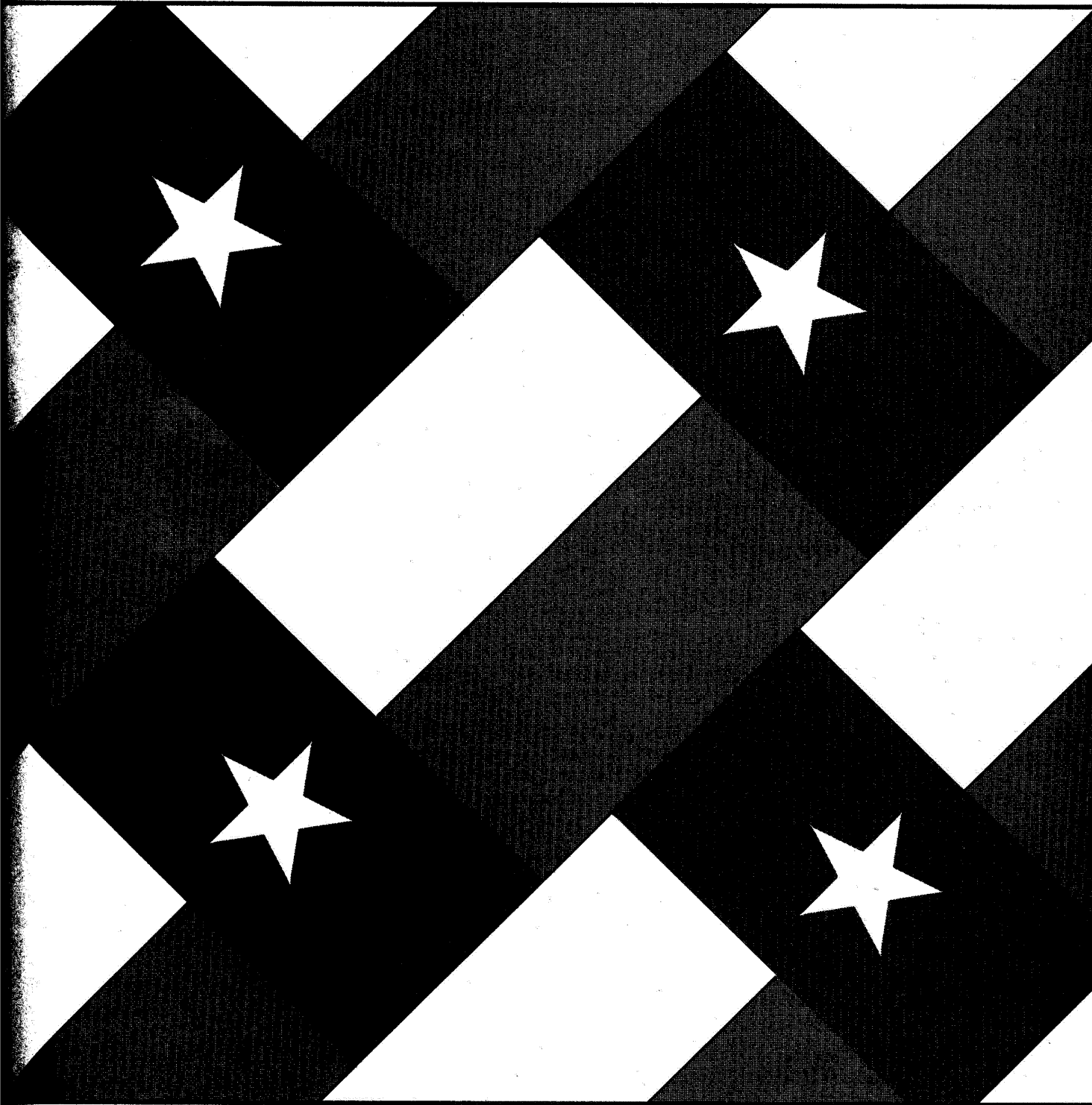


Texas Register

COLLECTION

Volume 11, Number 72, September 26, 1986

Pages 4053-4088



Highlights

The **Texas Department of Agriculture** adopts an emergency amendment concerning the classification of Dinoseb as a state-limited-use pesticide. Effective date - September 17 **page 4060**

The **Texas Education Agency** adopts emergency amendments concerning the requirements for issuance of a Texas certificate

based on certificates and college credentials from other states. Effective date - September 18 **page 4060**

The **Texas State Board of Examiners of Psychologists** adopts an amendment concerning addition of a fee for the oral exam to cover the cost of administration of the exam. Effective date - October 9 **page 4068**

**Office of
the Secretary
of State**

Texas Register

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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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: "11 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 11 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

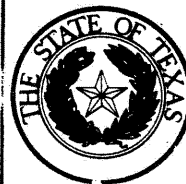
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How To Cite: Under the TAC scheme, each agency rule is designated by a TAC number. For example, in the citation 1 TAC §27.15:

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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Illustrations courtesy of Texas Parks and Wildlife Department.

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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.

Appointments Made September 12

340th Judicial District

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

Randol L. Stout
P.O. Box 3645
San Angelo, Texas 76902

Mr. Stout is replacing Marilyn Aboussie of San Angelo, who resigned.

Edward A. R. Lord, Jr., M.D.
9706 Oasis Street
Houston, Texas 77096

Dr. Brown and Dr. Lord are being reappointed.

Issued in Austin, Texas, on September 12, 1986.

TRD-8608943

Mark White
Governor of Texas



Larry Mitchell
6116 North Central Expressway
Dallas, Texas 75206

Mr. Mitchell is replacing Patrick C. Guillot.

Statewide Health Coordinating Council

For a term to expire September 1, 1988:

Elizabeth Ann Attel
11007 Cinderella Lane
Dallas, Texas 75229

Ms. Attel is being reappointed.

Issued in Austin, Texas, on September 16, 1986.

TRD-8608943

Mark White
Governor of Texas



Statewide Health Coordinating Council

For terms to expire September 1, 1988:

Max Brown, Ph.D.
7146 Grande Oaks Boulevard
Dallas, Texas 75230

Appointments Made September 16

Court of Appeals, Fifth District

To be justice, until the next general election and until his successor shall be elected and duly qualified:

Proclamation 41-2097

Under the provisions of Article III, Section 40 of the Texas Constitution, I, Mark White, Governor of Texas, do hereby add to the call of this Third Called Session of the 69th Legislature, now convened, the following:

Legislation establishing interim state budget execution authority.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

Issued in Austin, Texas, on September 17, 1986.

TRD-8608944

Mark White
Governor of Texas



Attorney General

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

Opinion

JM-539 (RQ-757). Request from Bob Bullock, Comptroller of Public Accounts, Austin, concerning whether interest should be paid on taxes collected by the comptroller on behalf of local jurisdictions.

Summary of Opinion. Interest earned on all taxes collected on behalf of local taxing units must be credited to those taxing units. Any interest previously deposited in the general revenue fund of the state treasury must receive specific legislative appropriation before such interest can be remitted to the various taxing units.

TRD-8608916



JM-540 (RQ-789). Request from Chester V. Hines, county attorney, Crockett, concerning whether a county hospital district is liable for emergency health care administered in a hospital in another county to an indigent resident of the hospital district.

Summary of Opinion. A hospital district created under the Texas Constitution, Article IX, §9, is liable for emergency health care administered prior to September 1, 1986, to an indigent resident of the hospital district in a county hospital of another county.

TRD-8608917



Open Records Decision

ORD-437 (RQ-728). Request from Herman I. Little, Jr., Smith, Murdaugh, Little and Crawford, attorneys, Grant Road Public Utility District, Houston; and Mark W. Brooks, Rowe and Young, attorneys, Aransas County Municipal Utility District, Houston, concerning whether information maintained by an independent contractor hired by a utility district is subject to disclosure under the Open Records Act.

Summary of Decision. An independent contractor that collects and maintains information on behalf of a governmental body is subject to the Open Records Act, Texas Civil Statutes, Article 6252-17a.

TRD-8608918



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 4. AGRICULTURE Part I. Texas Department of Agriculture Chapter 7. Pesticides

★4 TAC §7.24, §7.30

The Texas Department of Agriculture adopts on an emergency basis amendments to §7.24 and §7.30, concerning the classification of Dinoseb as a state-limited-use pesticide, and the setting of a seven-day reentry interval of Dinoseb.

The recent release of findings by the U.S. Environmental Protection Agency indicates that exposure to Dinoseb during its application may pose a hazard to the fertility of both men and women and a risk of birth defects to the unborn children of pregnant women. Because Dinoseb is currently classified as a general-use pesticide in Texas, it may be purchased and used by individuals who are not licensed as certified pesticide applicators. The continued unrestricted use of Dinoseb in Texas poses an imminent and serious threat to workers who come in contact with Dinoseb residues in the production of agricultural crops.

The emergency amendment to §7.24 classifies Dinoseb as a state-limited-use pesticide, thereby restricting its use to certified pesticide applicators and limiting exposure to women of childbearing capacity. The emergency amendment to §7.30 establishes a seven-day interval between the time of application and the time when persons may reenter an area treated with Dinoseb to perform labor-intensive activities without wearing appropriate protective clothing.

The department intends to propose a section for permanent adoption that restricts the use and exposure to Dinoseb.

The section will be proposed within 120 days or as soon as additional data is available. After proposing the section, the department will schedule at least one public hearing on whether it should be adopted.

The amendments are adopted on an emergency basis under the Texas Agriculture Code, Subchapter A, §76.003, which gives the department the authority to classify a pesticide as a state-limited-use pesticide if the department determines that the pesticide requires additional restrictions to prevent unreasonable risks to man or the environment, taking into account the

economic, social, and environmental costs and benefits of the use of the pesticide; and Texas Civil Statutes, Article 6252, §13a(5), which allows the adoption of administrative rules on an emergency basis without notice and comment, for a maximum period of 180 days.

§7.24. *State-Limited-Use Pesticides.*

(a) (No change.)

(b) **Because of its potential to cause adverse effects in humans, all products containing the active ingredient Dinoseb shall be classified as state-limited-use pesticides. In addition, the following special restrictions shall apply in the use of products containing the active ingredient Dinoseb for agricultural field production.**

(1) **The involvement of women of childbearing capacity in any phase of the application of Dinoseb, including the mixing, loading, and applying of Dinoseb, regardless of the use of protective clothing, shall be prohibited.**

(2) **The reentry of women of childbearing capacity into a field which has been treated with Dinoseb to perform labor-intensive activities prior to the expiration of the required reentry interval shall be prohibited, regardless of the use of appropriate protective clothing.**

(c)[(b)] Formulations containing the active ingredients listed in subsection (a)(1)-(9) of this section are exempt from being classified as state-limited-use pesticides if they meet one of the criteria listed in paragraphs (1) or (2) of this subsection.

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

§7.30. *Reentry Intervals.*

(a) (No change.)

(b) **Minimum reentry intervals. Except as provided in §7.24(b) of this title (relating to State-Limited-Use Pesticides),** workers shall not be permitted to enter a field treated with a pesticide until the pesticide spray has dried or the pesticide dust has settled unless the workers wear appropriate protective clothing. In no case must the waiting period for the drying or settling to occur need to exceed 24 hours, unless otherwise required in subsection (c) of this section.

(c) **Specific reentry intervals. The following reentry intervals are hereby established for pesticides when used on crops requiring workers to perform labor-intensive activities.**

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

(3) **A seven-day reentry interval applies after each application of a pesticide**

containing **one of the following ingredients [ingredient]: ethyl parathion or Dinoseb.**
(4)-(6) (No change.)

Issued in Austin, Texas, on September 17, 1986.

TRD-8608923

Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Effective date: September 17, 1986
Expiration date: January 15, 1987
For further information, please call
(512) 463-7583.

★ ★ ★

TITLE 19. EDUCATION Part II. Texas Education Agency

Chapter 141. Teacher Certification

Subchapter J. Requirements for Issuance of Texas Certificate Based on Certificates and College Credentials from Other States

★19 TAC §141.181, §141.184

The Texas Education Agency adopts on an emergency basis amendments to §141.181 and §141.184, concerning requirements for issuance of Texas certificates based on certificates and college credentials from other states. The amendments are adopted on an emergency basis to permit immediate processing of qualified applicants who would otherwise be ineligible under the out-of-state certification rule adopted by the State Board of Education in June 1986.

The amendments permit the Central Education Agency to accept statements of eligibility issued by other state departments of education for purposes of Texas certification. Currently, the sections specifically exclude acceptance of statements of eligibility in lieu of actual certificates.

The amendments are adopted on an emergency basis under the Texas Education Code, §13.032, which authorizes the State Board of Education to make rules concerning the issuing of teaching certificates.

§141.181. *Texas Certificates Based on Current Valid Out-of-State Certificate.*

(a) In accordance with law, the commissioner of education will issue a Texas cer-

tificate to an out-of-state applicant if the degree and certificate presented are considered standard and valid by the issuing state department of education and other requirements in this subchapter are met. For the purposes of this subchapter, a statement issued by a state department of education specifying eligibility for full certification upon completion of certain employment requirements shall have the same standing as an out-of-state certificate.

(b) The out-of-state certificate must meet the following requirements.

(1) (No change.)

(2) The certificate must be a standard certificate issued by the other state and equivalent to the certificates issued by the Central Education Agency. The specific area of certification shown on the out-of-state certificate must be equivalent to an area approved by the Texas State Board of Education. These standard certificates may not be: temporary permits or substandard certificates; credentials issued by a city or a school district; or documents such as approval letters or entitlement cards from a teacher training institution, [state department of education,] city, or school district.

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

§141.184. States That Issue Certificates Only to Individuals Under Contract. The applicant whose teacher education program was completed in a state which does not issue a certificate until the individual is under contract must submit a letter from the state's department of education verifying the applicant's completion of all degree and standard certification requirements. The letter may be used for employment and certification purposes. A nonrenewable certificate, valid for 12 months, will be issued in accordance with §141.181 of this title (relating to Texas Certificates Based on Current Valid Out-of-State Certificate). [After the applicant has been issued a standard certificate by another state and] Upon completion of testing requirements, the appropriate Texas certificate may be issued.

Issued in Austin, Texas, on September 18, 1986.

TRD-8608961

W. N. Kirby
Commissioner of
Education

Effective date: September 18, 1986
Expiration date: January 16, 1987
For further information, please call
(512) 463-9212.

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part I. General Land Office

Chapter 2. Oil, Gas, and Mineral Lease Sales

★31 TAC §2.2

The General Land Office adopts on an emergency basis new §2.2, concerning a lessee's responsibility to prevent pollution and waste from oil and gas operations. The new section is adopted on an emergency basis due to the sudden and dramatic increase of pollution and waste washed up on Texas beaches, and to provide a means of enforcing cleaner oil and gas operations.

The new section is adopted on an emergency basis under the Natural Resources Code, §31.051, which authorizes the commissioner to adopt rules consistent with law.

§2.2. Lessee Responsibility.

(a) All wells shall be drilled, reworked, cleaned, tested, and produced in a manner to prevent pollution, and in the event of pollution lessee shall use all reasonable means to recapture all hydrocarbons or other pollutants which have escaped and shall be responsible for all damage to public and private property.

(b) All operations shall be conducted using the highest degree of care. No discharge of solid waste in any form shall be allowed from any production platform, crew or supply boat, barge, jack-up rig, or other equipment located on the lease area.

(c) Failure to comply with the requirements of this section may result in forfeiture of the lease and liability for the damages caused by such failure and any costs and expenses incurred in cleaning up areas affected by the pollution or waste.

Issued in Austin, Texas, on September 16, 1986.

TRD-8608914

Garry Mauro
Commissioner
General Land Office

Effective date: September 17, 1986
Expiration date: January 15, 1987
For further information, please call
(512) 463-5009.

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Chapter 9. Exploration and Development

Geophysical Rules and Regulation for Submerged Lands

★31 TAC §9.7

The General Land Office adopts on an emergency basis an amendment to §9.7 concerning pollution-causing operations. The amendment is adopted on an emergency basis due to the sudden and dramatic increase in waste washed up on Texas beaches, and to provide a means of enforcing cleaner oil and gas operations.

The amendment is adopted on an emergency basis under the Natural Resources Code, §31.051, which authorizes the commissioner to adopt rules consistent with law.

§9.7. Pollution and Restoration.

(a) If an exploration party should drill a hole or holes in any of the bays or in the Gulf of Mexico, said hole or holes shall be drilled in such manner as will, so far as practicable, prevent pollution of said waters, and in such manner as to interfere as little as possible with the fishing or shrimping industries. Upon the abandonment of such hole all of the rigging and material shall be removed, and the bottom of the Gulf or bay where said hole was drilled shall be restored to its former condition as nearly as possible.

(b) All operations shall be conducted using the highest degree of care. No discharge of solid waste in any form shall be allowed from any seismic boat, platform crew or supply boat, barge, exploration vessel, or other equipment located on the permit or lease area.

(c) Failure to comply with the requirements of this section may result in revocation of the permit and liability for the damages caused by such failure and any costs and expenses incurred in cleaning up areas affected by the pollution or waste.

Issued in Austin, Texas, on September 16, 1986.

TRD-8608915

Garry Mauro
Commissioner
General Land Office

Effective date: September 17, 1986
Expiration date: January 15, 1987
For further information, please call
(512) 463-5009.

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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.

Symbols 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 II. Texas Education

Agency

Chapter 81. Instructional

Resources

Subchapter D. State Textbook Program

Special Textbooks

★ 19 TAC §81.179

The Texas Education Agency proposes new §81.179, concerning reproduction of textbooks on audiotape. The new section requires publishers of textbooks adopted by the State Board of Education to grant permission to the state to reproduce textbooks on audiotape without penalty or royalty. Currently, §81.171(c) requires publishers to grant similar permission for textbooks to be transcribed into braille, large type, and any other medium for blind and visually impaired students. The new section extends to each local school district authority to reproduce any state-adopted textbook which has been adopted by the local board of education and ordered for use in that district. Districts would be prohibited from making available for sale copies of a textbook reproduced on audiotape.

Lynn M. Moak, deputy commissioner for research and information, 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. Some local costs may be incurred if a school district decides to record textbooks on audiotape, but districts are under no obligation to do so, and the costs are indeterminate.

Lynn M. Moak and Dr. Beverly J. Bardsley, director for policy development, have determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that instructional materials can be provided to blind and visually impaired students in whatever medium is most beneficial to the learning needs of those students. 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 Dr. Beverly J. Bardsley, Director for Policy Development, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9682. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 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, §12.24, which authorizes the State Board of Education to adopt textbooks for use in the public schools of the state.

§81.179. *Reproduction of Textbooks on Audiotape.*

(a) Publishers shall grant permission to the state to have textbooks reproduced on audiotape without penalty or royalty. Textbooks or portions of textbooks reproduced on audiotapes under the provisions of this section shall be used to provide an alternative instructional medium for students.

(b) Each local education agency shall have the authority to have reproduced on audiotape a textbook or portion of a textbook which is under current adoption and use by the local district.

(c) Textbooks or portion of textbooks reproduced on audiotapes under the provisions of this section may not be made available for sale by the local education agency.

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

Issued in Austin, Texas, on September 18, 1986.

TRD-8609009

W. N. Kirby
Commissioner of
Education

Proposed date of adoption: November 8, 1986
For further information, please call
(512) 463-9212.



Chapter 89. Adaptations for Special Populations

Subchapter G. Special Education

★ 19 TAC §89.240

The Texas Education Agency proposes an amendment to §89.240, concerning placement of students at the Texas School for the Blind or the Texas School for the Deaf. The amendment removes the authority of the commissioner of education to refer students into consideration for placement into the Texas School for the Blind or the Texas School for the Deaf. The current language of the section was adopted when the commissioner had a prominent role in special education due process. It is now appropriate that referral for placement be left in the hands of local admission, review, and dismissal (ARD) committees. In the case of the Texas School for the Deaf, students may also receive educational services if admitted into the school as per the Texas Education Code, §11.032(c)(1)-(3).

Lynn M. Moak, deputy commissioner for research and information, 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. Moak and Dr. Beverly J. Bardsley, director for policy development, also have determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the elimination of an obsolete provision. 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 Dr. Beverly J. Bardsley, Director for Policy Development, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9682. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 days after notice of a proposed change in rules has been published in the *Texas Register*.



The amendment is proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules concerning the Foundation School Program, and §16.151, which includes special education as part of the Foundation School Program.

§89.240. Texas School for the Blind and Texas School for the Deaf.

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

(c) Students shall be admitted to the Texas School for the Blind or the Texas School for the Deaf according to the admission, review, and dismissal process cooperatively developed by the Texas School for the Blind and the Texas Education Agency or the Texas School for the Deaf and the Texas Education Agency, as appropriate.

(1) Except as provided in subsection (e) of the section [unless specifically approved by the commissioner of education,] only those students who have been referred to the Texas School for the Blind or the Texas School for the Deaf by local district admission, review, or dismissal committee shall be eligible to be considered for placement.

(2)-(4) (No change.)

(d)-(e) (No change.)

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

Issued in Austin, Texas, on September 19, 1986.

TRD-8609010

W. N. Kirby
Commissioner of
Education

Proposed date of adoption: November 8, 1986
For further information, please call
(512) 463-9212.

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**Chapter 109. Budgeting,
Accounting, and Auditing
Subchapter B. Central Education
Agency Audit Functions**

★ 19 TAC §§109.21, 109.24, 109.25

The Texas Education Agency proposes amendments to §§109.21, 109.24, and 109.25, concerning Central Education Agency audit functions. The amendments bring all audit functions, including those for regional education service centers, under Chapter 109. In July 1986, the Management and Services Division was merged with the divisions of education service centers and audits. As a result, the Division of Audits became the entity responsible for performing management and service audits and for reviewing independent audits of regional education service centers. Currently, audits of regional education service centers are addressed in Chapter 53, which is being revised in view of the new plan for regional education ser-

vice centers adopted by the State Board of Education in May 1986. New Chapter 53, Subchapters A and B, and the repeal of current Chapter 53, Subchapters A-C, are proposed elsewhere in this issue.

Lynn Moak, deputy commissioner for research and information, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections. There may be some savings at the state level as a result of combining all audit functions in one division, but the exact amount is indeterminate.

Mr. Moak and Dr. Beverly J. Bardsley, director for policy development, also have determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that all Central Education Agency audit functions will be addressed in one chapter. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9682. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 days after notice of a proposed change in rules has been published in the *Texas Register*.

The amendments are proposed under the Texas Education Code, §11.26, which authorizes the State Board of Education to make rules concerning Central Education Agency audit functions.

§109.21. Types of Audit Functions.

(a) The provisions of this subchapter cover three audit functions that include:

(1) (No change.)

(2) field audits and reviews of school districts, regional education service centers, and other subgrantees performed by staff; and

(3) independent audits of school districts and regional education service centers performed by locally engaged Texas licensed public and certified public accountants.

(b) (No change.)

[(c) Management and service audits and independent audits performed for regional education service centers by locally engaged auditors are covered in Chapter 53 of this title (relating to Regional Education Service Centers).]

§109.24. Field Audits and Reviews.

(a) Field audits and reviews of operations of school districts, regional education service centers, and other subgrantees shall be performed freely and objectively by the audit division in accordance with the annual

audit plan. Field auditors shall be free of administrative duties, such as determining funding allocations, etc., that will tend to impair audit objectivity.

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

(d) Audits and reviews performed by the Audit Division shall not duplicate efforts of entities complying with the Single Audit Act of 1984, (31 United States Code, Chapter 75). Field audits and reviews shall build upon work already performed, and shall include:

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

(3) special and criminal investigations; [and]

(4) compliance and financial audits of subgrantees not complying with the Single Audit Act of 1984; and [.]

(5) management and service audits of regional education service centers.

(e) (No change.)

§109.25. School District and Regional Education Service Center Independent Audits.

(a) The performance and review of required school district and regional educational service center independent audits, including review of auditors' working papers, shall be accomplished in accordance with the Financial Accounting Manual, Bulletin 679, §109.61 of this title (relating to Financial Accounting Manual).

(b) (No change.)

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

Issued in Austin, Texas, on September 18, 1986.

TRD-8608962

W. N. Kirby
Commissioner of
Education

Proposed date of adoption: November 8, 1986
For further information, please call
(512) 463-9212.

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**Chapter 141. Teacher
Certification**

**Subchapter J. Requirements for
Issuance of Texas Certificate
Based on Certificates and College
Credentials from Other States**

★ 19 TAC §141.181, §141.184

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

The Texas Education Agency proposes amendments to §141.181 and §141.184, concerning requirements for issuance of a Texas certificate based on certificates and college credentials from other states. The amendments permit the Central Education

Agency to accept statements of eligibility issued by other state departments of education for purposes of Texas certification. Currently, applicants from states which no longer issue initial certificates to graduates of teacher education programs until the applicant has been employed in the schools of that state cannot seek Texas certification based on out-of-state teacher preparation programs, since the sections specifically excluded acceptance of statements of eligibility in lieu of actual certificates. The amendments are adopted on an emergency basis elsewhere in this issue.

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

Mr. Moak and Dr. Beverly J. Bardsley, director for policy development, have determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that they will facilitate the entry into the teaching profession in Texas of fully qualified persons from other states. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9682. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 days after notice of a proposed change in rules has been published in the *Texas Register*.

The amendments are proposed under the Texas Education Code, §13.032, which authorizes the State Board of Education to make rules concerning the issuing of teaching certificates.

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

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

Issued in Austin, Texas, on September 18, 1986.

TRD-8608963

W. N. Kirby
Commissioner of
Education

Proposed date of adoption: November 8, 1986
For further information, please call
(512) 463-9212.

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TITLE 34. PUBLIC FINANCE

Part II. State Treasurer Chapter 13. Unclaimed Property Reporting and Compliance

★34 TAC §13.15

The State Treasurer proposes new §13.15, concerning reporting in computer readable format. The new section clarifies the responsibilities of unclaimed property holders who file reports in a computer readable format.

J. Stephen Ravel, general counsel, 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, however, the state will save data entry expenses. Additionally, there will be no effect on small businesses because reporting pursuant to the proposed rule is strictly voluntary.

Mr. Ravel 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 more owners will be reunited with their property, those required to report and remit property under the unclaimed property statute will have a more efficient means of reporting that unclaimed property, and the state will save data entry expenses. There is no anticipated economic cost to individuals who are required to comply with the proposed section because reporting in a computer readable format

pursuant to the proposed new section is strictly voluntary.

Comments on the proposal may be submitted to J. Stephen Ravel, General Counsel, Treasury Department, LBJ Building, 111 East 17th Street, Austin, Texas 78701.

The new section is proposed under Texas Property Code, Title 6, §74.701, which provides authorization for the State Treasurer to adopt any rules necessary to carry out the Texas unclaimed property statute.

§13.15. Reporting in Computer Readable Format.

(a) Statement of purpose and policy. The Texas Property Code, §74.101, requires holders of unclaimed property to report unclaimed property to the Texas State Treasurer. Data from the §74.101 reports is entered in a computer so that the Treasury's ability to locate the true owner through advertising is increased. When the §74.101 report comes to the Treasury already in a format compatible with the Treasury's computer, the Treasury's data entry and other administrative costs are reduced and its efficiency in locating missing owners is increased. Accordingly, the Treasury wishes to encourage reporting in computer readable format.

(b) Reporting deadline extension. Holders of unclaimed property required to file a report pursuant to the Texas Property Code, §74.101, who file that report in a computer readable format pursuant to reporting instructions issued by the Treasury Department are granted an extension of 30 days from the deadlines contained in §74.101 to file their report.

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

Issued in Austin, Texas, on September 19, 1986.

TRD-8609022

J. Stephen Ravel
General Counsel
State Treasurer

Earliest possible date of adoption:
October 27, 1986
For further information, please call
(512) 463-5971.

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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 19. EDUCATION

Part II. Texas Education

Agency

Chapter 75. Curriculum

Subchapter A. General Provisions

★ 19 TAC §§75.2-75.5

The Texas Education Agency has withdrawn from consideration §§75.2-75.5, concerning general provisions. The text of the amendments appeared in the June 27, 1986, issue of the *Texas Register* (11 TexReg 2931). The effective date of the withdrawal is October 9, 1986.

Issued in Austin, Texas, on September 18, 1986.

TRD-8608964

W. N. Kirby
Commissioner of
Education

Filed: September 18, 1986

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

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Subchapter G. Other Provisions

★ 19 TAC §75.170

The Texas Education Agency has withdrawn from consideration §75.170, concerning other provisions. The text of the amendment appeared in the June 27, 1986, issue of the *Texas Register* (11 TexReg 2932). The effective date of the withdrawal is October 9, 1986.

Issued in Austin, Texas, on September 18, 1986.

TRD-8608965

W. N. Kirby
Commissioner of
Education

Filed: September 18, 1986

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

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Subchapter H. Promotion and Alternatives to Social Promotion

★ 19 TAC §§75.191-75.193, 75.195

The Texas Education Agency has withdrawn from consideration §§75.191-75.193, and 75.195, concerning promotion and alternatives to social promotion. The text of the amendments appeared in the June 27, 1986, issue of the *Texas Register* (11 TexReg 2933). The effective date of the withdrawal is October 9, 1986.

Issued in Austin, Texas, on September 18, 1986.

TRD-8608966

W. N. Kirby
Commissioner of
Education

Filed: September 18, 1986

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

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Chapter 129. Student Attendance

Subchapter A. Student Attendance Allowed

★ 19 TAC §129.2

The Texas Education Agency has withdrawn from consideration §129.2, concerning student attendance allowed. The text of the amendment appeared in the June 27, 1986, issue of the *Texas Register* (11 TexReg 2935). The effective date of the withdrawal is October 9, 1986.

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TRD-8608929

W. N. Kirby
Commissioner of
Education

Filed: September 18, 1986

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

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Chapter 149. Education

Personnel Development

Subchapter B. Inservice Education

★ 19 TAC §149.24

The Texas Education Agency has withdrawn from consideration §149.24, concerning inservice education. The text of the amendment appeared in the June 27, 1986, issue of the *Texas Register* (11 TexReg 2936). The effective date of the withdrawal is October 9, 1986.

Issued in Austin, Texas, on September 18, 1986.

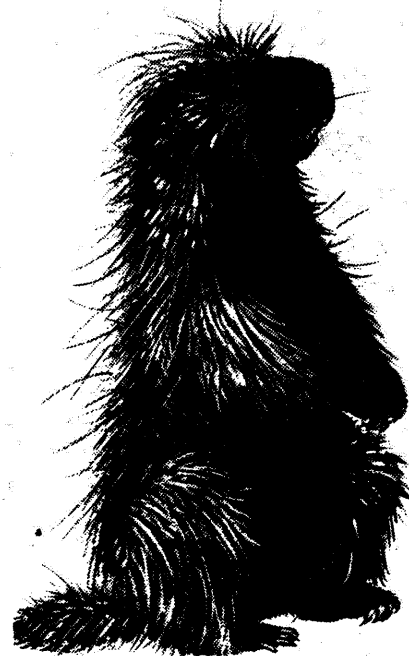
TRD-8608967

W. N. Kirby
Commissioner of
Education

Filed: September 18, 1986

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

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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 33. State Board of Education

Subchapter C. Investment of the Permanent School Fund

★ 19 TAC §33.54, §33.56

The Texas Education Agency adopts amendments to §33.54 and §33.56, without changes to the proposed text published in the June 27, 1986, issue of the *Texas Register* (11 TexReg 2938).

The amendments permit greater flexibility in the appointment of the board investment committee and eliminate unnecessary expenses associated with the Investment Advisory Committee.

The amendments delete a requirement that the board investment committee have six members and provide for the Investment Advisory Committee to meet semi-annually rather than quarterly, because of the relatively long-term nature of the advice sought from this advisory committee. The amendments also reletter an incorrectly lettered subparagraph.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Education Code, §15.02, which authorizes the State Board of Education to make rules concerning the investment of the permanent school fund.

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

Issued in Austin, Texas, on September 17, 1986.

TRD-8608926

W. N. Kirby
Commissioner of
Education

Effective date: October 8, 1986
Proposal publication date: June 27, 1986
For further information, please call
(512) 463-9212.

Chapter 75. Curriculum

The Texas Education Agency adopts amendments to §§75.2-75.5, 75.170, 75.191-75.193, and 75.195. Section 75.170 is adopted with changes to the proposed text published in the June 27, 1986, issue of the *Texas Register* (11 TexReg 2939). A reference to non-mastering students has been changed to refer to non-mastery students. The other sections are adopted without changes and will not be republished.

The amendments give local school districts much more discretion in determining promotion and retention policies, while at the same time ensuring that districts are held accountable for meeting the specific needs of individual students.

The amendments to §§75.2-75.4 change the word "special" to the word "identified," to make it clear that schools have responsibilities to all students, not simply those in special programs. The amendment to §75.2 also requires districts to consider manuals, supplements, and samples prepared by the Central Education Agency in adopting policies giving direction to the total instructional program. The amendments to §75.2 and §75.4 also encourage school districts to modify the delivery of instruction for students at all levels of ability, including gifted and talented students. The amendment to §75.5 coordinates changes in essential elements with the textbook adoption cycle so that when essential elements are changed, districts will have the materials necessary to teach the revised curriculum. The amendment to §75.170 adds grading to the areas in which districts are required to establish policies and requires districts to have policies which will guide decisions regarding promotion, retention, or placement into alternative programs based upon mastery of essential elements. The amendment also requires districts to set challenging levels of mastery for each student. The amendment to §75.191 ensures that parents of students in alternative programs understand that there may be a difference between an age-appropriate placement and a student's functional level, and clarifies the section to show that permanent record cards apply to students in grades one through eight and academic achievement records to students in grades 9-12. The amendment to §75.192 deletes specific requirements about summer school

and allows districts to adopt flexible policies to address individual student needs. The amendment to §75.193 deletes the requirement that the numerical grade of 70 must represent mastery of at least 70% of the essential elements for a subject or course. Instead, mastery means the student has the skills necessary to be successful at the next level. This recognizes that in some courses the student may need to master more than 70% of the essential elements in order to be successful at the next level. The amendment to §75.195 ensures that districts make efforts to meet the needs of students who are performing below a level that would permit them to be promoted. The amendment also makes it clear that districts may use state compensatory education funds to provide for alternative education programs.

During the public comment period, Dr. Floyd S. Elkins, president of Cedar Valley College in Dallas, expressed concern about providing appropriate educational opportunities to all students.

The Texas Education Agency intends the amendments to provide appropriate promotion and retention for all students (honors, regular, and slower). Issues of curriculum content will be explored when the State Board of Education review the complete set of essential elements.

Dr. Freda M. Holley of the Austin Independent School District expressed the AISD's approval of the amendments.

Subchapter A. General Provisions

★ 19 TAC §§75.2-75.5

The amendments are adopted under the Texas Education Code, §21.101, which authorizes the State Board of Education to designate essential elements of each subject and to require each district to provide instruction in these elements at appropriate grade levels; and the Texas Education Code, §21.721, which authorizes the State Board of Education to make rules concerning alternatives to social promotion for students who are consistently unable to be promoted because of poor academic achievement.

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.

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Effective date: October 9, 1986
Proposal publication date: June 27, 1986
For further information, please call
(512) 463-9212.

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Subchapter G. Other Provisions

★ 19 TAC §75.170

The amendment is adopted under the Texas Education Code, §21.101, which authorizes the State Board of Education to designate essential elements of each subject and to require each district to provide instruction in these elements at appropriate grade levels; and the Texas Education Code, §21.721, which authorizes the State Board of Education to make rules concerning alternatives to social promotion for students who are consistently unable to be promoted because of poor academic achievement.

§75.170. *School District Policy on Grading, Promotion, Retention, Remediation, and Placement.*

(a) Each school district board of trustees shall establish policies on grading, promotion, retention, remediation, and placement of students. Each board of trustees shall be charged with the responsibility of providing a policy ensuring mastery of the essential elements of each subject or course. In addition, each board shall establish an acceptable procedure to reteach nonmastery students.

(b) Policies regarding grading shall ensure that student grades shall be based on academic achievement and shall reflect the requirements as provided in §75.191 of this title (relating to Grading and Reporting Requirements), §75.193 of this title (relating to Grade Level Advancement and Course Credit). These policies shall establish the relationship between grades and mastery of district objectives which have been related to essential elements. Grading policies may include other academically-related requirements.

(c) Decisions regarding student promotion, retention, or placement into alternative programs shall be determined by locally developed policies for the placement of students into the next appropriate grade level, course, or alternative program based upon mastery of prerequisite essential elements as required by §75.193(a) of this title (relating to Grade Level Advancement and Course Credit). Districts are expected to set levels of mastery to ensure that each student is challenged to perform at a level commensurate with his/her ability. The policies shall identify all alternative programs available and the criteria for placement in each alternative program. The identified alternative programs shall have the probability of meet-

ing the academic needs of students based upon achievement data and ongoing evaluation. The policies shall include specific criteria for entry into high school courses to ensure that students in need of remedial instruction are placed in appropriate courses and that all students are placed in academically challenging courses.

(d) Policies regarding remediation must be consistent with §75.195 of this title (relating to Alternatives to Social Promotion) and §75.174 of this title (relating to Remedial and Compensatory Instruction).

(e) In order to be accredited, each school district must demonstrate that, in addition to providing instruction in the essential elements, evidence of mastery of essential elements is an integral part of school district policy on grading, promotion, retention, remediation, and placement of students.

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

Issued in Austin, Texas, on September 18, 1986.

TRD-8608969

W. N. Kirby
Commissioner of
Education

Effective date: October 9, 1986
Proposal publication date: June 27, 1986
For further information, please call
(512) 463-9212.

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Subchapter H. Promotion and Alternatives to Social Promotion

★ 19 TAC §§75.191-75.193, 75.195

The amendments are adopted under the Texas Education Code, §21.101, which authorizes the State Board of Education to designate essential elements of each subject and to require each district to provide instruction in these elements at appropriate grade levels; and the Texas Education Code, §21.721, which authorizes the State Board of Education to make rules concerning alternatives to social promotion for students who are consistently unable to be promoted because of poor academic achievement.

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

Issued in Austin, Texas, on September 18, 1986.

TRD-8608970

W. N. Kirby
Commissioner of
Education

Effective date: October 9, 1986
Proposal publication date: June 27, 1986
For further information, please call
(512) 463-9212.

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Chapter 89. Adaptations for Special Populations

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

★ 19 TAC §89.235

The Texas Education Agency adopts an amendment to §89.235, without changes to the proposed text published in the June 27, 1986, issue of the *Texas Register* (11 TexReg 2940).

The amendment makes the section consistent with other sections in the Texas Administrative Code.

The amendment deletes a provision that speech therapy services be classified as related services when a handicapped student is receiving other special education services, thereby making the section consistent with changes in §89.213 and §89.215, adopted by the State Board of Education in November 1985.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §16.005 and §16.151, which authorizes the State Board of Education to make rules concerning the Foundation School Program and include special education as part of the Foundation School Program.

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

Issued in Austin, Texas, on September 17, 1986.

TRD-8608927

W. N. Kirby
Commissioner of
Education

Effective date: October 8, 1986
Proposal publication date: June 27, 1986
For further information, please call
(512) 463-9212.

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Chapter 129. Student Attendance

Subchapter A. Student Attendance Allowed

★ 19 TAC §129.2

The Texas Education Agency adopts an amendment to §129.2, without changes to the proposed text published in the June 27, 1986, issue of the *Texas Register* (11 TexReg 2940).

The amendment ensures that young students in sparsely populated districts will not be forced to spend hours being transported to and from school every day during the entire school year.

The amendment provides that in cases of extreme hardship only, the commissioner of education will consider requests by dis-

tricts to operate full-day kindergarten programs for one semester only, rather than for the entire school year. The commissioner is authorized to issue waivers to such districts provided that the full-day kindergarten program will be offered during the spring semester.

No comments were received regarding adoption of the amendment.

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

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

Issued in Austin, Texas, on September 17, 1986.

TRD-8608928

W. N. Kirby
Commissioner of
Education

Effective date: October 8, 1986

Proposal publication date: June 27, 1986

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

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Chapter 149. Education

Personnel Development

Subchapter B. Inservice Education

★19 TAC §149.24

The Texas Education Agency adopts an amendment to §149.24, without changes to the proposed text published in the June 27, 1986, issue of the *Texas Register* (11 TexReg 2941).

The amendment ensures that a variety of representatives will have input into development of general management inservice training programs and districts will have more time to develop and implement such programs. The extra time is necessary because implementation of the Texas teacher appraisal system will demand a major portion of administrative time and attention during the 1986-1987 school year.

The amendment establishes a consortium of educators and private sector representatives to develop the current of general management inservice training programs, and provides that general management inservice training will begin in the 1987-1988 school year, rather than the 1986-1987 school year.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §13.353, which authorizes the State Board of Education to make rules concerning inservice education and continuing education in management for school district administrators.

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

Issued in Austin, Texas, on September 17, 1986.

TRD-8608971

W. N. Kirby
Commissioner of
Education

Effective date: October 8, 1986

Proposal publication date: June 27, 1986

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

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TITLE 22. EXAMINING BOARDS

Part XXI. Texas State Board of Examiners of Psychologists

Chapter 473. Fees

★22 TAC §473.2

The Texas State Board of Examiners of Psychologists adopts an amendment to §473.2, without changes to the proposed text published in the August 15, 1986, issue of the *Texas Register* (11 TexReg 3630).

This fee for the oral exam is added to cover the cost of administration of the oral exam, which is effective as of September 1, 1986.

The oral exam will be collected from each applicant wanting to sit for the board's oral exam.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4512C, which provide the Texas State Board of Examiners of Psychologists with the authority to make all rules, not inconsistent with the constitution and laws of this state, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

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

Issued in Austin, Texas, on September 16, 1986.

TRD-8608952

Patti Bizzell
Executive Director
Texas State Board of
Examiners of
Psychologists

Effective date: October 9, 1986

Proposal publication date: August 15, 1986

For further information, please call
(512) 835-2036.

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Part XXIV. State Board of Veterinary Medical Examiners

Chapter 579. Adoption of Forms by Reference

★22 TAC §579.1

The State Board of Veterinary Medical Examiners adopts the repeal of §579.1, without changes to the proposed text published in the August 15, 1986, issue of the *Texas Register* (11 TexReg 3630).

This section is repealed to update the rules pertaining to operation of the board.

The repeal deletes reference to forms that are obsolete and no longer used by the board in administering examinations for licensure in Texas.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 7465a, §7(a), which provide the board with the authority to make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act.

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

Issued in Austin, Texas, on September 16, 1986.

TRD-8608919

Donald B. Wilson
Executive Secretary
Texas State Board of
Veterinary Medical
Examiners

Effective date: October 8, 1986

Proposal publication date: August 15, 1986

For further information, please call
(512) 458-1183.

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 41. Utilization Review Level-of-Care Criteria

★40 TAC §41.801, §41.802

The Texas Department of Human Services adopts amendments to §41.801 and §41.802 in its chapter governing utilization review. The amendments are adopted with clarifying changes to the proposed text published in the July 11, 1986, issue of the *Texas Register* (11 TexReg 3209).

The amendments are justified because they prevent the potential discharge of individuals from intermediate-care or skilled-

nursing facilities when discharge would place these individuals at risk of jeopardy to health or life.

Section 41.801, as amended, will function by including a definition of the term "medically related condition" as it pertains to level-of-care determination. Section 41.802 will function by establishing a dependency criterion that applies to individuals who need continued care in highly structured, 24-hour institutional settings and who do not meet existing ICF, SNF, and ICF II criteria.

The proposed texts of both amendments have been changed to substitute the phrase "intermediate-care or skilled-nursing facility" for the phrase "geriatric nursing facility." The purpose of this change is to clarify that the dependency criterion applies only to ICF/SNF recipient-patients and not to recipient-patients in institutions for mental illness or mental retardation.

No comments were received regarding adoption of the amendments.

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

§41.801. Definitions. The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise.

Medically related condition—A chronic, organic, debilitating disease or disorder that requires services provided in an intermediate-care or skilled-nursing facility, under the supervision of licensed nurses.

§41.802. Criteria for Medicaid Level-of-Care Determination. Medical necessity is the prerequisite for participation in the Medicaid (Title XIX) Long-term Care program. This section contains the general qualifications for a level of care and specific criteria for each level of care (skilled nursing care, intermediate level of care, or intermediate level of care II).

(1) General qualifications. To qualify for a level of care, an individual must meet the conditions described in subparagraph (A) and (B) of this section or the condition described in subparagraph (C) of this section. To qualify under the conditions described in subparagraph (C), the individual must first be evaluated and found ineligible for skilled nursing care, intermediate care, and intermediate care facility II levels.

(A) The individual must demonstrate a medical disorder or disease or both, with a related impairment that:

(i) limits his ability to recognize problems, changes in his condition, and the need for, or side effects of, prescribed medications;

(ii) (No change.)

(iii) requires nurses' supervision, assessment, planning, and intervention that are available only in an institution.

(B) The individual must require medical/nursing services that:

(i) are ordered by and remain under the supervision of a physician;

(ii) are dependent upon the individual's documented medical, physical, and/or functional disorders, conditions, or impairments;

(iii) require the skills of registered or licensed vocational nurses;

(iv) are provided either directly by or under the supervision of nurses in an institutional setting; and

(v) are required on a regular basis.

(C) The individual must have been admitted to an intermediate-care or skilled-nursing facility for a medically related condition and must:

(i) require medical/nursing services that:

(I) are ordered by and remain under the supervision of a physician;

(II) depend upon the individual's documented medical or physical disorders, with related functional disorders, conditions, or impairments; and

(ii) have lived in an intermediate-care or skilled-nursing facility for five consecutive years, causing him to lack a readily available support system and adequate financial resources to maintain him in a community setting.

(2) (No change.)

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

Issued in Austin, Texas, on September 22, 1986.

TRD-8609019

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: October 15, 1986
Proposal publication date: July 11, 1986
For further information, please call
(512) 450-3766.

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Level-of-Care Criteria

★ 40 TAC §41.803

The Texas Department of Human Services adopts new §41.803 in its chapter governing utilization review. New §41.803 is adopted without changes to the proposed text published in the July 11, 1986, issue of the *Texas Register* (11 TexReg 3210).

The new section is justified because it complies with federal regulations (42 Code of Federal Regulations 435.914), which require that retroactive eligibility determinations be available for institutionalized individuals who do not receive supplemen-

tal security income (SSI) cash benefits. The new section functions by specifying the steps necessary to meet utilization review requirements, thereby facilitating the determination of retroactive levels of care for nursing home residents who may be eligible for three-months-prior Medicaid payments.

No comments were received regarding adoption of the new section.

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

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

Issued in Austin, Texas, on September 19, 1986.

TRD-8609004

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: October 15, 1986
Proposal publication date: July 11, 1986
For further information, please call
(512) 450-3766.

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Part IX. Texas Department on Aging

Chapter 283. Legal Assistance Standards

Statutes and Regulations

★ 40 TAC §§283.1-283.6

The Texas Department on Aging adopts new §§283.1-283.6. New §§283.1, 283.2, and 283.4-283.6 are adopted with changes to the proposed text published in the May 6, 1986, issue of the *Texas Register* (11 TexReg 2088). New §283.3 is adopted without changes and will not be republished.

These new sections are required to detail the responsibilities of the Texas Department on Aging, area agencies on aging, and service providers who are charged with providing legal assistance to the elderly of the state. They implement that portion of the Older Americans Act that permits the provision of legal services to the elderly.

The new sections establish standards for legal assistance to be implemented by service providers for older Texans throughout the state, upgrade current services to higher levels of quality, and provide a basis by which to evaluate the quality of services on a recurring basis.

During the public comment period, comments were received from 10 respondents in the following categories. Four are funded by the Legal Services Corporation (three

of which are direct service providers to the aging network). Three are Area Agency on Aging (AAA) directors. One is an AAA staff person. One is a direct service provider (transportation). And one is a private legal assistance provider. The department considered all comments, even those received after the comment closing date, as the proposed sections did not appear in the Table of Contents of the May 6, 1986, issue of the *Texas Register*. Responses to the comments received are keyed to the section to which they pertain.

Those making comments in favor of the new sections were: Ark-Tex Council of Governments, Central Texas Council of Governments, City of Houston Area Agency on Aging, County of Galveston Senior Citizens Program, Deep East Texas Council of Governments, El Paso Legal Assistance Society, Legal Aid Society of Central Texas, North Central Texas Legal Services, Inc., Texas Legal Services Center, and Tyler County Aging Center. No comments were made against adoption of the new sections.

The following comments were received regarding new §283.1. Four commenters suggested that the implementation date (May 31, 1989) in subsection (b) should be moved forward from as early as October 1, 1986, to no later than October 1, 1987. Unfortunately, the time schedule needed to advertise, receive, review, comment, and adopt the legal assistance standards will not permit an earlier implementation date. Also, an earlier date would require the AAAs to resubmit fiscal year 1987 budgets completed on June 1, 1986. Further, AAAs need time to complete service needs assessments for the development of fiscal year 1988-1989 two-year area plans. Consequently, this suggestion was not adopted. One commenter suggested adding the phrase "fully implemented by area agencies and service providers" to subsection (b). This is a reasonable clarification of the intent of the sentence and was adopted.

The following comments were received regarding new §283.2. Two commenters suggested minor changes in the definition of legal assistance in this section. The definition that was published tracks the Older Americans Act, §302(4). Therefore, this suggestion was not adopted.

The following comments were received regarding new §283.3. One commenter recommended adding another goal to this section to conduct seminars and workshops on legal issues of interest to the elderly. The goals as written in this section provide sufficient latitude to AAAs and service providers to allow this activity as training or dissemination of information. Consequently, this suggestion was not adopted.

The following comments were received regarding new §283.4. In regard to paragraph (1), one commenter suggested correcting a typographical error so this subsection would read "... legal assistance programs. . ." This was adopted. One commenter recom-

mended that the wording in this subsection should read, "The principal purpose of a legal assistance program. . ." Such wording would make the meaning of the subsection more of a goal than a standard, and was not adopted. In regard to paragraph (3), two commenters suggested rewriting to make it clearer and more concise. This suggestion was adopted.

The following comments were received regarding new §283.5. The largest number of comments received were in regard to the 2.0% funding requirement for legal assistance. Four commenters adamantly insisted that the percentage factor of Title IIIB funding for legal assistance should be a minimum of 10%. However, no rationale or justification was provided. Five commenters recommended eliminating any percentage requirement entirely. Their reasoning was that: legal assistance is a low priority service in some areas; local flexibility in budgeting, especially in times of critical funding, would be jeopardized; and such a requirement could set a precedent for other service providers to demand percentage rates that in the aggregate could exceed 100% of Title IIIB funds. A statistical review of the area agencies' legal assistance allocations indicates that 14 of the 28 AAAs budgeted more than 2.0% of Title IIIB funds for legal assistance programs, and 14 budgeted below that amount. A required 2.0% funding level would in effect force a large number of the AAAs to request a waiver of funding of this important service and would result in expending unwarranted administrative funds in establishing assessments and public hearings to document such waiver requests. A percentage requirement would also be detrimental to those AAAs who have promoted and utilize *pro bono* services in their legal assistance program. Consequently, the complete text of the proposal will be recast to provide the flexibility required by the concerns detailed in this paragraph. One commenter proposed that another standard be added regarding public hearings, which special provision for notice to specific organizations. The Texas Department on Aging has published public hearing rules which respond to this suggestion.

One commenter recommended inclusion of a standard for providers of legal services. Because of the varied means of providing legal assistance throughout the aging network, the department considers that such information could best be included in a manual for program models.

One commenter suggested defining a unit of service in this section. The department considers that such an addition of these standards would facilitate and standardize the recording, reporting, and monitoring of the legal assistance programs throughout the state. Consequently, §283.2 has been rewritten to incorporate a definition of a unit of service.

The following comments were received regarding new §283.6. With the decision to

remove a percentage funding level requirement for legal assistance, it was necessary to reword parts of this section. One commenter recommended that the whole section be deleted. However, it is more prudent to retain it in modified form to more clearly define the requirements of a request for waiver of Title IIIB funding for legal assistance if such becomes necessary. One commenter suggested that paragraphs (4) and (5) would be clearer if combined into a new paragraph. Because of its importance in the Older Americans Act, §306(b), paragraph (5) of this section is retained and renumbered as paragraph (4).

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

§283.1. Title III Legal Assistance Standards.

(a) This chapter gives the policies, procedures, and standards that govern the provision of legal assistance authorized under Title III of the Older Americans Act, as amended. It will be used by the Texas Department on Aging, area agencies on aging, and service providers to establish new services, review current services, and upgrade existing services to the level of quality expected by the department.

(b) It is the intent of the Texas Department on Aging that the provisions of this chapter will be fully implemented by area agencies and service providers not later than May 31, 1989.

§283.2. Definition of Legal Assistance.

The term "legal assistance," when used in this chapter, means legal advice and representation by an attorney (including, to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the supervision of an attorney), and includes counseling or representation by a nonlawyer where permitted by law, to older individuals with economic or social needs. A unit of service of legal assistance is classified as one hour of billable time of an attorney, paralegal, or community service advisor rendered in counseling, advice, or representation on legal matters.

§283.4. Standards for Legal Assistance.

Each area agency on aging will develop a legal assistance program which shall comply with the following standards.

(1) Legal assistance programs shall be dedicated to providing legal advocacy and representation for the elderly.

(2) To the extent possible, each area agency shall encourage and expand *pro bono* involvement.

(3) Legal assistance programs will endeavor to facilitate the provision of other Title III programs within the planning and service area and where appropriate should be collocated with these programs.

§283.5. *Demonstration of Adequacy in Legal Assistance Programs.* In order to comply with the requirements of the Older Americans Act, §306(a)(2), as amended, the following minimum standards will be met.

(1) Area agencies will attempt, and document such attempt, to establish a program of regular *pro bono* legal advice and representation within each county of the planning and service area. At the minimum, this will consist of an annual written request for *pro bono* assistance from the officers of the local bar associations and the Legal Services Corporation serving each county.

(2) The amount of Title IIIB funds allocated to the legal assistance program is not intended to preclude discretion in establishing priorities. However, the AAAs are charged with the responsibility of justifying the allotments of Title IIIB funds to the various categories of services described in the Older Americans Act, §306(a)(2).

(3) Such amount of Title IIIB funds for legal assistance shall not be less than the amount expended by an area agency on aging in the previous year, subject only to an increase or decrease in Title IIIB funding allotted.

§283.6. *Waiver of the Legal Assistance Program Requirement.* Any area agency on aging may, subject to the procedural requirements of the Older Americans Act, §306(b), request a waiver of Title IIIB funding for legal assistance upon documentation that:

(1) an attempt has been made to provide access to legal assistance in each county served by the area agency;

(2) it is impractical or inappropriate to facilitate the provision of other service priorities within the area with a legal assistance program;

(3) legal assistance needs are being met without Title IIIB funding. This may be shown by documentation that fewer than 10% of eligible persons requesting legal as-

sistance from the area agency or its legal assistance subcontractors are denied services; or

(4) a public hearing expressly for the purpose of considering a waiver request of Title IIIB funding for legal assistance was held and the majority of those present supported the waiver of funding this service.

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

Issued in Austin, Texas, on September 19, 1986

TRD-8609001

O. P. Bobbitt
Executive Director
Texas Department on
Aging

Effective date: October 10, 1986
Proposal publication date: May 6, 1986
For further information, please call
(512) 444-2727.

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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

Monday, September 29, 1986, 1:30 p.m. The Texas Department of Agriculture will meet in the County Courtroom, Collingsworth County Courthouse, Wellington. According to the agenda, the department will receive comments on the proposed special exemptions of the Texas herbicide laws for Collingsworth County.

Contact: Dolores Alvarado Hibbs, P.O. Box 2847, Austin, Texas 78711, (512) 463-7583.

Filed: September 18, 1986, 2:01 p.m.
TRD-8608947

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Automated Information and Telecommunications Council

Thursday, October 2, 1986, 9 a.m. The Automated Information and Telecommunications Council will meet in Room 106, John F. Reagan Building, 105 West 15th Street, Austin. Items on the agenda include the approval of minutes; hear the long-range telecommunications plan status report and the management consultant status report; consider procurement proposals; AITC rules; and future business.

Contact: Tina J. Miles, P.O. Box 13564, Austin, Texas 78711-3564, (512) 463-5530.

Filed: September 19, 1986, 2:14 p.m.
TRD-8609000

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State Board of Barber Examiners

Tuesday, October 7, 1986, 8 a.m. The State Board of Barber Examiners will meet in Room C-275, 1300 East Anderson Lane, Austin. According to the agenda, the board will consider the minutes of the previous meeting; sign teacher and school certificates; adopt amended Rule 51.1 concerning regular meetings and examinations; interview out-of-state applicants; consider letters and

reports to the board by the executive director; and prepare the examination schedule for 1987. The board also will meet in executive session.

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

Filed: September 22, 1986, 1:48 p.m.
TRD-8609029

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Interagency Council on Early Childhood Intervention

Friday, October 3, 1986, 8:30 a.m. The Interagency Council on Early Childhood Intervention will meet in the Second Floor Conference Room, 1101 East Anderson Lane, Austin. According to the agenda summary, the council will report on the visit to Brazoria County Center for the Retarded and act on their fiscal year 1987 contract.

Contact: Mary Elder, 1100 West 49th Street, Austin, Texas 78756, (512) 465-2671.

Filed: September 22, 1986, 1:48 p.m.
TRD-8609045

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Texas Economic Development Commission

Monday, September 29, 1986, 5:30 p.m. The Texas Small Business Industrial Development Corporation (TSBIDC) of the Texas Economic Development Commission will meet in emergency session in the boardroom, Western Bank Building, 2501 North Mesa Street, El Paso. According to the agenda, the corporation will approve the agenda and the minutes of the August 7, 1986, meeting; discuss and act on items on TEXCAP Program; consider and act on the TSBIDC resolution regarding letter of credit agreement and banks, the agreement to purchase bonds, pledge agreement, first supplemental indenture of trust, reoffering circular, creation of

TEXCAP Financing Corporation and articles of incorporation and bylaws, the form of the TEXCAP application to be submitted to TSBIDC by borrowers, the revised program guidelines, guaranteed investment contract, fees to be charged to borrowers, and request for proposals for program administration; discuss and act on allocation request to the governor's office for TSBIDC programs; discuss and possibly act on CAPITAL Program, the TSBIDC Private Placement Program, the TSBIDC bank account and accounting system; and select the next meeting date, time, and site. The emergency status is necessary because the previously scheduled meeting was cancelled at the last minute due to a scheduling conflict of one of the members. There was no quorum.

Contact: Wardaleen F. Belvin, P.O. Box 12728, Austin, Texas 78711, (512) 472-5059.

Filed: September 23, 1986, 9:44 a.m.
TRD-8609092

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Texas Education Agency

Monday-Saturday, September 29-October 4, 1986, 8 a.m. daily. The Advisory Committee for Examination for Certification of Educators in Texas of the Texas Education Agency will meet at the Wyndham Hotel, Southpark; IH 35 South at Ben White Boulevard, Austin. According to the agenda summary, the committee will review items to be tested on the Examination for the Certification of Educators in Texas (ExcET) to be administered in June 1987, and thereafter. Work sessions will begin at 8 a.m., in which actual test items will be reviewed. This section will be closed in accordance with Texas Attorney General Opinions H-484, 1974, and H-780, 1976.

Contact: Pamela Tackett, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9525.

Filed: September 18, 1986, 3:59 p.m.
TRD-8608956

Advisory Commission on State Emergency Communications

Thursday, October 2, 1986, 9 a.m. The Advisory Commission on State Emergency Communications will meet in Room 104, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda summary, the commission will review information and consider issues related to a statewide 9-1-1 emergency telephone service; hear a report from the Finance Committee regarding cost requirements; consider draft legislative proposals; and discuss the content and approach to preparing the final report.

Contact: Jay Stanford, P.O. Box 13206, Austin, Texas 78711, (512) 463-1812.

Filed: September 22, 1986, 3:03 p.m.
TRD-8609074

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Texas Employment Commission

Wednesday, October 1, 1986, 8:30 a.m. The Texas Employment Commission (TEC) 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; consider and act on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 39; and set the date of next meeting.

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

Filed: September 22, 1986, 12:57 p.m.
TRD-8609028

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Office of the Governor

Friday, September 26, 1986, Dallas; Thursday, October 2, 1986, Corpus Christi; and Wednesday, October 8, 1986, El Paso. The Youth Committee of the State Job Training Coordinating Council of the Office of the Governor will be holding three regional meetings of the Youth Committee and invites all interested parties to discuss the integration of remedial education and basic skills training into the Job Training Partnership Act Summer Youth Employment and Training Program. The committee would like to hear from interested parties about what does and does not work; whether there are barriers or missed opportunities in the Summer IIB Program guidelines; and how can they measure success in education, training, and youth experience. In other words, what are appropriate performance standards for the IIB Program.

Contact: Joe Jennings, 107 West 27th Street, Austin, Texas 78712, (512) 471-6010.

Filed: September 18, 1986, 11:22 a.m.
TRD-8608945

Texas Department of Health

Sunday, October 5, 1986, 9:30 a.m. The Texas Radiation Advisory Board of the Texas Department of Health will meet in the conference room, Texas Department of Health, 1212 East Anderson Lane, Austin. According to the agenda summary, the board will consider the approval of minutes, the chairman's report, and update on the Texas Low-Level Radioactive Waste Disposal Authority Activities, committee reports from the Executive, Radioactive Waste, Fee, Licensing State, Medical, Industrial Radiography, and Administrative Penalties Committees; consider rules and regulatory guide update, the program activities concerning general activity, the Division of Compliance and Inspection, Division of Environmental Programs, Division of Licensing, Registration, and Standards; and determine the next meeting date and location.

Contact: David Cochran, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7538.

Filed: September 22, 1986, 1:48 p.m.
TRD-8609031

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State Department of Highways and Public Transportation

Wednesday and Thursday, September 24 and 25, 1986, 10 a.m. daily. The State Highway and Public Transportation Commission of the State Department of Highways and Public Transportation made an emergency revision to the agenda in the auditorium, Rooms 101 and 101A, Dewitt C. Greer Building, 11th and Brazos Streets, Austin. The revisions concerned the discussion of market values and pending negotiations for the acquisition of real property through purchase or exchange, Travis County, Loop 1, U.S. Highway 183; and the disposition of right of way, Travis County, Loop 1, U.S. Highway 183. The emergency status was necessary because commission action was necessary this month.

Contact: Lois Jean Turner, 11th and Brazos Streets, Room 203, Austin, Texas 78711, (512) 463-8616.

Filed: September 22, 1986, 3:27 p.m.
TRD-8609076

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Texas Commission on Human Rights

Saturday, September 27, 1986, 10 a.m. The Texas Commission on Human Rights will meet in the Lieutenant Governor's Room 220, State Capitol, Austin. According to the agenda summary, the commission will consider the approval of minutes, administrative reports, financial statements, participation in the investigations of employment discrimination complaints filed against federal

agencies, EEO compliance training contracts, the 1987 management plan, working hours for commission employees, the conference for commissioners and others sponsored by the attorney general's office, commissioners' issues, and unfinished business.

Contact: William M. Hale, 7215 Cameron Road, Suite B, Austin, Texas 78752, (512) 459-0944.

Filed: September 18, 1986, 2:02 p.m.
TRD-8608948

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Texas Indian Commission

Thursday and Friday, October 2 and 3, 1986, 1 p.m. and 8:30 a.m. The Texas Indian Commission will meet in the conference room, second floor, Texas Commission for the Blind Administration Building, 4800 North Lamar Boulevard, Austin. According to the agenda summary, the commission will approve the minutes of the previous meetings; hear attorney general opinions; consider House Rule 1344, commission administration, the Alabama-Coushatta Reservation, the Tigua Indian Reservation, the Texas Band of Kickapoos, nonreservation programs and groups, other business, and general comments and discussion.

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

Filed: September 19, 1986, 1:53 p.m.
TRD-8608997

Thursday and Friday, October 2 and 3, 1986, 9 a.m. and 8:30 a.m. respectively. The Texas Indian Commission made a revision to the agenda for a meeting to be held in the conference room, second floor, Texas Commission for the Blind Administration Building, 4800 North Lamar Boulevard, Austin. The revision concerns the approval of minutes of the previous meetings; consideration of attorney general opinions, House Rule 1344 (Federal Restoration) status report, commission administration, Alabama-Coushatta Indian Reservation, Tigua Indian Reservation, Texas Band of Kickapoo, nonreservation programs and groups, other business, and general comments and discussion.

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

Filed: September 22, 1986, 11:15 a.m.
TRD-8609027

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Texas Industrial Accident Board

Monday, September 22, 1986, 9:30 a.m. The Texas Industrial Accident Board met in Room 107, first floor, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board met for

Texas Pork Producers Board

Thursday, October 2, 1986, 11 a.m. The Texas Pork Producers Board of the Texas Department of Agriculture will meet in the Texas Electric Cooperatives Building, 8140 Burnet Road, Austin. According to the agenda, the board will consider the minutes of the last meeting, the treasurer's report, new members oath of office, the Research Committee report, the Education Committee report, the Promotion Committee report, new business, and announcements.

Contact: Ken Horton, P.O. Box 10168, Austin, Texas 78766, (512) 453-0615.

Filed: September 18, 1986, 2:01 p.m.
TRD-8608950

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Texas State Board of Public Accountancy

Friday, September 19, 1986, 8:30 a.m. The Texas State Board of Public Accountancy made an emergency addition to the agenda for a meeting held in Suite 340, 1033 La Posada, Austin. The addition concerned the discussion of a proposed draft of a change to Substantive Rule 501.32, Records. The emergency status was necessary because a discrepancy in Substantive Rule 501.32 was brought to the attention of the board by the staff on Thursday, September 18, 1986, which necessitates immediate review by the board.

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

Filed: September 18, 1986, 3:34 p.m.
TRD-8608954

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Railroad Commission of Texas

Monday, September 22, 1986, 9 a.m. The Gas Utilities Division of the Railroad Commission of Texas made an emergency revision to the agenda for a meeting held in the 12th Floor Conference Room, 1701 North Congress Avenue, Austin. The revision concerned consideration of various matters falling within the Gas Utility Division's regulatory jurisdiction. The emergency status was necessary because these dockets were properly noticed for the conference held on September 15, 1986, were passed, and are now being considered on less than seven days notice as a matter of urgent public necessity.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7003.

Filed: September 19, 1986, 11:06 a.m.
TRD-8608978

Monday, September 22, 1986, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas made an emergency revision

to the agenda for a meeting held in the 12th Floor Conference Room, 1701 North Congress Avenue, Austin. The revision concerned consideration of Docket 6-87,423—application of Arco Oil and Gas Company to carry forward underproduction, Henderson, North (Cotton Valley) Field, Rusk County. The emergency status was necessary because this item was properly noticed for the meeting of September 15, 1986, and was passed and is not being taken on less than seven days notice as a matter of urgent public necessity.

Contact: Bob Rago, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-4674.

Filed: September 19, 1986, 11:08 a.m.
TRD-8608979

Monday, September 22, 1986, 9 a.m. The Transportation Division of the Railroad Commission of Texas made an emergency revision to the agenda for a meeting held in the 12th Floor Conference Room, 1701 North Congress Avenue, Austin. The revision concerned consideration of applications of Sand and Gravel Motor Carrier Association, Inc., Dockets 027369ZZT, 027649ZZT, and 027546ZZT for final order. The emergency status was necessary because this item was properly posted for the September 15, 1986, meeting and was passed and is now being considered on less than seven days notice as a matter of urgent public necessity.

Contact: Mike James, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7315.

Filed: September 19, 1986, 11:05 a.m.
TRD-8609080

Monday, September 29, 1986, 9 a.m. The Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. The commission will consider and act on division agendas as follows.

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) 463-7257.

Filed: September 19, 1986, 11:05 a.m.
TRD-8608981

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

Contact: Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7251.

Filed: September 19, 1986, 11:09 a.m.
TRD-8608982

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

Contact: Ken Fossler, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-6787.

Filed: September 19, 1986, 11:09 a.m.
TRD-8608983

Various matters falling within the Gas Utilities Division's regulatory jurisdiction.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7003.

Filed: September 19, 1986, 11:06 a.m.
TRD-8608984

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: September 19, 1986, 11:09 a.m.
TRD-8608985

The LP-Gas Division director's report on division administration, budget, procedures, and personnel matters; and various matters falling within the division's regulatory jurisdiction.

Contact: Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6931.

Filed: September 19, 1986, 11:06 a.m.
TRD-8608986

Various matters falling within the Oil and Gas Division's regulatory jurisdiction.

Contact: Timothy A. Poe, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6713.

Filed: September 19, 1986, 11:08 a.m.
TRD-8608987

Additions to the previous agenda:

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

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

Filed: September 19, 1986, 11:09 a.m.
TRD-8608988

Consideration of the procedure to be used in the application of Bennett and Burrow to reduce the allowable of all oil and gas wells in this state other than stripper wells and wells with tertiary production by a percentage of 10%.

Contact: Susan Cory, P.O. Drawer, 12967, Austin, Texas 78711, (512) 463-6923.

Filed: September 19, 1986, 11:09 a.m.
TRD-8608989

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) 463-6981.

Filed: September 19, 1986, 11:10 a.m.
TRD-8608990

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: September 19, 1986, 11:05 a.m.
TRD-8608991

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, 1124 IH 35 South, Austin, Texas 78701, (512) 463-7149.

Filed: September 19, 1986, 11:10 a.m.
TRD-8608992

The Surface Mining and Reclamation Division director's report on division administration, budget, procedures, and personnel matters; consideration of the acceptance of a rider for an incremental bond increase for operations of Northwestern Resources, Company under Permit 15; and consideration of the proposed amendment to 16 TAC §11.221, "State Program Regulation," consisting of the adoption by reference of revised coal mining regulations concerning effluent limitations, prime farmland, notices of violation, and lands unsuitable for mining.

Contact: J. Randel (Jerry) Hill, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas, 78701 (512) 463-7149.

Filed: September 19, 1986, 11:07 a.m.
TRD-8608993

Various matters falling within the Transportation Division's regulatory jurisdiction.

Contact: Michael A. James, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7122.

Filed: September 19, 1986, 11:07 a.m.
TRD-8608994

Monday, October 20, 1986, 1:30 p.m. The Oil and Gas Division of the Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the division will conduct a statewide oil and gas hearing.

Contact: Paula Middleton, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6729.

Filed: September 19, 1986, 11:10 a.m.
TRD-8608995

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Texas Real Estate Research Center

Friday, October 3, 1986, 10 a.m. The Advisory Committee of the Texas Real Estate Research Center (TRERC) will meet in the TRERC conference room, Room 627, College Station. Items on the agenda include the ap-

proval of minutes; consideration of progress reports, the current budget report, review of the plan of work of fiscal year 1986-1987, the election of a chairman, date of the next meeting, and other business.

Contact: Richard L. Floyd, Texas A&M University, College Station, Texas 77843, (409) 845-9691.

Filed: September 22, 1986, 9:24 a.m.
TRD-8609026

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Texas Rehabilitation Commission

Thursday and Friday, October 2 and 3, 1986, 1 p.m. and 8 a.m., respectively. The Governor's Committee for Disabled Persons will meet in the Concho Room, Wyndham Hotel, Northwest, U.S. Highway 183 at Loop 360, Austin. According to the agenda, the committee will hear the reports from chairperson and staff; conduct subcommittee meetings; hear subcommittee reports; and consider the training on travel forms completion. The committee will reconvene on Friday to conduct the employment awards conference and luncheon.

Contact: Virginia Roberts, Room 104, 158 East Riverside Drive, Austin, Texas 78704, (512) 445-8272.

Filed: September 22, 1986, 3:22 p.m.
TRD-8609075

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Texas Savings and Loan Department

Thursday, October 2, 1986, 9 a.m. The Texas Savings and Loan Department will meet in Suite 201, 2601 North Lamar Boulevard, Austin. According to the agenda summary, the department will accumulate a record of evidence in regard to the application of Goliad Savings and Loan Association, Goliad, Goliad County, to change the name to Union Savings Association, from which record the commissioner will determine whether to grant or deny the application.

Contact: Russell R. Oliver, Suite 201, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1250.

Filed: September 18, 1986, 1:43 p.m.
TRD-8608946

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State Securities Board

Thursday, October 9, 1986, 10 a.m. The State Securities Board will meet at 1800 San Jacinto Street, Austin. According to the agenda summary, the commissioner will determine whether the registration of Austam Securities Exchange, Ltd., as a securities dealer should be revoked.

Contact: Sue B. Roberts, 1800 San Jacinto Street, Austin, Texas 78701, (512) 474-2233.

Filed: September 22, 1986, 2:24 p.m.
TRD-8609046

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Structural Pest Control Board

Tuesday, September 30, 1986, 8:30 a.m. The Structural Pest Control Board will meet in Suite 250, Building C, 1300 East Anderson Lane, Austin. According to the agenda summary, the board will approve the minutes of July 29, 1986, board meeting; hear the executive director's report; set the dates for the 1987 exams; consider the motion for rehearing from Foster Thompson, doing business as Allied Termite and Pest Control; review the request for license for International Exterminator Corporation, Beaumont; approve the new insurance certificate; hear the report from the Termite Inspection and Treatment Committee; and consider law changes and regulation changes. The board also will meet in executive session with the attorney to discuss pending litigation.

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

Filed: September 18, 1986, 2:01 p.m.
TRD-8608951

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Texas Sunset Advisory Commission

Friday, September 26, 1986, noon. The Subcommittee on Diversion Alternatives of the Texas Sunset Advisory Commission met in emergency session in the Lieutenant Governor's Committee Room, State Capitol, Austin. Items on the agenda included the discussion of diversion alternatives and other business. The emergency status was necessary because of scheduling difficulties.

Contact: Jeri Kramer, Room 305, Reagan Building, 105 West 15th Street, Austin, Texas 78711, (512) 463-1300.

Filed: September 19, 1986, 11:42 a.m.
TRD-8608996

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Texas Surplus Property Agency

Friday, October 3, 1986, 8:30 a.m. The Governing Board of the Texas Surplus Property Agency will meet at the Texas Surplus Property Agency District Office, 714 34th Street, Lubbock. Items on the agenda include the approval of the minutes of the last board meeting, the state auditor's report on job classification audit, review and approval of fiscal year 1987 budget, and review and approval of fiscal year 1988 and 1989 biennial budgets.

Contact: Marvin J. Titzman, P.O. Box 8120, San Antonio, Texas 78208, (512) 661-2381.

Filed: September 22, 1986, 9:27 a.m.
TRD-8609024

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Texas A&M University System

Monday, September 22, 1986, 8:15 a.m. The Board of Regents of Texas A&M University System met in the MSC Annex, Texas A&M University, College Station. Items on the agenda summary included construction matters for the Texas A&M University System; granting of emeritus titles; adoption of resolutions; authorization of easements; establishment of a center; approval of a vending contract; authorization for construction of a facility at Easterwood Airport; approval of the New Mission Statement for Prairie View A&M University; the appropriation for the purchase of land; appropriations from the permanent university fund bond proceeds; appropriation from the available university fund; authorization to administer government classified contracts; confirmation of appointments and promotions, terminations, budget, fiscal changes, and personnel actions; the acceptance of gifts and grants; the appointment of the deputy chancellor for legal and external affairs; the appointment of the deputy chancellor for Academic and Resources Development; naming of facilities and roads; land and investment matters; consideration of litigation matters; authorization to establish a non-profit corporation; the acceptance of the gift of land; and a revision of bylaws of the Board of Regents.

Contact: Vickie E. Burt, Texas A&M University, College Station, Texas 77834, (409) 845-9603.

Filed: September 18, 1986, 4:30 p.m.
TRD-8608973

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Texas Water Commission

Tuesday, September 23, 1986, 10 a.m. The Texas Water Commission made an emergency revision to the agenda for a meeting held in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The revision concerned the examiner's proposal for decision concerning complaints against Community Water Company and setting rates in Docket 6724 for Community Water Company. The emergency status was necessary because the commission was considering this as soon as possible to further review the record before a final order was entered.

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

Filed: September 19, 1986, 3:57 p.m.
TRD-8609006

Tuesday, September 30, 1986, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider water district fire protection plans, the release from escrow, the rescission of escrow requirement, the use of permits, the amendments and renewals, water right extension of time matters, private sewage facilities matters, contract matters, and a motion for rehearing.

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

Filed: September 18, 1986, 3:57 p.m.
TRD-8608957

Wednesday, October 1, 1986, 2 p.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider remedial action plan for the commission order requiring actions of Rabb Dusting, Inc., and Hunt-Shores Ag-Air, Inc., (Solid Waste Registration 33219); and consideration of the adoption of an order requiring Walker Wood Preserving Company and Duke City Lumber Company to undertake certain actions for the purpose of eliminating an imminent and substantial endangerment to the public health and safety or the environment.

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

Filed: September 22, 1986, 3:52 p.m.
TRD-8609077

Tuesday, October 28, 1986, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet in Room 119, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the office will consider Docket 7030-C—application for a water certificate of convenience and necessity filed by the City of Edinburg.

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

Filed: September 18, 1986, 3:58 p.m.
TRD-8608958

Tuesday, October 28, 1986, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet in Hall Room 117, Corpus Christi State University, 6300 Ocean Drive, Corpus Christi. According to the agenda summary, the office will consider the application of Texas Ecologists, Inc. (TECO), P.O. Box 308, Petronila Road, Robstown, Texas 78380, for a Proposed Permit HW50052-001, to continue operation of a storage, processing, and disposal facility for Class I hazardous, Class I non-hazardous, Class II, and Class III industrial solid waste. The wastes managed at this facility include processing and manufacturing wastes from the refining and petro-chemical industries, sludges, and contaminated soil from site cleanups, and painting and elec-

troplating sludges and solids. TECO has also applied for a compliance plan to authorize the ongoing ground-water restoration activities at this facility. The facility is located on a 240-acre tract of land on Petronila Road, approximately 3.5 miles south of Robstown. The site is in the drainage area of Segment 2492 of the Nueces-Rio Grande Coastal Basin.

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

Filed: September 18, 1986, 3:58 p.m.
TRD-8608959

The Office of Hearings Examiner of the Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Days, times, rooms, and agendas follow.

Tuesday, October 28, 1986, 9 a.m. In Room 1028A, the office will consider the application of Lee Don Beinski, Bienski Treatment Plant, P.O. Box 2612, College Station, Austin, Texas 77841, for a Proposed Permit 13313-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 4,000 gallons per day from the Beinski Treatment Plant wastewater treatment facilities. The applicant proposed that this sewage treatment plant serve a 5,500 square foot store/restaurant building which will also include two residential apartments upstairs.

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

Filed: September 22, 1986, 3:52 p.m.
TRD-8609078

Wednesday, October 29, 1986, 9 a.m. In Room 512, the office will consider the application of Donald Dempsey, 6925 East Ben White Boulevard, Austin, Texas 78741, for a Proposed Permit 13293-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 42,400 gallons per day from the Goforth Utility Company Wastewater Treatment Plant. The proposed plant would serve a residential area. The meeting was rescheduled from August 21, 1986.

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

Filed: September 22, 1986, 3:52 p.m.
TRD-8609079

Thursday, October 30, 1986, 9 a.m. In Room 618, the office will consider the application of Orange Service Corporation, 2700 Post Oak Boulevard, Suite 2326, Houston, Texas 77056, for a Proposed Permit 13281-01 to authorize the disposal of treated domestic wastewater effluent by irrigation at a volume not to exceed an average of 350,000 gallons per day. Treatment facilities are designed for advanced secondary treatment and consist of bar screens, the activated sludge-complete mix process, final clarifier, aerobic digester, chlorine contact chamber,

and a holding pond. The effluent storage pond system is to have a capability of storing a total of 112 days of treated effluent which will be used to irrigate 204 acres of native vegetation and seeded native plants located within the project boundaries.

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

Filed: September 22, 1986, 3:52 p.m.
TRD-8609080

Wednesday, November 5, 1986, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet in Room 119, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the office will consider Docket 7011-C—application of Pluma Valley Joint Venture for a water certificate of convenience and necessity within Hays County.

Contact: Cynthia G. Hayes, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: September 18, 1986, 3:58 p.m.
TRD-8608960

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Regional Agencies Meeting Filed September 18

The Lamar County Appraisal District, Appraisal Review Board, met on September 25, 1986, at 9 a.m., and will meet on September 26 and 29, 1986, at 9 a.m. Information may be obtained from Rodney Anderson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822.

TRD-8608940

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The Mental Health and Mental Retardation Center of East Texas, Board of Trustees, met in the boardroom, 2323 West Front Street, Tyler, on September 25, 1986, at 4 p.m. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75712, (214) 597-1351.

The Henderson County Appraisal District, Board of Directors, met at 101 East Corsicana, Athens, on September 22, 1986, at 7:30 p.m. Information may be obtained from Ron Groom, 101 East Corsicana, Athens, Texas, (214) 675-9296.

The Lower Colorado River Authority, Board of Directors, met in emergency session at 3700 Lake Austin Boulevard, Austin, on September 18, 1986, at 1 p.m. Information may be obtained from John H. Bagalay, 3700 Lake Austin Boulevard, Austin, Texas 78705, (512) 473-3238.

The Lower Rio Grande Valley Development Council, Executive Committee, met in the Emerald Room, Richard's Sun Valley, 1802

South 77 Sunshine Strip, Harlingen, on September 23, 1986, at 11:30 a.m. The Board of Directors met at the Chamber of Commerce, 311 East Tyler, Harlingen, on the same date, at 1:30 p.m. Information may be obtained from Robert A. Chandler, 1701 West Highway 83, Suite 707, McAllen, Texas 78501, (512) 682-3481.

TRD-8608942

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Meetings Filed September 19

The Atascosa County Appraisal District, Board of Directors, met at 1010 Zanderson, Jourdanton, on September 25, 1986, at 1:30 p.m. Information may be obtained from Vernon A. Warren, 1010 Zanderson, Jourdanton, Texas 78026, (512) 769-2730.

The Burnet County Appraisal District, will meet at 215 South Pierce Street, Burnet, on October 9, 1986, at 6:30 p.m. Information may be obtained from Alvin C. Williams, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291.

The Dallas Area Rapid Transit, Minority Affairs Committee, and Board of Directors, met at 601 Pacific Avenue, Dallas, on September 23, 1986, at 2:30 p.m. and 4 p.m. Information may be obtained from Sue Bauman, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6232.

The Central Appraisal District of Rockwall County, Appraisal Review Board, met at 106 North San Jacinto, Rockwall, on September 23, 1986, at 4:30 p.m. Information may be obtained from Ray E. Helm, 106 North San Jacinto, Rockwall, Texas 75087, (214) 722-2034.

TRD-8608975

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Meetings Filed September 22

The Angelina and Neches River Authority, Board of Directors, will meet at the Fredonia State Bank, 2400 North Street, Nacogdoches, on October 1, 1986, at 9:30 a.m. Information may be obtained from Charles D. Thomas, Angelina and Neches River Authority, Nacogdoches, Texas 75961, (409) 632-7795.

The Education Service Center Region XVIII, Board of Directors, will meet at 2811 LaForce Boulevard, Midland, on October 2, 1986, at 7:30 p.m. Information may be obtained from J. W. Donaldson, P.O. Box 6020, Midland, Texas 79711, (915) 563-2380.

The Golden Crescent Regional Planning Commission, 19th Annual General Assembly, will meet at the Yoakum Community

Center, Yoakum, on September 30, 1986, at 7 p.m. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas 77901.

The Hamilton County Appraisal District, will meet in the Hamilton CAD boardroom, 119 East Henry (North side of Square), Hamilton, on October 6, 1986, at 7 p.m. Information may be obtained from Doyle Robert, 119 East Henry, Hamilton, Texas 76531, (817) 386-8945.

The Middle Rio Grande Development Council, Board of Directors, and the annual council meeting, will be held at the Cattleman's Restaurant, 101 North Main Street, Cotulla, on October 1, 1986, at 1:30 p.m. and 3:30 p.m. The Private Industry Council will meet on the date, at the District Courtroom, Cotulla. Information may be obtained from Michael Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533.

The Texas Association of Regional Councils, Board of Directors, will meet at the Moody Civic Center, Galveston, on September 26, 1986, at 2 p.m. Information may be obtained from Jim Ray, 508 West 12th Street, Austin, Texas 78711, (512) 478-4715.

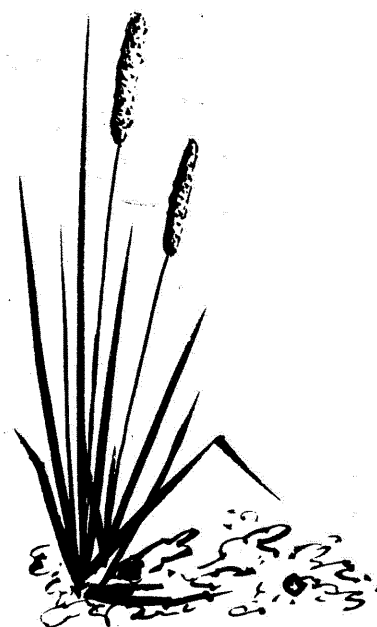
TRD-8609025

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Meeting Filed September 23

The Harris County Appraisal District, Appraisal Review Board, will meet on the eighth floor, 2800 North Loop West, Houston, on September 30, 1986, at 1:30 p.m. Information may be obtained from Margie Hilliard, P.O. Box 920975, Houston, Texas 77292, (713) 957-5291.

TRD-8609091



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.

State Banking Board Notice of Hearing

The hearing officer of the State Banking Board will conduct a hearing on Monday, October 20, 1986, 9 a.m. at 2601 North Lamar Boulevard, Austin, on the change of domicile application for Texas Independent Bank, Irving.

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

Issued in Austin, Texas, on September 17, 1986.

TRD-8608998 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: September 19, 1986
For further information, please call (512) 479-1200.

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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 September 17, 1986, the banking commissioner received an application to acquire control of the Chasewood Bank, Houston, by Don E. Hand, Spring.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas, on September 17, 1986.

TRD-8608999 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: September 19, 1986
For further information, please call (512) 479-1200.

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Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas

and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 09/22/86-09/28/86	18.00%	18.00%
Monthly Rate— Article 1.04(c)(1) 09/01/86-09/30/86	18.00%	18.00%
Standard Quarterly Rate—Article 1.04(a)(2) 10/01/86-12/31/86	18.00%	18.00%
Retail Credit Card Quarterly Rate— Article 1.11 ⁽³⁾ 10/01/86-12/31/86	18.00%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d)(3) 10/01/86-12/31/86	14.00%	N/A
Standard Annual Rate—Article 1.04(a)(2) ⁽²⁾ 10/01/86-12/31/86	18.00%	18.00%
Retail Credit Card Annual Rate— Article 1.11 ⁽³⁾ 10/01/86-12/31/86	18.00%	N/A
Annual Rate Applicable to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 10/01/86-12/31/86	18.00%	N/A
Judgment Rate—Article 1.05, §2 10/01/86-10/31/86	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 September 15, 1986.

TRD-8608953 Al Endsley
Consumer Credit Commissioner

Filed: September 18, 1986
For further information, please call (512) 479-1280.

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Texas Education Agency Consultant Contract Amendment

The current contract between the Texas Education Agency and National Computer Systems, P.O. Box 30, Iowa City, Iowa 52244, to provide support services for conducting the Texas educational assessment of minimum skills (TEAMS) tests has been amended in the amount of \$426,522, increasing the total amount of the contract (fiscal years 1986 and 1987) from \$9,661,634 to \$10,088,156. The contract period runs from September 1, 1985, to August 31, 1987.

Additional services to be provided include: development of test items, printing and shipping of tests, and the analysis of data from a field test of the Grade 3 Spanish language version of the TEAMS test; development of field test items for the Grade 1 Spanish language version of the TEAMS test; designing and printing 40,000 Spanish version TEAMS tests for Grade 1 and the same number for Grade 3; and designing and printing ancillary materials for these tests. Materials produced as a result of this contract amendment are secure, as specified in the Texas Education Code, §21.556.

Issued in Austin, Texas, on September 19, 1986.

TRD-8609012 W. N. Kirby
Commissioner of Education

Filed: September 19, 1986

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

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Request for Proposals

The Texas Education Agency requests proposals for services to support the assessment of students in Grades 1, 3, 5, 7, 9, and 11/12 for the 1987-1988 and 1988-1989 school years. This notice is filed pursuant to Texas Civil Statutes, Article 6252-11c.

The program is called the Texas educational assessment of minimum skills (TEAMS). The selected contractor is responsible for providing support services for test development, printing, distribution, machine scoring and hand-scoring, and reporting of the previously mentioned assessment instruments administered to approximately 1.4 million students each year.

Any person wishing to obtain additional information about the proposal may be contact Keith Cruse, Director, Division of Student Assessment, Room 3-123, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701. All prospective proposers should notify in writing their intent to submit a proposal by December 1, 1986, to the Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701. The deadline for submitting proposals to the Document Control Center is 5 p.m., (Central Standard Time) January 9, 1987.

The contract will be awarded on the basis of the proposal that is judged by a panel of reviewers, the commissioner of education, and the State Board of Education to fulfill most effectively the specifications outlined in the request for proposal and to provide the most effective and efficient testing services for Texas schools commensurate with the cost.

Issued in Austin, Texas, on September 19, 1986.

TRD-8609011 W. N. Kirby
Commissioner of Education

Filed: September 19, 1986

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

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Texas Department of Health Intent to Revoke Radioactive Material Licenses

The Bureau of Radiation Control, Texas Department of Health, filed complaints against the following licensees for failure to pay fees pursuant to *Texas Regulations for Control of Radiation* (TRCR) 13.8:

(1) Jefferson County Crime Lab, P.O. Box 3827, Beaumont, Texas 77704, Radioactive Material License 10-731;

(2) Edward J. Petrus, M.D., 3913 Medical Parkway, Austin, Texas 78756, Radioactive Material License 6-2373;

(3) Leak Specialists, Inc., 4651 Oakwood Drive, Odessa, Texas 79761, Radioactive Material License 11-2466;

(4) Rochester Gauges, Inc. of Texas, 11616 Harry Hines Boulevard, P.O. Box 29242, Dallas, Texas 75229, Radioactive Material License 5-1564.

The agency intends to revoke the radioactive material licenses, order the licensees to cease and desist use of such radioactive materials, and order the licensees to divest themselves of such radioactive material, presenting evidence satisfactory to the Bureau of Radiation Control that they have complied with the order and the provisions of Texas Civil Statutes, Article 4590f. If the fee is paid within 30 days of the date of each complaint, no order will be issued.

This notice affords the opportunity for a hearing to show cause why the radioactive material licenses should not be revoked. A written request for a hearing must be received within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the radioactive material licenses will be revoked at the end of the 30-day period of notice.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m., Monday-Friday (except holidays).

Issued in Austin, Texas, on September 22, 1986.

TRD-8609021 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: September 22, 1986

For further information, please call (512) 835-7000.



Public Hearing

The Texas Department of Health will conduct a public hearing on an application to amend Radioactive Material License 9-1634, issued to Conoco, Inc., at Falls City, Karnes County, Texas. The amendment would authorize a change in ownership from Conoco, Inc., to the Conquista Project Corporation, with continuation of authority to conduct presently licensed operations.

Pursuant to the provisions of the Texas Radiation Control Act, Texas Civil Statutes, Article 4590f, the *Texas Regulations for Control of Radiation* (TRCR), 25 Texas Administrative Code, §§289.111-289.126, the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, and the formal hearing procedures of the Texas Department of Health, 25 Texas Administrative Code, §§1.21-1.33, a public hearing will be held at Falls City Community Hall, Falls City, Texas, Tuesday, October 21, 1986, 9 a.m., to receive evidence for and against the amendment of Radioactive Material License 9-1634. The hearing will be conducted and the final decision will be rendered in accordance with the applicable rules contained in the *Texas Regulations for Control of Radiation*. All parties having an interest in this matter shall have the right to appear at the hearing, to present evidence, and be represented by counsel. Pursuant to Texas Civil Statutes, Article 6252-13a, and the Texas Department of Health's formal hearing procedures, the cost of a written transcript may be assessed against one or more of the designated parties.

Information relative to the proposed amendment of this specific radioactive material license may be obtained by contacting David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756. For further information, please call (512) 835-7000.

Issued in Austin, Texas, on September 22, 1986.

TRD-8609020

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: September 22, 1986

For further information, please call (512) 835-7000.

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Texas Department of Human Services Public Information—DRG Payment System

Because of a misinterpretation of the initial data, the Texas Department of Human Services has recalculated the standard dollar amount and Medicaid relative weights that it will use in the Texas-based diagnosis-related group (DRG) payment system. Listed below are the recalculated amounts and weights.

Children's Hospitals: SDA = \$2,581.38
Teaching Hospitals: SDA = \$1,966.29
Other Hospitals: SDA = \$1,583.79

DRG CODE	MEDICAID RELATIVE WEIGHT
001	4.8247
002	10.0072
003	3.2298
004	4.6508
005	2.5004
006	0.9844
007	3.0320
008	0.9672
009	3.0764
010	2.0695
011	1.3692
012	1.2437
013	1.4778
014	1.7194
015	0.8452
016	1.6529
017	0.9030
018	1.7486
019	1.0025
020	2.2538
021	0.8492
022	0.9816
023	1.6034
024	1.2131
025	0.6436
026	0.6969
027	2.8880
028	1.7591
029	1.2852

DRG CODE	MEDICAID RELATIVE WEIGHT
039	0.9190
040	0.6464
041	0.5508
042	1.1171
043	0.4130
044	0.6360
045	0.7572
046	1.0977
047	0.6965
048	0.5684
049	3.2862
050	0.9505
051	0.5887
052	0.9191
053	0.9080
054	0.8969
055	0.6539
056	0.5937
057	0.7127
058	0.5197
059	0.5197
060	0.4977
061	0.4274
062	0.8158
063	1.6746
064	1.6358
065	0.6563
066	0.6892
067	1.3045

DRG CODE	MEDICAID RELATIVE WEIGHT
030	0.5855
031	0.5310
032	0.4489
033	0.3329
034	1.8345
035	0.7669
036	1.3462
037	0.9668
038	0.6100
077	2.3478
078	1.8382
079	3.1994
080	1.5360
081	2.1786
082	1.6477
083	0.6558
084	0.5921
085	1.8219
086	1.0369
087	2.7210
088	1.6169
089	1.9860
090	1.2419
091	0.9630
092	1.7961
093	0.9056
094	2.2054
095	0.9912
096	1.2762
097	0.9405
098	0.8381
099	1.4800
100	1.0605
101	1.8688
102	1.8125
103	0.0000
104	7.9821
105	6.4580
106	7.2833
107	6.9425
108	6.4625
109	6.5301
110	4.4446
111	3.7585
112	2.9025
113	3.1315
114	2.3709
115	4.8967
116	2.9460
117	1.4684
118	2.2603
119	1.2955
120	3.0582
165	1.6631
166	1.4001
167	0.9261
168	1.6844
169	1.4309
170	3.0695
171	1.7333

DRG CODE	MEDICAID RELATIVE WEIGHT
068	0.9213
069	0.7010
070	0.6336
071	0.6562
072	0.4354
073	1.2160
074	0.8291
075	4.7357
076	5.4281
121	2.1594
122	1.5129
123	1.9633
124	1.7728
125	1.3138
126	5.0610
127	1.3908
128	1.1459
129	2.9749
130	1.3418
131	1.1310
132	1.0563
133	0.8728
134	0.8320
135	1.2674
136	1.5536
137	1.1182
138	1.0885
139	0.8439
140	0.8349
141	0.7144
142	0.5225
143	0.7945
144	1.7834
145	1.0461
146	4.7178
147	2.3966
148	5.1273
149	2.5552
150	2.7873
151	1.6844
152	2.3405
153	2.1673
154	3.8146
155	2.5505
156	2.7039
157	1.1120
158	0.9172
159	1.4546
160	0.9575
161	1.0710
162	0.7507
163	0.6788
164	3.8089
210	2.6905
211	2.1335
212	1.5039
213	2.6673
214	3.2083
215	2.1919
216	2.3502

DRG CODE	MEDICAID RELATIVE WEIGHT
172	1.5050
173	1.1579
174	1.3608
175	0.9634
176	1.3788
177	0.9809
178	0.7549
179	1.2484
180	1.3301
181	0.6663
182	0.8065
183	0.6658
184	0.5763
185	0.9262
186	0.5056
187	0.6568
188	1.2138
189	0.8598
190	0.5084
191	7.4621
192	4.8356
193	4.1118
194	2.1232
195	2.7347
196	2.2207
197	2.0406
198	1.3404
199	2.8286
200	4.7974
201	3.5248
202	1.6503
203	1.2334
204	1.3099
205	1.5213
206	1.0009
207	1.0100
208	0.7957
209	3.0857
255	0.4611
256	0.9947
257	1.8249
258	1.6508
259	1.2060
260	0.6661
261	1.0503
262	0.7240
263	3.6723
264	3.2320
265	2.4149
266	1.2008
267	1.0428
268	0.9682
269	2.3108
270	1.2117
271	1.7835
272	1.2112
273	1.3154
274	1.6279
275	1.2366
276	0.7747

DRG CODE	MEDICAID RELATIVE WEIGHT
217	2.8432
218	2.9502
219	1.5065
220	0.9623
221	1.6043
222	1.2115
223	1.7585
224	0.9592
225	1.0694
226	1.3379
227	0.9262
228	0.4910
229	0.9267
230	1.0301
231	1.2094
232	0.8236
233	2.6651
234	1.4301
235	1.1941
236	1.0033
237	0.6020
238	2.2949
239	1.2747
240	1.9823
241	0.9679
242	1.5748
243	0.8416
244	1.0951
245	0.7482
246	1.2110
247	0.8154
248	0.7741
249	0.7138
250	0.8938
251	0.5503
252	0.4342
253	0.7929
254	0.6450
301	0.7066
302	4.6273
303	4.3051
304	3.6310
305	2.3719
306	1.8464
307	0.9587
308	2.0279
309	1.5985
310	1.7580
311	1.1825
312	1.3910
313	0.5936
314	0.6572
315	3.5442
316	1.7483
317	0.4907
318	1.5998
319	0.7183
320	1.2465
321	0.8541
322	0.7725

DRG CODE	MEDICAID RELATIVE WEIGHT
277	1.3874
278	1.1458
279	0.8026
280	0.8934
281	0.5328
282	0.4550
283	1.2499
284	0.5260
285	2.6823
286	3.3285
287	2.9855
288	4.6607
289	1.8662
290	1.2789
291	1.1001
292	5.1828
293	3.8317
294	0.9304
295	0.9426
296	1.0401
297	0.8168
298	0.9865
299	1.0871
300	1.2920
347	0.6441
348	0.6260
349	0.4854
350	0.8158
351	0.3334
352	0.6094
353	1.7467
354	1.7911
355	1.3199
356	1.1005
357	2.4263
358	1.3114
359	0.6461
360	0.8084
361	1.0867
362	0.6105
363	0.9902
364	0.6947
365	1.7793
366	1.2962
367	0.8629
368	0.8522
369	0.5078
370	1.4350
371	1.0165
372	0.7066
373	0.4431
374	0.7862
375	0.9647
376	0.5653
377	1.2324
378	1.1633
379	0.4311
380	0.4030
381	0.6139
382	0.2075

DRG CODE	MEDICAID RELATIVE WEIGHT
323	0.9253
324	0.6755
325	0.9287
326	0.9070
327	0.8274
328	1.0057
329	0.4870
330	0.7161
331	1.5166
332	0.8483
333	0.8115
334	1.8038
335	1.4644
336	1.3165
337	1.1579
338	1.3806
339	0.7800
340	0.6661
341	1.2505
342	0.7255
343	0.3632
344	1.1216
345	0.8196
346	1.1940
394	1.1902
395	1.0457
396	0.8053
397	2.6496
398	2.2787
399	0.8062
400	5.1814
401	3.9308
402	1.4030
403	2.2883
404	1.9200
405	1.8953
406	3.5967
407	2.0150
408	1.1892
409	1.3193
410	1.0206
411	0.9605
412	0.3389
413	1.3659
414	0.8217
415	3.9616
416	2.5888
417	1.5049
418	1.0413
419	1.5124
420	1.3109
421	0.8616
422	0.6637
423	1.3619
424	2.2024
425	0.7075
426	0.9579
427	1.0115
428	0.9454
429	1.0745

DRG CODE	MEDICAID RELATIVE WEIGHT
383	0.5573
384	0.4742
385	4.7643
386	5.4762
387	3.0455
388	1.1261
389	0.7517
390	0.3085
391	0.1339
392	3.9777
393	1.5206
441	0.8504
442	3.9273
443	1.5507
444	1.4267
445	0.5717
446	0.5547
447	1.1643
448	0.2791
449	0.9182
450	0.6288
451	0.5689
452	1.1222
453	0.8768
454	0.9933
455	0.6334
456	1.7818
457	6.6762
458	3.3729
459	1.2832
460	1.0151
461	1.0068
462	1.9673
463	1.3345
464	0.9755
465	0.2882
466	0.5901
467	0.4730
468	2.5716
469	0.0000
470	0.0000
471	3.8994
999	0.0000

DRG CODE	MEDICAID RELATIVE WEIGHT
430	1.0216
431	1.4717
432	1.3462
433	0.3906
434	0.7606
435	0.7861
436	1.0166
437	1.3276
438	0.0000
439	2.1247
440	1.8007

Issued in Austin, Texas, on September 19, 1986.

TRD-8609005 Marlin W. Johnston
 Commissioner
 Texas Department of Human Services

Filed: September 19, 1986
 For further information, please call (512) 450-3766.

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Texas State Board of Medical Examiners Correction of Error

A proposed rule submitted by the Texas State Board of Medical Examiners contained several errors as published in the September 12, 1986, issue of the *Texas Register* (11 TexReg 3919).

In §195.3(1), the second sentence should begin: "Such letter of notification shall inform the licensee of the nature of the alleged violation, shall inform the licensee that he or she may be represented by counsel. . ."

In §195.3(4), the first sentence should begin: "The administrative sanction hearing will be conducted by a hearings officer who shall explain to the licensee and his or her counsel. . ."

Board of Pardons and Paroles Request for Proposals

This request for proposals is filed pursuant to Texas Civil Statutes, Article 6252-11c.

The Board of Pardons and Paroles (BPP) requests offers from qualified entities for its training program for treatment of mentally retarded offenders, to undertake a series of basic and specialized training sessions for parole officers. The training program is to consist of 23 four-hour sessions and six two-hour sessions at 11 different locations around the state to be completed on or before August 31, 1987.

The entity selected must possess the minimum qualifications listed in the qualifications section and will be required to travel and perform the various services listed in the scope of services section.

Qualifications. Each entity submitting a proposal must present evidence or otherwise demonstrate to the satisfaction of the BPP that such entity possesses the following minimum qualifications: demonstrated experience in providing training in the area of providing service for mentally retarded individuals; well-defined program design to achieve successful basic and advanced technique applications for providing service in the area of mentally retarded individuals; demonstrated ability to provide service in compliance with the Uniform Grant and Contract Management Standards (UGCMS) mandated in Texas Civil Statutes, Article 4413(32g); and ability to demonstrate accountability for use of public funds.

Scope of services. The training program will provide institutional officers, field officers, specialized caseload officers, and hearing officers with fundamental information needed to effectually manage mentally retarded offenders. Training will include identification of special supervision methods and community resources for the mentally retarded population. Training will also provide staff with information on services specific to their regions, laws that mandate services, and appropriate actions when services are withheld or denied.

Proposal submission. Proposals must be submitted to the Board of Pardons and Paroles, 8610 Shoal Creek Boulevard, P.O. Box 13401, Austin, Texas 78711 (attention: Jerry Wall), by 5 p.m., CDT, on Friday, October 31, 1986.

A bidders' conference will be held at 1:30 p.m. on Friday, October 24, 1986, at 8610 Shoal Creek Boulevard, Austin.

Contact. To obtain further information, contact Eugene Burden, Project Director at BPP Central Office, 8610 Shoal Creek Boulevard, Austin, (512) 459-2734.

Issued in Austin, Texas, on September 17, 1986.

TRD-8608905 John W. Byrd
Executive Director
Board of Pardons and Paroles

Filed: September 17, 1986
For further information, please call (512) 459-2708.

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Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of September 8-12, 1986.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Listed is the name of the applicant and the city in which each facility is located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal.

Period of September 9-12, 1986

Parker County, Utility District, Aledo; wastewater treatment plant; approximately .5 mile west of the intersection of FM Roads 5 and 1187, in the City of Aledo, in Parker County; 10847-01; renewal

City of Natalia, Natalia; wastewater treatment plant; approximately 1,200 feet southwest of the City of Natalia on the west side of Sixth Street in Medina County; 11806-01; renewal

Koolsum Enterprises, Inc., doing business as Best Western Greenspoint Inn, Houston; wastewater treatment facilities; on the west side of IH 45 near the Aldine Road (FM Road 525) exit in the northern part of the City of Houston, Harris County; 11678-01; renewal

David A. Hull, Corpus Christi; wastewater treatment facilities; south of the City of Corpus Christi, approximately 5¼ miles east of State Highway 286 and 3½ miles north of FM Road 70 in Nueces County; 11446-01; renewal

Bishop Consolidated Independent School District, Petrolina; wastewater treatment facilities; adjacent to FM Road 665 in Nueces County; 11754-01; renewal

Beechnut Municipal Utility District, Houston; wastewater treatment plant; approximately 1,250 feet northwest of the intersection of Eldridge Road and Beechnut Road and 3.4 miles southeast of the intersection of FM Road 1093 (Westheimer) and State Highway 6 in Harris County; 12258-01; renewal

City of Carthage, Carthage; wastewater treatment plant; east of Carthage and south of Hoggs Bayou, approximately 1.5 miles south of the intersection of U.S. Highways 59 and 79 in Panola County; 10074-03; renewal

Canutillo Independent School District, Canutillo; wastewater treatment facilities; in the southeast corner of the high school campus at the corner of Canutillo Street and Sixth Street in the City of Canutillo, El Paso County; 11561-01; renewal

Rayburn Village Utility Company, Sam Rayburn; wastewater treatment facilities; approximately three miles west of the intersection of U.S. Highway 96 and Recreational Road 255 and 2,000 feet north of the intersection of Recreational Road 255 and FM Road 1007, Jasper County; 10788-01; renewal

Brazoria County Municipal Utility District One, Houston; wastewater treatment facilities; approximately 500 feet north of Marys Creek, approximately 4,800 feet west of FM Road 1128, and approximately 2.8 miles south of FM Road 518 in Brazoria County; 12332-01; renewal

City of Robinson, Robinson; wastewater treatment facilities; adjacent to Crow Creek, approximately 2,000 feet southwest of the intersection of Old Robinson Road and U.S. Highway 77 in the City of Robinson, McLennan County; 10780-03; renewal

Gensco, Inc., Houston; sewage treatment facilities; located at 10200 Sheldon Road, northwest of the City of Houston in Harris County; 12396-01; renewal

Saint Francis Village, Inc., Crowley; wastewater treatment facilities; approximately 2.5 miles south of the Benbrook Dam, approximately one mile north of Rocky Creek Park in Tarrant County; 10612-01; renewal

Wallace A. Raynor, Provo; wastewater treatment facilities; north of State Highway 64, approximately 4.5 miles due west of the intersection of State Highway 64 and West Loop 323 in Smith County; 11170-01; renewal

Diamonhead Water and Sewer, Inc., Conroe; wastewater treatment facilities; approximately eight miles west of the City of Conroe along State Highway 105 and approximately ½ mile north of State Highway 105 near the west shore of Lake Conroe in Montgomery County; 11478-01; renewal

Rohm and Haas Bayport, Inc., La Porte; specialty chemicals manufacturing plant; at 13300 Bay Area Boulevard in the City of La Porte, in Harris County; 02500; renewal

City of Pampa, Pampa; wastewater treatment plant; on the north bank of Red Deer Creek, at a point 3,400 feet northeast of State Highway Loop 171, approximately 3.5 miles northeast of the intersection of U.S. Highway 60 and State Highway 273 in Gray County; 10358-02; renewal

Ashland—Katy Company, Houston; wastewater treatment facilities; on the south bank of Vogel Creek, west of North Lane Circle and approximately 800 feet north of Chippewa Boulevard, northwest of the City of Houston in Harris County; 11734-01; renewal

Aluminum Company of America, Rockdale Works, Rockdale; facilities for primary production of aluminum, electric power generation lignite mine; approximately 7.5 miles southwest of the City of Rockdale, between FM Roads 1786 and 2116 in Milam County; 00395; amendment

Texas Utilities Generating Company, Division of Texas Utilities Electric Company, Coppell; steam electric station; south of the St. Louis and Southwestern Railroad right-of-way and southeast of the intersection of Moore Road and Balt Line Road approximately one mile east of the City of Coppell, Dallas County; 01249; amendment

Houston Lighting and Power Company, Limestone Steam Electric Station, Houston; steam electric station; adjacent to and on the west side of FM Road 39 at a point approximately 2.5 miles southeast of the town of Farrar, Limestone County; 02430; amendment

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TRD-8608972

Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: September 18, 1986

For further information, please call (512) 463-7898.

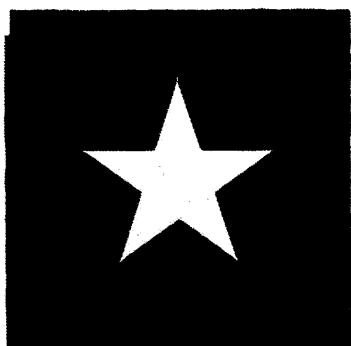
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