeast of the intersection of State Highway 105 and FM Road 1485 and approximately 5 miles east of the City of Conroe in Montgomery County. The stormwater is to be discharged into the Red Hollow Branch Tributary; thence into Crystal Creek, Stream Segment 1004 of the San Jacinto River Basin at a maximum flow rate not to exceed 750,000 gallons per day.

Contact: Michelle A. McFaddin, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

Filed: March 24, 1987, 11:37 a.m.
TRD-8702566

Wednesday, May 6, 1987, 2:00 p.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin State Office Building, 1700 North Congress, Austin. According to the agenda, the commission will meet to discuss the petition for the creation of the Harris County Municipal Utility District No. 322, containing 302.3815 acres of land.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: March 24, 1987, 11:35 a.m.
TRD-8702567

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Regional Agencies Meetings Filed March 24

The Bosque County Appraisal District,

Board of Directors, will meet in the Bosque County Courthouse, Meridian, on March 31, 1987, at 7 p.m. Information may be obtained from Don R. Whitney, P.O. Box 393, Meridian, Texas 76665, (817) 435-2304.

The Lampasas County Appraisal District, Board of Directors, met at 109 East Fifth, Lampasas, on March 25, 1987, at 2 p.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

The Scurry County Appraisal District, Board of Directors, will meet at K-Bob's Steak House, 4604 College Avenue, and 2612 College Avenue, Snyder, on April 7, 1987, at 6 p.m., and 7:30 p.m., respectively. Information may be obtained from L.R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549.

TRD-8702561

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Meetings Filed March 25

The Comal Appraisal District, Board of Directors, will meet at 644 North Loop 337, New Braunfels, on April 1, 1987, at 7:30 p.m. Information may be obtained from R. Richard Rhodes, Jr., P.O. Box 311222, New Braunfels, Texas 78103, (512) 625-8597.

The Dawson County Central Appraisal District, Board of Directors, will meet at 920 North Dallas Avenue, Lamesa, on April 1, 1987, at 7 a.m. Information may be obtained from Tom Anderson, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060.

The Education Service Center, Region VI, Board of Directors, will meet at First City Bank, Bryan, on April 9, 1987, at 5 p.m. Information may be obtained from M. W. Schlotter, 3332 Montgomery Road, Huntsville, Texas 77340, (409) 295-9161.

The Jasper County Appraisal District, Board of Directors, will meet in the boardroom, Buna CISD Administration Building, Highway 62, Buna, on April 2, 1987, at 7 p.m. Information may be obtained from David W. Luther, Jasper County Appraisal District County Courthouse Annex, Jasper, Texas 75951, (409) 384-2544.

TRD-8702590

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Meeting Filed March 26

The West Central Texas Municipal Water District, Board of Directors, met in Suite 300, First National West Building, 401 Cypress Street, Abilene, on March 26, 1987, at 11:45 a.m. Information may be obtained from Virginia Duncan, 401 Cypress Street, Suite 300, Abilene, Texas 79601, (915) 673-8254.

TRD-8702627

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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 Air Control Board Notice of Contested Case Hearing

Pursuant to the authority provided in the Texas Clean Air Act, Texas Civil Statutes, Article 4477-5, §§3.15-3.17 (the Act), and the Procedural Rules of the Texas Air Control Board (TACB), Rules 103.11(3), 103.31, and 103.41, an Examiner for the TACB will conduct a contested case hearing to consider whether three special permits should be issued to Bay, Inc., (hereinafter referred to as the company) to construct a concrete batch plant, an asphalt plant, and a rock crushing facility at the Port of Harlingen, approximately three three miles east of the Harlingen city limit and ¼ mile south of State Highway 106.

Said company is directed to appear at the time and place shown as follows and demonstrate by a preponderance of evidence that the proposed facilities will have emissions of less than 250 tons per year of carbon monoxide or nitrogen oxides or 25 tons per year of any other air contaminant, and that the emissions from the proposed facilities will not cause or contribute to a condition of air pollution. The company must also demonstrate that the proposed facilities will operate in compliance with all rules and regulations of the TACB and will utilize the best available control technology (with consideration given to the technical practicability and economic reasonableness of reducing or eliminating the emissions resulting from the facilities), and that the proposed facilities will comply with any applicable federal regulations.

The record of this hearing will be used by the TACB in determining whether to issue three special permits for construction of a concrete batch plant, an asphalt plant, and a rock crushing facility.

Information regarding the applications for the special permits and copies of the board's rules and regulations are available for public inspection at the central office of this agency located at 6330 Highway 290 East, Austin, Texas 78723; and the regional office of the TACB, Matz Building, Room 204, 513 East Jackson, Harlingen, Texas 78550.

The examiner has set the hearing to begin at 1 p.m., April 27, 1987, at the central office of this agency located at 6330 Highway 290 East, Room 332, Austin, Texas 78723. Prospective parties to the hearing will be the TACB staff and the company. Any other person desiring to be made a party to the hearing must specifically apply in writing for party status to Examiner John Worley, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723. No other persons will be admitted as parties unless the request is actually received at the previous address by 5 p.m., April 2, 1987. Previous correspondence with the TACB is not effective for this purpose. A final determination regarding party status will be made at the prehearing conference on the date set out as follows. At the hearing on the merits, only those persons admitted as parties will be permitted to present evidence and argument and to cross-examine

witnesses. Any person who desires to give testimony at the hearing but who does not desire to be a party, may call the Legal Division of the TACB at (512) 451-5711, ext. 350, to determine the names and addresses of all admitted parties. The parties may then be contacted about the possibility of presenting testimony.

Pursuant to the Procedural Rules of the TACB, Rule 103.46, the examiner has scheduled a prehearing conference on April 13, 1987, at 2 p.m. at the central office of this agency located at 6330 Highway 290 East, Room 332, Austin, Texas 78723. All persons wishing to be admitted as parties must attend the conference. Proposed written disputed issues for consideration at the hearing on the merits and written requests for official notice should be made at the prehearing conference. Motions for continuance will only be granted upon proof of good cause. At this conference a specific date prior to the hearing on the merits will be established for the exchange of copies of written and documentary evidence pursuant to Board Rule 103.46(2). Prehearing orders setting out discovery periods and other requirements may also be issued following this conference.

Members of the general public who plan to attend the hearing are encouraged to telephone the central office of the TACB in Austin, Texas at (512) 451-5711, ext. 350, a day or two prior to the hearing date in order to confirm the setting since continuances are granted from time to time.

Issued in Austin, Texas, on March 23, 1987.

TRD-8702573 Allen Eli Bell
Executive Director
Texas Air Control Board

Filed: March 24, 1987

For further information, please call (512) 451-5711, ext. 350.

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Texas Education Agency Notice of Public Hearings

The Texas Education Agency will conduct a series of four public hearings concerning changes in the Education Consolidation and Improvement Act of 1981 state application for fiscal year 1987-1988.

The Governor's Advisory Committee on Chapter 2 has recommended no changes in the formula for distribution of funds to local school districts. Proposed discretionary programs include: Statewide Basic Skills Improvement, Higher Education-Teachers Center, Strengthening the Quality of Candidates in Teacher Education, Secondary Models for Increasing Graduation Rates, Classroom Models for Disadvantaged Students, Teaching Basic Skills Through Higher Order Processes, Effective Schools Support System, Public Education Information Management System, Development of New Teacher Certification System, Strength-

ening the Education Leadership of the Texas Education Agency, Improving Service to Gifted and Bilingual Students in Small School Districts, Development of a Texas Governor's School Secondary Teacher Training Institute, The Community School Concept, a Campus Model for School Improvement through Community Involvement, Increasing Parental Involvement in Education, and State Administration and Technical Assistance.

Public hearings will be held as follows: April 7, 1987, at Education Service Center Region XVIII, La Force Boulevard, Midland; 9 a.m.-noon; April 9, 1987, at Education Service Center Region IV, 7200 West Tidwell, Houston, 6:30 p.m.-9 p.m.; April 11, 1987, at Education Service Center Region X, 400 East Spring Valley Road, Richardson, 9 a.m.-noon; April 17, 1987, at Education Service Center Region XIII, 5701 Springdale Road, Austin, 9 a.m.-noon.

Interested parties are invited to testify and/or submit written comments concerning the proposed changes. Anyone wishing to register to testify or receive additional information should contact Richard L. Jarrell, Director for Federal Funding/Discretionary Grants, Texas Education Agency, William B. Travis Building, Room 6-108, 1701 North Congress Avenue, Austin, Texas 78701 (512) 463-9269, prior to 5 p.m., Friday, April 3, 1987.

Issued in Austin, Texas, on March 24, 1987.

TRD-8702589 W. N. Kirby
Commissioner of Education

Office of the Secretary of State Texas Register Publication Schedule

Following are the deadline dates of the April, May, and June 1987 issues of the *Texas Register*. Unless noted by a ☆, deadline for a Tuesday edition of the *Texas Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. For further information, please call (512) 463-5561.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
Friday, April 3	Monday, March 30	Tuesday, March 31
Tuesday, April 7	Wednesday, April 1	Thursday, April 2
Friday, April 10	Monday, April 6	Tuesday, April 7
Tuesday, April 14	Wednesday, April 8	Thursday, April 9
Friday, April 17	Monday, April 13	Tuesday, April 14
Tuesday, April 21	Wednesday, April 15	Thursday, April 16
☆ Friday, April 24	Friday, April 17	Tuesday, April 21
Tuesday, April 28	Wednesday, April 22	Thursday, April 23
Friday, May 1	1ST QUARTERLY INDEX	
Tuesday, May 5	Wednesday, April 29	Thursday, April 30
Friday, May 8	Monday, May 4	Tuesday, May 5
Tuesday, May 12	Wednesday, May 6	Thursday, May 7
Friday, May 15	Monday, May 11	Tuesday, May 12
Tuesday, May 19	Wednesday, May 13	Thursday, May 14

Filed: March 24, 1987
For further information, please call (512) 463-9212

★ ★ ★ Texas Department of Human Services Correction of Error

An adopted amendment submitted by the Texas Department of Human Services contained errors as published in the March 10, 1987, issue of the *Texas Register* (12 TexReg 792).

In §29.606, subsection (a) should read: "(a) Introduction. The Texas Medical Assistance Program reimburses hospitals for covered....."

The agency certification should read:
"Marlin W. Johnston
Commissioner
Texas Department of Human Services"

Structural Pest Control Board Correction of Error

An adopted section submitted by the Structural Pest Control Board contained errors as published in the March 17, 1987, issue of the *Texas Register* (12 TexReg 903).

In §599.6, subsection (b) should read: "(b) The report form will include a space to report conditions consistent with §599.5 of this title (relating to Inspection Procedures)."

In §599.6, subsection (d)(2) should read: "(2) title company or mortgagee; and"

Friday, May 22
Tuesday, May 26
★ Friday, May 29

Monday, May 18
Wednesday, May 20
Friday, May 22

Tuesday, May 19
Thursday, May 21
Tuesday, May 26

Tuesday, June 2
Friday, June 5
Tuesday, June 9
Friday, June 12
Tuesday, June 16
Friday, June 19
Tuesday, June 23
Friday, June 26
Tuesday, June 30

Wednesday, May 27
Monday, June 1
Wednesday, June 3
Monday, June 8
Wednesday, June 10
Monday, June 15
Wednesday, June 17
Monday, June 22
Wednesday, June 24

Thursday, May 28
Tuesday, June 2
Thursday, June 4
Tuesday, June 9
Thursday, June 11
Tuesday, June 16
Thursday, June 18
Tuesday, June 23
Thursday, June 25

Texas Water Commission Application for Provisionally- Issued Temporary Permits

Notice is given by the Texas Water Commission of provisionally issued temporary permits issued during the period of March 2-20, 1987.

These permits were issued without notice and hearing pursuant to the Texas Water Code, §11.138, and commission rules 31 TAC §§303.91-303.93.

The executive director has reviewed each application and found that sufficient water was available at the proposed point of diversion to satisfy the requirements of the applications as well as all existing water rights. It is further noted that these diversions are for not more than 10 acre-foot of water and for a period of not more than one year. If a complaint is received before or after diversions are commenced, a preliminary investigation shall be made by the executive director to determine whether there is a reasonable basis for such complaint. Should the investigation indicate that there is a probability that diversions could result in injury to the complainant, the permit will be canceled, and the application will revert to the status of a pending application and no further diversions may be made until a public hearing is held. Notice of the hearing shall then be sent to the complaining person.

Information concerning any aspect of these permits may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8218.

Listed are the names of the permittees, diversion point, watercourse, amount of water authorized, period of time of the permit, permit number, and the date issued/administratively-complete.

Adams Brothers, Inc.; from two stream crossings of State Highway 19, approximately 1½ and 9½ miles north of Canton, Van Zandt County; Caney Creek and Red Hall Creek both tributary Mill Creek, tributary Sabine River; six acre-feet; one-year period; TP-5746; March 16, 1987

Southern States Equipment Corporation; from two stream crossings of Loop 336, approximately two miles southeast of Conroe, Montgomery County; Little Caney Creek and Stewarts Creek both tributaries of West Fork San Jacinto, tributary San Jacinto River; four acre-feet; 10 month period; TP-5647; March 16, 1987

Heath Constructors; from the stream crossing of U.S. Highway 59, approximately 2½ miles east of George West, Live Oak County; Nueces River; two acre-feet; one-year period; TP-5648; March 16, 1987

Dean Word Company; from the stream crossing of U.S. Highway 90A, approximately 6½ miles east of Gonzales, Gonzales County; Peach Creek, tributary Guadalupe River; six acre-feet; one-year period; TP-5643; March 3, 1987

Plano Bridge and Culvert; from the stream crossing of State Highway 277, approximately 3½ miles southwest of Del Rio, Val Verde County; Rio Grande; one acre-foot; one-year period; TP-5644; March 3, 1987

Adams Brothers Inc.; from two stream crossings of IH 45, approximately four and 12 miles north of Centerville, Leon County; Keechi Creek and Bliss Creek, tributary Buffalo Creek, tributary Upper Keechi Creek, both tributaries of Trinity River; six acre-feet; one-year period; TP-5645; March 16, 1987

Murlynsen Drilling Company; from the stream crossing of a private road, approximately 14 miles south of Refugio, Refugio County; Aransas River, tributary Copano Bay, tributary Aransas Bay; two acre-feet; one-year period; TP-5623; March 17, 1987

City of Coppell; from the stream crossing near Denton Tap Road, approximately 14 miles northwest of Dallas, Dallas County; Denton Creek, tributary Trinity River; four acre-feet; one-year period; TP-5641; March 3, 1987

Parker Bridge and Engineering Company; from the stream crossing of U.S. Highway 59, approximately two miles east of George West, Live Oak County; Nueces River; five acre-feet; one-year period; TP-5642; March 3, 1987

Tom Thorp Transports, Inc.; from the stream crossing of U.S. Highway 67, approximately ¼ mile southeast of Mertzon, Irion County; Spring Creek, tributary South Concho River, tributary Concho River, tributary Colorado River; three acre-feet; one-year period; TP-5649; March 16, 1987

Tom Thorp Transports, Inc.; from the stream crossing of FM Road 853, approximately 13½ miles north of Mertzon, Irion County; West Rocky Creek, tributary Middle Concho River, tributary South Concho River, tributary Concho River, tributary Colorado River; five acre-feet; one-year period; TP-5650; March 16, 1987

Issued in Austin, Texas, on March 20, 1987.

TRD-8702568 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: March 24, 1987
For further information, please call (512) 463-7898.

Texas Water Development Board Consultant Proposal Request

This request for software and/or consulting design and implementation services is filed under the provisions of Texas Civil Statutes, Article 6252-11C.

As one project, the Texas Water Development Board intends to evaluate and obtain microcomputer-network resident software and/or to contract for the design and implementation of a portfolio management/accounting application. The application must reside in a well-supported relational database management system, function as subsidiary accounts to the general ledger, and provide special accounting and general development fund management reports. A second project would entail the selection of an operational accounting system. Detailed specifications may be obtained by contacting the Texas Water Development Board, Development Fund, P.O. Box 13231, Austin, Texas 78711, or by calling (512) 463-7867.

The closing date for receipt of offers of services is May 7, 1987.

The contract will be awarded based upon evaluations of the following five criteria and upon consideration of the host software recommended.

1. The bidder must submit a bid including the total price for work specified and a breakdown (if appropriate) of the costs for each product or service proposed.

2. The bidder must provide a list of at least three references from clients for which other large portfolio management and/or accounting programs have been designed and implemented.

3. The bidder should include a detailed list of all warranties offered with bid.

4. The bidder should indicate the anticipation start and completion dates for performance of the work specified.

5. The bidder should have data base and accounting expertise. Names of persons and their credentials should be provided.

Issued in Austin, Texas, on March 23, 1987.

TRD-8702541

Suzanne Schwartz
General Counsel
Texas Water Development Board

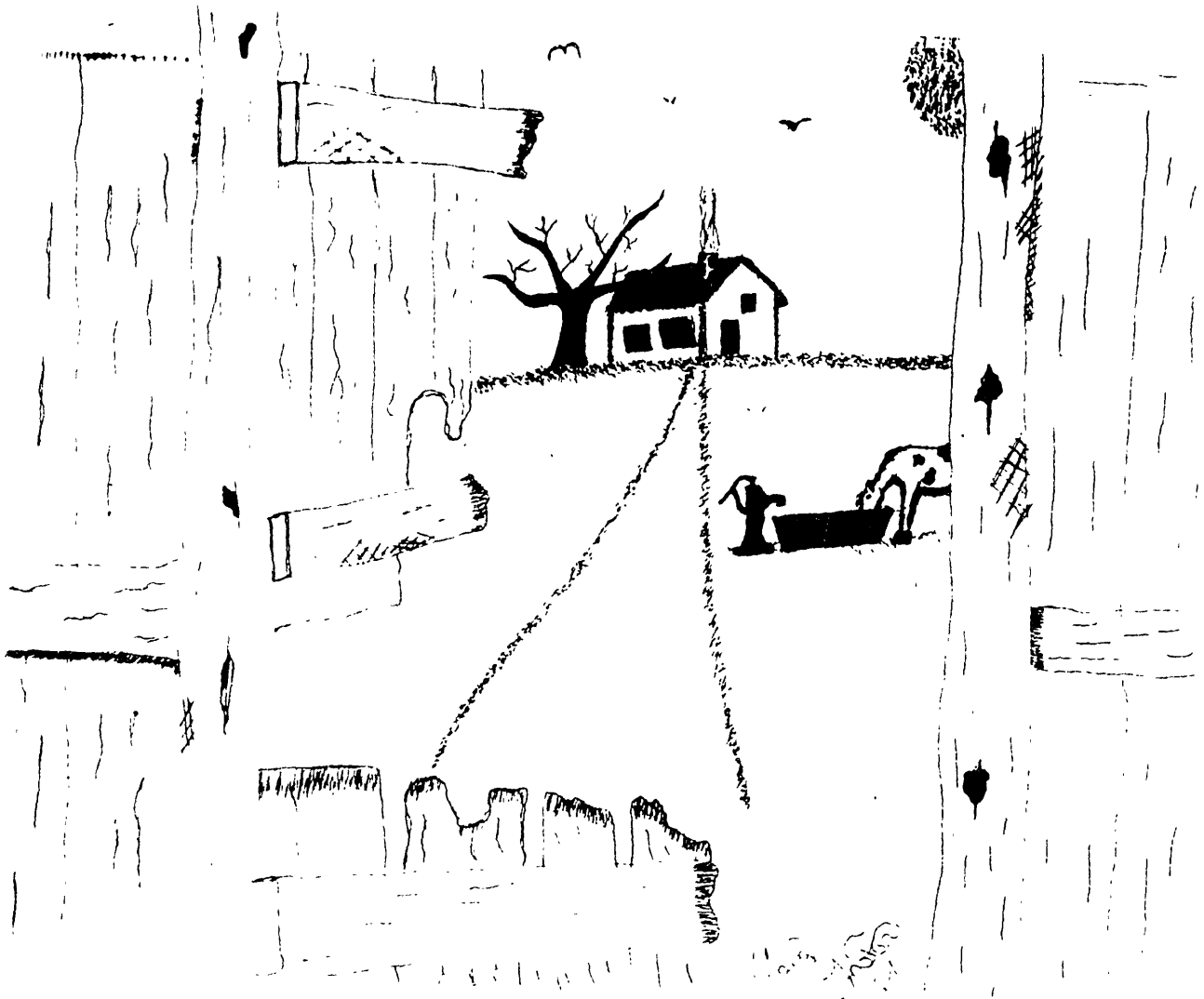
Filed: March 23, 1987

For further information, please call (512) 463-7850.

★ ★ ★



Name: Marc Roth
Grade: 11
School: Plano Senior High School, Plano



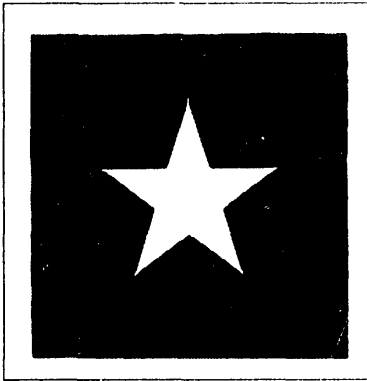
Name: Craig Foster
Grade: 8
School: T.H. McDonald Middle School,
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